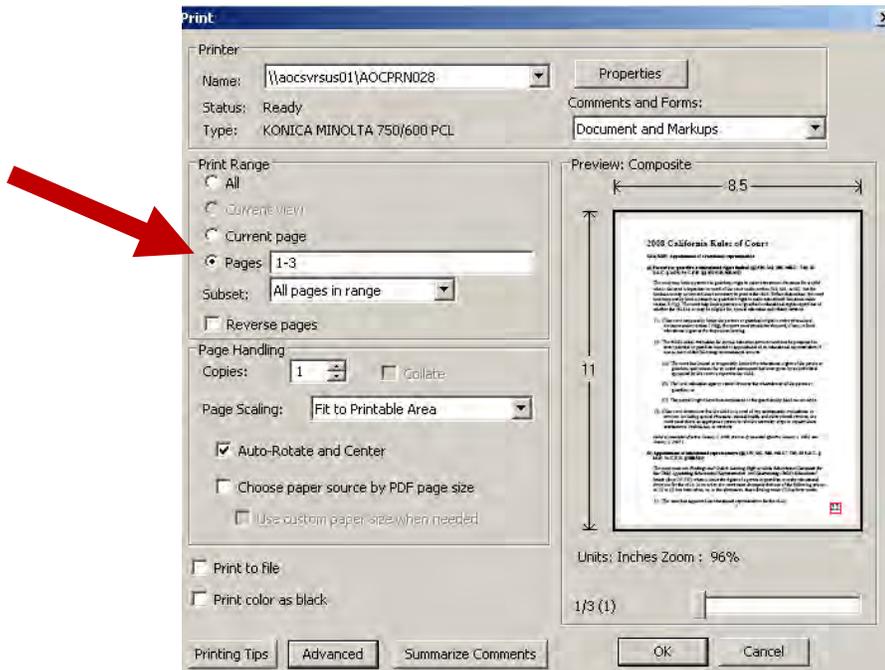


Dear Colleague:

Enclosed are Beyond the Bench 2010 handouts, PowerPoint slides, articles, and other resources made available by faculty.

In keeping with the efforts of going “green”, we encourage you to read from the electronic document rather than print hundreds of pages.

If you choose to print these materials, please make sure to **specify the range of pages**.



Thank you.

Beyond the Bench conference staff

This PDF of workshop materials is to be used only for non-commercial reference purposes, to supplement the trainings presented at Beyond the Bench 20. We thank the conference faculty and their colleagues for their contributions to this CD.

The highlighted workshops below provided handout materials:

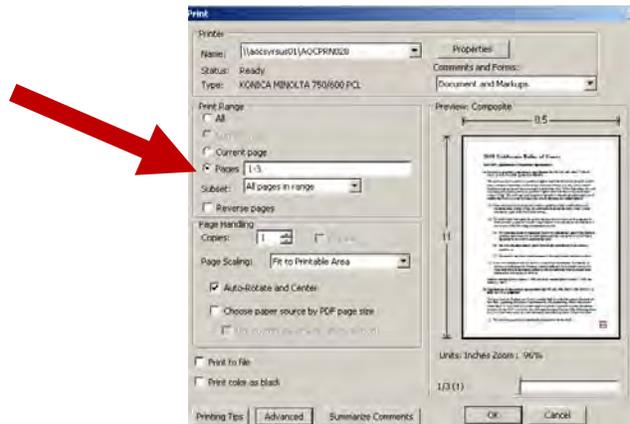
THURSDAY – JUNE 3, 2010

2:00 pm – 3:15

Workshop Session III

- III.A.** **Building Bridges Between Juvenile and Family Court**
- III.B.** **California Dependency Online Guide (CalDOG): Training and Tutorial**
- III.C.** **Family Law Legal Update**
- III.D.** **How to Fund and Create a Family Preservation Court**
- III.E.** **Indian Child Welfare Act (ICWA): Just How Active Do Those Efforts Need to Be?**
- III.F.** **Incorporating the Use of Social Workers, Investigators, and Other Professionals in Your Dependency Law Practice**
- III.G.** **Innovative Approaches to Gang Prevention**
- III.H.** **Interviewing Children About Abuse and Domestic Violence**
- III.I.** **Project WHAT! We're Here And Talking: Children of Incarcerated Parents**
- III.J.** **Restorative Justice Pilot Project in Alameda County**
- III.K.** **The Neuroscience and Psychology of Decision-making in Juvenile and Family Law**
- III.L.** **Think Child Support Doesn't Affect Your Dependency Matter? Think Again**
- III.M.** **SHARE Tolerance Program (Stop Hate And Respect Everyone)**

Before you choose to print these materials, please make sure to **specify the range of pages**.



Before you choose to print these materials, please make sure to specify the range of pages.

THURSDAY – JUNE 3, 2010

2:00 pm – 3:15

Workshop Session III

III.A.

Building Bridges Between Juvenile and Family Court

In many circumstances, families find themselves involved in both the juvenile and family court. With agencies, courts and litigants having limited resources, procedures are needed to maximize the limited resources available for the benefit of the families being served. This workshop will provide examples of ways to coordinate cases and foster communication between agencies and court systems to improve services and outcomes to families. Participants should expect to participate in the discussion and learn from the presenters and each other.

education credit:

BBS

MCLE

PSY

target audience:

all

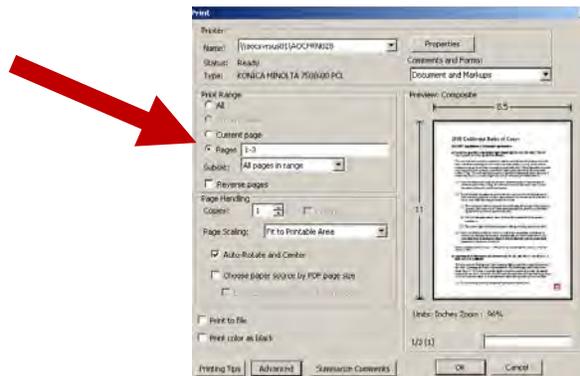
Learning Objectives:

- Learn the differences between how family court and juvenile court establish parentage and how to avoid conflicting findings.
- Learn ways to triage families to the appropriate forum.
- Learn the criteria for accessing various resources and ways to use these resources for the benefit of the families seen.

Faculty:

- **Hon. Sue Alexander**
Commissioner, Superior Court of Alameda County
- **Hon. Scott P. Harman**
Commissioner, Superior Court of Sacramento County

Before you choose to print these materials, please make sure to **specify the range of pages**.



Before you choose to print these materials, please make sure to specify the range of pages.

Administrative Office of the Courts, Center for Families, Children & the Courts

BUILDING BRIDGES BETWEEN JUVENILE AND FAMILY COURT

Sue Alexander, Commissioner, Alameda County
Scott Harman, Commissioner, Sacramento County

PARENTAGE



Mary and Don are married and living together. Mary has an affair with Bob and gets pregnant. Mom has Baby Roberta on 12/10/07. Who is dad?

- 1. Don
- 2. Bob



In January, 2010, Mary and Don separate and Mary moves in with Bob. Don wants nothing to do with Roberta. Bob does DNA testing which show he's bio-dad. Who's legal dad?

- 1. Don
- 2. Bob



In May, 2010, Roberta is removed from Mary and Bob for neglect. Bob wants reunification services as bio-dad. Don still wants nothing to do with Roberta. Are services available to Bob?

- 1. Yes
- 2. No



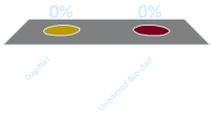
Mary doesn't comply with her reunification plan. Bob comes to every hearing and wants custody. Would Roberta be placed with Bob?

- 1. Yes
- 2. No



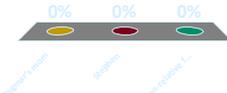
Mandy and Dagmar are not married. Mandy had a Baby Stephanie and, though Dagmar is not the bio dad, they both signed a POP declaration at the hospital. Who is dad?

1. Dagmar
2. Unnamed Bio-dad



Stephanie is age 3 when she is removed from Mandy and Dagmar. The plan is to place Stephanie with Dagmar's mother. Mandy objects, saying she's not a relative since Dagmar is not bio-dad. She locates bio-dad (Stephen) who requests placement and services. Where is Stephanie placed?

1. Dagmar's mom
2. Stephen
3. Non-relative foster care



Does Stephen get reunification services?

1. Yes
2. No



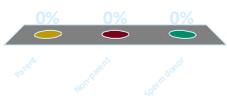
Donna and Patty, domestic partners, conceive a child by artificial insemination. Donna is bio mom. They separate. A custody fight ensues. What is Patty's role?

1. Non-parent
2. Step-parent
3. Parent



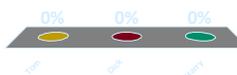
Instead of using artificial insemination, Patty and Donna had a friend, Matt, who made a "direct deposit." What is Matt's role?

1. Parent
2. Non-parent
3. Sperm donor



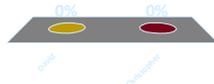
Marsha doesn't know who Mark's bio-dad is. She goes on aid and tells the social worker it could be one of 3 possible fathers, Tom, Dick and Harry. She guesses that Tom is the most likely so DCSS sues Tom and a default judgment is entered. No child support is ever collected. A year later, she runs into Dick and they begin living together. Mark is removed by CPS. Unaware of the default judgment, genetic testing is done. It turns out Harry is bio dad. Who does juvenile court consider dad?

1. Tom
2. Dick
3. Harry



Monica is the mom of Chris. She goes on Cal-Works and tells DCSS that David is dad. DCSS gets a judgment against David and he starts visiting Chris on alternate weekends. Monica dies in an accident. Christopher, her live in partner and Chris's bio-dad, files for custody when David shows up to take Chris. Christopher thought Chris was visiting maternal relatives when he was with David. Who is dad?

1. David
2. Christopher



Categories of Parents

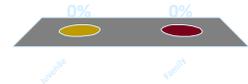
- Biological – Paternity index of 100+ and not rebutted
- Alleged – May be the parent but no biological evidence or presumption
- Presumed – Qualified pursuant to one or more paternity presumptions
- Natural – Sometimes same as presumed and sometimes same as biological
- Adjudicated – Paternity judgment in existence, whether genetically accurate or not

DECIDING THE APPROPRIATE FORUM

When should juvenile court take jurisdiction?

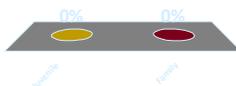
Phil hit Teri and there is a DV restraining order against him. He hasn't started batterers treatment, he can't afford the fees. Teri is a alcoholic with a prior DUI and, though she's tried AA, she has not stopped drinking. They can't agree on custody of their 2 year old son who maternal grandma found walking around Teri's apartment in his diapers while she slept. Which court?

1. Juvenile
2. Family



Mom and Dad are both low functioning. The two kids were doing okay while they lived with dad and paternal grandpa. Grandpa recently died and they are being evicted. Mom wants custody. She lives in a local motel that is known for drug trafficking. Which court?

1. Juvenile
2. Family



Bret and Brenda have 3 kids. The middle child, Hannah, is autistic. They cannot agree on treatment and their dispute has led to their separation. There is so much focus on the Hannah that the other kids are almost "invisible." The oldest is acting out in school to get attention. The youngest is withdrawn. The school counselor contacted CPS when no one came to pick them up one day. Which court?

1. Juvenile
2. Family



Resources

Family or Juvenile
The Pros and Cons

What Resources are Available to Juvenile Court Litigants ?

- Social worker
 - Pre-filing Services
 - Investigator
 - Case Manager
- Attorneys
- Supervised Visitation
- Drug Testing
- Treatment/Therapy
- Mediation

What Resources are Available to Family Court Litigants ?

- Mediation
- Self-Help Center
- DV Assistance (in some courts)

And What about the Cons

- Juvenile
- Termination of Rights
- Intrusive
- Family
- Fees for most services
- Parents pitted against each other
- Self Representation

Sharing Resources

- Use Drug Court as Monitor if Available
- Access Pre-filing Social Services
- Case Conferencing
- Mediation for Juvenile Exit Orders
- Information Sharing Protocols
 - CPS and DCSS re: Parentage/POPs
 - FCS and CPS
 - File Access for Bench Officers

THURSDAY – JUNE 3, 2010

2:00 pm – 3:15

Workshop Session III

III.B.

California Dependency Online Guide (CalDOG): Training and Tutorial

education credit:

MCLE

target audience:

all

The California Dependency Online Guide (“CalDOG”), located at www.courtinfo.ca.gov/dependencyonlineguide, is a juvenile dependency resource website, available free of charge to judicial officers, attorneys, social workers, tribal representatives and other professionals in child welfare and related fields. The website provides legal and educational resources including dependency case law summaries, training materials, a conferences calendar, sample briefs and motions, databases of service providers and experts, and a large number of child welfare-related publications and links.

This workshop session will start with a short demonstration of the site, focusing on newly added materials. The remainder of the session will be dedicated to one-on-one and small group tutorials, to provide training about how to get the most from the website, and to answer questions. The tutorials are available on a drop-in basis. Please feel free to visit this tutorial room anytime during the workshop session, or stop by the CalDOG table at the Knowledge Fair.

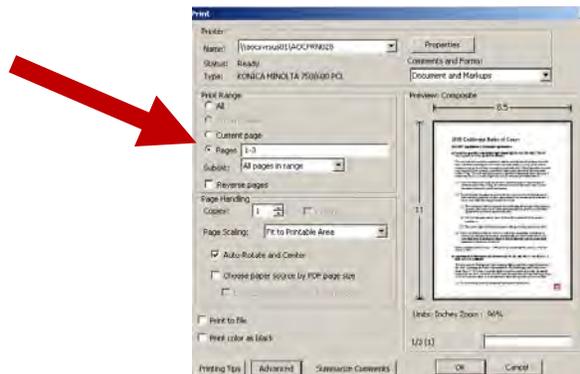
Learning Objectives:

- Learn how to utilize the CalDOG website.

Faculty:

- **Mara Bernstein**
Senior Attorney, AOC Center for Families, Children & the Courts

Before you choose to print these materials, please make sure to **specify the range of pages**.



Before you choose to print these materials, please make sure to specify the range of pages.

Administrative Office of the Courts, Center for Families, Children & the Courts

California Dependency Online Guide Fact Sheet – May 2010

Overview

The California Dependency Online Guide (www.courtinfo.ca.gov/dependencyonlineguide) is a resource website that provides high quality, juvenile dependency-related legal and non-legal information to California attorneys, judicial officers, social workers, tribal representatives, CASAs, and other child welfare professionals. Subscriptions to the site are free.

The mission of the California Dependency Online Guide is to provide relevant, up-to-date information for judicial officers, attorneys and all other professionals working in California's child welfare system, regardless of the size of their county, who they work for, or the availability of legal and other resources in their local area. It also serves to ensure that attorneys practicing anywhere in the state are able to complete the statutorily-mandated training that is required before accepting an appointment as counsel for a parent or a child.

Content

Over 4300 individual entries are on the website at this time, including:

- 843 case summaries, on a comprehensive case law page which includes summaries and case text for California dependency and related state and federal cases
- 75 sample briefs, motions and writs
- Approximately 80 upcoming conferences and trainings on a training calendar
- 9 distance learning courses, including for-credit online courses that meet the 8-hour training requirement for new dependency attorneys
- 131 “other” training materials, such as handouts from the annual Beyond the Bench conference and many other conferences and trainings
- 170 expert witness listings, including links to other databases of experts
- 2446 county-specific reunification and family maintenance service providers, including links to online databases of service providers in 46 of the 58 California counties
- 251 articles, brochures, bench guides and other child welfare-related publications
- 223 juvenile court-related links, and an additional 23 links to juvenile regulations
- A “What’s New” box on the homepage with child welfare news, including timely updates about new and pending statutes, cases, California Rules of Court and Judicial Council Forms.

New content is added to the website every week.

Blue Ribbon Local Commission Pages

The most recent enhancement to the website is the addition of the Blue Ribbon Local Commissions pages. When complete, these pages will provide a space for county teams to exchange information and share local protocols and other documents within their county and across counties in California. These collaborative commissions, which were developed in response to recommendations from the California Blue Ribbon Commission on Children in Foster Care, serve to reform and enhance the child welfare system in each California County.

Website Indexing

All content on the site is indexed using a specially created, child welfare-specific topical coding system, accessed through the “Browse Topics” button. This allows users to search for relevant information across the website by accessing a key word or code section in the index. The system currently contains 486 topics and sub-topics. The website is also searchable using a more traditional search function.

Funding and Staffing

The website was built and maintained with grant funding from the California Office of Emergency Services, the federal Court Improvement Program, and the Stuart Foundation. The website is staffed by 4 part-time employees at the California Administrative Office of the Courts, Center for Families, Children & the Courts, including two lawyers and two other staff members.

Subscriptions

Cost to subscribe: \$ 0

Subscription Requirements: Subscribers must be California child welfare professionals

Subscribers: 2,182 individuals are currently subscribed to the website, including:

- 175 judicial officers
- 1144 attorneys
- 387 county child welfare social workers and managers
- 459 “other child welfare professionals”, including court staff, tribal representatives, probation officers, CASA volunteers, law students, substance abuse and mental health professionals, and others

Website Usage

Averages for the most recent six-month time period for which data is available (10/09 – 3/10):

- Page hits: 73,483 hits per month
- Distinct pages viewed per month: 22,733 pages per month
- Distinct visitors per month: 1292
- Distinct pages viewed per day: 748

For More Information, Please Contact:

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455 Golden Gate Ave.
San Francisco, CA 94102
(415) 865-7728
mara.bernstein@jud.ca.gov

Angela Duldulao, Admin. Coordinator
AOC Center for Families, Children & the Courts
455 Golden Gate Ave.
San Francisco, CA 94102
(415) 865-4563
angela.duldulao@jud.ca.gov

California Dependency Online Guide

User Guide

The [California Dependency Online Guide](#) is a free, resource website for attorneys, judicial officers and other child welfare professionals in California. The website is run by staff at the [Center for Families, Children & the Courts](#) (CFCC) at California's [Administrative Office of the Courts](#) (AOC).

To access the website, go to:

www.courtinfo.ca.gov/dependencyonlineguide

This user guide explains the features of the website and offers some tips about how to use it most effectively.

Please contact us with questions, suggestions, or to get assistance in subscribing, at:

415-865-4563 or

dependencyguide@jud.ca.gov

Homepage

This is the California Dependency Online Guide (CalDOG) homepage, located at www.courtinfo.ca.gov/dependencyonlineguide. From here, you can subscribe or log in, and once logged in, you can access all resources on the website. The various parts of the homepage are explained below, and many are explained in more detail on the pages that follow.

The screenshot shows the CalDOG homepage with the following numbered callouts:

- 1: Subscriber Login button
- 2: Login button in the Subscriber Login box
- 3: What's New box
- 4: Browse Topics button
- 5: Keyword search box
- 6: California Law link
- 7: Conferences and Trainings/MCLE link
- 8: Briefs, Motions, and Writs link
- 9: Reunification/FM Service Providers link
- 10: Experts link
- 11: Publications link
- 12: Links link
- 13: Contact Us link

- 1 - *Subscribe* button. New users click here to sign up. See page 3.
- 2 - *Subscriber Login* box. Once you are subscribed, use this box to type in your user-name and password each time you visit the website.
- 3 - *What's New* box. Child welfare news, updated weekly. See pages 4-5.
- 4 - *Browse Topics* button. Access an index of child welfare-related topics to search for information across the website. See pages 6-7.
- 5 - *Keyword Search* box. Type in a search term to find all documents on the website that contain that term. See page 8.
- 6 - *California Law*. Access case law, regulations, rules of court and other legal resources. See pages 9-13.
- 7 - *Conferences and Trainings/MCLE*. View the conferences and trainings calendar, take on-line courses for credit, and view handouts and materials from past trainings. See pages 14-15.
- 8 - *Briefs, Motions, and Writs*. View samples of these legal documents for ideas about content and formatting. See page 16.
- 9 - *Reunification / FM (Family Maintenance) Service Providers*. Access listing of agencies and individuals offering services in each county. See pages 17-22.
- 10 - *Experts*. Access listings of experts and expert witnesses in each county. See page 23.
- 11 - *Publications*. View and download articles, research reports, brochures, judicial bench guides and other publications. See pages 24-26.
- 12 - *Links*. View state and national child welfare-related links. See page 27.
- 13 - *Contact Us*. Use this link to send us suggestions or ask questions about the website or your subscription.

Subscribing

Subscriptions are free. Select *Attorney*, *Judicial Officer*, or *County Child Welfare Worker* if one of those three terms describes your profession. Please select *Other Child Welfare Professional* if you are a professional working in the California child welfare system not described by one of the other terms. This includes tribal representatives, CASA volunteers, law students, social work students and others. After you select your subscription type, fill out the subscription form. Your subscription will be processed within two business days.

Contact us at dependencyguide@jud.ca.gov or 415-865-4563 to find out if you qualify to subscribe or if you need other subscription assistance.

The *Subscribe* button will take you to the following page.

The screenshot shows the website for the Judicial Council of California, titled "caldog California Dependency Online Guide". It features a search bar with a "Keyword search:" label, a "Search" button, and a "Browse Topics" button. A navigation menu on the left includes links for Home, California Law, Conferences and Trainings/MCLE, Briefs, Motions, and Writs, Reunification/FM Service Providers, Experts, Publications, and Links. In the top right corner, there are links for "Subscribe" and "Log In". The main content area is titled "Choose Your Subscription Type" and contains the following text:

Thank you for your interest in subscribing to the California Dependency Online Guide. There is no charge for subscribing. Subscribers must be California attorneys, judicial officers, county child welfare workers, or other child welfare professionals.

If you are a Court Appointed Special Advocate (CASA) or other volunteer, a law student or a social work graduate student, you may subscribe to the site if you are working on one or more California child welfare cases under the supervision of an attorney, social worker or other child welfare professional. Please select the [other child welfare professional](#) subscription type and provide contact information for yourself and for your supervisor. You will be permitted to access the site only for the period of time that you are working on one or more child welfare cases.

Please choose a subscription type:

- [Attorney](#)
- [Judicial Officer](#)
- [County Child Welfare Worker](#)
- [Other Child Welfare Professional](#)

An Adobe Reader logo is visible in the bottom left corner of the page.

What's New

Clicking on any item in the *What's New* box on the homepage will take you to the *What's New* page.

Click on any headline to open and read the news item. New items are usually posted weekly. Items typically remain in the *What's New* box for about a month before being archived.

The screenshot displays the CalDOG California Dependency Online Guide website. The main navigation menu on the left includes: Home, California Law, Conferences and Trainings/MCLE, Briefs, Motions, and Writs, Reunification/FM Service Providers, Experts, Publications, and Links. The 'What's New' section is highlighted in red and contains a list of news items:

- [Beyond the Bench Deadlines — Hotel by May 10, Conf. by May 24](#)
- [Dependency Law: The Year in Review - 1/1/10 Materials Available](#)
- [Public Invited to Comment on Rule and Form Proposals](#)
- [California Courts to Close May 19th and 3rd Wed. of Each Month](#)
- [Foster Care Month California Capitol Kick-off Event, May 3rd](#)
- [CA Child Welfare Council Issues Recommendations](#)
- [Beyond the Bench Conf. — June 3 & 4, 2010 — Registration Open](#)

The 'What's New' page on the right features a search bar and a 'Log Out' link. The 'WHAT'S NEW' section includes a note about Adobe Acrobat Reader and a list of news items:

- 05/03/10 [Beyond the Bench Conference Deadlines — Reserve Hotel by May 10th, Register for Conference by May 24th](#)
- 04/28/10 [Juvenile Dependency Law: The Year in Review — 1/1/2010 Materials Are Now Available on the Other Training Materials Page](#)
Juvenile Dependency Law: The Year in Review (2010) is a set of materials from a Northern California Association of Counsel for Children (NCACC) training offered in March 2010 in San Francisco and Sacramento.
Trainer Janet G. Sherwood J.D. summarized case law from 2009, and provided an overview of statutory, rule and form changes that went into effect January 1, 2010.
Her materials, including a powerpoint presentation, case summaries, and text of changes to statutes and rules, can be found on the CalDOG [Other Training Materials](#) Page.
- 04/26/10 [Public Invited to Comment on Proposals for New and Updated California Rules of Court, Judicial Council Forms, Standards of Judicial Administration and Legislative Proposals](#)
- 04/22/10 [All California Courts Will Close the Third Wednesday of Each Month, through June 2010; Next Closure Date is May 19, 2010](#)
- 04/19/10 [National Foster Care Month - California Capitol Kick-off Event, May 3, 2010](#)
- 04/13/10 [The California Child Welfare Council Recently Issued Recommendations to Improve the Child Welfare System](#)
- 04/02/10 [Beyond the Bench Conference — June 3 & 4, 2010 — Registration Now Open](#)

A red arrow points from the 'Experts' link in the left navigation menu to the 'Experts' link in the 'What's New' page. At the bottom of the page, there is a 'View News Archives' link.

News Archives

When older news items are removed from the *What's New* box, they move to the *News Archives* page.

To access this page, click on the *View News Archives* button on the bottom of the *What's New* page. Click on any headline to open and read that item.

The image displays two screenshots of the CalDOG (California Dependency Online Guide) website. The left screenshot shows the 'WHAT'S NEW' section, and the right screenshot shows the 'NEWS ARCHIVES' section. A red arrow points from the 'View News Archives' link in the left screenshot to the 'NEWS ARCHIVES' heading in the right screenshot.

Left Screenshot: WHAT'S NEW

JUDICIAL COUNCIL OF CALIFORNIA
caldog California Dependency Online Guide

Keyword search: Search Browse Topics

Home California Law » Conferences and Trainings/MCLE » Briefs, Motions, and Writs » Reunification/FM Service Providers » Experts » Publications Links

WHAT'S NEW
(If you do not have Adobe Acrobat Reader, [click here.](#))

- 05/03/10 [Beyond the Bench Conference Deadlines — Reserve Hotel by May 10th. Register for Conference by May 24th](#)
- 04/28/10 [Juvenile Dependency Law: The Year in Review — 1/1/2010 Materials Are Now Available on the Other Training Materials Page](#)
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- 04/22/10 [All California Courts Will Close the Third Wednesday of Each Month, through June 2010; Next Closure Date is May 19, 2010](#)
- 04/19/10 [National Foster Care Month - California Capitol Kick-off Event, May 3, 2010](#)
- 04/13/10 [The California Child Welfare Council Recently Issued Recommendations to Improve the Child Welfare System](#)
- 04/02/10 [Beyond the Bench Conference — June 3 & 4, 2010 — Registration Now Open](#)

[View News Archives](#)

Get ADOBE® READER®

What's New / Archive Log Out

NEWS ARCHIVES
(If you do not have Adobe Acrobat Reader, [click here.](#))

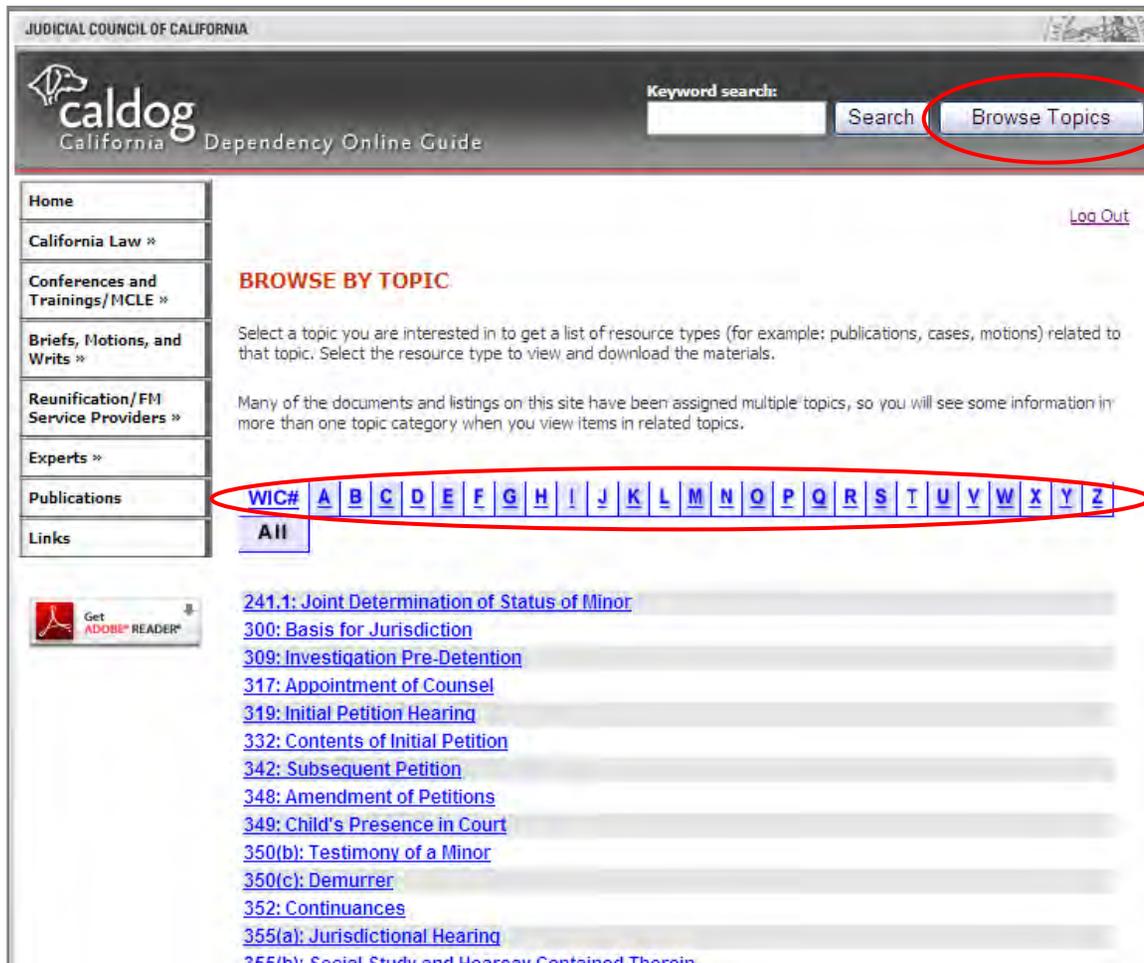
- 03/25/10 [AOC Issues Request for Proposals \(RFP\) for Indian Child Welfare Act \(ICWA\) Curriculum Development](#)
- 03/22/10 [Tribal Projects Web Page Now Available on the AOC-CFCC Web Site](#)
- 03/16/10 [AOC Issues Request for Proposals \(RFP\) for Marin County Dependency Representation](#)
- 03/15/10 [CalDOG Update: Many Live and Distance Trainings Opportunities Now Available](#)
- 03/03/10 [Federal District Court Recently Issued Final Judgment in Group Homes Rate Case](#)
- 02/25/10 [Great Opportunities for Foster Youth](#)
- 02/25/10 [Los Angeles and Other Locations within and outside California to Celebrate Family Reunification](#)
- 02/22/10 [AOC Issues Request for Proposals \(RFP\) for San Diego Dependency Representation](#)
- 02/18/10 [Training Opportunity: Juvenile Dependency Law Update: The Year in Review, March 2 in San Francisco and Sacramento](#)
- 02/11/10 [The Fourth National Incidence Study of Child Abuse and Neglect Report Is Now Available](#)
- 02/11/10 [State Courts Will Be Closed February 12, 15 and 17](#)
- 02/08/10 [Please Take Our Survey on Unmet Legal Needs of Children and Parents in California's Dependency System](#)
- 02/04/10 [CalDOG Update: 211 Websites and Online Services Directories Now Included in Service Providers Section of This Site](#)
- 02/01/10 [The California Fostering Connections to Success Act \(AB 12\). If Enacted, Would Provide New Funding and Opportunities for California Foster Youth](#)
- 01/27/10 [Scholarship Opportunity for Foster Youth Announced by Casey Family Programs](#)

Get ADOBE® READER®

Browse Topics

Using the *Browse Topics* button, on the top, right corner of the screen, is the most accurate and efficient way to search the website for information on a particular topic. Clicking on *Browse Topics* accesses the index of all topics used on the website.

Individual items on the website, including each case summary, publication, sample motion, etc. are coded with one or more topics by attorneys and other trained staff. Topics are assigned to each item based on relevance. Searching for content using *Browse Topics* allows you to look for all information on a particular topic, regardless of where on the website it is located. See below and the next page for more information about how this works.



First, click on the *Browse Topics* button to open this topical index.

Then, click on the *WIC#* button to access materials organized by California Welfare and Institutions Code section numbers.

Or, click on any letter of the alphabet to access materials organized by alphabetical topics.

Some topics, when you click on them, will open a number of sub-topics.

Browse Topics (continued)

After you have selected a *WIC#* or a letter, you will see the listings of the topics that start with that number or letter.

Click on a topic or a subtopic to see all items across the website coded with that topic

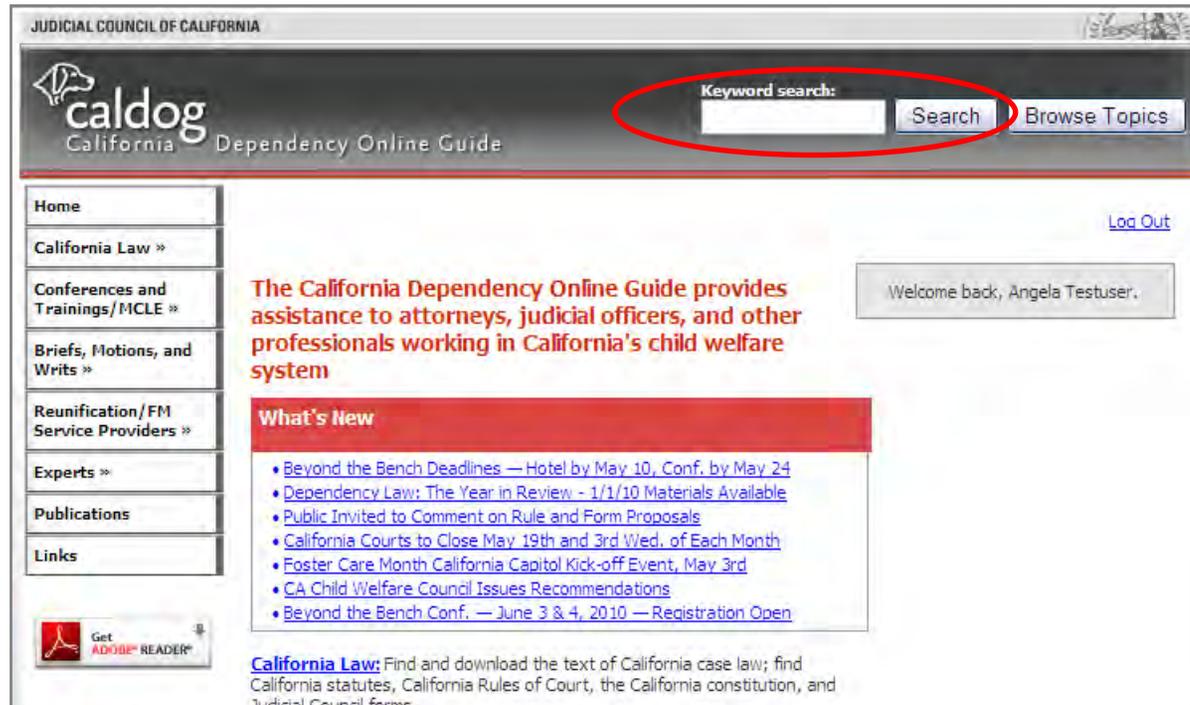
For example, if you select the letter “L” and then the topic *Law Updates-Annual*, you will see a listing of the sections of the website that contain information on that topic. In this example, you can see that we currently have 2 Conferences & Trainings, 14 Other Training Materials items, etc.

Select one of these categories (*Conferences & Trainings*, for example) and the website will bring you to a list of each of the items in that category.

The image displays two screenshots of the Judicial Council of California's website, illustrating the process of browsing topics. The left screenshot shows the "BROWSE BY TOPIC" section, where the letter "L" is circled in the "WIC#" navigation bar, and the link "Law Updates, Annual" is circled in the list of topics. The right screenshot shows the "BROWSING TOPICS: 'Law Updates, Annual'" page, which lists the following categories and counts: Conferences & Trainings (2), Other Training Materials (14), Publications (10), and Links (3). A red arrow points from the circled "L" in the left screenshot to the "BROWSING TOPICS" header in the right screenshot.

Keyword Search

In addition to the *Browse Topics* button, there is also a *Search* button near the top right corner of the screen. To use this feature, type a search term into the box labeled *Keyword Search* and then click the *Search* button. *Keyword Search* will look for all documents on the website that contain your search term. Typically, you will get more results than when you search with *Browse Topics*, but the results may be less relevant.



Tip: We recommend trying *Browse Topics* first, because the results from using *Search* are often less relevant than results using *Browse Topics*. For example, if you search in *Browse Topics* for “transition-age youth”, the search results would yield information that is ABOUT transition-age youth. If you do the same search using the *Search* button, your search results would yield any items that contain the term, “transition-age youth”, but are not necessarily about that topic. So your results may yield a case that has that term in a footnote, although the case is about a different issue.

California Law

The *California Law* button on the main page opens six additional buttons. These will allow you to access:

- *California Case Law.* See next few pages for discussion.
- *Regulations.* Links to California and Federal regulations.
- *Link to California Code.* Link to the California Law page operated by the Legislative Counsel of California. You can search for a statute by keyword within a code, or select a code (such as Welfare and Institutions Code) without entering a keyword and it will give you the table of contents for the entire code.
- *Link to California Rules of Court.* Link to the Rules index on the California Courts website. Family and Juvenile rules are in title five.
- *Link to California Constitution.* Link to the California Constitution online.
- *Link to Judicial Council Forms.* Links to the forms page on the California Courts website. To view juvenile forms, go to the “select a form group” box, and scroll down and select “juvenile”.

The screenshot shows the 'JUDICIAL COUNCIL OF CALIFORNIA' website. The main navigation menu on the left includes 'Home', 'California Law', 'Conferences and Trainings/MCLE', 'Briefs, Motions, and Writs', 'Reunification/FM Service Providers', 'Experts', 'Publications', and 'Links'. The 'California Law' menu is expanded, showing sub-links for 'California Case Law', 'Regulations', 'Link to California Code', 'Link to California Rules of Court', 'Link to California Constitution', and 'Link to Judicial Council Forms'. The 'California Case Law' link is highlighted with a red box. Below the navigation menu, there is a search bar and a 'Browse Topics' button. The main content area displays a list of case law entries, including 'Aceves v. Superior Court', 'Adoption of Aaron H.', 'Adoption of Alexander S.', 'Adoption of Allison C.', 'Adoption of Arthur M.', 'Adoption of Daniele G.', 'Adoption of Hannah S.', 'Adoption of Jacob C.', 'Adoption of Kelsey S.', 'Adoption of O.M.', 'Akkiko M. v. Superior Court', 'Alicia B. v. Superior Court', 'Allen M. v. Superior Court', 'Alliance for Children's Rights v. Los Angeles County Dept. of Children', 'Amanda H. v. Superior Court (LA Co. DCFs)', 'Amber K. v. Superior Court', and 'Amber R. v. Superior Court'. A 'Related Links' section on the right includes links to 'California Code', 'California Rules of Court', 'California Constitution', 'Judicial Council Forms', and 'Regulations'. A 'Case Law Included in This Database' section provides a detailed description of the database's scope and criteria for inclusion.

California Case Law

JUDICIAL COUNCIL OF CALIFORNIA

Keyword search:

caldog
California Dependency Online Guide

Home
California Law »
Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
Publications
Links

California Law: All Cases [Log Out](#)

California Case Law

Download the text of California dependency-related case law. To find out whether a California case is still good law, check it on [LexisNexis](#). "!" denotes seminal cases.

[>> All Cases by Citation](#)
[>> All Cases by Topic](#)
[>> All Seminal Cases](#)

[A.H. v. Superior Court, \(2010\) 182 Cal.App.4th 1050](#)
! [Abraham L. v. Superior Court, \(2003\) 112 Cal.App.4th 9](#)
[Aceves v. Superior Court, \(1996\) 51 Cal.App.4th 584](#)
[Adoption of Aaron H., \(2000\) 84 Cal.App.4th 786](#)
[Adoption of Alexander S., \(1982\) 44 Cal.3d 857](#)
[Adoption of Allison C., \(2008\) 164 Cal.App.4th 1004](#)
[Adoption of Arthur M., \(2007\) 149 Cal.App.4th 724](#)
[Adoption of Daniele G., \(2001\) 87 Cal.App.4th 1392](#)
[Adoption of Hannah S., \(2006\) 142 Cal.App.4th 988](#)
[Adoption of Jacob C., \(1994\) 25 Cal.App.4th 617](#)
! [Adoption of Kelsey S., \(1992\) 1 Cal.4th 816](#)
[Adoption of O.M., \(2008\) 169 Cal.App.4th 672](#)
[Akkiko M. v. Superior Court, \(1985\) 163 Cal.App.3d 525](#)
[Alicia B. v. Superior Court, \(2004\) 116 Cal.App.4th 856](#)
[Allen M. v. Superior Court, \(1992\) 6 Cal.App.4th 1069](#)
[Alliance for Children's Rights v. Los Angeles County Dept. of Children, \(2002\) 95 Cal.App.4th 1129](#)
[Amanda H. v. Superior Court \(LA Co. DCF\), \(2008\) 166 Cal.App.4th 1340](#)
[Amber K. v. Superior Court, \(2006\) 146 Cal.App.4th 553](#)
[Amber R. v. Superior Court, \(2006\) 139 Cal.App.4th 897](#)

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Related Links

[California Code](#)
[California Rules of Court](#)
[California Constitution](#)
[Judicial Council Forms](#)
[Regulations](#)

Case Law Included in This Database

This database includes:

- California decisions that arose from a dependency petition and were published on or after January 1, 1997 (When the most recent, major legislative revisions of the Welf. and Insti. Code were adopted). Cases included may have subsequently been overturned or modified on appeal. New cases are added monthly.
- Most California decisions of any date that are still cited in either Seiser & Kumli, *California Juvenile Courts Practice and Procedure* (LexisNexis) or *California Juvenile Dependency Practice* (CEB).
- Seminal cases (denoted by "I"): A case is designated as seminal on the basis of its impact on daily practice and the frequency of its citation in the appellate courts.
- California cases from other fields of law, and federal court cases, that significantly affect or provide guidance to dependency practitioners.

The California Case Law section of the website contains nearly all published California dependency cases since 1997, and some pre-1997 cases. New cases are added monthly, usually within the month after the decision is published.

This section also contains a few family law, juvenile delinquency and probate cases, as well as federal cases from the U.S. Supreme Court and 9th Circuit Court of Appeal that are relevant to a California child welfare audience.

Important Tip: Before relying on any case found on CALDOG, be sure to *Shepardize* it to make sure it is still good law! CALDOG does not have the staff resources to routinely update cases once they have been posted. So a case may remain on the website for some time after its holding has been modified or even overturned.

The *All Cases by Name* list appears first, in which the cases are sorted alphabetically by case name.

Tip: In *All Cases by Name*, many cases are found under the letter "I" for "In re".

California Case Law (continued) – Sorting by Citation and Seminal Cases

JUDICIAL COUNCIL OF CALIFORNIA

Keyword search: Search Browse Topics

Home California Law » Conferences and Trainings/MCLE » Briefs, Motions, and Writs » Reunification/FM Service Providers » Experts » Publications Links

California Law » All Cases by Citation Log Out

All Cases by Citation

To find out whether a California case is still good law, check it on [LexisNexis](#).

[>> All Cases by Name](#)
[>> All Cases by Topic](#)
[>> All Seminal Cases](#)

In re M.B., (2010) 182 Cal.App.4th 1496
[K.C. v. Superior Court, \(2010\) 182 Cal.App.4th 1388](#)
[In re S.A., \(2010\) 182 Cal.App.4th 1128](#)
[A.H. v. Superior Court, \(2010\) 182 Cal.App.4th 1050](#)
[In re E.O., \(2010\) 182 Cal.App.4th 722](#)
[In re Marcos G., \(2010\) 182 Cal.App.4th 369](#)
[In re Christopher C., \(2010\) 182 Cal.App.4th 73](#)
[In re Noreen G., \(2010\) 181 Cal.App.4th 1359](#)
[In re Rebecca S., \(2010\) 181 Cal.App.4th 1310](#)
[In re J.N., \(2010\) 181 Cal.App.4th 1010](#)
[In re G.M., \(2010\) 181 Cal.App.4th 552](#)
[Manuel C. v. Sup. Ct., \(2010\) 181 Cal.App.4th 382](#)
[In re Desiree M., \(2010\) 181 Cal.App.4th 329](#)
[In re Z.N., \(2010\) 181 Cal.App.4th 282](#)
[In re Adoption of M.S., \(2010\) 181 Cal.App.4th 50](#)
[In re I.W., \(2010\) 180 Cal.App.4th 1517](#)
[In re Anna S., \(2010\) 180 Cal.App.4th 1489](#)
[CACFS v. Allenby, \(2009, 9th Cir.\) 589 F.3d 1017](#)
! Greene v. Camreta, (2009, 9th Cir.) 588 F.3d 1011

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Related Links
[California Code](#)
[California Rules of Court](#)
[California Constitution](#)
[Judicial Council Forms](#)
[Regulations](#)

Case Law Included in This Database
This database includes:
• California decisions that arose from a dependency petition and were published on or after January 1, 1997 (When the most recent, major legislative revisions of the Welf. and Insti. Code were adopted). Cases included may have subsequently been overturned or modified on appeal. New cases are added monthly.
• Most California decisions of any date that are still cited in either Seiser & Kumli, *California Juvenile Courts Practice and Procedure* (LexisNexis) or *California Juvenile Dependency Practice* (CEB).
• Seminal cases (denoted by "!"): A case is designated as seminal on the basis of its impact on daily practice and the frequency of its citation in the appellate courts.
• California cases from other fields of law, and federal court cases, that significantly affect or provide guidance to dependency practitioners.

Clicking on *All Cases by Citation* sorts cases by citation with the current year's cases first. See the example on the left.

Tip: *All Cases by Citation* sorts by citation, not by date, so some cases will display slightly out of chronological order. For example, Federal 9th Circuit cases will display at the top of the list for each year, while California Supreme Court cases will display at the bottom.

Clicking on *All Seminal Cases* will display only those cases that are considered seminal on the basis of their impact on daily practice and the frequency of their citation in the appellate courts. These cases are denoted with an "!".

California Case Law (continued) – Sorting by Topic, and by Citation Within a Topic

Clicking on *All Cases by Topic* sorts the cases by topic, so you can see only those cases that are relevant to the topic you are researching. Note that the topics used here are the same topics that are in the *Browse Topics* index.

Tip: To research case law related to a particular Welfare and Institutions Code section, select *All Cases by Topic*, then select the numeric WIC# topic. In the example below, the topic *317: Appointment of Counsel* was selected, and the results appear in alphabetical order by case name.

JUDICIAL COUNCIL OF CALIFORNIA

Keyword search: Search Browse Topics

Home California Law » Conferences and Trainings/MCLE » Briefs, Motions, and Writs » Reunification/FM Service Providers » Experts » Publications Links

California Law » All Cases » 317: Appointment of Counsel [Log Out](#)

All Cases: 317: Appointment of Counsel

To find out whether a California case is still good law, check it on [LexisNexis](#). "*" denotes seminal cases.

All citations are to the California Welfare and Institutions Code unless otherwise indicated.

[>> 317: Appointment of Counsel : Sort by Citation](#)
[>> 317: Appointment of Counsel : Seminal Cases Only](#)

[>> All Cases](#)
[>> All Cases by Citation](#)
[>> All Cases by Topic](#)
[>> All Seminal Cases](#)

Related Links

- [California Code](#)
- [California Rules of Court](#)
- [California Constitution](#)
- [Judicial Council Forms](#)
- [Regulations](#)

Case Law Included in This Database

This database includes:

- California decisions that arose from a dependency petition and were published on or after January 1, 1997 (When the most recent, major legislative revisions of the Welf. and Insti. Code were adopted). Cases included may have subsequently been overturned or modified on appeal. New cases are added monthly.
- Most California decisions of any date that are still cited in either Seiser & Kumli, *California Juvenile Courts Practice and Procedure* (LexisNexis) or *California Juvenile Dependency Practice* (CEB).
- Seminal cases (denoted by "*"): A case is designated as seminal

All

- [Adoption of Jacob C., \(1994\) 25 Cal.App.4th 617](#)
- [Akkiko M. v. Superior Court, \(1985\) 163 Cal.App.3d 525](#)
- [In re A.M., \(2008\) 164 Cal.App.4th 914](#)
- [In re Alexis W., \(1999\) 71 Cal.App.4th 28](#)
- [In re Angel W., \(2001\) 93 Cal.App.4th 1074](#)
- [In re C.P., \(1985\) 165 Cal.App.3d 270](#)
- [In re Candida S., \(1992\) 7 Cal.App.4th 1240](#)
- [In re Carrie M., \(2001\) 90 Cal.App.4th 530](#)
- [In re Charlisse C., \(2008\) 45 Cal.4th 145](#)
- [In re D.D., \(2006\) 144 Cal.App.4th 646](#)
- [In re David H., \(2008\) 165 Cal.App.4th 1626](#)
- [In re Dennis H., \(2001\) 88 Cal.App.4th 94](#)
- [In re Gary U., \(1982\) 136 Cal.App.3d 494](#)

Sorting Cases within a Topic:

Once you select a topic, you can sort your results by citation within that topic or you can view only seminal cases within that topic.

In the example on the left, to view the same results by citation, you would click on *317: Appointment of Counsel: Sort by Citation*. The cases would then be sorted by citation, with the most recent cases first.

Similarly, to view only the seminal cases under this topic, you would click on *317: Appointment of Counsel: Seminal Cases Only*. This would display cases that are "seminal", or most significant, within that topic.

Please note that to use these sorting features, you must access the cases through the *California Case Law* button, not through *Browse Topics*.

California Case Law (continued) – Viewing Cases and Case Summaries

The screenshot shows the 'California Dependency Online Guide' website. At the top, there is a navigation bar with the 'caldog' logo and a search bar. Below the navigation bar is a sidebar with various menu items like 'Home', 'California Law', 'Conferences and Trainings/MCLE', etc. The main content area is titled 'In re M.B.' and contains a summary of a case. The case title is 'ICWA Indian Expert Requirement — Interviewing Parents' and the citation is 'In re M.B., (2010) 182 Cal.App.4th 1496'. The summary text describes the case facts and the court's decision. There are also links for 'View Case', 'Live', and 'Edit'. On the right side, there are sections for 'Related Links' and 'Case Law Included in This Database'.

Download Summary

[View Case](#) **Topic(s): ICWA Indian Expert Requirement — Interviewing Parents**
In re M.B., (2010) 182 Cal.App.4th 1496
 Indian expert's failure to interview parents was not cause for reversal of termination of parental rights.

The children in this case were found by the juvenile court to fall under ICWA. At the 366.26 hearing, the juvenile court applied ICWA, which requires the expert opinion of an Indian expert that continued custody of the child by the parent or Indian custodian would result in serious emotional or physical damage to the child. The expert concluded that continued custody of the child would cause serious damage and that active efforts were made by the social worker to prevent the breakup of the Indian family. Parental rights were terminated. Live [Edit](#)

Both parents appealed, arguing that the order terminating parental rights must be reversed because the investigation conducted by the Indian expert was substantively deficient.

Related Links

- [California Code](#)
- [California Rules of Court](#)
- [California Constitution](#)
- [Judicial Council Forms](#)
- [Regulations](#)

Case Law Included in This Database

This database includes:

- California decisions that arose from a dependency petition and were published on or after January 1, 1997 (When the most recent, major legislative revisions of the Welf. and Insti. Code were adopted). Cases included may have subsequently been overturned or modified on appeal. New cases are added monthly.
- Most California decisions of any date that are still cited in either Seiser & Kumli, *California Juvenile Courts Practice and Procedure* (LexisNexis) or *California Juvenile Dependency Practice* (CEB).
- Seminal cases (denoted by "I"): A case is designated as seminal on the basis of its impact on daily practice and the frequency of its citation in the appellate courts.
- California cases from other fields of law, and federal court cases, that significantly affect or provide guidance to dependency practitioners.

When you click on a case name, it will open up the case summary, which includes topic words, the case name and citation, a brief summary, and a link to the .pdf file of the opinion.

All summaries are written, edited and topically coded by attorneys at the Center for Families, Children & the Courts.

Click on *View Case*, to the left of the summary, to view or download the court opinion.

Click on the *LexisNexis* link near the top of the screen to look up and view the case on *Lexis* and to access limited case history (full *Shepard's* service is not available through this free link). No *Lexis* password is required.

Conferences and Trainings/MCLE – Conference Calendar

JUDICIAL COUNCIL OF CALIFORNIA

Keyword search:

Home
California Law »
Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
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Links

Conferences and Trainings/MCLE > Upcoming Conferences and Trainings [Log Out](#)

Upcoming Conferences and Trainings

Find national, statewide, and local dependency-related conferences and training events.
The Administrative Office of the Courts does not endorse the content or curricula of any non-AOC-sponsored events.

Select start date: Select end date: Location:

[Clear start date](#) [Clear end date](#)

Date	Location	Title	Sponsor	Topic(s)
05/10/10 to 05/11/10	Seattle, WA	18th Annual Children's Justice Conference	Washington State Department of Social and Health Services, Children's Administration; Children's Justice Task Force Go to the Site	Child Welfare
05/11/10	Oakland	The Impact of Sexual and Domestic Violence on Teens	Foster Youth Alliance Go to the Site	Sexual and Domestic Violence Effect on Teens For Social Workers and Other Direct Service Staff
05/12/10 to 05/14/10	Clearwater Beach, FL	The 17th Annual National Foster Care Conference: Footsteps to the Future	Daniel Memorial Institute Go to the Site	Foster Care Issues Attachment Child Welfare Parenting
05/17/10 to 05/21/10	Louisville, CO	15th Annual Rocky Mountain Child Advocacy Training Institute	National Institute for Trial Advocacy (NITA), National Association of Counsel for Children (NACC), and the Rocky Mountain Children's Law Center Go to the Site	Child Advocacy Intensive Training For Attorneys

To view the Conferences and Trainings Calendar, click on *Conferences and Trainings/MCLE*, and then select *Upcoming Conferences and Trainings*.

The calendar includes local, California, and out-of-state events, and also includes trainings that are offered via teleconference, webinar or other distance learning method. Some of the trainings are offered by the Administrative Office of the Courts, but the majority are sponsored by other organizations and agencies.

Use the search features at the top to search by date or location. Or simply scroll through the pages to learn about a variety of upcoming events.

Tip: Some conferences and trainings are for a limited audience (usually limited by geographic area, or by profession). These requirements are indicated in the *Topics* column.

Conferences and Trainings – Distance Learning

Distance Learning Courses are courses that you can take on the internet or in some other way that does not involve attending an in-person training event. Many distance learning courses offer continuing education credits to attorneys, judicial officers, and other professionals.

On CalDOG, click on *Conferences and Trainings/MCLE*, and then select *Distance Learning* to find courses that are offered for-credit. Select *8 Hours of Initial Training* to access a group of courses that meet the 8-hour training requirement for attorneys who would like to be court appointed to represent parents and children. These courses are also relevant for judicial officers and other professionals who are new to dependency. Select *Other For-Credit Courses* to see additional distance learning courses that are not part of the 8 hours of course work.

Tip: These courses are all free, so they are a great way to meet continuing education requirements.

The image displays two screenshots of the CalDOG (California Dependency Online Guide) website. The left screenshot shows the 'Distance Learning' page, where the '8 Hours of Initial Training' link is circled in red. The right screenshot shows the '8 Hours of Initial Training' page, with a red arrow pointing from the circled link in the left screenshot to the page content. The page content includes a summary of the training materials, a video presentation, and information about education credit and MCLE requirements.

JUDICIAL COUNCIL OF CALIFORNIA
caldog
California Dependency Online Guide

Keyword search: Search Browse Topics

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Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
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Links

Conferences and Trainings/MCLE > Distance Learning

Distance Learning

Download course materials approved for Mandatory Continuing Legal Education (MCLE) credit for Continuing Judicial Education credit for judges and subordinate judicial officers. Certificates of completion are available at the end of each course. Course materials also may be useful for county child welfare professionals.

8 [8 Hours of Initial Training](#) Materials that meet the initial 8 hours of training or education for attorneys contemplated by California Rules of Court, rule 5.660(d)(3) and that meet MCLE requirements.

OTH [Other For-Credit Courses](#) Other courses and training materials that may be used:

- By attorneys to satisfy the additional 20 hours of education and training encouraged by Representation Administration Funding and Training (DRAFT) Project Attorney Perform occur within an attorney's first year of practice, or to meet the 8 hours of continuing education requirements every three years required by California Rules of Court, rule 5.660(d)(3).
- By judicial officers to meet up to 7 hours of the 30 hours of continuing education every three years (for judges) or required (for subordinate judicial officers) by California Rules of Court, rule 10.469(c).

Get ADOBE® READER®

Keyword search: Search Browse Topics

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Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
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Links

Conferences and Trainings/MCLE > [Distance Learning](#) > 8 Hours of Initial Training

8 Hours of Initial Training

8 Materials that meet the initial 8 hours of training or education for attorneys contemplated by California Rules of Court, rule 5.660(d)(3) and that meet MCLE requirements.

Summary View

Topic(s): Child Development — Juvenile Dependency — Attorneys
"What Juvenile Dependency Attorneys Need to Know about Basic Child Development" — This is a 30 minute video presentation about child development. Viewers who are attorneys will learn how to approach issues relating to child development while handling juvenile dependency cases. Other viewers will gain valuable insights into child development issues. Hosted by the Honorable Patricia Bresee, the video is done in a game show format, where contestants hear hypothetical situations and then guess at the root cause of the presenting problems. A panel of expert attorneys and social workers then appear to provide the correct answers. This video can be viewed with Windows Media Player. Live Edit

[Click here to access the video.](#)
If you are having problems viewing this video, [click here.](#)

Education Credit / MCLE: 0.5 hours [Get a certificate](#)

Date: 2007
Pages: N / A

Topic(s): Domestic Violence / Intimate Partner Violence — Effect of Domestic Violence on Children
"What New Attorneys Need to Know about Intimate Partner Violence" — This 1 hour course provides an introduction to domestic violence (also called intimate partner violence or family violence) geared toward dependency counsel. Course Materials

Get ADOBE® READER®

Briefs, Motions and Writs

The *Briefs*, *Motions*, and *Writs* button on the main menu opens separate buttons for these three types of documents. Click one to view sample documents of that type. These redacted documents have been generously donated by practitioners throughout California and are provided for reference and ideas about content, organization and formatting.

Tip: These documents may not be legally accurate. Before relying on any cases or legal arguments found within these donated documents, be sure to *Shepardize* and do any other necessary legal research.

JUDICIAL COUNCIL OF CALIFORNIA

Keyword search: Search Browse Topics

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Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
Publications
Links

Briefs, Motions and Writs > Briefs [Admin](#) | [Log Out](#)

Briefs by Topic

All

- [300: Basis for Jurisdiction](#) (4)
- [348: Amendment of Petitions](#) (1)
- [352: Continuances](#) (1)
- [355\(a\): Jurisdictional Hearing](#) (1)
- [355\(b\): Social Study and Hearsay Contained Therein](#) (2)
- [360\(a\): Guardianship at Disposition](#) (1)
- [361.2: Nonoffending / Noncustodial Parent](#) (3)
- [361.3: Relative Preference for Placement](#) (1)
- [361.4: Relative Evaluation](#) (1)
- [366.21\(f\): Twelve Month Permanency Hearing](#) (1)
- [366.22: Eighteen Month Status Review](#) (1)
- [366.26: Selection and Implementation Hearing](#) (4)
- [388: Petition for Modification of Court Order](#) (2)
- [Abuse of Discretion](#) (1)
- [Adoptability](#) (1)
- [Attorney](#) (1)
- [Benefits / Funding / Grants](#) (1)
- [Briefs](#) (16)
- [Conflict of Interest](#) (1)

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Related Links

Additional writ and appellate resources, and sample briefs and other documents, can be found at:
[Central California Appellate Program \(CCAP\) Brief Bank](#)
[First District Appellate Project \(FDAP\)](#)
[California Appellate Project Los Angeles](#)
[Appellate Defenders Inc. \(ADI\)](#)
[Sixth District Appellate Program \(SDAP\)](#)

About These Motions, Briefs, and Writs

These redacted documents have been generously donated by practitioners throughout California. They are provided for reference only. They are intended to provide examples of legal arguments as well as typical formatting and organization styles, rather than for legal content, as they may contain outdated information.

The *Briefs*, *Motions*, and *Writs* pages are organized by topic, as seen in the example to the left.

The *Motions* section gives you an additional option to view documents by motion type, such as 388 motions, a motion for the appointment of an expert, or a motion for a blood test.

Service Providers

JUDICIAL COUNCIL OF CALIFORNIA

Keyword search: Search Browse Topics

Home Reunification/FM Service Providers > Providers by County Log Out

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Conferences and Trainings/MCLE »

Briefs, Motions, and Writs »

Reunification/FM Service Providers »

Experts »

Publications

Links

Reunification and Family Maintenance (FM) Service Providers by County

>> Service Providers by Type

Search by County

Search by Type

Search by Name

Browse by Name

Amador Butte Colusa Contra Costa Del Norte El Dorado Fresno Glenn Humboldt Imperial Inyo Kern Kings Lake Lassen Los Angeles

Madera Marin Mariposa Mendocino Merced Modoc Mono Monterey Napa Nevada Orange Placer Plumas Riverside Sacramento San Benito San Bernardino San Diego San Francisco San Joaquin

San Luis Obispo San Mateo Santa Barbara Santa Clara Santa Cruz Shasta Sierra Siskiyou Solano Sonoma Stanislaus Sutter Tehama Trinity Tulare Tuolumne Ventura Yolo Yuba

Search

About the Listings in This Directory

These listings of agencies and professionals who provide reunification and family maintenance services to dependent children and their families were provided by local social service agencies. They are routinely updated, but the Administrative Office of the Courts does not guarantee their accuracy. To help expand the listings, please [e-mail us the names and contact information of additional service providers](#) used in your county.

The *Reunification and Family Maintenance (FM) Service Providers* button opens four other buttons to allow you to:

- Search by county;
- Search by type of provider (such as therapists, or substance abuse treatment programs);
- Search by name, for an individual, agency or organization; or
- Browse a list of names.

Service Providers - Search by County

JUDICIAL COUNCIL OF CALIFORNIA

caldog
California Dependency Online Guide

Keyword search:

Home
California Law »
Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
Publications
Links

Reunification/FM Service Providers » Providers by County [Log Out](#)

Reunification and Family Maintenance (FM) Service Providers by County

[>> Service Providers by Type](#)
[>> Search by Name](#)
[>> Browse by Name](#)

California Counties

<input type="checkbox"/> Alameda	<input type="checkbox"/> Madera	<input type="checkbox"/> San Luis Obispo
<input type="checkbox"/> Alpine	<input type="checkbox"/> Marin	<input type="checkbox"/> San Mateo
<input type="checkbox"/> Amador	<input type="checkbox"/> Mariposa	<input type="checkbox"/> Santa Barbara
<input type="checkbox"/> Butte	<input type="checkbox"/> Mendocino	<input type="checkbox"/> Santa Clara
<input type="checkbox"/> Calaveras	<input type="checkbox"/> Merced	<input type="checkbox"/> Santa Cruz
<input type="checkbox"/> Colusa	<input type="checkbox"/> Modoc	<input type="checkbox"/> Shasta
<input type="checkbox"/> Contra Costa	<input type="checkbox"/> Mono	<input type="checkbox"/> Sierra
<input type="checkbox"/> Del Norte	<input type="checkbox"/> Monterey	<input type="checkbox"/> Siskiyou
<input type="checkbox"/> El Dorado	<input type="checkbox"/> Napa	<input type="checkbox"/> Solano
<input type="checkbox"/> Fresno	<input type="checkbox"/> Nevada	<input type="checkbox"/> Sonoma
<input type="checkbox"/> Glenn	<input type="checkbox"/> Orange	<input type="checkbox"/> Stanislaus
<input type="checkbox"/> Humboldt	<input type="checkbox"/> Placer	<input type="checkbox"/> Sutter
<input type="checkbox"/> Imperial	<input type="checkbox"/> Plumas	<input type="checkbox"/> Tehama
<input type="checkbox"/> Inyo	<input type="checkbox"/> Riverside	<input type="checkbox"/> Trinity
<input type="checkbox"/> Kern	<input type="checkbox"/> Sacramento	<input type="checkbox"/> Tulare
<input type="checkbox"/> Kings	<input type="checkbox"/> San Benito	<input type="checkbox"/> Tuolumne
<input type="checkbox"/> Lake	<input type="checkbox"/> San Bernardino	<input type="checkbox"/> Ventura
<input type="checkbox"/> Lassen	<input type="checkbox"/> San Diego	<input type="checkbox"/> Yolo
<input type="checkbox"/> Los Angeles	<input type="checkbox"/> San Francisco	<input type="checkbox"/> Yuba
	<input type="checkbox"/> San Joaquin	

About the Listings in This Directory

These listings of agencies and professionals who provide reunification and family maintenance services to dependent children and their families were provided by local social service agencies. They are routinely updated, but the Administrative Office of the Courts does not guarantee their accuracy. To help expand the listings, please [e-mail us the names and contact information of additional service providers](#) used in your county.

If you select *Reunification and Family Maintenance (FM) Service Providers* and then select *Search by County*, this checklist of all California Counties will appear.

Select one or more counties, then click *Search* and you will get a list of all service providers listed on the website for that county or counties.

Service Providers – County Listings

This is a sample of service provider listings in one county.

If you click on any item in this list, it will open to show more complete contact information and other notes about the services offered.

The screenshot displays the 'caldog California Dependency Online Guide' website. The main page shows a list of 'Reunification/FM Service Provider Listings' for Tuolumne County. A red circle highlights the entry for 'Center for a Non Violent Community (CNVC)'. A red arrow points from this entry to a detailed view of the provider.

Reunification/FM Service Provider Listings

Service providers in Tuolumne:

>> [Narrow Search by Type](#)

Name	Type	County
All		
Alano Club	Substance Abuse Treatment	Tuolumne
Center for a Non Violent Community (CNVC)	Domestic Violence	Tuolumne
Chautauque Echoes, Inc.	Substance Abuse Assessment, Testing and Treatment	Tuolumne
Child Health and Disability Prevention Program (CHDP)	Medical Treatment	Tuolumne
ICWA Resources Directory (link)	Tribes — Services for Indian Children and Families	All Counties
InfoNet	Online Directory of Local Services	Tuolumne
Kene Me-Wu Family Healing Center, Inc.	Domestic Violence	Tuolumne
KingsView Behavioral Health and Recovery Services	Mental Health Diagnostic and Treatment Center — Substance Abuse Assessment, Testing and Treatment	Tuolumne
Maynard's Chemical Dependency Recovery Centers, Inc.	Substance Abuse Assessment, Testing and Treatment	Tuolumne
Raising Healthy Families	Parenting Classes and Instructors	Tuolumne
Sonora Parent Nursery School	Parenting Classes and Instructors	Tuolumne

Reunification/FM Service Provider

Service Provider	Provider Type
Center for a Non Violent Community (CNVC) <i>Formerly Mountain Women's Resource Center</i> 19900 Cedar Road North PO Box 1147 Sonora, CA 95370 County: Tuolumne Phone: 209-588-9305 or 209-533-3401 (24 hour Crisis Line) Fax: 209-588-9272 Link to Site	Domestic Violence All services are free and confidential.

About the Listings in This Directory

These listings of agencies and professionals who provide reunification and family maintenance services to dependent children and their families were provided by local social service agencies. They are routinely updated, but the Administrative Office of the Courts does not guarantee their accuracy. To help expand the listings, please [e-mail us the names and contact information of additional service providers](#) used in your county.

Service Providers by Type, Within a County

After searching by county, you have the option to select *Narrow Search by Type* to find just one kind of service provider in that county.

In the following example, we searched for all services in Tuolumne County, then narrowed our search by type to view agencies under *Substance Abuse: Treatment* within Tuolumne County, which yielded this list of substance abuse treatment agencies within the county.

The screenshot shows the CALDOG (California Dependency Online Guide) website. The left sidebar contains a navigation menu with items like Home, California Law, Conferences and Trainings/MCLE, Briefs, Motions, and Writs, Reunification/FM Service Providers, Experts, Publications, and Links. The main content area is titled "Narrow Search by Type" and lists "Service Provider types in Tuolumne:" with several links. The link "Substance Abuse : Treatment" is circled in red. A red arrow points from this link to the "Listings Found" section on the right. The "Listings Found" section shows a table of service providers in Tuolumne County, filtered by the type "Substance Abuse : Treatment".

Service Providers	Type	County
All		
Alano Club	Substance Abuse Treatment	Tuolumne
Changing Echoes, Inc.	Substance Abuse Assessment, Testing and Treatment	Tuolumne
KingsView Behavioral Health and Recovery Services	Mental Health Diagnostic and Treatment Center — Substance Abuse Assessment, Testing and Treatment	Tuolumne
Maynard's Chemical Dependency Recovery Centers, Inc.	Substance Abuse Assessment, Testing and Treatment	Tuolumne

Service Providers by Type, Statewide

To search statewide for service providers of a certain type, click on *Reunification/FM Service Providers* in the main menu, and then select *Search by Type*. This will yield a list of types seen below.

The image displays two screenshots of the CALDOG (California Dependency Online Guide) website. The left screenshot shows the main navigation menu with 'Reunification/FM Service Providers' selected. A red box highlights the 'Search by Type' option, and a red arrow points to the 'Reunification/FM Service Providers by Type' page in the right screenshot. The right screenshot shows a list of service categories: Developmental Disabilities, Disability, Domestic Violence, Indian Child Welfare Act (ICWA), Medical, Mental Health, Parenting Classes and Instructors, Psychiatry, Psychologist, Regional Centers, Services: Online Directories, Substance Abuse, Therapy, Tribes, and Wraparound / In-Home Services. A sidebar on the right of the second screenshot contains 'About the Listings in This Directory' information.

JUDICIAL COUNCIL OF CALIFORNIA
caldog
California Dependency Online Guide

Keyword search: Search Browse Topics

Home
California Law »
Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
Publications
Links

The California Dependency Online Guide provides assistance to attorneys, judicial officers, and professionals working in California's child welfare system

Search by County
Search by Type
Search by Name
Browse by Name

Deadlines — Hotel by May 30, Conf...
The Year in Review - 1/1/10 Materials
Comment on Rule and Form Proposals
to Close May 19th and 3rd Wed. of Ea...
Foster Care Month California Capitol Kick-off Event, May...
CA Child Welfare Council Issues Recommendations
Beyond the Bench Conf. — June 3 & 4, 2010 — Registra...

California Law: Find and download the text of California ca...
California statutes, California Rules of Court, the California c...
Judicial Council forms.

Conferences and Trainings/MCLE: Find national, statew...
dependency-related [conferences and training events](#); downl...
[learning materials](#); and earn Mandatory Continuing Legal Educ...
credit (for attorneys) and continuing judicial education credit...
officers); [and access other training materials](#).

Briefs, Motions, and Writs: Download the text of sample, ...
related [motions](#), [briefs](#), and [writs](#).

Reunification/FM Service Providers: Find agencies and ...
providing family maintenance and reunification services.

Experts: Find expert witnesses.

JUDICIAL COUNCIL OF CALIFORNIA
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California Dependency Online Guide

Keyword search: Search Browse Topics

Home
California Law »
Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
Publications
Links

Reunification/FM Service Providers » Providers by Type

Log Out

Reunification/FM Service Providers by Type

[Developmental Disabilities](#)
[Disability](#)
[Domestic Violence](#)
[Indian Child Welfare Act \(ICWA\)](#)
[Medical](#)
[Mental Health](#)
[Parenting Classes and Instructors](#)
[Psychiatry](#)
[Psychologist](#)
[Regional Centers](#)
[Services: Online Directories](#)
[Substance Abuse](#)
[Therapy](#)
[Tribes](#)
[Wraparound / In-Home Services](#)

About the Listings in This Directory
These listings of agencies and professionals who provide reunification and family maintenance services to dependent children and their families were provided by local social service agencies. They are routinely updated, but the Administrative Office of the Courts does not guarantee their accuracy. To help expand the listings, please [e-mail us the names and contact information of additional service providers](#) used in your county.

Service Providers by Type, Statewide (continued)

JUDICIAL COUNCIL OF CALIFORNIA

caldog
California Dependency Online Guide

Keyword search:

Home
California Law »
Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
Publications
Links

Reunification/FM Service Providers > [Providers by Type](#) > Services: Online Directories [Log Out](#)

Reunification/FM Service Providers by Type: Services: Online Directories

>> [Narrow Search by Region](#)

Service Providers	Type	County
All		
211 Bay Area	Online Directory of Local Services	Marin Napa San Francisco Solano
211 Community Action Partnership of Kern	Online Directory of Local Services	Kern
211 Contra Costa Crisis Center	Online Directory of Local Services	Contra Costa
211 Fresno County United Way Resource Database	Online Directory of Local Services	Fresno
211 Healthy City	Online Directory of Local Services	Los Angeles
211 Kings County	Online Directory of Local Services	Kings
211 Monterey County	Online Directory of Local Services	Monterey
211 Nevada County	Online Directory of Local Services	Nevada
211 Riverside County	Online Directory of Local Services	Riverside
211 San Bernardino	Online Directory of Local Services	San Bernardino
211 San Diego	Online Directory of Local Services	San Diego
211 San Luis Obispo	Online Directory of Local Services	San Luis Obispo
211 Santa Barbara	Online Directory of Local Services	Santa Barbara
211 Santa Clara County	Online Directory of Local Services	Santa Clara

About the Listings in This Directory

These listings of agencies and professionals who provide reunification and family maintenance services to dependent children and their families were provided by local social service agencies. They are routinely updated, but the Administrative Office of the Courts does not guarantee their accuracy. To help expand the listings, please [e-mail us the names and contact information of additional service providers](#) used in your county.

Once you select a type, you will see all the listings in the state for that type of provider.

Here, we have selected the type *Services: Online Directories*, which has yielded a list of county services directories. These listings include links to the online directories for each county.

Tip: These online directories, often called *211* or *Network of Care* websites, frequently contain additional information not listed on CalDOG. They are particularly helpful in very large counties such as Los Angeles.

Experts

The *Experts* section, which provides listings for experts and expert witnesses on a variety of topics, functions exactly the same way as the *Reunification and Family Maintenance (FM) Service Providers* section.

Tip: You must verify the qualifications of any expert you use. Expert listings are collected from attorneys, child welfare practitioners and court administrators. Experts are screened for basic qualifications, but not evaluated. The AOC does not endorse these experts. Please let us know if you are aware of an expert that should be included in these listings.

JUDICIAL COUNCIL OF CALIFORNIA

caldog
California Dependency Online Guide

Keyword search:

Home
California Law »
Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
Publications
Links

Experts » Experts by Type [Log Out](#)

Experts by Type

- [Attachment & Bonding](#)
- [Bonding](#)
- [DNA Testing](#)
- [Evidence Code 730: Appointment of Expert](#)
- [Experts / Expert Witnesses](#)
- [Forensic Interviewing](#)
- [Indian Child Welfare Act \(ICWA\)](#)
- [Interviews](#)
- [Investigation](#)
- [Medical](#)
- [Mental Health](#)
- [Paternity](#)
- [Psychiatry](#)
- [Psychologist](#)
- [Social Worker](#)
- [Substance Abuse](#)
- [Therapy](#)

Important: Verify Experts' Qualifications

You must verify the qualifications of any expert you use. The Administrative Office of the Courts does not endorse the experts listed in this guide. The AOC gathers this data from local child welfare practitioners and court administrators.

To help expand the listings, please [e-mail us the names and contact information of experts](#) you would recommend to others.

Publications

JUDICIAL COUNCIL OF CALIFORNIA

Keyword search:

Home
California Law »
Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
Publications
Links

Publications > Publications by Topic [Log Out](#)

Publications by Topic

[>> Publications by Title](#)
[>> Publications by Type](#)

[241.1: Joint Determination of Status of Minor \(2\)](#)
[300: Basis for Jurisdiction \(19\)](#)
[317: Appointment of Counsel \(8\)](#)
[319: Initial Petition Hearing \(1\)](#)
[349: Child's Presence in Court \(1\)](#)
[350\(b\): Testimony of a Minor \(2\)](#)
[355\(a\): Jurisdictional Hearing \(1\)](#)
[358: Dispositional Hearing \(1\)](#)
[361.2: Nonoffending / Noncustodial Parent \(4\)](#)
[361.5\(e\): Reunification Services for Incarcerated Parent \(1\)](#)
[362.1: Visitation \(3\)](#)
[362.4: Termination of Jurisdiction, Exit Orders \(3\)](#)
[364: Dependent Supervision / In Home Review \(1\)](#)
[366.21\(e\): Six Month Status Review Hearing \(2\)](#)
[366.21\(f\): Twelve Month Permanency Hearing \(2\)](#)
[366.22: Eighteen Month Status Review \(2\)](#)
[366.25: 24-Month Subsequent Permanency Review Hearing \(2\)](#)
[366.26: Selection and Implementation Hearing \(4\)](#)
[366.3: Post-Permanency Review Hearing \(1\)](#)

Page: [Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [Next](#)

About the Publications in This Database
These articles, papers, and other publications are provided for reference only and may contain outdated information. The Administrative Office of the Courts does not endorse the content of any non-AOC publications.

Get ADOBE READER

The *Publications* section of the website contains articles, books, brochures, charts, newsletters, reports, and other kinds of published materials.

Clicking on the *Publications* button on the main menu opens to a list of topics.

Clicking on any topic will reveal all of the publications on the website related to that topic.

From this page, you can also choose to view publications by title or by type.

Publications by Type

JUDICIAL COUNCIL OF CALIFORNIA

caldog
California Dependency Online Guide

Keyword search:

Home
California Law »
Conferences and Trainings/MCLE »
Briefs, Motions, and Writs »
Reunification/FM Service Providers »
Experts »
Publications
Links

Publications > Publications by Type [Log Out](#)

Publications by Type

>> [Publications by Title](#)
>> [Publications by Topic](#)

[All](#)
[Articles](#) (94)
[Books](#) (13)
[Brochures and Other Publications for Children and Youth](#) (7)
[Brochures and Other Publications for Parents and Caregivers](#) (14)
[Charts and Maps](#) (8)
[Directories](#) (2)
[Essays and Inspirational](#) (6)
[Fact Sheets](#) (1)
[Journals](#) (1)
[Judicial Benchguides](#) (14)
[Juvenile Delinquency Brochures](#) (2)
[Newsletters](#) (2)
[Notices](#) (2)
[Practice Guides and Toolkits for Professionals](#) (30)
[Reports](#) (12)
[Research Reports](#) (38)
[Resource Libraries](#) (2)
[Videos](#) (3)

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Select *Publications by Type*, to sort by the type of publication, rather than by the topic. This is helpful if you are looking for specific types of materials, such as a judicial bench guide, an article, a brochure to give to an adult or child client, or a research report.

The current list of publication types can be seen at left.

Items can also be sorted alphabetically by title or topic.

Publications – Viewing Publications

JUDICIAL COUNCIL OF CALIFORNIA

caldog
California Dependency Online Guide

Keyword search: [Search](#) [Browse Topics](#)

Publications > [Publications by Title](#) > Publications: All [Log Out](#)

Publications by Title: All

Download	Summary
View Download	Topic(s): Parental Rights — Non-biological Parents — Presumed Parents "A Brief Primer on Case Law Addressing Parentage Issues for Nonbiological Parents Before 2005" — Recent case law has interpreted the California Family Code as providing a mechanism for adults who are not biologically related to children to be declared "presumed parents" with full legal rights and responsibilities. How broad the class of such persons may be is the subject of continuing litigation. However, the factors that courts have found most significant to a determination of presumed parenthood are whether a biological parent has come forward, the child's age, and the extent of the bond between the child and the nonrelated adult. This article briefly addresses the primary cases that have interpreted California's laws concerning presumed parents. Author: Frank H. Free Date: 2005 Pages: 4 Published by the Administrative Office of the Courts
View Download	Topic(s): Medical: Diagnosis of Temporary Brittle Bone Disease or Osteogenesis Imperfecta — Medical Experts — Child Physical Abuse "A Courtroom Diagnosis: Countering the Defense of Temporary Brittle Bone Disease and Mild OI" — Provides a brief, general overview of Osteogenesis Imperfecta (OI) and Temporary Brittle Bone Disease (TBBD) and discusses strategies prosecutors can use when dealing with bone disease defenses. Author: Moreno, Joelle Anne, J.D., Assoc. Professor of Law, New England School of Law Date: August 2003 Pages: 4 Posted with permission from the National Center for Prosecution of Child Abuse
View Download	Topic(s): Foster Youth — Career Development — High School Education "A Guide to Career Development Opportunities in California's High Schools" — This guidebook provides information and resources for the career development of current and former foster youth, as well as other youth in California. Author: New Ways to Work www.newwaystowork.org Date: June, 2009 Pages: 25

About the Publications in This Database
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Get ADOBE® READER®

The image at left shows how listings for individual articles or other publications look on the website.

Each listing begins with topic words, and then includes the title of the publication, description, author, date, number of pages and the source or publisher.

Each listing also contains buttons on the left to view or download the item, or a link to view the item on the internet.

Links

The screenshot shows the 'caldog' website interface. At the top, it says 'JUDICIAL COUNCIL OF CALIFORNIA' and 'caldog California Dependency Online Guide'. There is a search bar with 'Keyword search:' and buttons for 'Search' and 'Browse Topics'. A 'Log Out' link is in the top right. On the left is a navigation menu with items like 'Home', 'California Law', 'Conferences and Trainings/MCLE', 'Briefs, Motions, and Writs', 'Reunification/FM Service Providers', 'Experts', 'Publications', and 'Links'. The main content area is titled 'Links > Links by Type' and features a section 'Links by Type' with two sub-links: '>> Links by Title' and '>> Links by Topic'. Below this is a list of link categories with their respective counts: Advocacy Organizations (26), California Courts (11), California Government Agencies (13), California Legislature (3), Directories (10), Federal Courts (2), Federal Government Agencies (27), Federal Law (4), Foster Youth Resources (8), Foundations (5), National Clearinghouses (6), Professional Associations (31), Research Organizations, Data (16), Resource Centers (40), Service Organizations (6), Training Organizations (8), and Universities -- Children's Legal Advocacy (5). A small box titled 'About These Links' contains a disclaimer: 'The Administrative Office of the Courts cannot guarantee the accuracy or reliability of the information on other Web sites.'

Select the *Links* on the main menu to access California and national child welfare-related links.

These links can be sorted:

- By Title - alphabetically by the name of the organization or agency;
- By Type - this groups the links by the type of agency, or type of website, such as advocacy organizations, California government agencies, and foster youth resources; or
- By Topic

THURSDAY – JUNE 3, 2010

2:00 pm – 3:15

Workshop Session III

III.C.

Family Law Legal Update

education credit:

BBS

MCLE

This session summarizes 2009 legislation, rules of court, and Judicial Council forms relevant to family law and provides an overview of significant appellate and Supreme Court cases.

target audience:

attorneys

judicial officers

mediators

self-help staff

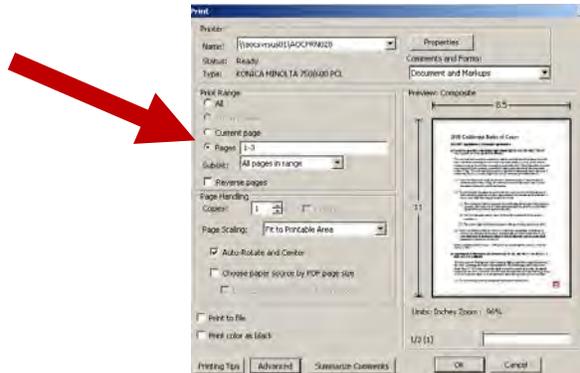
Learning Objectives:

- Discuss trends in appellate and Supreme Court family law cases.
- Identify significant new case law in family law.
- Analyze recent legislation, rules of court, and new forms relevant to family law practice.

Faculty:

- **Hon. James Mize**
Judge, Superior Court of Sacramento County
- **Hon. Jeffrey Bostwick**
Judge, Superior Court of San Diego County

Before you choose to print these materials, please make sure to **specify the range of pages**.



Before you choose to print these materials, **please make sure to specify the range of pages.**

Administrative Office of the Courts, Center for Families, Children & the Courts

Beyond The Bench Family Law Update

- San Diego, California
 - June 3, 2010
- Recent Developments in Family Law

In re Alter 171 Cal App 4th 238



- Gifts = Income (NEVER??)
- Jack's Mom: \$7000/month
- Loan? All same date and no pay backs
- FC 4058 Gifts ≠ Income but Gifts ≠ non-income either

In re Alter (cont)



- Problem: In re Loh and In re Schlafly held that Gifts ≠ Income
- Loh and Schlafly: Gifts = in kind (too complicated for trial judges ☹)
- Therefore Recurrent cash gifts MAY be treated as Income in C/S calculations

In re Alter (cont)



- MISCHIEF:
- Start and stop gifts
- Annual or semi-annual gifts and not monthly
- Most egregious: Deadbeat Dad use to reduce his C/S to starving wife/mother

In re Alter (cont)



- Solution:
- Use Fam Code section 4057(b)(5)
- special circumstance requiring an adjustment to C/S
-

In re Blazer 176 Cal App 4th 1438



- Should courts micromanage litigant' businesses?
- Strawberries - \$52,000/month S/S
- Wanted to "Vertically Integrate"
- Problem: Reduce S/S & C/S or Risk loss of business?

In re Blazer (cont)



- “Stay outta my business!”
- H’s experts better
- “reduced” S/S = \$20,000
- “Judge – will you guarantee my business success?”
- Ultimately – Judicial Discretion – YEA!!!
- But see Berger

In re Berger

170 Cal App 4th 1070



- Landscaping business (not strawberries!!) = undercapitalized
- Salary \$200,000/year BUT he deferred salary (reinvested in business)
- Same as Blazer????
- NO – COA attributed \$200,000 income for C/S

In re Berger (cont)



- He had \$\$ in Savings
- Monthly expenses = \$21,000/month
- No reliable business plan
- Berger C/S – Blazer S/S???
- Review: Ability, Willingness and Opportunity

In re Knowles

178 Cal App 4th 35



- Thomas and his new wife made \$18,450/month from investments (passive income)
- Thomas had to pay C/S
- New Wife income ≠ income for support of Thomas’ kids
- But T/C included all \$18,450 in calculating C/S

In re Knowles (cont)



- COA: Result
- Passive income = active income
- New wife “earned” half of \$18,450 to wit \$9,225 therefore
- H’s income for C/S could only be \$9,225

In re Sonne

48 Cal 4th 118



- Supremes Speak: we listen
- 36 years – never knew this
- Total Retirement Benefit Package –
 - 1) Employee Annuity
 - 2) Employer pension (added to annuity to = TRBP)
- So what?

In re Sonne (cont)



Involves “Buy-backs” of retirement benefits
 H = Cop for 32 years
 Married to Dalia 17 years
 Married to Theresa 11 years
 Dalia: $\frac{1}{2}$ of $17/32 = 8.5$ years
 32 years = \$2,000,000 so 8,5 years = \$540,000 (Dalia’s)

In re Sonne (cont)



- Dalia cashed out for H’s actual contribution of \$42,000 (Query? Where is the \$500,000?)
- H paid in the \$42,000 with Theresa’s and his CP to “buy back” what Dalia gave up
- H gets not only the annuity but the pension too!!!

In re Sonne (cont)



- Theresa (remember her) concludes that since \$42,000 was CP that entire \$540,000 TRBP was CP
- Supremes: “Nice Try” but CP Only “bought” the \$42,000 annuity
- The \$500,000 Pension was Dalia’s – she gave up – and ergo was now H’s SP

In re Sonne (cont)



- Good News: Not likely to occur too often
- Needs several marriages (OK that IS likely)
- Needs a “cash out” and a subsequent “buy back”
- Takeaway: TRBP = employee annuity (tiny?) and employer pension (big!!)

That’s All Folks!!!



- See you next year!!!

THURSDAY – JUNE 3, 2010

2:00 pm – 3:15

Workshop Session III

III.E.

Indian Child Welfare Act (ICWA): Just How Active Do Those Efforts Need to Be?

ICWA requires "active" rather than the "reasonable" efforts required in other child welfare cases, but what does this really mean in practice? Participants will learn how to distinguish "active" from "reasonable" efforts and how to look at a case plan to ensure that it meets the "active efforts" requirement.

education credit:

BBS

MCLE

PSY

target audience:

attorneys

CASAs

judicial officers

mediators

probation officers

social workers

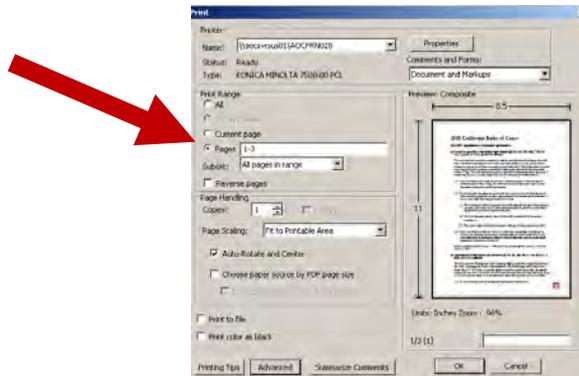
Learning Objectives:

- Appreciate value of connection between Indian children, families and their tribes.
- Understand differing Native American family structures.
- Understand the term "active efforts."
- Identify the difference between "active" and "reasonable efforts."

Faculty:

- **Lisa Molinar**
Director, Shared Vision Consulting
- **Hon. Patricia Bresee (Ret.)**
Commissioner, Superior Court of San Mateo County
- **Theresa Klein**
Consultant, Dependency Law
- **Liz Elgin DeRouen**
ICWA Representative, Indian Child & Family Preservation Program

Before you choose to print these materials, please make sure to **specify the range of pages.**



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Administrative Office of the Courts, Center for Families, Children & the Courts



Advanced Indian Child Welfare Act: Active Efforts

Trainer: _____ Date: _____

Agenda

- Welcome, Introductions and acknowledgements
- Competencies and learning objectives
- Self Assessment Quiz
- 30 years later....
- Different “efforts” requirements in a non-ICWA and ICWA case.
- Law and hypothetical case scenarios
- Role of participants
- Highlighting practices in other jurisdictions
- Closure

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Welcome, introductions and acknowledgements

- This curriculum was developed by the Administrative Office of the Court in collaboration with the ICWA Advisory team and facilitated by Shared Vision Consultants.
- For a full list of advisory group members please refer to the trainee guide

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Prioritization of Competencies and Learning Objectives

- Please read the competencies and learning objectives for this module.
 1. Identify by initialing which competency and/or learning objectives are most important for you to learn today.
 2. Is there anything else that you would like covered that isn't listed?



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Self assessment quiz

- Please take five minutes to answer the questions on your self assessment quiz....



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30 years later

- In small groups brainstorm what you think is the purpose of ICWA?
- Does it have a valuable purpose? If not why not? If so why?
- How is it still relevant 30 years later?



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<p>Let's watch the video "Continuing the Dialogue". As you watch please check some of your answers on the self assessment quiz.</p>	
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VIDEO

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Other Quiz Answers

- There are over 300 tribal courts in the U.S.(Q1)
- Membership in a tribe can only be determined by the tribe. (Q4)
- The Bureau of Indian Affairs (when it was part of the war department) did not have the philosophy that "Indian tradition should be preserved. (Q7)

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Other Quiz Answers

- Over 50% of California's Indian population traces their native ancestry to tribes outside of California. (Q8)
- There are over 100 federally recognized tribes in California. (Q10)

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Small group exercise:

- **What should attorneys and judges expect regarding the requirements of active efforts in ICWA cases? how would an ICWA case differ from a non-ICWA case?**
 - A. Prior to the matter coming to court?
 - B. Prior to Disposition?
 - C. Post Disposition?

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BREAK



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What is the law regarding active efforts?

- ICWA: 25 U.S.C. 1912(d)
- Family Code 177(a)
- Probate Code 1459.5(b)
- Welfare and Institution Code 224.6 and 361.7
- Rule of Court 5.484

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ACTIVE EFFORTS REQUIREMENTS

- **Applies in:**
 - Family Court
 - Probate Court
 - Juvenile court:
- **Dependency and Delinquency**
 - Includes pre-detention efforts when considering if there are reasonable means to protect the child at home

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Indian Child Welfare Act

- U.S.C. § 1912(d)
- If seeking involuntary foster care or termination of parental rights to an Indian child under state law:
- Satisfy the court that **ACTIVE EFFORTS** have been made to provide:
 - Remedial services and rehabilitative programs to
 - Prevent the breakup of the Indian family AND
 - Have been unsuccessful

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Welfare and Institution Code 361.7 [Dependency]

- As part of active efforts, the court shall consider the prevailing social and cultural standards of the child's tribe, including the tribe's family organization and child-rearing practices.
- "Active efforts shall utilize the available resources of the Indian child's extended family, tribe, tribal and other Indian social services agencies, and individual Indian care giver service providers."

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DELINQUENCY (Welf & IC § 224.3)

- Proceedings under Welf & IC §§ 601 and 602 are included in ICWA if the child is at risk of entering foster care or is in foster care
- The Active Efforts requirement applies to such children
- RULE 5.480(1)

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Family Code

- The ICWA (INCLUDING ACTIVE EFFORTS 177(A)) applies to Family Court proceedings, that may result in the adoption of an Indian child, the termination of parental rights of the parents of an Indian child, or the granting of care and custody of an Indian child to someone other than the child's parents or Indian custodian where the parents or Indian custodian cannot have the child returned on demand.

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Probate Code 1459.5(b)

- In all Indian child custody proceedings;
- Court to strive to promote the stability and security of Indian tribes and families;
- AND comply with the Indian Child Welfare Act.

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Rule 5.484 (c) [Juvenile Court]

- Prior to placement order, court must find that active efforts were made.
- Must consider whether active efforts were in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe.
- All available resources should be used, including the extended family, the child's tribe, Indian social services and Indian caregivers.

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Requirements revisited

- **What should attorneys and judges expect regarding the requirements of active efforts in ICWA cases? how would an ICWA case differ from a non-ICWA case?**
 - A. Prior to the matter coming to court?
 - B. Prior to Disposition?
 - C. Post Disposition?

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Review case plans and look at the proposed findings to see if they are appropriate

Wakeem's Story

- Please review the attached digital story of Wakeem. (Prepared by Tribal Star)

How could the child welfare and delinquency systems have better supported this young man to connect with his culture? At what times in the process should efforts have been made?

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Using Wakeem's story as a framework what are the roles of each of these participants to ensure active efforts are made?

- Judge
- Tribe
- Parents
- Attorney (child and parents)
- Social Worker
- CASA
- Probation Officers
- Therapist
- Group home staff

What difference can active efforts make?

- Locating family and tribal members who can provide continuity for the child
- Recognizing the tribe's interest and stake in its cherished children
- Accessing benefits available through the tribe;
- Improving safety, permanency and well-being for tribal children
- Supports the "active efforts" finding which the court is legally required to make under ICWA

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Examples of active efforts



Please refer to the handout comparing reasonable and active efforts. What is done in your county to provide "active efforts"?

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Highlighting practices in other jurisdictions

- *Sonoma County ICWA protocol*
- *Butte County regarding Emergency Investigations*
- *Lake County – Differential response contract*

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Highlighting practices in other jurisdictions continued.

- *LA County -*
- *Tulare County –*
- *Riverside County – TDM*
- *Kings County –*
- *Ancestral chart*

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Resources

- **California Dependency Online Guide**
 - www.courtinfo.ca.gov/dependencyonlineguide
 - Contact dependencyguide@jud.ca.gov for more information
 - ICWA 101 and 102 AOC
 - Judge's handbook
 - <http://www.firstpeople.us/web-graphics/seamed-backgrounds/web-graphics-native-american-seamless-tiles-014.html>

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- <http://www.courtinfo.ca.gov/programs/cfc/c/programs/description/TribalProjectUnit.htm>

Special Thanks to:

- [Tribal Star for the Wakeem video](#)
<http://pcwta.sdsu.edu>
- AOC staff Vida Castaneda, and her family for family photographs

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Advanced Indian Child Welfare Act (ICWA) curriculum – Activate Efforts

The Administrative Office of the Courts is dedicated to improving the quality of justice and services to meet the diverse needs of children, youth, families, and self-represented litigants in the California courts. One of the projects created to help improve the quality of justice provided by those involved with the juvenile courts of California is the *Juvenile Court Education Project*. One component of this project is the development of curriculum in a number of topic areas. This curriculum regarding “active efforts” is intended to serve as the first module of the advanced curriculum for Indian Child Welfare Act.

The intended audience for this curriculum is California’s juvenile court judicial officers and attorneys.

Competencies

C.1: The participant develops an understanding of active efforts as defined by ICWA, tribal tradition and California law across the continuum of culturally appropriate service provision including prevention, concurrent planning and permanency options, participatory case planning, placement and permanence.

C.2: The participant develops an understanding of the role of participants in the probate, family and juvenile court processes, such as judicial officers, attorneys and tribal and agency social workers in providing active efforts to tribal families on a case by case basis.

Learning Objectives:

Knowledge

K.1: The participant understands the ICWA, and the relevant sections of the California Family, Probate, and Welfare and Institutions Codes, and the Rules of Court.

K.2: The participant understands what it means for active efforts to be made across the continuum of service provision “in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child’s tribe” (W&I 361.7).

K.3: The participant understands the identification and delivery of appropriate services comprising active efforts for each Indian child and family coming before the juvenile, probate and family court.

K.4: The participant understands the unique components of concurrent planning, placement and case planning for an Indian child and family.

K.5: The participant understands the role of participants in the probate, family and juvenile court processes, such as judicial officers, attorneys, tribal representatives, social workers and

Final Competencies and Learning Objectives

Advanced Indian Child Welfare Act (ICWA) curriculum – Activate Efforts

court appointed special advocates in all aspects of providing services to Indian children and their families.

K.6: The participant will understand the make-up of the Indian family, including the extended family, as defined by tribes, as well as the potential for identification of those who may play a significant role in the planning for the child and the achievement of permanence.

Skill

S.1: When given a case scenario the participant will be able to make appropriate inquiries as to active efforts that have been made or should have been made, and make recommendations for additional active efforts.

S.2: When given a case scenario the participant will be able to responsibly consider if the letter and intent of the ICWA have been followed.

S.3: The judicial participant will demonstrate an ability to make appropriate and thorough findings regarding active efforts consistent with the evidence presented.

S.4: The non-judicial participants will demonstrate an ability to responsibly advocate for adherence to the active efforts requirement.

Value

V.1: The participant will appreciate the long-lasting connection between Indian people and their tribes, culture and communities, and the historical, statutory and case law framework enforcing the rights of the child and the tribe to identifying and appropriately maintaining that inherent connection.

V.2: The participant will value the role of the court process in respecting the intent of the ICWA and adhering to the letter of the Law “in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child’s tribe”.

ADVANCED INDIAN CHILD WELFARE CURRICULUM - TRAINEE'S GUIDE -

BACK GROUND AND ACKNOWLEDGEMENTS

The Administrative Office of the Courts, Center for Families, Children & the Courts is developing curriculum on a number of topics, one of which is the Indian Child Welfare Act. This curriculum regarding “active efforts” is the first module of the advanced curriculum on the Indian Child Welfare Act. While the intended audience for this curriculum is juvenile court judicial officers and attorneys, our hope is that it will also be used by tribal advocates, social workers, and probation officers.

This curriculum would not have been possible without the highly collaborative development process facilitated by the consultant, Lisa Molinar of Shared Vision Consultants. Additional thanks go to all members of our advisory team for their expertise, time, energy and thoughtful comments and feedback. Membership of the team include: Liz Elgin DeRouen and Nancy Currie, co-chairs of California’s statewide Indian Child Welfare Act Workgroup, Anne Smith, Vida Castaneda, Ann Gilmour, Jennifer Walter, Patricia Bresee and Theresa Klein,

The preparation of these materials was financially assisted through grants from the Federal Government—U.S. Department of Health and Human Services, Court Improvement Program—and the State of California—California Department of Social Services. The opinions expressed in these materials are not necessarily those of the Federal Government, California Department of Social Services, the Judicial Council or the Administrative Office of the Courts. Permission is granted to nonprofit institutions to reproduce and distribute for educational purposes if the copies credit the Administrative Office of the Courts, Center for Families, the Children & the Courts, Tribal Projects Unit.

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Judicial Council of California

Administrative Office of the Courts

Center for Families, Children & the Courts

Attn: Indian Child Welfare Project

455 Golden Gate Avenue

AGENDA

- I. Welcome and Introductions
Initialing competencies and learning objectives
- II. Self Assessment
- III. 30 years later...
- IV. “Continuing the Dialogue” Video
- V. What attorneys and judges should expect regarding the active efforts requirements of ICWA, how would active efforts differ between an ICWA and non-ICWA case?
- VI. Break
- VII. The law
- VIII. Requirements revisited
- IX. Case Plans
- X. Role of each stakeholder in providing active efforts
- XI. Examples of active efforts
- XII. Highlighting practices in other jurisdictions
- XIII. Wrap up and next steps

COMPETENCIES AND LEARNING OBJECTIVES

✘ Please read the competencies and learning objectives for this module.

1. Identify by initialing which competency and/or learning objectives are most important for you to learn today.
2. Is there anything else that you would like to be covered that isn't listed?

Competencies

___C.1: The participant develops an understanding of active efforts as defined by ICWA, tribal tradition and California law across the continuum of culturally appropriate service provision including prevention, concurrent planning and permanency options, participatory case planning, placement and permanence.

___C.2: The participant develops an understanding of the role of participants in the probate, family and juvenile court processes, such as judicial officers, attorneys and tribal and agency social workers in providing active efforts to tribal families on a case by case basis.

Learning Objectives:

Knowledge

___K.1: The participant understands the ICWA, and the relevant sections of the California Family, Probate, and Welfare and Institutions Codes, and the Rules of Court.

___K.2: The participant understands what it means for active efforts to be made across the continuum of service provision “in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child’s tribe” (W&I 361.7).

___K.3: The participant understands the identification and delivery of appropriate services comprising active efforts for each Indian child and family coming before the juvenile, probate and family court.

___K.4: The participant understands the unique components of concurrent planning, placement and case planning for an Indian child and family.

___K.5: The participant understands the role of participants in the probate, family and juvenile court processes, such as judicial officers, attorneys, tribal representatives, social workers and court appointed special advocates in all aspects of providing services to Indian children and their families.

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____K.6: The participant will understand the make-up of the Indian family, including the extended family, as defined by tribes, as well as the potential for identification of those who may play a significant role in the planning for the child and the achievement of permanence.

Skill

____S.1: When given a case scenario the participant will be able to make appropriate inquiries as to active efforts that have been made or should have been made, and make recommendations for additional active efforts.

____S.2: When given a case scenario the participant will be able to responsibly consider if the letter and intent of the ICWA have been followed.

____S.3: The judicial participant will demonstrate an ability to make appropriate and thorough findings regarding active efforts consistent with the evidence presented.

____S.4: The non-judicial participants will demonstrate an ability to responsibly advocate for adherence to the active efforts requirement.

Value

____V.1: The participant will appreciate the long-lasting connection between Indian people and their tribes, culture and communities, and the historical, statutory and case law framework enforcing the rights of the child and the tribe to identifying and appropriately maintaining that inherent connection.

____V.2: The participant will value the role of the court process in respecting the intent of the ICWA and adhering to the letter of the Law “in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child’s tribe”.

CONTINUING THE DIALOGUE: ICWA Self Assessment Quiz

1. How many tribal courts are there in U.S? Over
 - a. 10
 - b. 50
 - c. 300
 - d. 500

2. In 1977 the American Indian Policy Review conducted research regarding the number of Indian children more likely to be in foster care or adopted by non-tribal families than their Caucasian counter parts.
 - a. 120% more likely to be adopted and 50% more likely to be in foster care
 - b. 240% more likely to be adopted and 100% more likely to be in foster care
 - c. 500% more likely to be adopted and 150% more likely to be in foster care
 - d. 840% more likely to be adopted and 270% more likely to be in foster care

3. In 1840 there were 200,000 Indians in California in 1870 there were
 - a. 12,000
 - b. 24,000
 - c. 85,000
 - d. 100,000

4. Membership in a tribe is determined by
 - a. The Federal Government
 - b. The tribe
 - c. The individual person
 - d. The State Court

5. How many years after 1851, when 18 treaties were signed by the Indians of California and Federal Government reserving 7.5 million acres for the Indians, were the tribes notified that the treaties had not been ratified?
 - a. Never
 - b. 10 years
 - c. 50 years
 - d. 100 years

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6. Instead of receiving the 7.5 million acres reserved for the Indians in the 1851 treaties, how many acres did they receive?
 - a. .5 million
 - b. 1.5 million
 - c. 4.5 million
 - d. 7.5 million

7. Which statement below does not describe the philosophy of the Bureau of Indian Affairs (when it was part of the war department)?
 - a. Strip the Indian away and save the child
 - b. Tradition is the enemy of progress
 - c. You can be educated or Indian but you can't be both
 - d. Indian tradition should be preserved

8. The BIA relocated 60-70,000 Indians to San Francisco and Los Angeles, now over what % of California's Indian population traces their native ancestry to tribes outside of California?
 - a. 10%
 - b. 30%
 - c. 50%
 - d. 70%

9. In 1870 the 15th amendment to the U.S. Constitution affirmed voting rights for emancipated slaves. In what year was the passage of the Federal Citizenship Act that granted Indians the right to vote most for the first time?
 - a. 1870
 - b. 1900
 - c. 1924
 - d. 1963

10. There are over how many federally recognized tribes in California?
 - a. 60
 - b. 80
 - c. 100
 - d. 130

THE LAW REGARDING ACTIVE EFFORTS AND COURT ENFORCEMENT

ICWA 25 USC § 1912 (d)

(d) Remedial services and rehabilitative programs; preventive measures

Any party seeking to effect a foster care placement of, or termination of parental rights to, an Indian child under State law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful.

In order to prevail on petition for termination of parental rights in case involving Indian children, Department of Human Services must affirmatively establish by clear and convincing evidence that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent breakup of Indian family and that such efforts proved unsuccessful. [In re Annette P., Me.1991, 589 A.2d 924. Indians ↪134\(4\)](#)

Trial court properly applied beyond reasonable doubt standard in determining whether State had made active efforts through remedial services and rehabilitative programs to prevent breakup of Indian family, as required by Indian Child Welfare Act, in action to terminate mother's parental rights; although trial court failed to refer to beyond reasonable doubt standard in its finding concerning remedial services, it used that standard in other findings. [People in Interest of E.M., S.D.1991, 466 N.W.2d 168. Indians ↪134\(4\)](#)

Evidence consisting of testimony of social worker who was in contact with American Indian mother on a monthly basis that mother had no interest in pursuing goal of reuniting with her children supported finding that county's social welfare efforts to avoid a family breakup were "active" as required by the Indian Child Welfare Act. [Matter of Welfare of T.J.J., Minn.App.1985, 366 N.W.2d 651. Indians ↪134\(4\)](#)

Evidence supported finding, in Child in Need of Aid (CINA) proceeding for termination of father's parental rights respecting his Indian children, that reasonable efforts had been made to reunite family and that those efforts had proven unsuccessful; father refused to follow examining psychiatrist's recommendations as outlined in treatment plan or cooperate in setting up alternative plan and father repeatedly denied having mental problems and resisted intervention of Department of Family and Youth Services (DFYS). [K.N. v. State, Alaska 1993, 856 P.2d 468. Indians ↪134\(4\)](#)

Foster care placement of half-Indian children was not subject to invalidation for failure to comply with provision of Indian Child Welfare Act requiring that state provide rehabilitative programs or remedial services to prevent breakup of Indian family where, after non-Indian mother's parental rights in children were terminated, two different home studies were conducted, neither of which recommended that children be placed with Indian father, state suggested service plan in which father was required to pay minimal amount of child support and to visit children to become

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acquainted with them, and father visited children only once during pendency proceedings. [Matter of S.C., Okla.1992, 833 P.2d 1249. Indians ↩️134\(2\)](#)

Drug and alcohol treatment program services, anger management and sex offender treatment services provided to Indian father, whose parental rights were being terminated, were appropriate and there was thus no violation by administrative agency of Indian Child Welfare Act section requiring offering of remedial services and rehabilitation programs designed to prevent breakup of Indian family. [State ex rel. Juvenile Dept. of Multnomah County v. Woodruff, Or.App.1991, 816 P.2d 623, 108 Or.App. 352. Indians ↩️134\(2\)](#)

Even if Indian Child Welfare Act applied to children who were subject of proceeding to terminate parental rights, record and trial court's findings were sufficient to satisfy requirement of Act that state prove beyond a reasonable doubt that continued custody of children by natural mother was likely to result in serious emotional or physical damage to children and that efforts had been made to provide remedial services and rehabilitative programs designed to prevent breakup of Indian family and that those efforts proved unsuccessful. [In re Smith, Wash.App. Div. 1 1987, 731 P.2d 1149, 46 Wash.App. 647, review denied. Indians ↩️134\(4\)](#)

Within purview of subsec. (d) of this section governing preventive measures in awarding custody of Indian child, "to effect" language refers to legal proceedings required to accomplish foster care placement of, or termination of parental rights to Indian child, not to act of taking physical custody of child. [State ex rel. Juvenile Dept. of Multnomah County v. Charles, Or.App.1984, 688 P.2d 1354, 70 Or.App. 10, review allowed 693 P.2d 48, 298 Or. 427, review dismissed 701 P.2d 1052, 299 Or. 341.](#)

In proceeding to determine child custody, where State pointed to testimony peppered throughout hearing that indicated that some remedial efforts had been made to prevent breakup of Indian family which were arguably unsuccessful, diffuse evidence to which State pointed did not amount to affirmative showing that active efforts had been made to provide remedial services and rehabilitative programs to prevent the breakup of the Indian family and that those efforts had been unsuccessful as required by this section. [State ex rel. Juvenile Dept. of Multnomah County v. Charles, Or.App.1984, 688 P.2d 1354, 70 Or.App. 10, review allowed 693 P.2d 48, 298 Or. 427, review dismissed 701 P.2d 1052, 299 Or. 341. Indians ↩️134\(4\)](#)

Finding in state adoption proceeding, that active efforts were made to provide remedial services and rehabilitative programs as required under Indian Child Welfare Act, was supported by evidence that natural parents failed to show any interest whatsoever in child and natural mother removed child from state making remedial or rehabilitative programs futile. [C.E.H. v. L.M.W., Mo.App. W.D.1992, 837 S.W.2d 947, rehearing and/or transfer denied. Indians ↩️134\(2\)](#)

Bureau of Indian Affairs: Guidelines for State Courts; Indian Child Custody Proceedings Federal Register Vol. 44, No. 228 Monday, November 26, 1979 pg. 67584 et seq.

(Adapted from "Bench Handbook. The Indian Child Welfare Act, Administrative Office of the courts 2008)

D.2. Efforts To Alleviate Need To Remove Child From Parents or Indian Custodians

Any party petitioning a state court for foster care placement or termination of parental rights to an Indian child must demonstrate to the court that prior to the commencement

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of the proceeding active efforts have been made to alleviate the need to remove the Indian child from his or her parents or Indian custodians. These efforts shall take into account the prevailing social and cultural conditions and way of life of the Indian child's tribe. They shall also involve and use the available resources of the extended family, the tribe, Indian social service agencies and individual Indian care givers.

D.2. Commentary

This section elaborates on the meaning of "breakup of the Indian family" as used in the Act. "Family breakup" is sometimes used as a synonym for divorce. In the context of the statute, however, it is clear that Congress meant a situation in which the family is not willing or able to care for the child in a manner that is unlikely to endanger the child's emotional or physical health. It envisions that efforts will be made to assist that family to be able to provide the child with a safe environment prior to, and instead of, the need for removal.

This section also recommends that the petitioner take into account the culture of the Indian child's tribe and use the resources of the child's extended family and tribe in attempting to help the family function successfully as a home for the child. The term "individual Indian care givers" refers to medicine men and other individual tribal members who may have developed special skills that can be used to help the child's family succeed.

Section 1912 (d) requires active efforts to **prevent** the breakup of the Indian family, in addition to active efforts to reunify once the family has been broken up. Although the Guidelines are not binding upon state courts, the California Courts have held that they are entitled to considerable weight as they represent the interpretation of the law by the relevant agency. The Guidelines are the clearest place that says that the petitioner must demonstrate to the court that "**prior to the commencement of the proceeding** active efforts have been made to alleviate the need to remove the Indian child"....

§ 361. Limitations on parental or guardian control; right to make educational decisions; appointment of responsible adult; relinquishment of child; grounds for removal of child; placement; findings

(d) The court shall make a determination as to whether reasonable efforts were made to prevent or to eliminate the need for removal of the minor from his or her home or, if the minor is removed for one of the reasons stated in paragraph (5) of subdivision (c), whether it was reasonable under the circumstances not to make any of those efforts, or, **in the case of an Indian child custody proceeding, whether active efforts as required in Section 361.7 were made and that these efforts have proved unsuccessful.** The court shall state the facts on which the decision to remove the minor is based.

(e) The court shall make all of the findings required by subdivision (a) of Section 366 in either of the following circumstances:

(1) The minor has been taken from the custody of his or her parent or guardian and has been living in an out-of-home placement pursuant to Section 319.

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(2) The minor has been living in a voluntary out-of-home placement pursuant to Section 16507.4.

§ 361.7. Termination of parental rights or involuntary placement of a child with Indian ancestry; standards

(a) Notwithstanding Section 361.5, a party seeking an involuntary foster care placement of, or termination of parental rights over, an Indian child shall provide evidence to the court that **active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful.**

(b) What constitutes active efforts shall be assessed on a case-by-case basis. The active efforts shall be made **in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child's tribe. Active efforts shall utilize the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers.**

(c) No foster care placement or guardianship may be ordered in the proceeding in the absence of a determination, supported by clear and convincing evidence, including testimony of a qualified expert witness, as defined in Section 224.6, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

2009 California Rules of Court

Rule 5.484. Placement of an Indian child (Fam. Code, § 177(a); Prob. Code, § 1459.5(b); Welf. & Inst. Code, §§ 361, 361.31, 361.7(c))

(c) Active efforts (Fam. Code, § 177(a); Prob. Code, § 1459.5(b); Welf. & Inst. Code, § 361.7)

In addition to any other required findings to place an Indian child with someone other than a parent or Indian custodian, or to terminate parental rights, the court must find that active efforts have been made, in any proceeding listed in rule 5.480, to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and must find that these efforts were unsuccessful.

- (1) The court must consider whether active efforts were made in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe.
- (2) Efforts to provide services must include pursuit of any steps necessary to secure tribal membership for a child if the child is eligible for membership in a given tribe, as well as attempts to use the available resources of extended family members, the tribe, tribal and other Indian social service agencies, and individual Indian caregivers.

COMPILATION OF CALIFORNIA 2009 AND 2010 ICWA CASES

In re E.G. 170 CA 4th 1530 [3rd Dist. – Scotland] Sacramento 2/10/09 Mother appealed TPR based on failure of ICWA notice concerning alleged father's ancestry. Mother claimed possible heritage and notice was given as required. Alleged father appeared at next hearing and claimed possible heritage in Cherokee and Pomo tribes. Court ordered notice and both alleged fathers to participate in paternity testing. Agency failed to notice those tribes, but notices re mother resulted in negative responses. Test excluded the alleged father claiming heritage. Court found child was not an Indian child under the Act and after mother failed reunification, court terminated services and ordered TPR at the .26. HELD: AFFIRMED. An alleged father may or may not be the bio father; until bio paternity is established, his claims of Indian heritage do not trigger ICWA notice requirements since *absent a biological connection*, child cannot claim heritage through him.

In re K.B. 173 CA 4th 1275 [4th Dist. –McKinster] Riverside 5/13/09 In an unpublished opinion, the appellate court reversed the Termination of Parental Rights (TPR) and remanded the case for the limited purpose of compliance with ICWA notice requirements. The children were found to be within the Act; the tribe intervened, but did not assert jurisdiction, and ultimately supported the TPR and the plan for adoption by the children's current foster parents (father was a member of a different tribe.) At the new TPR, the parents requested the court to vacate all prior orders because the court had failed to find previously that “active efforts” had been made to prevent the breakup of the Indian family prior to removal at dispo. The juvenile court found there was no reasonable possibility that had those provisions been applied the results would have been different. (Harmless error analysis under *In re S.B.* (2005) 130 CA 4th 1148.) ICWA procedure followed and TPR ordered. Parents appealed. HELD: AFFIRMED. (1) Failure to comply with ICWA does not deprive the court of jurisdiction to enter dispo orders. (2) The court's finding that the Active Efforts requirements had been satisfied was correct. (3) Active efforts were made to find appropriate family members with whom to place the children; but the parents did not challenge the current placement.

In re N.M. 174 CA 4th 328 [3rd Dist. – Raye] Sacramento 5/27/09 Through her father, the child was determined to be eligible for membership in the Round Valley Indian Tribes which participated. The ICWA expert concluded there was clear and convincing evidence that placement was warranted, but urged the social worker to try to find a relative, extended family or an Indian home. The paternal grandmother (P.M.) indicated an interest in placement. The half sibling was also in care and both children were being considered for placement with a foster family in Arkansas in which the sibling had been previously placed. P.M. was rejected for placement due to her husband's criminal record and the denial of the request for an exemption. Both the social worker and the ICWA

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expert agreed that the sibling relationship should be maintained, and reported the Tribes would not intervene and would not object to adoption by the Arkansas family. P.M. then said she had divorced her husband and purchased a home and sought placement of both children with her. The father of the half sibling then appeared and sought placement of his child, which was ultimately granted. . At the .26 hearing for N.M. the agency recommended termination of parental rights and placement with P.M. who resided in Oregon. Her home was approved by Oregon ICPC. The child was still placed with Y.C. who wanted to adopt. The ICWA expert and the tribe agreed on a guardianship with P.M. and there was a problem with Y.C. adopting at that time. At the .26, the court heard testimony, and concluded that both the ICWA exception and sibling exceptions applied, and appointed Y.C. as guardian. The court found there was good cause to deviate from the tribal placement preference, the ICWA expert and the agency. The father appealed, arguing that the evidence did not support the finding of good cause HELD: AFFIRMED. (1) The issues of fact and credibility are for the juvenile court alone, and it found Y.C. to be credible, and P.M. much less so. (2) The statute requires that if the tribe recommends guardianship as the “preferred permanency plan,” the court is bound by that decision. (3) If the tribe recommends a placement, the court must find good cause in order to deviate from that preference. Substantial evidence supported the finding.

In re S.B. 174 CA 4th 808 [2nd Dist. – Epstein] L.A. 6/3/09 Third appeal in this case—all based on ICWA notice requirements. In the second .26 hearing the court asked the attorneys for the parents to review the notices and voice in any objections. There was a two month continuance to permit the mother's attorney to conduct the review. At the continued hearing in the attorney for the father stated he had no legal objections to the notices. The attorney for the mother stated she was not an expert on ICWA and could not make the assessment. The court stated it wasn't seeking her opinion, mere whether or not she had an objection. She said “Not that I know of, no.” TPR and appeal arguing failure of the file to contain all required documents. HELD: AFFIRMED. (1) Notwithstanding missing documents, there was sufficient evidence that notices were mailed and most received. (2) ***An attorney practicing dependency law.... should be sufficiently familiar with ICWA notice requirements to point out a flaw in notice if there is one—especially when specifically asked to do so.*** (3) *In re Justin S.* (2007) 150 CA 4th 1426 observed that trial counsel rarely bring ICWA notice deficiencies to the attention of the juvenile court. The job is routinely left to appellate counsel for the parent. (4) The practice ignores the importance to the child for permanence as soon as possible.

In re T.S. 175 CA 4th 1031 [3rd Dist. – Sims] Sacramento 7/14/09 After a long dependency and many services, the court set the .26 hearing. The child was an Indian child through the Pit River tribe which intervened and had appeared at all hearings. The tribe passed a resolution for placement in the home of maternal cousins, who were willing to adopt, but the tribe recommended guardianship. The ICWA expert reported and testified that active efforts had been made to provide appropriate services and that

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the child would suffer serious emotional or physical damage if returned to the parents, but recommended g-ship to allow future opportunities to reunify as an Indian family. The cousins had assumed guardianship of three other cousins, but both cousins had criminal records. The wife's record was not serious, but the husband had multiple (and fairly recent) convictions for drugs, weapons, theft, violence and D.V. The agency referred the issue to waiver to the Kinship Unit, which ultimately declined to approve the placement. The Tribe continued to recommend g-ship with the cousins as they had demonstrated their ability to provide a safe, nurturing home and had been approved for placement in the past. The ICWA expert also supported the g-ship, urging the importance of the ongoing connections with the Indian child's family and tribe. A potential adoptive placement had been identified, in which one of the parents was a member of the tribe, and other Indian families had also been identified, although not necessarily affiliated with the Pit River Tribe. At the hearing, the mother urged the §366.26(c)(1)(B)(vi)(II) exception [Indian child; detriment to TPR due to ID of g-ship by the child's tribe.] The court ordered TPR and the father appealed, arguing that the tribal recommendation exception required the court to order guardianship. Also claimed ineffective assistance of counsel for failure to argue the exception based on substantial interference with the child's tribal connection (§366.26(c)(1)(B)(vi)(I),) and failure to alert the court of the Department's duty to seek an exemption. HELD: AFFIRMED. (1) The juvenile court is not obligated to adopt the permanent plan designated by the child's tribe without conducting an independent assessment of detriment. (2) However, the legislature did not intend to preclude the court from ordering a plan of adoption when a tribe has identified another plan—if it had intended that result, it would have added that provision to §366.26 (c)(2) which sets forth circumstances in which the court shall not order TPR. (3) The Court acknowledges the ICWA expert's explanation of the preferred plan of g-ship in the tribal interest in preserving the child's connection to his or her family and Tribe. However, the parents in this case had stopped visiting the child and as there were not family or tribal members found appropriate for placement, there was not basis to believe that g-ship would be more likely to achieve those goals that adoption by an Indian family. **Note: In the unpublished portion of the opinion, the court rejected the claim of ineffective assistance of counsel since a more favorable result would not have been reasonably probable.**

In re Melissa R. 177 CA 4th 24 [1st Dist. – Siggins] Alameda 8/27/09 After a long history, several returns of custody and subsequent petitions, the now 20 year old dependent with severe developmental disabilities was residing in a group home, doing well, and under the care of the Regional Center. The court dismissed dependency and ordered continued residence in the group home under the Lanterman Act. The mother, who sought return of her daughter, appealed and sought reversal based on lack of compliance of ICWA. The mother had informed the agency in 2006 of Cherokee ancestry, but all reports stated that ICWA did not apply and there were no notices. HELD: AFFIRMED. Although error, the issue is moot. (1) Reversal to direct compliance is not an option. (2) ICWA applies when an "Indian child" is the subject of a child

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custody proceeding. (3) Melissa is 20 year old and can no longer be an Indian child under the Act.

In re G.L. 177 CA 4th 683 [4th Dist. – Irion] San Diego 9/9/09 Father was an enrolled member of the Viejas Band of Mission Indians, so child came within the Act. DV and an injury to the child on May 6, 2008 led to petition and at detention hearing whereabouts of child and parents were unknown, although it was later learned the child was with Mary, the paternal grandmother. On May 22, 2008 the parents officially transferred temporary custody of the child to Mary, and to Amber, the paternal aunt as the Indian custodians. Designation of Indian Custodian forms were signed. At juris., the child and Mary were present; petition sustained and child taken into protective custody. Dispo report on July 10 had the forms and a letter from the tribe stating its preference for placing the child with Amber on the reservation. The agency recommended placement in an Indian-approved foster home, but not w/Mary or Amber because Mary's background check revealed a conviction and Amber did not want to care for the child. Continued hearing—tribal counsel argued that since Mary was the Indian Custodian at the time of the petition, any removal would have to be from her. Court appointed counsel for Mary and continued the matter. At next hearing the mother filed “Revocation of Designation of Indian Custodian.” Child placed in an Indian foster home; not approved by the tribe. ICWA followed; expert testified re active efforts and recommended removal based on great risk of serious harm. Testimony given by Mary and the mother and court then declared dependency, removed from parents and declined to place with Mary based on her lack of insight re the father's role in DV etc. Found present placement qualified as an Indian foster home. Father appealed arguing error in failure to notice Mary as Indian Custodian and in declining to place w/her under ICWA's placement preferences. HELD: AFFIRMED. (1) ICWA defines Indian Custodian as any Indian person w/legal custody of the child under tribal law or custom or state law, or to whom temporary care, custody and control has been transferred by the parent. (2) Such persons have rights under Indian custom that ICWA protects, including the right to protect the parental interests of the parents. (3) An Indian custodian stands in the shoes of the parents and enjoys favored status under ICWA and is entitled to the protections of the Act, including notice. (4) Rejection of Agency contention that the status should require consideration of nature, frequency and duration of contacts; would perpetuate one of the problems Congress sought to remedy. (5) Because neither the court nor the agency knew of the custodian status and only Mary could have communicate that info, no error in failure to notice at that time. (6) Once informed, agency needed to notice Mary so she could intervene and request appointment of counsel; no reason provided for that failure. (6) However, between the time the agency learned of that, and the revocation, there was no hearing that had an adverse impact on Mary's rights. (7) The revocation by the mother was effective to terminate the status even absent revocation by the father. (8) BUT—even if error—it was harmless. (9) ICWA 25 U.S.C. §1915 provides that absent good cause, preference must be given to a placement with (i) a member of the extended family of the child; (ii) a foster home approved or specified by the tribe; (iii) an Indian

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foster home licensed or approved by a non-Indian authority; or (iv) an institution approved by a tribe or operated by an Indian organization suitable to meet the needs of the child. (10) Good cause finding requires consideration of factors in the Guidelines: (a) request of parents; (b) request of child; (c) extraordinary needs of child as established by a qualified expert; and (d) the unavailability of suitable families after a diligent search to meet the preference criteria. (11) There was substantial evidence to support court finding of good cause: Mary unable to protect; little or no insight into effects of DV and her denial that father was violent toward mother and blamed mother.

In re Damian C. 178 CA 4th 192 [4th Dist. – McConnell] San Diego 10/8/09 Father did not provide any suggestion of Indian ancestry, but mother stated on “Parental Notification of Indian Status”(ICWA-020 form) that she might have Indian ancestry through the Pasqua Yaqui tribe and that maternal grandfather descended from the tribe. S.W. reported agency’s ICWA noticing specialist interviewed the maternal GF who answered NO to 5 questions: Any family member (1) lived on reservation; (2) ever received aid from tribe; (3) speak Native American language; (4) active in tribal activities such as tribal council, etc. (5) member of a tribe or enrolled member in a tribe. Also said he had heard his father was either Yaqui or Navajo and understood family was researching possible heritage. Did not know his father’s address or phone number. Court found ICWA did not apply and proceeded to juris. and dispo. Mother appealed. HELD: REMANDED for compliance with ICWA notice requirements. (1) Agency argued that Jan. 1, 2007 amendments to W&IC revealed a purpose to change California law to conform to less stringent federal notice standards. Court rejects this argument. (2) Neither text of legislation nor legislative history indicates intention to undermine Calif. courts’ past interpretations of ICWA notice requirements. (3) W&IC § 224.2(b) restates requirement for notice whenever known or reason to know an Indian child is involved. (4) §224.3 imposes affirmative and continuing duty to inquire. §224.3(b)(1) states circumstances that may provide reason to know and includes when a family member provides information suggesting membership or eligibility. (5) Agency had reason to know child is an Indian child. *Yaqui and Navajo tribes to be notified; if determined that act applies, tribe, parent or child may petition the court to invalidate dispo placement; otherwise juris. and dispo findings and orders stand.*

In re J.O. [2nd Dist. – Manella] 178 CA 4th 139 L.A. 10/7/09 Appellate Court remanded with order to recognize appellant as presumed father, who claimed Indian ancestry. “Because the court did not consider appellant ... presumed father, it did not inquire about possible Indian ancestry on [his] side.” **Note: ICWA requires consideration of ICWA application if a bio father claims ancestry.**

V. WHAT IS THE ACTIVE REMEDIAL EFFORTS REQUIREMENT?

A. [§3.7] IN GENERAL

Any party seeking an involuntary foster care placement or termination of parental rights involving an Indian child must satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful. 25 USC §1912(d); Welf & I C §§361(d), 361.7, 727.4(d)(5)(D); Cal Rules of Ct 5.484(c). This requirement applies regardless of whether the child's tribe has intervened in the proceeding. *In re Jonathon S.* (2005) 129 CA4th 334, 339, 28 CR3d 495. The standard of proof on this issue is clear and convincing evidence, not proof beyond a reasonable doubt even for the termination of parental rights. *In re Michael G.* (1998) 63 CA4th 700, 710–712, 74 CR2d 642. The standard is higher than the finding of “reasonable efforts” needed for a non-Indian child.

B. [§3.8] WHAT EFFORTS MUST BE MADE?

The BIA guidelines specify that the active remedial efforts must take into account the prevailing social and cultural conditions and way of life of the child's tribe and must also involve and use the available resources of the child's extended family, the tribe, Indian social service agencies, and individual Indian caregivers. Welf & I C §361.7(b); see Guidelines for State Courts; Indian Child Custody Proceedings, 44 Fed Reg 67584 (Nov. 26, 1979), §D.2. The active remedial and rehabilitative efforts must be directed at remedying the basis for the parental removal proceedings; therefore, the type of services required depends on the facts of each case. Welf & I C §361.7(b); *In re Michael G.* (1998) 63 CA4th 700, 713, 74 CR2d 642. Active efforts to provide services must include attempts to use the available resources of extended family members, the tribe, Indian social service agencies, and individual Indian caregivers. Welf & I C §361.7(b); Cal Rules of Ct 5.484(c).

There is no bright-line test for determining active efforts. The California appellate courts have compared the active-efforts requirement with the dependency determination of reasonable efforts under Welf & Inst C §361(d). “It has been said that ‘the standards in assessing whether “active efforts” were made to prevent the breakup of the Indian family, and whether reasonable services under state law were provided, are essentially undifferentiable.’” *In re S.B.* (2005) 130 CA4th 1148, 1165, 30 CR3d 726, quoting *In re Michael G., supra*, 63 CA4th at 714; see also *Letitia V. v Superior Court* (2000) 81 CA4th 1009, 1016, 97 CR2d 303. But the efforts must be clearly documented, and failure to provide full services to which a family may be entitled can result in a reversal. *In re Michael G., supra*, 63 CA4th at 715 (parents received 10 months of services rather than the 12 months to which they were entitled; case reversed even though there was little hope of reunification).

Active efforts include attempts to preserve the parent-child relationship regardless of the strength of the parent-child relationship or interaction. *In re Crystal K.* (1990) 226 CA3d 655, 667, 276 CR 619 (parents never had physical custody). Active efforts, however, need not relate directly to parental rehabilitation. Attempts to find the parent to provide rehabilitation services may be sufficient. *In re William G.* (2001) 89 CA4th 423, 428, 107 CR2d 436. But active efforts must be aimed at remedying the basis for removal of the child or termination of parental rights. *In re Crystal K., supra*, 226 CA3d at 667.

TIP: Active efforts should begin before the social worker or probation officer (in delinquency cases where the child is at risk of entering foster care) has filed a petition or removed the child. When you make the finding that active efforts were made and were unsuccessful, you are concluding that efforts were made to prevent the breakup of the Indian family and that attempts were made to preserve the parent-child relationship.

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The active-efforts requirement does not mean that reunification services must be provided for a child when it would be futile to do so. For example, a court may properly deny reunification services to a parent, or guardian or Indian custodian, based on one or more of the grounds set forth in Welf & I C §361.5(b), without violating 25 USC §1912(d). *Letitia V. v Superior Court*, *supra*, 81 CA4th at 1015–1016 (court need not undertake idle acts to prevent breakup of family). See *In re William G.*, *supra*, 89 CA4th at 428 (parent who repeatedly refused reunification services and failed to appear in proceedings was not entitled to reunification services once he appeared).

C. [§3.9] ACTIVE EFFORTS AND REASONABLE EFFORTS FINDINGS

The “active efforts” finding can be distinguished from the reasonable efforts finding in that the remedial and rehabilitative programs must consider the prevailing social and cultural conditions and way of life of the child’s tribe. Welf & I C §361.7(b); BIA Guidelines, D.2; Cal Rules of Ct 5.484(c). All available resources should be used, including the extended family, the child’s tribe, and Indian social services. See §3.13. Although the ICWA does not provide a standard of proof, case law as noted above provides that you must make the “active efforts” finding by clear and convincing evidence. *In re Michael G.* (1998) 63 CA4th 700, 712, 74 CR2d 642.

The finding in California law at a detention hearing when a child has been removed is “Upon review of the detention report, reasonable efforts have been made to prevent or eliminate the need for removal of the child from his or her home and these efforts have proved unsuccessful.” This finding can be adapted in ICWA cases to, “Upon review of the case plan and court report, the court finds by clear and convincing evidence that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and these efforts have proved unsuccessful.” See Welf & I C §§361(d), 361.7(a). You must make both findings.

At subsequent review hearings up through the permanency hearing (the hearing where the court terminates reunification services and sets the .26 hearing) for as long as the child is in reunification, the “reasonable efforts” finding is, “Upon review of the case plan and court report, the agency has complied with the case plan by making reasonable efforts to make it possible for the child to safely return home and to complete whatever steps are necessary to finalize the permanent placement of the child.” This finding can be adapted in ICWA cases as, “Upon review of the case plan and court report, the court finds by clear and convincing evidence that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and these efforts have proved unsuccessful.” Again both findings must be made.

D. REVIEWING CASE PLANS

1. [§3.10] Importance of Monitoring Case Plans Involving Indian Children

Part of the court’s duty in periodically reviewing the status of every dependent and delinquent child in foster care is to monitor and review the case plan. This is so the court can determine the continuing need for and appropriateness of the placement and the agency’s compliance with the case plan in making active and reasonable efforts to return the child home (see discussion at §§3.7, 3.8) and concurrent planning for permanent placement. Welf & I C §§366(a)(1)(B), 706.5, 706.6. This duty takes on added importance when the ICWA applies to the child because cultural considerations and the interests of the child’s tribe must be accounted for in the case planning.

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The key elements of the case plan for a child to which the ICWA applies and what you should be looking for are discussed below. A checklist of these elements that you can copy is provided in Appendix A.

2. [§3.11] Deadlines

The deadlines for preparation and updating of case plans do not change for a child subject to the ICWA. In general a case plan must be prepared within 30 days for dependency cases and within 60 days for delinquency cases from removal from the home or by the date of the dispositional hearing, whichever occurs first. Welf & I C §§636.1, 16501.1(d). Although there is no legal consequence of failing to meet this deadline, it does delay the process of reunification and permanency planning.

The case plan prepared and submitted at disposition and review hearings must be updated in conjunction with every court review hearing, permanency hearing, and termination of parental rights hearing, but no less frequently than every six months.

One additional element to look for in reviewing updates to the plan is that it has been revised to account for the changing needs for services of the child and the family. The developing relationship between the child, parent, and tribe may be one cause of changing needs. Welf & I C §§366(a)(1), 16501(d).

3. [§3.12] Process

It is important for the court to know the process or method by which a case plan was created in a case to which the ICWA applies. Who participated in developing the plan and if the child's tribe, family, and Indian custodian, if there is one, were included should be ascertained and communicated to the court even if it is not evident from the report or recommendation.

Such participation helps to ensure that the case plan is culturally appropriate. ICWA workers, tribal representatives, and Indian health workers can help shape the case plan and ensure that it is culturally appropriate.

In California, the method used by most jurisdictions is some form of family group decision making. This method is particularly useful in ICWA cases, because it can foster relationships between the child, the family members, the social worker, the probation officer, and the child's tribe. It is through these relationships that communication, cooperation, and collaboration can lead to the formation of a successful case plan.

Although family decision making may look different from county to county, common elements may be:

- All family and tribal members who wish to be present are invited;

- The family can invite nonfamily who are part of their support network;

- A professional convenes the meeting and encourages the family and tribe to meet as a team; the professional may leave the room at some point to give the family and tribe privacy to discuss the case;

- The job of the family and tribe is to make decisions to stabilize the family crisis and create a plan to ensure the child is safe and cared for;

- The family presents and explains their plan to the professionals, who have veto power—consensus can usually be reached; and the court must ultimately decide whether to approve the plan.

4. [§3.13] Services

In ICWA cases, the court should review the services that are and have been offered as documented in the case plan to assure that the services offered are culturally appropriate and

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that the level of services offered meets the ICWA active-efforts requirement. See discussion at §§3.7, 3.8.

Some examples of general services that may be offered include transportation vouchers, visitation, medical and dental services (CHDP), and educational services for the child (nonpublic school or general curriculum). Examples of culturally appropriate services that may be offered include (1) tribal enrollment inquiries and following enrollment procedures for the child and family; (2) referrals to Indian Health Services for general medical and dental care, parenting classes and counseling or other mental health services; (3) referrals to Native American based substance abuse programs; (4) referrals to Native American placement agencies if the child has been removed from the home and cannot reside with family or be returned to the tribe; (5) referrals to a medicine person or traditional healer from the child's tribe or another tribe who is in the local area and can work with the family; (6) referral to and providing access to culturally appropriate events, for example, pow wows, exhibits, lectures, classes, and other groups; and (7) referral to the local tribal CASA program.

5. [§3.14] Placement

An important part of judicial review of the case plan when the ICWA applies is to be sure that any recommendation of foster care or preadoptive placement follows the statutory placement preference order (see discussion at §5.2) of the ICWA. The placement preference provision applies to all placements, including those made by the agency before the initial hearing, those made by the court at detention, disposition and permanent placement, and any removal from a placement to another placement.

The standard for evaluating whether a placement conforms to the placement preferences is the “prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties” 25 USC §1915(d); Welf & I C §361.31(f). It is not easy to follow this standard. The standard may require that the child's attorney and the judicial officer set aside their own values and judgments and view the case through the lens of the child's Indian community. An Indian home that has only one single working parent should not necessarily be disqualified as a placement and skipped in the preference priority. See Guidelines for State Courts; Indian Child Custody Proceedings, 44 Fed Reg 67584 (Nov. 26, 1979), §F.1, Commentary.

Three practical problems can arise in the placement review. First is the licensing issue—is the home approved or licensed by the tribe? Second, what if the tribe has approved the home, but a criminal records check for all household members over the age of 18 reveals that the state would not have licensed the home without obtaining a criminal records exemption. Third, is the Indian foster family receiving the title IV-E money to which it is entitled?

The ICWA authorizes Indian tribes to establish a system for licensing or otherwise regulating Indian foster and adoptive homes on or near tribal land. The ICWA states that tribal licensing or approval is equivalent to licensing or approval by a state. The authority to license or approve includes the authority to set standards. Therefore, tribes are not required to comply with state licensing or relative/nonrelative extended family member approval standards. Under ICWA's full faith and credit provision (25 USC §1911(d); Welf & I C §224.5), tribally approved or licensed homes are entitled to treatment similar to foster homes licensed by the state. Without clear communication between the child's tribe and the social services and probation that a given home has been approved or licensed by the tribe and an awareness on the part of social services and probation that they must defer to the child's tribe's home approval or licensure determination, a child can linger unnecessarily in a non-Indian foster or group home.

If the placement in a tribally approved home is to be funded using federal and state foster care funds, then any adult residing in the home is subject to a criminal records check. The tribes

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do not have access to the required information from the Department of Justice so these records checks are completed by the county social services department.

A tribe may request a waiver or exemption from either the county or the State Department of Social Services pursuant to Welf & I C § 361.4(d)(5), (f). The determination of whether to grant the waiver must be made in accordance with the ICWA's mandate to assess placement determinations in accordance with the prevailing social and cultural standards of the Indian community in which the parent or extended family resides. *In re Jullian B.* (2000) 82 CA4th 1337, 1347, 99 CR2d 241.

If the county will not license a tribally approved home because of a criminal conviction for a household member, but the conviction does not pose a safety risk to the child and therefore need not preclude placement, the court may request the county agency to consider exempting the fact that the family member has a criminal conviction. With an exemption, the Indian foster family is entitled to federal foster care maintenance payments for caring for the child.

ICWA CASE HYPOTHETICALS FOR ACTIVE EFFORTS DISCUSSION

1. Maria L. is 6 years old and lives with her mother in a rural area close to a medium sized city. Her mother, Carolyn L. is a member of an out-of-state tribe. A petition is filed alleging that Maria is being neglected, and Maria has been detained. Her kindergarten teacher reported that Maria has been absent more and more frequently and her mother has failed to pick her up regularly when she does attend. The mother, Ms L., has recently been laid off and has received an eviction notice from her landlord due to failure to pay her rent. Ms L. acknowledges that she has been depressed and has not taken Maria to school or picked her up because she cannot afford gas for her car. She has taken Maria with her to some temporary jobs. Maria describes being left alone frequently but has not been frightened because she knows that her aunt lives somewhere in the city and would help her.

At the detention hearing, the agency recommends continued detention based on the risk of serious neglect and the lack of means to protect her if she is returned home. Notice to the tribe has been prepared.

Have active efforts been made? What could have been done? What should have been done?

2. Johnny M., age 11, is taken into care and the petition alleging neglect and physical abuse is sustained. At disposition, the agency urges placement in foster care so that his

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medical needs will be met and his education advanced. The evidence reveals that he has been living with his parents, his aunt and uncle, his grandparents and 4 cousins in a small 2 bedroom apartment. Both his mother, Margaret M. and his uncle appear to be alcoholics, both of whom have struck Johnny on several occasions, leaving bruises. His grandparents are aged and unable to care for themselves. The family participates regularly in tribal ceremonies and utilizes the services of individual tribal members who are believed to have developed special medical and educational skills. Johnny is very unhappy away from his family, but his health appears to have improved in foster care, and he is now at grade level.

Should the court apply ICWA? What additional evidence or information should have been obtained? Should the court find that active efforts have been made? Have tribal child-rearing practices been considered? Are there means to return him safely home?

3. The case has been set for a .26 hearing. Twins Freddy and Frieda B., aged 2, were removed at birth when they and their mother tested positive for methamphetamines. The whereabouts of their father, Daniel B., is unknown, but he was recently working in the Fresno area. The children are placed in a foster-adopt non-Indian home. Reunification services were ordered and the mother, Donna B., visited often, attended several parenting classes and enrolled in a drug treatment program but did not complete it. She states that she had difficulty arranging for transportation and is trying to find a job. She has been estranged from other family members, but her own mother has recently come forward to request placement of the twins with her. She also reports that her mother (the great grandmother of the twins) was a tribal member. The agency has sent a notice to the tribe, which has responded stating that more information is needed, but there is reason to believe the children are eligible for membership, as is their mother. The agency urges the court to find that ICWA does not apply and proceed with the hearing, or proceed under the Act and free the children for adoption by the current caretakers.

What additional evidence or information should have been or should now be obtained? If the court does apply the Act, can it make an active efforts finding? What steps should be taken to assure that active efforts are made?

ACTIVE EFFORTS VS REASONABLE EFFORTS

Any party seeking an involuntary foster care placement or termination of parental rights involving an Indian child must satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful. This requirement applies regardless of whether the child’s tribe has intervened in the proceeding. The standard is higher than the finding of “reasonable efforts” needed for a non-Indian child.

The Bureau of Indian Affairs guidelines specify that the active remedial efforts must take into account the prevailing social and cultural conditions and way of life of the child’s tribe and must also involve and use the available resources of the child’s extended family, the tribe, Indian social service agencies, and individual Indian caregivers. The active remedial and rehabilitative efforts must be directed at remedying the basis for the parental removal proceedings; therefore, the type of services required depends on the facts of each case.

Active efforts include attempts to preserve the parent-child relationship regardless of the strength of the parent-child relationship or interaction. Active efforts must be aimed at remedying the basis for removal of the child or termination of parental rights. Following the intent of this law means including the tribe at the earliest contact with the family and including them in all decisions. *(Adapted from “Bench Handbook: The Indian Child Welfare Act” Administrative Office of the courts 2008)*

Examples of Reasonable Efforts:	Examples of Active Efforts:
Giving contact information to a parent for parenting classes they could sign up for.	Signing up a client for parenting classes at a local Native American health center or TANF agency and arranging transportation to/from their classes.
Referring a client to medical, dental and mental health services through county providers.	Referring the family to the local Native American health center for medical, dental and mental health services.
Referring a youth that is acting out violently to an anger management group with county providers.	Speaking with youth violence prevention coordinators or anger management providers at a local Native American health center, Native American agency or youth's Tribe and finding a group time/class that works with the youth's schedule.

Advanced Indian Child Welfare Act (ICWA) – Active Efforts

<p>Arranging general counseling once a week with county mental health providers.</p>	<p>Finding a therapist at a local Native American agency, arranging a session that meets the needs of the family's schedule and asking the family if they want the Native American agency or their tribe to provide a traditional healer to work with.</p>
<p>Approving to occasionally attend family events, but not if potential for AWOL.</p>	<p>Asking the family if there are any important ceremonies or events in their family and/or tribe the child would like to participate in, arrange transportation and if potential for AWOL, coming up with a plan with the family and tribe for how the child will be supervised and avert potential for AWOL (tip: often it is the Tribe's ceremonies that are the key in healing a child(ren) and their family).</p>
<p>Social worker/probation officer creating a case plan for the family for the next court hearing.</p>	<p>Social worker/probation officer inviting the tribe/tribe's ICWA rep (via phone or in person) and the family to create a culturally appropriate case plan that is based on the family's needs and Tribe's childrearing practices/belief systems.</p>
<p>If a child is in juvenile hall and will not be released soon, but is in need of substance abuse services, referral to participate in the hall's substance abuse services.</p>	<p>If a child is in juvenile hall and will not be released soon, but is in need of substance abuse services, asking the child and family if they would like a traditional healer to work with the child, asking the child's Tribe or local Native American agency to assist in providing a traditional healer to work with the child, asking a substance abuse counselor at a local Native American agency to come into juvenile hall to provide substance abuse services with the child and getting permission from the hall to allow these providers to work with the child, and additional permission for the ability of the providers to utilize ceremonial methods if necessary (ie, burning sage/sweetgrass/cedar to create billows of smoke that can be a process of purifying before a session starts and/or throughout the session).</p>
<p>Providing materials on how the family can contact and sign up for TANF.</p>	<p>Helping a family sign up for California Native or Tribal TANF, finding out what services the TANF office the family will be a part of may have, signing up the family for the services through that office and keeping in regular</p>

Advanced Indian Child Welfare Act (ICWA) – Active Efforts

	phone/in-person contact with the Native TANF provider(s).
--	---

ROLES OF THE PARTICIPANTS

Using Wakeem’s story as a Framework what are the roles of each of these parties to ensure active efforts are made?

Judge

Tribe

Child’s Attorney

Parent’s Attorney

Social Worker

Probation Officer

CASA

Advanced Indian Child Welfare Act (ICWA) – Active Efforts

Therapist _____

Care giver _____

EXAMPLES OF CASE PLANS

Examples of Case Plans with NO Active Efforts:

- Case Findings sample language/No ICWA Findings language
- Actual Recommended Case Plan for Indian Mother/Indian Parent
- Actual Recommended Case Plan for Hispanic Father/Indian Parent
- Omitted Case Plan for 4 Indian Children

RECOMMENDED CASE FINDINGS:

It is respectfully recommended that the allegations of the Petition dated September 16, 2009, on behalf of the child(ren), _____, be sustained;

That the child(ren) be found to come, by a preponderance of evidence, within the provisions of the Welfare and Institutions Code Section(s) 300 (__,__,__);

That the child(ren) be declared a Dependent Child of the Juvenile Court with their care, custody, control and conduct under the supervision of the Human Service Department, Family Maintenance Program/Family Reunification Program, (identify one) or in the home of the mother/father/

relative/appointed caregiver;

That the child(ren) ____ be detained in the ____ Foster Home or _____ home pending suitable placement;

That support for said child(ren) while suitably placed shall be paid for from Human Service Funds for Care of Court Dependents unless the minor becomes eligible for public aid;

That the Human Services Department may authorize such medical, surgical, or dental care for the child(ren) by licensed practitioners as may from time to time appear necessary.

Advanced Indian Child Welfare Act (ICWA) – Active Efforts

SUGGESTED SAMPLE CASE FINDINGS: (ICWA language included)

It is respectfully recommended that the allegations of the Petition dated _____, on behalf of the child(ren), _____, be sustained;

That the child(ren) be found to come, by a preponderance of evidence, within the provisions of the Welfare and Institutions Code Section(s) 300 (____,____,____);

That the child(ren) be declared a Dependent Child of the Juvenile Court with their care, custody, control and conduct under the supervision of the Human Service Department, Family Maintenance Program/Family Reunification Program, (identify one) or in the home of the mother/father/

Indian Custodian;

That the court declare that the Indian Child Welfare Act does apply with respect to _____ (Indian child(ren) named) as the paternal/maternal side of the family provided documentation/information of Indian heritage and that the minor(s) is/are enrolled/registered/pending/eligible for membership with the _____ and is/are declared (an) Indian child(ren) as defined for purposes of applicability of the Act;

That the child(ren) ____ be detained in the ____ (licensed FFA) Emergency Foster Home or Tribally-approved Emergency Home of the _____ Tribe pending additional or suitable long-term placement as consistent with all applicable laws;

That support for said child(ren) while suitably placed shall be paid for from Human Service Funds for Care of Court Dependents unless the child(ren) become(s) eligible for public aid or other support is made available through the tribe and caregiver(s);

That the Human Services Department may authorize such medical, surgical, or dental care for the child(ren) by licensed practitioners as may from time to time appear necessary and appropriate.

{Note: this is only a small portion and only one sample of proposed language to be considered. Additional ICWA related finding language should be included, i.e. clear and convincing evidence, active efforts, expert witness, ICWA rights read and understood, etc.}

Advanced Indian Child Welfare Act (ICWA) – Active Efforts

NON ICWA COMPLIANT ACTUAL CASE PLAN FOR MOTHER (*Enrolled Tribal Member*):

1. That the mother accept and act upon a referral to Mental Health for psychological services;
2. That the mother cooperate with the social worker, accepting and acting on all referrals for further services, meeting regularly and apprising the worker of any change in circumstances, housing, employment, therapy, etc.;
3. That the mother will consistently, appropriately and adequately parent children and know age appropriate expectations;
4. That the mother engage in and complete a psychological evaluation and follow through on any and all recommendations for further treatment;
5. That the mother obtain and maintain a stable and suitable residence for herself and her children;
6. That the mother participate in a parenting classes at California Parenting Institute (CPI) for age appropriate parenting classes for her children;
7. That the mother stay free from illegal drugs and show her ability to live free from drug dependency by complying with all required drug testing;
8. That the mother participate in Drug Abuse Alternative Center (DAAC) for an assessment and follow through with all recommendations as deemed appropriate;
9. That the mother sign all consents for the release of information from all service providers (see example);

NON ICWA COMPLIANT RECOMMENDED CASE PLAN FOR FATHER

(*Hispanic Nationality*)

1. Same as mother's
2. “ “
3. “ “
4. “ “
5. “ “
6. “ “

Advanced Indian Child Welfare Act (ICWA) – Active Efforts

7. ‘ “
8. “ “
9. “ “
10. That the father follow all conditions of probation/parole conditions as evidenced by no further violations of probation.

NON ICWA COMPLIANT RECOMMENDED CASE PLAN FOR CHILD(REN):

(4 Children, No Plan Submitted)

Examples of a Culturally Appropriate Case Plan for Indian Parents and Indian Children that identifies Active Efforts:

- Recommended Case Plan for Mother
- Recommended Case Plan for Father
- Recommended Case Plan for Indian Children

RECOMMENDED CASE PLAN FOR MS. TS:

(Enrolled Tribal Member with _____ Tribe):

1. That TS participate in a joint case planning meeting between social worker and Tribal representatives (date) in order to solicit and identify culturally-appropriate services available through extended family members, Indian service providers, the _____ Tribe, and any other Tribal programs pertinent to her mental, medical, and spiritual health needs;
2. That TS will call (designate by what date) to schedule an appointment for a mental health assessment from United Indian Health Services and follow through with the recommended treatment plan as provided in the assessment/intake evaluation;

Advanced Indian Child Welfare Act (ICWA) – Active Efforts

3. *That TS cooperate with the acting social worker by accepting and acting on all referrals for all services as identified, meeting regularly and apprising the social worker of any change in circumstances related but not limited to housing, employment, therapy, etc.;*
4. *That TS will discuss with the social worker what expectations are required of her in order to appropriately and adequately parent her children according to their individual ages and specific needs, if any;*
5. *That TS accept all referrals to seek housing with her Tribe's _____ Tribal Housing Program specialist or to Sonoma County Housing Authority in order to obtain a stable and safe residence for herself and her children;*
6. *That TS participate in parenting classes such as New Beginnings Indian Parenting series offered at Sonoma County Indian Health Project, Ribbons Tribal Parenting offered at _____ Rancheria, or Traditional Swaddling by _____ at Yurok Tribe and as deemed age appropriate for her children;*
7. *That TS agree to visit her children for three hour supervised visits one time a week monitored by social worker or Tribal representative until children are transitioned to unsupervised visits between the children and their mother;*
8. *That TS refrain from using any and all illegal drugs and alcohol and demonstrate her ability to live free from drug dependency by complying with all required and random drug testing as deemed necessary by the social worker or drug and alcohol counselors;*
9. *That TS participate in a culturally-appropriate alcohol and drug assessment offered at Sonoma County Indian Health Project Behavioral Health, _____ Tribal TANF Program, or _____ Tribe, or DAAC and follow through with all recommendations as referred for residential, drop-in, day-treatment, or aftercare services;*
10. *That TS sign all consents for the release of information in order to exchange and discuss any pertinent information with all service providers as identified in her service plan for herself and her children.*

Advanced Indian Child Welfare Act (ICWA) – Active Efforts

RECOMMENDED CASE PLAN FOR MR. AP

(Hispanic Nationality)

1. *That AP be offered a culturally appropriate case plan as determined between the social worker and his children's ICWA Advocate/Tribal Representative;*
2. *That AP will follow through with a psychological evaluation at Southwest Clinica and follow through with the recommended treatment plan;*
3. *That AP discuss with the social worker what expectations are required of him in order to appropriately and adequately parent his children according to their individual ages and special needs;*
4. *That AP accept all referrals to seek housing with Sonoma County Housing Authority in order to obtain a stable and safe residence for himself and his children;*
5. *That AP participate in Indian parenting classes offered at Sonoma County Indian Health Project, Southwest Clinica or La Casa and as deemed age appropriate for his children;*
6. *That AP agree to visit his children for supervised visits one time a week monitored by social worker or Tribal representative until children are transitioned to unsupervised visits between the children and their father;*
7. *That AP participate in a culturally-appropriate alcohol and drug assessment offered at Southwest Clinica, Sonoma County Indian Health Project Behavioral Health, or Drug Abuse Alternatives Center (DAAC) and follow through with all recommendations as referred for residential, drop-in, day-treatment, or aftercare services;*
8. *That AP sign all consents for the release of information in order to exchange and discuss any pertinent information with all service providers as identified in his service plan for himself and his children.*
9. *That AP follow all conditions of probation/parole conditions as evidenced by no further violations of probation.*

Advanced Indian Child Welfare Act (ICWA) – Active Efforts

RECOMMENDED CASE PLAN FOR CHILD(REN):

Names and ages of all Indian children identified tribal affiliation:

1. *That (Child's name) continue to be current on his/her medical and dental examinations and immunizations as patients at _____ Indian Health Services*
2. *That _____ continue to participate in mental health counseling with _____ Ph.D, a Native American therapist or _____ LCSW/MSW or _____ title, at _____ Indian Health Project, Inc.;*
3. *That _____ participate in age appropriate weekly cultural education projects and activities prepared, directed, and documented by her/his family; Tribal representatives and other Indian service providers for the _____ tribal children;*
4. *That _____ be allowed to continue to visit with their extended families at a minimum of _____ hour(s) a week according to the families and the children's respective schedules supervised and monitored by the _____ department or their ICWA Advocate and/or Tribal representative;*
5. *That _____ be allowed to participate in other identified cultural or religious ceremonies as identified by either family and according to the children's and families respective schedules.*

PROMISING PRACTICES IN OTHER JURISDICTIONS

To learn more about practices in other Jurisdictions, below is a list of the people you can contact.

Sonoma County ICWA protocol

Butte County regarding Emergency Investigations

Lake County

LA County –

Tulare County

Riverside County TDM

Kings County –

Ancestral Chart -

ADVANCED INDIAN CHILD WELFARE ACT:

ACTIVE EFFORTS

-SUGGESTED LESSON PLAN-

4.0 HOUR TRAINING

Topic	Methodology	Learning Objective
Segment 1: 15 minutes Segment 1: Welcome, Introductions and acknowledgements, review of competencies and learning objectives	<ul style="list-style-type: none">▪ Lecture▪ Handout: Prioritization of Competencies and learning objectives PPT Slide 1-4	
Segment 2: 5 minutes Engagement of the participants in the historical context of ICWA and active efforts.	<ul style="list-style-type: none">▪ Self Assessment Quiz PPT Slide 5	V.1: The participant will appreciate the long-lasting connection between Indian people and their tribes, culture and communities, and the historical, statutory and case law framework enforcing the rights of the child and the tribe to identifying and appropriately maintaining that inherent connection.
Segment 3: 15 minutes Activity regarding the purpose of ICWA? Do the	<ul style="list-style-type: none">▪ Small Group Activity▪ PPT Slide 6	V.1: The participant will appreciate the long-lasting connection between Indian people and their tribes, culture and communities, and the historical, statutory and case law framework enforcing the

Topic	Methodology	Learning Objective
<p>participants think that it has a valuable purpose? If not why not? If so why? Do they think it is relevant today, 30 years later?</p>		<p>rights of the child and the tribe to identifying and appropriately maintaining that inherent connection.</p>
<p>Segment 4:</p> <p>“Continuing the Dialogue” Introduction to the historical context of ICWA</p> <p>25 minutes</p>	<ul style="list-style-type: none"> ▪ Video ▪ PPT Slide 7 	<p>K.6: The participant will understand the make-up of the Indian family, including the extended family, as defined by tribes, as well as the potential for identification of those who may play a significant role in the planning for the child and the achievement of permanence.</p> <p>V.1: The participant will appreciate the long-lasting connection between Indian people and their tribes, culture and communities, and the historical, statutory and case law framework enforcing the rights of the child and the tribe to identifying and appropriately maintaining that inherent connection.</p>
<p>Segment 5:</p> <p>15 minutes</p> <p>The requirements of ICWA regarding active efforts: How would an ICWA case</p>	<ul style="list-style-type: none"> ▪ Small Group Activity PPT Slide 10 	<p>K.2: The participant understands what it means for active efforts to be made across the continuum of service provision “in a manner that takes into account the prevailing social and cultural</p>

Topic	Methodology	Learning Objective
<p>differ from a Non- ICWA case? Prior to the matter coming to court? Prior to Disposition? Post Disposition?</p>		<p>values, conditions, and way of life of the Indian child’s tribe” (W&I 361.7).</p>
<p>Break: 15 minutes</p>		
<p>Segment 7: 50 Minutes Lecture regarding the ICWA, family, probate and welfare and institutions code (child welfare and probation) with an emphasis on active efforts.</p>	<ul style="list-style-type: none"> ▪ Lecture ▪ Large group discussion ▪ PPT Slide 12-19 	<p>K.1: The participant understands the ICWA, and the relevant sections of the California Family, Probate, and Welfare and Institutions Codes, and the Rules of Court.</p> <p>K.4: The participant understands the unique components of concurrent planning, placement and case planning for an Indian child and family.</p>
<p>Segment 8: 25 minutes Requirements revisited.</p>	<p>Small Group Activity</p> <p>PPT Slide 20</p>	<p>K.2: The participant understands what it means for active efforts to be made across the continuum of service provision “in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child’s tribe” (W&I 361.7).</p>

Topic	Methodology	Learning Objective
<p>Segment 9:</p> <p>20 minutes</p> <p>Hypothetical cases and case plans.</p>	<p>Small Group Activity</p> <p>Large Group Facilitated Discussion</p> <p>PPT Slide 21</p>	<p>S.1: When given a case scenario the participant will be able to make appropriate inquiries as to active efforts that have been made or should have been made, and make recommendations for additional active efforts.</p> <p>S.2: When given a case scenario the participant will be able to responsibly consider if the letter and intent of the ICWA have been followed.</p>
<p>Segment 10:</p> <p>30 minutes</p> <p>Wakeem’s story</p> <p>Using this story as a framework, what are the roles of the different stakeholders?</p>	<p>Digital Story</p> <p>Small Group Activity</p> <p>Large Group Activity</p> <p>PPT Slide 22-23</p>	<p>K.6: The participant will understand the make-up of the Indian family, including the extended family, as defined by tribes, as well as the potential for identification of those who may play a significant role in the planning for the child and the achievement of permanence.</p> <p>S.2: When given a case scenario the participant will be able to responsibly consider if the letter and intent of the ICWA have been followed.</p> <p>S.3: The judicial participant will demonstrate an ability to make appropriate and</p>

Topic	Methodology	Learning Objective
		<p>thorough findings regarding active efforts consistent with the evidence presented.</p> <p>S.4: The non-judicial participants will demonstrate an ability to responsibly advocate for adherence to the active efforts requirement.</p> <p>V.1: The participant will appreciate the long-lasting connection between Indian people and their tribes, culture and communities, and the historical, statutory and case law framework enforcing the rights of the child and the tribe to identifying and appropriately maintaining that inherent connection.</p>
<p>Segment 11:</p> <p>15 minutes</p> <p>Examples of active efforts: What do you do in your county to provide “active efforts”.</p>	<p>Small Group Activity</p> <p>PPT Slide 24-26</p>	<p>K.3: The participant understands the identification and delivery of appropriate services comprising active efforts for each Indian child and family coming before the juvenile, probate and family court.</p> <p>S.4: The non-judicial participants will demonstrate an ability to responsibly advocate for adherence to the active efforts requirement.</p>

Topic	Methodology	Learning Objective
		V.2: The participant will value the role of the court process in respecting the intent of the ICWA and adhering to the letter of the Law “in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child’s tribe”.
Segment 12 25 minutes Highlighting practices in other jurisdictions.	Lecture Small group activity PPT Slide 26 - 29	V.2: The participant will value the role of the court process in respecting the intent of the ICWA and adhering to the letter of the Law “in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child’s tribe”.
Closing and Questions 5 minutes		

Innovative Approaches To Gang Prevention

County of San Luis Obispo

Michael Dutra, Probation Division Manager

Anti-Gang Coordinating Council

- Formed in January 2008 by the Chief Probation Officer, the Sheriff and the District Attorney
- Includes private citizens; city, county, and state government; local law enforcement; local community based organizations; schools, parents and faith based organizations for active participation and input.

Mission Statement

- The mission of the Anti-Gang Coordinating Commission is to reduce the magnitude, frequency, and violence of gang activity in San Luis Obispo County.

Three Sub-Committees

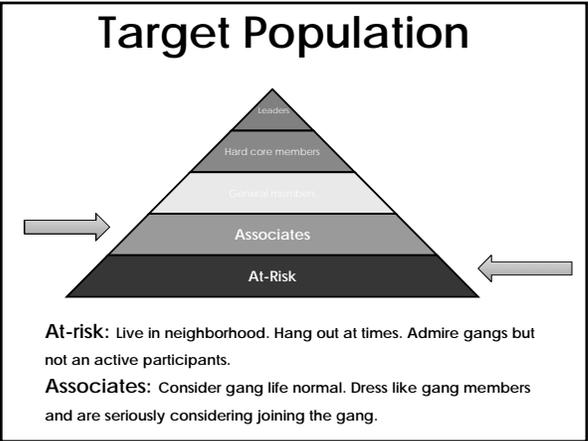
- **Prevention**
 - Chaired by the Chief Probation Officer
- **Detection and Suppression**
 - Chaired by the Sheriff
- **Rehabilitation and Re-Entry**
 - Chaired by the District Attorney

Youth in Action

Gang Prevention and Intervention



- School based program for males age 11-15 that are at risk for membership or association with a criminal street gang
- 1-2 hours of programming per week at school for 32 weeks
- One-on-one counseling
- Pro-social and extracurricular activities
- Community service
- Parent workshops (gang and violence prevention)



Selection Process

- Referred by school staff, probation officers, Gang Task Force personnel
- Resides in a known gang area of the County
- History of fighting at school or in the community
- Struggling to control anger/aggression
- Exhibiting poor impulse control
- Suspected gang involvement
- Siblings or parents currently or previously gang associates or on probation or parole

Curriculum

- Cognitive based training NOT counseling based
- Interpersonal Skills Training
 - Conflict and anger management
 - Communication skills
 - Decision making
- Myths and dangers of gang membership
- Coping skills to deal with bullies and pressure to join a gang
- Changing anti-social attitudes and beliefs
- Media impact on creating images both positive and negative

Desired Outcomes

- Positively impact the amount of gang- related crime in program area
- A decrease of WIC 602 filings for program participants
- An improvement in school attendance and reduction of conflict in school and in the community
- Participants will gain pro-social values and beliefs
- Participants will decrease anti-authority behavior by having pro-social contact with law enforcement officers
- Recently entered into a partnership with UCSB for an evaluation component of outcomes



THURSDAY – JUNE 3, 2010

2:00 pm – 3:15

Workshop Session III

III.H.

Interviewing Children About Abuse and Domestic Violence

education credit:

BBS

MCLE

PSY

Cal. Rules of
Court, rule
10.464, for
judicial officers

This workshop will teach attendees research-based techniques for increasing the accuracy and completeness of children's reports. Faculty will discuss the best means of building rapport, minimizing suggestibility, increasing honesty, and increasing completeness. Faculty will provide an overview of forensic interviewing of children in general and outline specific questions that should be asked in sexual abuse, physical abuse, and domestic violence cases.

This course meets the requirements of rule 10.464 of the California Rules of Court for judicial officers who hear criminal, family, juvenile delinquency, juvenile dependency, or probate matters.

target audience:

all

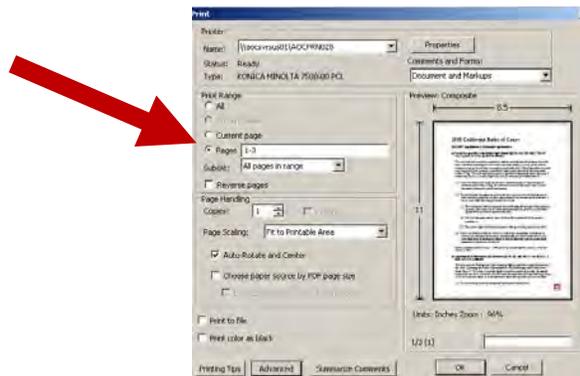
Learning Objectives:

- Identify the key elements in proper interviewing of children.
- Recognize specific questions that should be addressed in various case types including sexual abuse, physical abuse, and domestic violence.

Faculty:

- **Laurie Fortin, LCSW**
Clinical Coordinator, Forensic Interviewing Program, Chadwick Center for children and Families, Rady Children's Hospital

Before you choose to print these materials, please make sure to **specify the range of pages**.



Before you choose to print these materials, **please make sure to specify the range of pages.**

Administrative Office of the Courts, Center for Families, Children & the Courts



Interviewing Child Abuse Victims and Witnesses of Domestic Violence

Beyond the Bench Conference, 2010
Laurie Fortin, LCSW
Chadwick Center, Rady Children's Hospital
lfortin@rchsd.org

1

Objectives

- Participants will understand the historical evolution of child abuse centers and specialized interviewers as well as best practice protocols.
- Participants will understand barriers to interviewing child abuse victims/witnesses as it relates to child dynamics, family dynamics, abuse dynamics, and cultural dynamics.
- Participants will become familiar with the goal, purpose, structure, and questioning format of interviews with children as presented through lecture and exemplified with video clip observation.
- Participants will understand special considerations when interviewing children, to include reluctance, credibility, and developmental issues.

2

The Beginning: Historical Context of Child Sexual Abuse

- Roland Summit (1983)- Child Sexual Abuse Accommodation Syndrome
- Mid-1980's-McMartin/Manhattan Beach, Country Walk, and Jordon, MN multi-victim cases involving pre-schooler's were highly publicized

3

Letter to McMartin Preschool Parents from Police Chief Kuhlmeier, Jr.

September 8, 1983

Dear Parent:

This Department is conducting a criminal investigation involving child molestation (288 P.C.) Ray Bucky, an employee of Virginia McMartin's Pre-School, was arrested September 7, 1983 by this Department.

The following procedure is obviously an unpleasant one, but to protect the rights of your children as well as the rights of the accused, this inquiry is necessary for a complete investigation.

Records indicate that your child has been or is currently a student at the pre-school. We are asking your assistance in this continuing investigation. Please question your child to see if he or she has been a witness to any crime or if he or she has been a victim. Our investigation indicates that possible criminal acts include: oral sex, fondling of genitals, buttock or chest area, and sodomy, possibly committed under the pretense of "taking the child's temperature." Also photos may have been taken of children without their clothing. Any information from your child regarding having ever observed Ray Bucky to leave a classroom alone with a child during any nap period, or if they have ever observed Ray Bucky tie up a child, is important.

Please complete the enclosed information form and return it to this Department in the enclosed stamped return envelope as soon as possible. We will contact you if circumstances dictate same. We ask you to please keep this investigation strictly confidential because of the nature of the charges and the highly emotional effect it could have on our community. Please do not discuss this investigation with anyone outside your immediate family. Do not contact or discuss the investigation with Raymond Bucky, any member of the accused defendant's family, or employees connected with the McMartin Pre-School.

THERE IS NO EVIDENCE TO INDICATED THAT THE MANAGEMENT OF VIRGINIA MCMARTIN'S PRE-SCHOOL HAD ANY KNOWLEDGE OF THIS SITUATION AND NO DETRIMENTAL INFORMATION CONCERNING THE OPERATION OF THE SCHOOL HAS BEEN DISCOVERED DURING THIS INVESTIGATION. ALSO, NO OTHER EMPLOYEE IN THE SCHOOL IS UNDER INVESTIGATION FOR ANY CRIMINAL ACT.

Your prompt attention to this matter and reply no later than September 16, 1983 will be appreciated.

HARRY L. KUHLMEYER, JR.
Chief of Police
JOHN WEHNER, Captain

4

System Response to CSA

- Specialized Investigative Units formed
- Government Sponsored Trainings developed
- Joint Investigations Between CPS & LE began
- Increased Criminalization of Incest
- State and Federal Laws enhanced or developed
- Research on Child Sexual Abuse began
- Child Advocacy Center (CAC) concept began and eventually flourished
- Child Interviewing Protocols developed
- Forensic Interviewer as profession

5



California

- 66 CAC's throughout California
- CAC's may be members of California Network of CAC's (www.cnac.org) and accredited through National Child's Alliance (NCA)
- California's Forensic Interviewing Training (CFIT) Program is a state-wide training program for those responsible for the proper interviewing of children
- CFIT curriculum and interviewing protocol is research-based

Forensic Interview: What is it?

- Fact-finding
- Investigative in nature
- Neutral, objective
- Considers multiple hypothesis
- Developmentally appropriate and culturally sensitive
- Legally defensible

When should a FI be considered?

- When there exists an allegation and/or concern of abuse and/or neglect in which a child experienced and/or witnessed
- Children under age 13
- Children over 13 at discretion of law enforcement/CPS
- Delayed or disabled adolescents and/or adults
- When the forensic interviewer can gain more accurate or complete information from the child due to their age, developmental level, speech or hearing problems, language barriers, or social-emotional factors



Goals of Child Interview

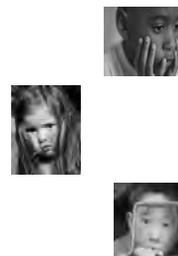
- Gather quality information
- Gather the facts and the truth
- Avoid miscommunication
- Minimize further trauma and/or distress to child

9



Barriers and Obstacles

- Cultural/gender issues
- Developmental issues
 - Language skills
 - Cognitive ability
- Disclosure process
- Emotional state/level of trauma
- Family Dynamics
- Perpetrator/NOP influence
- Embarrassment/shame/responsibility
- Fear



10



How can we best assist children in telling about their experience?

- Use qualified, trained interviewers
 - Child development
 - Trauma, memory, and suggestibility
 - Abuse dynamics
 - Question design
 - Adhere to best practice standards
 - Must be aware of and familiar with relevant research
 - Objective and supportive, not biased or suggestive
- Consider the needs of the child
 - Setting/timing of interview
 - Support person present
 - May need more than one interview



Child Interview

Phases:

- Rapport and developmental assessment
- Transition
- Information Gathering
- Closure

12



Rapport Building

PURPOSE:

- Get child comfortable and familiar with interviewer
- Explain documentation
- Review ground rules
- Competency assessment
- Developmental assessment (language, prepositions, numbers, colors with younger children)
- Narrative practice of non-abuse related topics (school, things they like to do, recent event)

13



Ground Rules

PURPOSE:

- Attempts to avoid miscommunication between child and interviewer
- Gives you a sense of child's potential level of suggestibility

RULES (requires practicing with young children):

- Don't know/don't remember
- Don't understand
- O.K. to correct interviewer
- Interviewer may repeat question
- Tell the truth

14

Competency Assessment

- Can child differentiate between truth and lie?
- Can child articulate the consequences for telling a lie?
- Stress the importance of talking about things that are true and really happened
- Elicit an agreement/promise to tell the truth

15

Narrative Practice

Why do it?

- Kids aren't used to answering adults in complete narratives
- Kids are socialized that they should be seen and not heard
- Kids think adults already know everything
- Enables the info to come from the child, not the interviewer
- Conveys to child that you are interested in what they have to say

16



Transition

- Start with open-ended questions...
 - “Tell me why you came to see me today?”
 - “Is someone worried about you?”
 - “Has someone done something to you that they weren't suppose to do?”
- Or use what you know to be true/factual...
 - “I understand that you went to go see a doctor, tell me all about seeing the doctor.”
 - “I understand the police came to your house, tell me all about it.”
 - “I understand you have some owies on your body, tell me about what happened.”

17



Transition

- Move to more focused questions...
 - “Sometimes I talk to kids who have had some bothering/hurting done to them. Has someone done bothering/hurting to you?”
 - “Sometimes I talk to kids who have had some touching done to them, has someone done touching to you?”
 - “Sometimes I talk to kids who have had some problems at home,...”

18



Information Gathering

PURPOSE:

- Establish the identity and relationship of the offender
- Establish a context for the behavioral incident (s)
- Establish a pattern of behavior
- Elicit details, including sensory-rich
- Elicit corroborative evidence

19



More Information Gathering

- Who
- What
- When
- Where
- Witnesses
- Secrecy
- Disclosure process/reaction
- Other victims or perpetrators
- Exposure to pornography
- Drugs or alcohol use

20

Question Continuum

Most preferred	Preferred	Less preferred
^	^	^
-----	-----	-----
Free recall ?'s	Focused ?'s	Recognition ?'s
Open-ended	Specific	Multiple choice Yes-No

21



Open Invitations to Talk

- First key is to invite child to talk
- Second key is to listen and wait
- Don't interrupt to ask for clarification

22

Open-ended Prompts

- Tell me everything about that
- Tell me more
- Tell me everything you remember
- Then what happened
- What happened next

23



Focused Questions

- To be utilized after exhausting narrative response or because necessary
- May be necessary to trigger memory and reporting of critical information (Saywitz & Camparo, 1998)
- Focuses the child on a particular topic, place or person but refrains from providing information about the subject (Faller, 1999)
- Tend to be the wh- questions and can be general ("what did the man look like?") or specific (what color was the man's hair?") (Lyon, 2005)

24

 **Focused Questions**

Examples

“What happens when your mom/dad get mad?”

“What happens when you get in trouble?”

“Has someone done touching to you?”

“Tell me about when grandpa puts you to bed?”

25

 **Recognition Questions**

- **Multiple Choice-**
A question that presents the child with a number of responses from which to choose. Options, however, should not be limited or close ended.
Ex: “Were your clothes on or off or some other way?”
“Do you live in a house, an apartment, a trailer or somewhere else?”
- **Yes/No-** A forced choice question.
Ex: “Were your clothes on?”
“Do you live in an apartment?”

26

 **Recognition Questions**

- Are more direct, closed questions
- Interviewer supplies the details
- By nature, can be more suggestive than open or focused questions
- Should obtain as much information as possible before moving to this type of question OR if utilized,
- Should be “paired” or followed up with open-ended questions to minimize the suggestiveness of the specific question

27

 **Least Preferred-Suggestive and Leading Questions**

- Interviewer introduces information that the child has not
- Suggests an answer within the question
- May contain ‘tag’ elements

Ex: “His penis felt hard, didn’t it?”
Ex: “Your dad hurt your mom, didn’t he?”

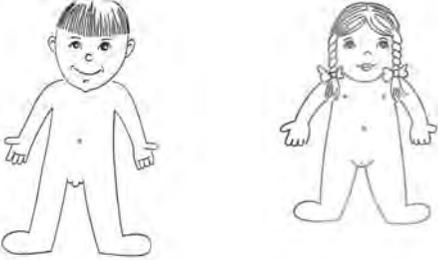
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Communication Aides

- Anatomical dolls
- Anatomical drawings
- Free drawing/writing materials

29

Anatomical drawings



30

Closure

- Questions
- Concerns, worries
- Non-abuse, neutral events
- Thank child (not contingent on disclosure)

31

Developmental Issues and Considerations



32

Minimizing Errors

Most important fact to recognize about talking with children is....

Adults and children do not speak the same language.

33



Developmental Issues: Young children

- Children are concrete (literal)
- Adult and professional words can get in the way
- Keep language simple
- Word usage comes before meaning
- Use Proper Names vs. pronouns
- Define "it" or "that", don't assume they know what we are talking about

34



Young children have difficulty with concept questions

- **Age**-Is she older than me?
- **Size**-How tall do you think he was?
- **Kinship**-Is grandma Jane your mother's mother or your father's mother?
- **Time**-What time did she arrive at your house?
- **Duration** (time)-How long did you live there?
- **Repetition** (number)-How many times did he do that?
- **Distance** (space)-How far away was he from you?

35



Use WH-questions

Concrete

Abstract

- | | |
|---------|--------|
| • What | • When |
| • Where | • Why |
| • Who | • How |

36

Special Issues with Children's Credibility

- Delayed disclosure
- Lack of congruent affect
- Inconsistency (within the interview or across interviews)
- Lack of memory and/or details
- Developmental issues (time duration, frequency, placing events in time, sequencing)
- Recantation

37

Coaching and Programming

- Coaching: a deliberate attempt by an adult to influence a child's statements (false assertion or false denial)
- Programming: an adult truly believes child has been abused and convinces the child to believe the same over time.

How to tease out:

Did someone tell you what to tell me?

What did your mom or dad say about telling?

What do you think will happen if you talk about this?

Are there secrets you are not suppose to tell?

Are there things that you aren't allowed to talk about?

38

Remember, in the end...

- We want to get at the truth
- To do this, we must consider multiple hypothesis
- Creating abuse where it did not occur AND missing abuse where it did occur, can have long term, devastating effects for the victim, perpetrator, family, and community.



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Interviewing Child Abuse Victims and Witnesses
Laurie Fortin, LCSW
Beyond the Bench, 2010

Focused Questions for Interviewing Children of Suspected Abuse/Maltreatment

Physical Abuse

What happens when you get in trouble at your house? What mommy/daddy do?

What happens when daddy/mommy gets mad?

How know when they are mad?

Any hitting/spanking happen in your house? If yes,

-With what?

-Where on body?

-Where in house were you when hit/spanked?

-Any marks/owies from hitting/spanking?

How felt when hit/spanked?

Did you ever have to go to the doctor/hospital for a hitting/spanking owie?

Where was __ (non-offending parent-NOP) when __ hit/spanked you?

Did he/she (NOP) say something? Do something?

What happens when siblings get in trouble?

Does anyone else get hit/spanked?

Sexual Abuse

Any parts on your body that other people shouldn't touch? Yes, what are the names of those parts? What are those parts used for? Has anyone ever touched/tickled you on those parts? Did something happen to those parts?

Has anyone ever wanted you to touch them on their parts?

Ever seen a grown up's part? What look like? Did he/she put anything on it? Did anything come out of it? Ever want you to do something to his/her part?

Has someone shown you pictures or movies of naked people?

Has someone ever taken pictures or movies of you when naked?

Has someone told you a secret? Who? What was the secret?

Has someone told you not to tell about something?

Who bathes you? How? What wash you with? Who do you take a shower/bath with? Tell me about it.

Who helps you go to the potty? How help?

Who takes care of you? How do they take care of you?

Who puts you to bed? Tell me about when they put you to bed. Does someone sleep with you sometimes? Do you sleep with someone sometimes? What do you wear to bed? What does __ wear to bed?

Anyone give you kisses? Who? Where on body?

Does __ do something to you that you don't like?

Domestic Violence

What happens when mom and dad argue?

What do they argue about?

How do they argue?

Do they ever have fights?

How do they fight?

Does anyone ever get hurt? If yes, who? Tell me all about it? What did he/she get hurt with? Who did the hurting? Has he/she got hurt by ___ one time or more than one time?

Does anyone ever have to go to the doctor/hospital?

Do you or any of your brothers/sisters ever get hurt?

Does anyone you know have a gun or a knife? Who? Tell me about the gun/knife?

Anyone ever throw things or break things in your house?

Have the police ever been to your house?

Has anyone in your house ever called 9-1-1?

Does someone at your house drink alcohol/beer? Use drugs? Who? Ever seen that person drunk?

How does he/she act when drunk/using drugs? Does his/her behavior change when drinking/using drugs? What do the drugs look like? How do they use the drugs?

Can they take care of you when drinking/using drugs?

Ever felt scared/unsafe with them when drunk/using drugs?

Anyone ever get hurt when ___ drinking/using drugs?

Has anybody ever given you alcohol or drugs? What happened? How did you feel?

*Yes/No, Multiple Choice, and Focused Questions should be followed up, or paired with, open-ended, narrative eliciting questions (“Tell me more about...”). Once a child exhausts his/her narrative response, then more focused, direct questions may be asked for additional clarification.

Example: I: Does someone at your house drink alcohol?

C: yes, my dad.

I: Tell me all about when your dad drinks.

C: Well, he drinks beer every night, a lot of beer, about 10 cans.

I: and then what happens?

C: He fights with my mom.

I: Tell me more about the fighting.

C: He yells at her and bosses her around. She starts yelling back and then the next thing you know, he’s throwing the remote control across the room. By that time, I just go into my room to get away.

I: and then what happens?

THURSDAY – JUNE 3, 2010

2:00 pm – 3:15

Workshop Session III

III.I.

Project WHAT! We're Here And Talking: Children of Incarcerated Parents

Project WHAT! is a youth-led initiative that raises awareness about the impacts of parental incarceration on youth, with the long-term goal of improving services and policies that affect children of incarcerated parents. This session will provide participants with the opportunity to hear from youth directly about their experiences dealing with a parent's incarceration. What challenges have they faced, where have they found resources (internal and external) to help overcome these challenges, and what recommendations do they have for improving services and policies? There will be time for discussion.

education credit:

BBS
MCLE
PSY

target audience:

youth
all

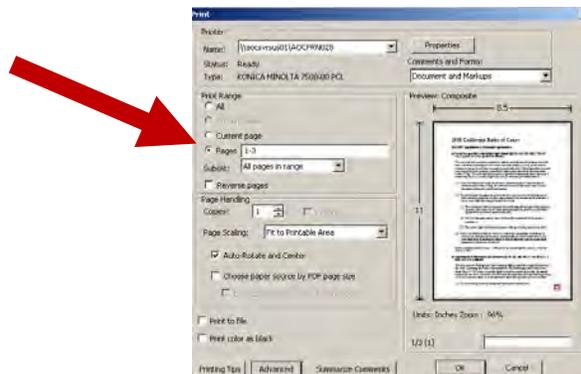
Learning Objectives:

- Understand the scope and nature of the challenge faced by children impacted by parental incarceration.
- Identify strategies and policy recommendations for providing better support to this population.
- Provide participants with written resources such as the Bill of Rights for Children of Incarcerated Parents and Project WHAT's Resource Guide for Teens with a Parent in Prison or Jail.

Faculty:

- **Anna Wong**
Director, Community Works
- **Danielle Dokes**
Youth Advocate, Project WHAT!
- **Elizabeth Sanchez**
Youth Advocate, Project WHAT!
- **Kristina Sanders**
Youth Advocate, Project WHAT!

Before you choose to print these materials, please make sure to **specify the range of pages**.



Before you choose to print these materials, please make sure to specify the range of pages.

Administrative Office of the Courts, Center for Families, Children & the Courts



RESOURCE GUIDE

for Teens with a Parent
in Prison or Jail

2nd edition, May 2008





RESOURCE GUIDE

for Teens with a Parent in Prison or Jail

Who are we and why do we care?

We are a group of teenagers and young adults from different parts of the San Francisco Bay Area. We go to different schools and like doing different things for fun. We have faced different struggles and had different successes in our lives. One thing we have in com-

mon is that all of us have had a parent incarcerated at some point in our lives. Some of our parents were locked up when we were younger; some have been in and out of jail most of our lives and still are.

Why did we create this guide?

We made this guide because we've all had to live with at least one parent being locked up and know it's not easy to deal with. We want to express the voices of youth who are often silenced. Most importantly, we want to make sure you know that there are resources to help you deal with the stress and problems you're probably facing. As teenagers who have all had one or both of our parents locked up, we believe you can get through this. Lots of other young people have parents in jail or prison. In 2004, the U.S. government estimated that 2.4 million children across the nation had a parent in prison or jail. More than seven million children have a parent under the supervision of the criminal justice system (a parent who is incarcerated, on probation, or on parole). This guide will give you some idea of the different things we've gone through, how you can visit or stay in touch with your parent if you want to, and where you can find help.

You might not want to ask anyone for help. You might be used to surviving on your own, or worried that other people will judge you if they find out your mom or dad is incarcerated. Maybe there's just not anyone you trust. In any case, this guide gives you ideas and places to find help without anyone judging you or having to know your personal business. So, while this resource guide isn't a fix-all, it just might have something that will help.

Since we're from the Bay Area, many of the resources in this guide are specifically for teens in the Bay Area or California. Even if you don't live in the Bay Area, we hope the stories and information will be useful, or will inspire you to create your own guide to help youth of incarcerated parents wherever you live.

Our Stories

The stories in this guide were written by Project WHAT! members describing our individual experiences with parental incarceration. Each of the stories captures a particular aspect of

our experience, but doesn't necessarily share our current emotions or the entire story of our perspective as children of incarcerated parents.

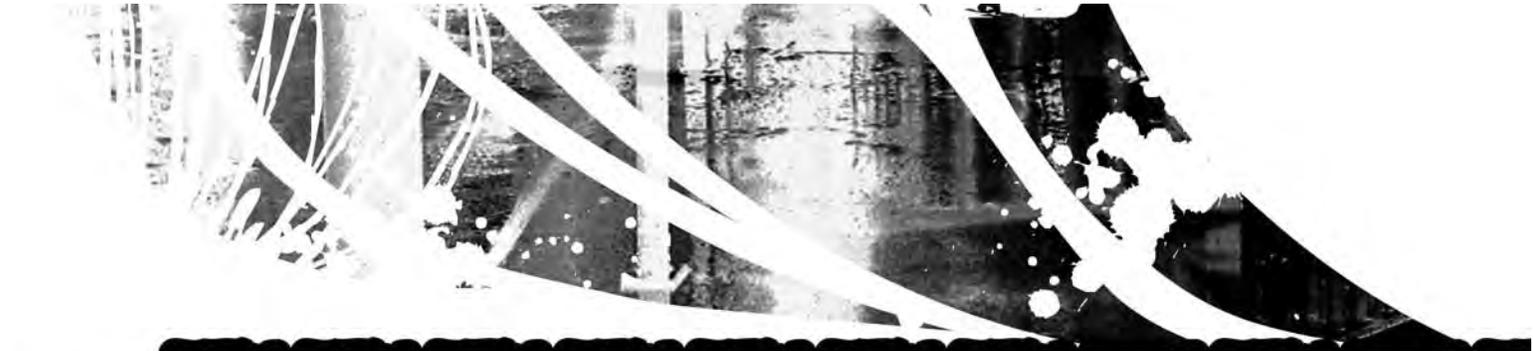


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How the guide is organized

Each section lists organizations that are related to answering the questions in that section. Many organizations provide multiple services for youth. The first time we list an organization, we give a full description of the services provided. After an organization appears for the first time, we only include its name and the page number where it first appears. Entries are separated into East Bay and San Francisco, then listed alphabetically. There are a few organizations listed under “Bay Area Wide” because they have multiple locations. You can also check the index to find an organization quickly.

Remember that organizations often change their hours or the services they provide. It's always best to call first and check on services and hours in case information has changed.

Feedback

Help us make the Resource Guide better! Please send us any suggestions you have. It will especially help us if you address the following questions:

1. How did the information in the guide help you?
2. What was the most useful information to you and why?
3. Is there anything missing?
4. Was the guide easy to use? If not, what made it hard?
5. Do you have any other suggestions for ways we can improve the guide?

Send your feedback to us any way you can—by email, fax, or snail mail. Please include your name, age, and contact information so if we have questions, we can contact you. Our email is: projectwhat@gmail.com, fax: 510-649-8239 or mail to 1605 Bonita Ave., Berkeley, CA 94709.

We give a special thanks to Ellen Walker and the Zellerbach Family Foundation for making Project WHAT! possible through their generous funding since 2005.

project. WHAT!

SECTION

Where Am I
Gonna Stay?



Where Am I Gonna Stay? (and Other Basic Needs)

If you need help, you shouldn't be ashamed to ask for it. If you were living with a parent who was arrested, one of the first problems you might have to solve is where you're going to stay. In this section, you'll find organizations in the Bay Area that can help you meet basic needs like housing,

MY STORY

What Made Me Feel I Wasn't a Kid Anymore

By De'Mel Bullock

food, and clothing while a parent is in jail. We answer some basic questions about public agencies like the foster care system, CalWORKS, and CPS, because it's useful to know what these agencies do in case you need to use them or they come into your life uninvited. De'Mel's story gives you an idea of what he went through to find a place to live and take care of his lil' bro when he was fifteen and his father got locked up. Kashka's story talks about how she felt living with her aunt after her mother went to jail.

Question 1:
My parent just got locked up and I need food, clothes, or a place to stay. What should I do?

Many children live with family members or friends when the parent they were living with gets locked up. Sometimes the arrangement is informal (you're just staying there), and at other times, an adult relative or friend becomes your legal guardian. If someone (like the police or a neighbor) calls Child Protective Services (CPS) after your parent is arrested, CPS will

probably place you into emergency shelter while they try to locate relatives or arrange for a more permanent place for you to live.

If you don't have anywhere to go—and no one you can trust to call and ask for help—you can call or go to an emergency youth shelter on your own. **If you have young brothers or sisters, it is important for their safety that you get help**—hopefully there is someone you trust to call. You can always call a youth hotline if you want to talk out your situation with someone. See the hotlines and organizations below for help with finding emergency housing.

If you end up living with an adult who is abusing you physically, sexually, or emotionally, tell an adult you trust who can help you get into a safe living situation, or call the child abuse hotline CPS at 1-800-856-5553. This number is available twenty-four hours a day. **Before you call CPS, read Question 3 for more information so you understand what CPS is supposed to do and what could happen after you make the call.**

Even if you have a roof over your head, you might still need food and clothes. Many emergency shelters

What made me feel I wasn't a kid anymore? It wasn't turning eighteen. It happened earlier, the year after I got kicked out my grandma's house, when I was fifteen.

I was living with my dad for the first time since my early single digit years, four or five years old. It felt differ-

ent, because I always got to visit him growing up, but I hadn't lived with him since I was too young too remember. I was happy to live with him again, for real—happier than a little kid riding his new bike on Christmas morning. I was happy not to have to go visit him in jail, happy not to have to feel sad anymore if my dad said he

Continued on page 08

provide food and clothes. Organizations such as churches, community centers, and YMCAs sometimes provide food and clothes, even if

they don't have a place for you to sleep. Different places have different hours and services, so if you can, call before you go.

Hotlines

Runaway Hotline: 1-800-448-3000. If you are running away from home, a group home, or anywhere else, call twenty-four hours a day to get information about shelters, counseling, bus tickets, or help going back home. Trained counselors can offer advice to help you right now.

National Runaway Switchboard: 1-800-RUNAWAY (786-2929) or www.1800runaway.org. Call if you're a teenager thinking of running away from home, if you have a friend who has run away and is looking for help, or if you are a runaway ready to go home. Their twenty-four hour crisis line is anonymous, confidential, and free.

YouthLINE: (415) 977-6949, 1-888-977-3399, or www.youthline.org. YouthLINE gives youth, parents, and caregivers one number to call for information about children and youth services and programs throughout the Bay Area. The free, confidential phone line is open every day (including holidays) from NOON to 10 p.m. Pacific Standard Time. The phones are answered by youth between the ages of fourteen and eighteen.

East Bay Resources for Food, Clothing, and Shelter

A Safe Place (this shelter is specifically for battered women and their children)
Hotline: (510) 536-7233
www.asafeplacedvs.org

A Safe Place offers a comprehensive program that provides both shelter and professional supportive services to victims of domestic violence. The shelter has twenty beds with individual living space. The Emergency Shelter Program provides up to 8 weeks of shelter and therapeutic environment for women and their children. An interim motel program is also available to provide emergency accommodations until space is available. The 24-hour crisis and shelter referral and information line handles nearly 3,000 calls each year.

Berkeley Food & Housing Project

Trinity Church Building
2362 Bancroft Way
Berkeley, CA 94704
(510) 649-4965 ext. 302 (meal program)
(510) 649-4976 (multi-service center)
www.bfhp.org

Neighborhood: Downtown Berkeley
The Trinity Church building houses the Quarter Meal Program (the meal used to cost a quarter) and Multi-Service Center (MSC) of the Berkeley Food & Housing Project. The MSC is a daytime drop-in and services program for homeless and low-income Berkeley residents. In addition to providing respite and hospitality, the MSC staff provides information and referral, resource counseling, supportive housing, and case management. Sit-down meals are served Mondays through Wednesdays in a welcoming,



What Made Me Feel I Wasn't a Kid Anymore

Continued from page 07

was coming to pick up me and my little brother and didn't show, happy just knowing I would be able to enjoy my dad's presence at any time of the day or night.

But as time passed, as many youngsters do, I found my way in and out of trouble—nothing big, but big enough. So after a few months went by, either Pops or myself got taller or maybe one of us shrank—point is, we stopped seeing eye to eye. To this day, I really don't even know why. Maybe we hadn't had time to get to know, like *really* get to know each other, or maybe we were just too much alike. But I'm assuming you know how it works: my house, my rules, you don't like it, I'm changing the locks, so do it moving, no looking back or making stops. I wasn't given the choice to like it or not. Just the simple get your shit and get out.

So there it was around three in the morning and I'm walking down the street with a bag that weighs more than my little brother, flipping through phone contacts, mind racing 200 mph, trying to find somewhere to go. Now a few more months passed. I'm on my own, well, living with a friend, barely sleeping, showering here, some clothes there. Just trying to make the best out of a bad situation.

Then one day I get this phone call from my auntie. "Go to the house and get your little brother so them people don't take him. They takin' your dad to jail."

What? What happened? "I'm on my way," and doing a hundred on my five

cafeteria-style, dining venue. A take-out, brown bag dinner is available on Thursdays and Fridays.

Covenant House

2781 Telegraph Ave. at 28th
Oakland, CA 94612
(510) 625-7800
www.covenanthouseca.org

Neighborhood: Downtown Oakland

Covenant House serves runaway, homeless, and at-risk youth, providing housing, crisis intervention, mental health, case management, education, youth development, tutoring, and vocational training. The Crisis Shelter provides safe housing, food, clothing, case management, counseling, medical care, and other supportive services to assist homeless, at-risk youth in resolving their crisis situations. Once taken into the shelter, each youth is assigned a case manager with whom they develop a service plan based on the individual's needs and short- and long-term goals. At the service center they have showers. **This program operates twenty-four hours daily throughout the year.**

DreamCatcher

422 Jefferson St. at 5th
Oakland, CA 94607
1-800-379-1114 or (510) 522-8363
www.alamedafs.org

Neighborhood: Downtown Oakland

DreamCatcher has an emergency shelter and a support center. Youth between the ages of thirteen and seventeen (or eighteen if enrolled in school) may stay in the shelter. Youth may only stay twenty-four hours if they are in the foster care or probation systems. DreamCatcher cannot take pregnant teens who are more than six months pregnant. **The shelter hours are 7 p.m. to 8 a.m. Monday through Friday and 7 p.m. to 10 a.m. Saturday and Sunday.** The support center is for youth ages thirteen to nineteen, and provides lunch and dinner, laundry, case management/crisis counseling, health education workshops, health clinic, HIV and STD testing and counseling, contraceptives, academic tutoring, computer training, job skills training, art and recreation activities, peer support, hygiene supplies, family mediation, outreach, transportation/bus passes, and a safe place for youth to learn, relax, create, and make connections. **The support center hours are 2 p.m. to 7 p.m. Monday through Thursday and 2 p.m. to 5 p.m. on Fridays.** Call (510) 839-1559 to reach the support center. All services are free of charge and voluntary.

George P. Scotlan Center

1651 Adeline St.
Oakland, CA 94607
(510) 832-4544
Neighborhood: West Oakland

George P. Scotlan Center serves youth ages eight to eighteen, provid-



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point toes, I felt like my world was coming to an end. That the weight on my back could get even heavier. *Is this really happening?* I kept thinking, until I got there, and true enough, my dad was going to jail.

Looking for my little brother, I must have looked like a suspect. "What you doing here?" "Who are you?" "How old are you?" "Is he going to live with you?" "Where?" Question after question from the police—as if just seeing the police in my dad's house wasn't bad enough. I couldn't tell them I was only eighteen, didn't have a home of my own—the whole thing became even scarier. My dad was going to jail, and I watch Court TV—isn't lying to the police a crime in itself? But with bottom lip trembling and legs shaking, I got through it and ended up convincing them I was legit. Or maybe they really didn't even care and just had to say they asked.

The world seemed to spin a little faster, as everything was now on me: school clothes, rent, food, "I wanna go here," "I wanna go there." All on me. Taking care of a kid when most older people still called me a baby. I'd rather not go into details about how I pulled it off, and yeah, there were people I could have turned to for help, but they weren't there when we were babies and really needed them, so I figured we didn't need them now. So with my I'll-Do-It-Myself, I-Don't-Need-Anyone, We-All-We-Got attitude, and most importantly the hedge of protection that I know God placed upon us, we got situated in an apartment and got through the next few months.

ing housing, food and clothing, outreach, education, mental health, medical care, case management, STD screening, HIV testing, HIV/STD prevention, family planning, substance use services, crisis intervention, youth development, and tutoring.

San Francisco Resources for Food, Clothing, and Shelter

Girls 2000

763 Jerrold Ave. at Earl
San Francisco, CA 94124
(415) 824-3225

Neighborhood: Bayview

Girls 2000 provides outreach, education, mental health services, case management, STD screening, HIV/STD prevention, family planning, pregnancy-related services, substance use services, crisis intervention, housing, food, clothing, youth development, tutoring, vocational training, and sports programs.

Huckleberry Youth Services at Cole Street Clinic

555 Cole St. at Haight
San Francisco, CA 94117
(415) 386-9398

www.huckleberryyouth.org

Neighborhood: Haight Ashbury

Huckleberry Youth Programs serves homeless, runaway, and other at-risk youth at Huckleberry House and Nine Grove Lane (in Marin). Other services include outreach, education, mental health, medical care, case management, STD screening, HIV testing, HIV/STD prevention, family planning, pregnancy-related services, emergency housing, crisis intervention, youth development, and tutoring.

Huckleberry House

1292 Page St.
San Francisco, CA 94117
(415) 621-2929 or 1-800-735-2929 (TTY)

Neighborhood: Haight Ashbury

Huckleberry House offers continuous twenty-four-hour crisis services and an emergency shelter for youth. Huckleberry House is the oldest program for runaway and homeless youth in the country. Call before you come in if possible. They work with youth ages 11 through 17. It also provides a wide range of mental health services, including crisis counseling, family mediation, and counseling for individuals, families and parents.

Larkin Street Youth Services Drop-In Center

1142 Sutter St. (between Larkin and Polk)
San Francisco, CA 94109
(415) 673-0911 ext. 252 or (800) 669-6196

www.larkinstreetyouth.org

Neighborhood: Tenderloin

Larkin Street Youth Services Drop-In Center mainly serves youth nineteen and under, providing meals, showers, clothing, laundry, and case management. They have outings, groups for men and women, and groups for people dealing with substance abuse and HIV. **Hours for youth ages nineteen and under are**



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Then, as the neighbors started to get nosier than they already were, and started to run their mouths, the building manager started to investigate, and faking the grown-ups-would-be-home-shortly was getting tiresome. Have you ever had a feeling someone was watching you? It's a cold feeling. Now here that manager goes with the question and answer game: "How old are you?" "Who all lives here?" Enough said, it was time to find another place to reside.

With my back against the ropes, I was still fighting my inner self, trying to avoid asking anyone for anything, for the simple fact that it always seems to get thrown back in my face at some point. I don't like to hear "I did this for you, I did that for you" down the line. And I don't like to owe anybody anything. Asking for help has always been one of the hardest things for me to do. But with a thirty-day notice on our door, and a slim chance of getting a new one when I wasn't eighteen yet, what could I do now? Flipping through phone contacts once again, I finally thought to call my big sister. She had actually insisted on helping with everything from the beginning, but I had always told her we was cool, we didn't need nothing and everything was fine, even if it wasn't. My grandma had always said a closed mouth don't get fed, but hey, we was eating. Still, looking back now, asking my sister for help seems as simple as the scripture, "Ask and you shall receive."

So, the fog started to clear, and it began looking a little better for the home team. We had a new apartment,

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Monday, Tuesday, Thursday, Friday, and Saturday from 8 a.m. to 8 p.m.; Wednesday from 8 a.m. to 6 p.m.; and Sunday from 8 a.m. to 4 p.m. Youth ages twenty-four and under can come every Thursday from 2 p.m. to 6 p.m.

Diamond Youth Shelter (part of Larkin Street Youth Services)

536 Central Avenue (between Hayes and Grove)
(415) 567-1020 or 1-800-887-1020

Neighborhood: Tenderloin

Diamond Youth Shelter is an emergency overnight shelter for youth ages 12 to 17 that provides meals, showers, and groups. **Diamond opens at 8 p.m. on Monday, Tuesday, Thursday, Friday, and Saturday. On Wednesday, it opens at 6 p.m. and on Sunday it opens at 4 p.m.**

Lark-Inn for Youth (part of Larkin Street Youth Services)

869 Ellis St. (between Van Ness and Polk)
(415) 749-2968 or 1-800-447-8223

Neighborhood: Tenderloin

Lark-Inn is an emergency shelter for youth ages eighteen to twenty-four, providing case management, groups, meals, showers, and laundry. **You must be at the shelter at 9:45 p.m. for a bed.**

Question 2:

My parent got arrested and I'm living with a relative or family friend. Can my caregiver get any money for taking care of me?

CalWORKs or AFDC-FC may be available for youth who live with relatives or other caregivers (like an adult neighbor or family friend). The programs differ in important ways, so read on for details.

One option: CalWORKs

Qualified adult relatives can receive public assistance for supporting you, regardless of their income level, under CalWORKs (California Work Opportunities and Responsibility to Kids). Qualified relatives who are financially needy may also be eligible for CalWORKs to cover

their own needs. Qualified relatives under CalWORKs include mothers, fathers, aunts, uncles, first cousins, nieces, nephews, sisters, brothers, or any of the above if half-related, a grand, a great-grand, a great-great-grand, an adopted, step, or spouse of any of the above.

An unrelated adult must become your legal guardian in order to receive benefits for you through CalWORKs. Your legal guardian is also entitled to enroll you in Medi-Cal. See Question 4 for more information about legal guardianship.

How to apply for CalWORKs

Relatives may apply for assistance on your behalf with or without legal guardianship. They must be able to show that they are a relative (birth certificate, adop-



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which meant a new beginning. A couple months later, my dad got out. No hard feelings—I love him, and he'll always be my dad.

It was time to move forward with life. I went to Job Corps looking to get a trade and finish up school. But soon, I found my way back into some trouble. No wait, trouble found me. Like really knocked on my door one night. But I'm not one to point the finger—I take responsibility for my actions.

So there I was in jail, on the other side of the glass, in the shoes my dad once wore, given nothing but time to think about my life, what I wanted to happen in it, my little brother, and who he might become if he didn't have anyone but the deceased rapper Mac Dre (RIP) to look up to. I thought about the past year, and what I needed to do to make things better. How things that you simply take for granted can be taken from you, and then you have to fend for yourself. I learned to accept the fact that I do and will need people's help at certain points. I even produced some patience.

So yeah, if anyone was to ask me, I believe what you go through in life makes you who you are. Through it all I got to see my reflection without a mirror and tell myself, step it up and get it together 'cause the world don't see you as a kid anymore.

So here I am today, sharing my story with you all. I'm now twenty years old, going to Laney College in Oakland, California, and working with Project WHAT! to build a

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tion papers, or marriage license are sufficient to demonstrate relations). **Always call before you go to make sure you have the correct documents, address, and hours.**

In **San Francisco**, go to the Department of Human Services at 170 Otis Street, 1st floor reception area or call (415) 557-5723. Hours are 8 a.m. to 3 p.m. (101 Grove Street in San Francisco can help you to locate birth certificates).

In **Alameda**, visit any of the following Alameda County Social Services Agencies. Hours for all offices are Monday through Friday, 8:30 a.m. to noon and 1 p.m. to 5 p.m.
 North County Multi-Service Center: 2000 San Pablo Ave. in Oakland or call (510) 891-0700
 Eastmont Self-Sufficiency Center: 6955 Foothill Blvd., Suite 100 in Oakland or call (510) 383-5300
 Fremont Outstation: 39155 Liberty St., Suite 330 in Fremont or call (510) 795-2428
 Eden Area Multi-Service Center: 24100 Amador St. in Hayward or call (510) 670-6000
 Livermore Outstation: 3311 Pacific Ave in Livermore or call (925) 455-0747

In **Contra Costa**, there are four CalWORKs offices. Contact the office to set up an appointment. Hours for all locations are Monday through Friday, 8

a.m. to noon and 12:30 p.m. to 5 p.m.
 1305 Macdonald Avenue in Richmond or call (510) 412-3000
 30 Muir Road in Martinez or call (925) 313-7987
 4545 Delta Fair Boulevard in Antioch or call (925) 706-4980
 151 Linus Pauling Drive in Hercules or call (510) 262-7700

Another option: AFDC-FC

AFDC-FC provides payments for youth who are in foster care. This includes youth 1) who are adjudicated dependent by the juvenile court, 2) for whom the parent and the county have entered into a voluntary placement agreement, and 3) youth who are living with a nonrelated legal guardian (i.e., a foster parent) appointed by the probate court. (Note: A relative who is financially needy and caring for a youth who receives AFDC-FC may qualify for CalWORKs to cover his or her own needs).

The difference between CalWORKs and AFDC-FC

AFDC-FC benefits are significantly more money than CalWORKs benefits. In addition, if you have siblings, each child gets his/her own AFDC-FC grant, as opposed to CalWORKs, which doesn't increase per child. Finally, you also get other supportive services with AFDC-FC like Independent Living Program Services, transitional Medi-Cal (if

you are in foster care on your 18th birthday, you get full scope Medi-Cal with no share of cost and no income/resource requirements until the age of 21). So, for many reasons, it may be important to consider AFDC-FC—even though this means you will have to formally enter the foster care system. If you go this route, there will be home visits, court dates, and other involvement by the county. On the other hand, if the child welfare system has no prior involvement in your life, it may not be in your best interests to voluntarily get involved with the foster care system or dependency court. Which option is best for you totally depends on your personal situation, needs, and preferences.

More about Voluntary Placement Agreements

If your parent has only a “short” sentence (under one year), and the plan is for you to live with her or him again upon release from jail, your parent can agree with the county agency to temporarily place you into foster care (relative or non relative) through a Voluntary Placement Agreement (VPA). While the VPA is in place, the person that is caring for you may receive AFDC-FC benefits on your behalf as a foster parent. VPAs are limited to six months (but can be extended for an additional six months), and during the time that the VPA is in effect, your parent is entitled to receive family reunification services. Be-

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training curriculum for teachers and social workers, hoping to better the lives of others who have dealt with their parents being incarcerated. Still dealing with some of my old ways of thinking. Like, when school started I didn't have enough money to pay for

the books I needed for my business and real estate classes, and I really didn't want to ask my dad for help. I was telling my brother, “I think I'm going to quit school because I don't have enough money.” Then the next day, my dad gave me the money for

my books and told me I didn't owe him anything and just to pay him back with success. I plan to repay that debt, plus interest. You will be hearing from me. 

fore the expiration of the six months, the county has to act to: (1) return you to your parent, (2) formally place you in foster care, (3) relinquish you for adoption, or (4) extend the VPA for another six months. If the county does NOT do one of those things and you remain in your caregiver's home for more than six months, then they will lose the AFDC-FC benefits they had under the VPA.

Important distinctions

- Your relative can qualify for CalWORKs without involvement by the county child welfare agency and without court involvement. In other words, you don't have to go into the foster care system for your caregiver to get CalWORKs.
- However, your relative could potentially get AFDC-FC benefits if you are placed into foster care, which are significantly more than CalWORKs.
- VPAs are simply one way of qualifying for AFDC-FC. You become a ward of the court without an actual court hearing, because your parent voluntarily enters into an agreement with the county. VPAs are mainly only to be used if your parent is serving a short sentence or needs a little bit of time to get their life together

in order to provide you with a more stable home and living environment.

Note: Portions of this answer were taken from "Legal Rights and Options for Runaway Teens", published by Legal Services for Children in August 2003. The Public Interest Law Project and the National Youth Law Center contributed information about Voluntary Placement Arrangements and AFDC-FC. We edited the information for our guide and it was reviewed for accuracy as of 2008.

If you have additional questions about these topics, or you need free legal advice, contact LSC at (415) 863-3762. August 2003.

Question 3: What is CPS? Why would someone call CPS? What happens when CPS is called?

CPS stands for Child Protective Services. This division of The Human Services Agency investigates and protects children from physical abuse, emotional abuse, sexual abuse, verbal abuse, and neglect. Anyone, including you, can call your county's child

abuse hotline to report suspected child abuse or neglect. We hope this information will help you understand more about CPS, mandated reporting, and how CPS might become involved in your life if your parent is arrested and/or incarcerated.

Mandated reporters: Some people are "mandated reporters." A mandated reporter is someone who is required by law to report to CPS any suspected neglect or child abuse that they know of. Common mandated reporters include: teachers and other employees of public schools, staff and administrators of public or private day camps or youth centers, foster parents, group home personnel, social workers, probation officers, parole officers, police, doctors, nurses, and people who develop film. There are other mandated reporters (this isn't the full list). If you're not sure if someone is a mandated reporter, you can always ask them before you tell them details about your personal life.

If you tell a mandated reporter that you are being neglected or abused, or say something to a mandated reporter that implies you are being neglected or abused, they are required by law

M X STORY

Trapped Until Further Notice by Kashka Washington

Balloons, cake and ice cream. Cookies and chips. Friends and family, laughing, playing, becoming a teenager. My mom and I always talked about how wonderful my thirteenth birthday party would be. But on the day I became a teenager I didn't get a party. Instead I got six packs of Now and Laters and a can of fifty-cent soda that I bought myself from the corner store. On my thirteenth birthday, my mom was in jail.

She left, went away, wasn't heard from, until I got the news. I

thought, "Should I cry or just don't believe it?" I couldn't pretend she was on vacation because it wasn't true.

My brother and I had to move in with my Aunt Trinice, her husband, her three boys, and her only daughter.

"Welcome to your new home."

Um, hello, not exciting.

They were family, but they didn't feel like family. We had only met them two years before and didn't have a real relationship.

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to report this to CPS. This report is made not necessarily to get anyone in trouble, but for your safety and the safety of those around you. **You should be aware of their legal obligation, and make an informed decision about what to say or not say to mandated reporters.**

A mandated reporter that you meet with confidentially is required to tell you that “everything you talk about is confidential unless you mention any of the following three things: a) that you are going to hurt yourself, b) that you are going to hurt someone else, or c) that someone else is hurting you.”

Here are a few scenarios in which someone might call CPS and report that they are concerned about you:

1) When the police arrest your parent, if they believe there are children in the house who won't be able to take care of themselves.

In some places, like San Francisco, when the police arrest an adult, they are required to ask whether there are children living in the home. Even if the police don't call CPS, a neighbor, building manager, or anyone else who is concerned about your well-being might call. If your parent is arrested and you have somewhere safe to live—like a relative's or

friend's home—CPS will not necessarily get involved in your life. CPS is not worried about a youth living with a non-parent in a stable living situation. In fact, any adult can become your “caregiver” with parental consent. CPS is only interested in investigating situations in which you might not be safe or in which you are being neglected.

2) You can call CPS yourself if you think or feel like you are being abused or neglected. Generally, taking a child out of a home requires a high level of “proof” that abuse or neglect has occurred. If you report that you are being abused and want CPS to be able to do something about it (like take you out of the home where you are staying), you must be prepared to tell the investigating social worker that you are scared of the person who is abusing you, and possibly show physical evidence of the abuse (like bruises or cuts). Since CPS keeps a record of all reports, even if they don't take you out of the home the first time, if you demonstrate a long history of abuse or neglect, it will be easier to document to the court that you are not safe in your home.

3) If a mandated reporter or someone else suspects that you are being abused or neglected. This situation

could occur regardless of whether your parent has been arrested or incarcerated, and is not uncommon when a parent is abusing alcohol or drugs.

This is what should happen after CPS is called:

The intake worker on the phone will ask many questions to the person placing the call and determine the danger of the situation. Based on the information they receive in this conversation, if CPS thinks you are in immediate danger, they will send a social worker to your school or home to investigate and potentially remove you from a dangerous situation within twenty-four hours. For your safety, CPS should make every effort to interview you in a safe place away from home (or wherever the suspected abuse/neglect is happening). CPS often goes to schools to conduct interviews. If the case does not appear to be immediately dangerous, a social worker will visit your home or school within ten days of the call. If the intake worker does not think that the child and family require services or intervention, the case will be closed; however, a record of the call will be kept on file. In many situations, suspected abuse and neglect cases will be reported (someone will make a call), but no one will even go out to see you. All CPS calls are kept on record. If

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At my aunt's house nothing felt the same, nothing was the same. I was terrified, sad and lonely, like a puppy when it's storming out at night. In the dark I cried myself to sleep, hiding so nobody could see. “I don't know these people,” I told my mother over the thirty-minute phone call we got every blue moon. “Don't cry, don't cry, don't cry,” I

told myself as I heard the precious voice I had longed to hear, when she got on the phone to say, “Hey Kash-ko.” She always called me Kash-ko like the store, Costco. Before, it had irritated me, but now I suddenly found it endearing.

“Don't worry, everything will be okay, and I'll be home soon,” she told me

every phone call, and in each letter she wrote. Oh, how I worshipped those words.

Aunt Trinice's family favored my brother over me because he resembled my dad, my aunt's brother. “Awww, look at him, he looks just like Tauni,” they'd say, gazing fondly at my

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CPS is concerned about your safety, they have several choices.

In the short term:

- ★ They might take you to a friend's or relative's home.
- ★ They might take you to a temporary foster care placement such as Huckleberry House in San Francisco, or place you with a family or in a group home while they investigate the child abuse charges.

In the long term:

Long-term involvement with CPS (an open CPS case) means that you become a dependent of the court. That is, the court is your legal guardian. This might happen if the social worker and the court believe that you are not safe in your home. See **Question 4 for more information about the dependency or foster care system.**

Family reunification services: If you are placed in foster care, your placement will almost always be accompanied by "family reunification services." These services work to create a safe and stable living environment for you back at home. Some services include counseling, residential therapy, and mediation for you and your family. If these services do not appear to improve your chances of moving back home, the state may seek to terminate your parent's rights so that a more stable long-term situation can be established for you. This may include being adopted by someone else, placement in a foster home or other licensed facility such as a group home.

Adoption: All children and teens should remember that adoption by someone who loves you, or someone who is waiting for a child or teen to share their life with, is an option you can explore by speaking with your assigned Protective Services Worker.

Termination of parental rights: If your parent is in prison or jail, especially if they received a sentence over six months, it is very important that you and your parent understand what "termination of parental rights" means. If your parent's rights are terminated, your parent has no right to see you again, make any decisions about you, or get information about you. Under the federal Adoption and Safe Families Act (ASFA), a law passed in 1997, the state must seek to terminate parental rights if a child has been in foster care for more than fifteen months out of the past twenty-two months, or six months if the child is under the age of three. Under ASFA, exceptions to the timelines for termination of parental rights are permissible under two circumstances:

- 1) when a court finds that termination of parental rights is not "in your best interest" or
- 2) when a court determines that "reasonable efforts" have not been made to support reunification with your parent(s).

The act is meant to make it easier to move children from foster care to permanent adoptive homes, and speed up the process of getting you into a stable living environment. However, the law has resulted in parental rights being terminated for many incarcerated parents, even for parents incarcerated for relatively minor convictions, and sometimes in circumstances



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brother, while ignoring me. I looked like my mom, and my aunt didn't like my mom. But my aunt showed the most favoritism towards her own children.

"Mama, can I have some money, to walk to the store?" my cousin Dehmi would ask.

"Go get my purse." my aunt would tell her.

I wanted to go to the store too. I jumped up to rush out of that preposterous house.

"Oh, I'm sorry Kashka, I don't have any more money," my aunt said unhesitatingly.

"Okay," I said, and sat back down.

Every time I said something, it felt like I messed up the whole moment, so eventually I just stopped speaking. I would go hide in my room, but then they would get mad at that. So I only spoke when spoken to.

School was no better. I used to love it. Shoot, to me growing up, school was my specialty. Almost a straight "A" student, except for bad citizenship sometimes. I used to love science projects and history projects. My mom and my brother always helped. Building missions and villages for the Native Americans in history class. Making paper mache face masks like the ancient Egyptians. Used to be fun working with our hands, getting down and dirty. It all changed when my mom left.

When I asked my aunt and her family for help on homework, they said,

"Ask your teacher! I don't know how to do that!"

"But I'll fail," I said.

"I don't care, that's not my problem," the expression on my aunt's face told me.

where a child has a good relationship with the parent and might be better off living with the parent when the parent returns home from jail or prison. This usually happens because when a parent is incarcerated, it can be very difficult to meet the reunification requirements set by the court, such as taking parenting classes and having regular visits with the child, or just because a parent's sentence is longer than the ASFA timelines for reunification.

Termination of parental rights is difficult to understand. We talk about it here to flag the issue, but understand this is just basic information. If you want your parent to maintain parental rights over you, have your parent talk to a lawyer, or talk to your own social worker, court appointed special advocate, or lawyer. **See Question 22 for more resources to help you and your parent better understand this issue.**

Note: We took most of the information about AFSA and termination of parental rights from Nell Bernstein's book, *All Alone in the World: Children of the Incarcerated* (The New Press, 2005). For more information, see pages 148–50, 153–54, 156–57, and 263–64.

You might be wondering if you will be better or worse off if CPS gets involved in your life. CPS exists to protect children from abuse or neglect, not to take children away from stable living situations. If you're a teenager, the CPS worker is likely to take into strong consideration what you say about your own situation and what's best for you. That being said, the agency and its individual employees do not always make the best decisions for a variety of reasons such as lack of information or resources, legal requirements to follow laws that might not be in your best interest, or simply poor judgment by workers. While it's very hard to predict whether you will be better off with CPS in your life or not, if CPS does get involved in your life it is very important that you speak up and tell the CPS worker what you think would be best for your life and why.

Question 4:
What is legal guardianship? What's the difference between legal guardianship, foster care, and the dependency system?

Legal guardianship is when a court has given custody of a child to someone who is not the child's parent. Your legal guardian has the right to make decisions about your well-being, including decisions about your health, education, and welfare.

The dependency system and the foster care system are the same system! The words are used interchangeably to mean the same thing. "Dependency" means that you, as a youth, are dependent on the court (with delegation of your care, custody, and control to the Human Ser-



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I made friends, but my aunt's family disapproved of them. "Those 'friends' are not really your friends," they claimed. "They'll only cause trouble." But in my experience my friends were not trouble. They made it easier on me by taking my mind off my situation. For me the "trouble" came when I had to go home at the end of the day. Tried everything to stay away—extracurricular programs, going over to people's houses, helping teachers after school. But I always had to return to that torturous world.

Nobody cared except my grandparents. They always cared and were always there but my aunt kept me away. Told me they were busy or tired. Or, "They don't feel like being bothered with no snotty ass little evil bitch like you." Then she'd sigh and say, "I can't wait till your mother comes home," loud enough to make sure I heard it. This was one thing we agreed on. I couldn't wait for my mother to come home either.

Day after day, week after week, month after month, I waited for my mother to come home. "Save me from this madness," I chanted to myself. Then the day finally came. I was sitting in the room I shared with my cousin, doing my chemistry homework. I was finally starting to get the hang of it. I heard the doorbell ring and went to answer it without any clue who it might be. I opened the door and there she stood, my mother, looking just like she had on the last day I had seen her. How I cried as I flew into her arms, not wanting to let go, as she whispered, "I told you I'd be home before you knew it." 



Project WHAT! member preparing for a presentation.

vices Agency's Family and Childrens Division) instead of your parents or another adult caregiver.

The court makes decisions about where you will live and with whom you will live, based on the Protective Services Worker's recommendation. Many families and group homes are licensed by the state of California as foster care providers. If you can't live with your own family (mother, father, siblings, grandparents, aunts, uncles, cousins, etc.) you might move to one of these licensed foster care provider's homes. You will be placed by an assigned Protective Services Worker. **See Question 3 for more information about CPS.**

There is a difference between legal guardianship and foster care. In a legal guardianship, your "dependency" is dismissed by the court. The adult who is your legal guardian has custody over you. It is assumed that you will stay with this guardian until your parent comes home and is able to take care of you, until you turn eighteen, or until it becomes impossible for you to live with that person (i.e., that person becomes an unstable or unsafe caregiver).

To inquire about legal guardianship in San Francisco, call (415) 863-9892. In Alameda, call (510) 268-2838 to inquire about legal guardianship. Call (510) 268-2850

to inquire about kinship guardianship or (510) 834-4006 for kinship support. In Contra Costa, call (510) 231-8114.

Question 5: What is Emancipation? Is this an option for me?

Emancipation is a legal process that frees a child who is between fourteen and eighteen from the custody and control of their parents or legal guardian. Emancipation is a serious step that has negative as well as positive consequences. Legal Services for Children published an excellent guide about Emancipation in November 2004 for youth in California (laws are different in each state).

If you want to learn more about emancipation, go to LSC's website and read the guide:

www.lsc-sf.org/publications/emancipation_manual.pdf. After reading it, if you feel this is an option you want to explore, you should talk about it with a trusted adult, counselor, social worker, or your attorney. You can also call LSC at (415) 863-3762. An intake worker can answer your questions and help you figure out your options.

Remember, if you are in the "dependency" foster care system and are at least fourteen or fifteen (the minimum age varies depending on where

you live), you are entitled to participate in an Independent Living Skills Program (ILSP) that will provide you with a stable transition from foster care to living on your own. Independent Living Skills Programs help you with things like job skills, job placement, and money management. Some provide additional services such as medical and mental health services, substance abuse treatment, and tutoring, and can give you access to computers.

Below is information about Bay Area Independent Living Skills Programs.

East Bay Independent Living Skills Program

Teen Center East Bay
2647 International Blvd. at 27th
Oakland, CA 94601
(510) 261-4102
Neighborhood: East Oakland

Contra Costa County Independent Living Skills Program

1875 Arnold Drive, Suite 200
Martinez, CA 94553
(925) 957-2404
www.cocoilsp.org

San Francisco Independent Living Skills Program

225 Valencia St. at 13th
San Francisco, CA 94103
1-800-818-2989
www.sfilsp.org
Neighborhood: Mission District



SECTION

Mental Health,
Counselling, and
Medical Services



Mental Health, Counseling, and Medical Services

Section 2 answers health questions you may have, such as how to get health insurance, finding ways to deal with stress, and seeing a doctor. At the end of the section, we list information/referral and crisis hotlines, and a bunch of clinics that provide mental health services and/or medical care to teens. Most are low-cost, free, or accept Medi-Cal.

Question 6:
I'm under eighteen and don't live with my parents. Am I eligible for free medical services through Medi-Cal?

Yes, under any of these circumstances:
1. If you need emergency medical care. You CAN receive emergency

medical care without insurance of any kind or if you are undocumented. If you need emergency medical care right away, go to the hospital or call 911 (it is a free call from anywhere) and ask for an ambulance to come and get you.

2. If you are living with an adult relative. That relative can apply for a Medi-Cal card (and CalWORKS) for you. The relative does not have to be your legal guardian to do this.

3. If you are under eighteen years of age and qualify for "minor consent services." According to the California Code of Regulations Sections 50063.5 and 50147.1, minor consent services include treatment for:

- a. Sexual assault, including rape and involuntary sexual acts;
- b. Drug or alcohol abuse treatment for youth twelve years of age or older;
- c. Family planning involving discussions with health care providers about your personal decisions regarding birth control, pregnancy, parenting, and adoption;
- d. Pregnancy, including prenatal care, benefits, and options counseling;
- e. Sexually Transmitted Diseases (STDs or STIs) for youth twelve years of age or older;
- f. Mental health services for youth twelve years of age or older who are ready to actively participate and where either you or other people are in danger OR you have experienced incest (sex with a family member) or child abuse.

4. If you are twelve years of age or older, are not living with a parent or legal guardian, and there is no person who accepts legal responsibility for you, you may apply for the full scope of Medi-Cal benefits as an adult (as long as you appear

competent). This means that Medi-Cal will cover all health services—not just minor consent services.

It will help Medi-Cal if you can bring some identification (a school picture I.D. is fine). Medi-Cal is not allowed to contact your parent or guardian if you are applying for minor consent services! However, always ask whether the local Medi-Cal office will contact your parents before you apply for Medi-Cal. Many providers are not clear on the minor consent laws. You may enroll in the Medi-Cal minor consent program even if you are living at home AND regardless of your parents' income. If you are already enrolled in a Medi-Cal managed care plan (in San Francisco the Medi-Cal managed care plans are the San Francisco Health Plan and Blue Cross) you do not need to apply for a minor consent card. You can simply use your managed care card to receive minor consent services.

The easiest way for you to enroll in Medi-Cal is simply to visit a youth shelter with a Medi-Cal outreach worker or a youth medical clinic. Most clinics have a Medi-Cal worker whose job it is to enroll young people in Medi-Cal. Always call the clinic you wish to visit first and confirm when the Medi-Cal worker will be available.

For immediate medical care in San Francisco, go to San Francisco General Hospital at 1001 Potrero Avenue or call them at (415) 206-8000. For immediate medical care in Alameda, go to Highland General Hospital at 1411 East 31st Street, Oakland or call them at (510) 437-4800.

Question 7:

The stress of this whole situation is getting to me. Is there someone I can talk to?

It's normal to be stressed out about a situation like this—it's not easy to have a parent in prison. In Luis's story, he talks about the impact that his dad's incarceration had on his whole family. You have lots of options for dealing with this stress in a healthy way. Some people write in a journal or play sports. It can also be useful to talk to a trained counselor or psychologist, in person or through a confidential hotline.

Some hotlines are staffed by youth. See the end of this section for crisis hotlines as well as information and referral lines. You might not hit it off right away with a particular counselor, or you might have had a bad experience in the past, but counseling can sometimes be a great way to help you sort out your feelings and deal with stress.

Question 8:

Can I see a counselor, therapist, or psychologist without my parents or legal guardians knowing about it?

Sometimes—it depends on the circumstances. **Before your first appointment, make sure to ask the mental health provider if the services are confidential.** Also ask under what circumstances s/he would be required to contact your parents/legal guardians. Mental health providers—and all other mandated reporters—are required to report suspected child abuse or neglect to Child Protective Services (CPS). **See question 3 for more information about CPS.** Some mental health care providers do not know the law. Make sure you feel comfortable with your confidentiality agreement. If you explain that it would make you uncomfortable if they told your parents, they might be more likely to keep the information private.

1. You may consent to your own counseling if you meet all of the following conditions [Family Code Section 6924(b)]:

- a. You are twelve years old or older;
- b. The counselor, therapist, or psychologist believes you are mature enough to participate intelligently; and
- c. The counselor, therapist, or psychologist believes you would be a danger to yourself or others without the treatment OR you are an alleged victim of incest or child abuse and are stating that parental consent would be detrimental to you.

2. You may consent to drug and alcohol abuse counseling if you are twelve years old or older. However, you cannot receive methadone treatment without the consent of your parent or legal guardian. [Family Code Section 6929]. Remember, the provider is required to inform your parents/legal guardian about your treatment UNLESS s/he feels that doing so would be inappropriate or detrimental to you. Be sure to discuss the conditions under which s/he would contact your parent/guardian.

3. You can see a school counselor for confidential counseling if you are twelve years of age or older [Education Code Section 49602]. Remember, there are limits to the confiden-

M X STORY

The Life and Times of Luis

By Luis Esparza

Oh how I ask myself every day, "Where is Daddy?" If I am lucky, I get to see him once a month. Every time we visit, I don't have the courage to talk to him. I just stare at him through the glass. There really isn't much to say. I said everything I wanted to say to him the first time he went to jail.

I told him I loved him. I asked him why he did what he did. He said, "You got to do what you got to do." This was to make me feel better.

I told him I thought it was dumb of him to take the blame for something my brother did. He told me he did it for my brother, and for the family. I know my dad did what he did to protect us, but protecting us made it worse. No one talked to my brother. They all blamed him. Everyone in my family started drifting apart, not talking. It was like we weren't even a family anymore.

The second time my dad went to jail, he went for leaving the country and

tiality of these services. For instance, a school counselor may tell your parents or others what you say if s/he feels it is necessary to protect your health, safety, and welfare or that of the school community. The counselor may also report information you give him/her regarding a crime that could or already has hurt someone or damaged property. The school counselor may not, however, tell your parents about what you say if the school counselor reasonably feels that your health, safety, or welfare would be endangered [Education Code 49602]. None of this information will become part of any official school record.

In general, a mental health provider (e.g. counselor) may have you hospitalized without your permission if s/he believes that you will hurt yourself or others, or that you are “gravely disabled” (unable to use the basics of life such as food, clothing, or shelter, even if they are provided to you). In addition, if you threaten to harm someone or damage their property, and the mental health provider feels it is necessary to warn that person to prevent the harm, the mental health provider is required to warn that person of your threat [Tarasoff v. Regents of the University of California, 17 Cal. 3d 425, 131 Cal Rprt. 14 (1976)].

You might not hit it off right away with a particular counselor, or you might have had a bad experience in the past, but counseling can sometimes be a great way to help you sort out your feelings and deal with stress.

Question 9:

I think I'm pregnant, have a sexually transmitted disease or infection (STD/STI), or have a drinking or drug problem. What should I do?

Get to the doctor or clinic. Lots of organizations provide free pregnancy-related services, and STD/HIV testing and prevention. See our list at the end of this section. Section 3 is all

about substance abuse and rehabilitation resources.

If you're pregnant or have children, and want to understand your rights, The Center for Young Women's Development (CYWD) published a handbook for young mothers in 2007 called "My Life Chose Me." This guide is especially useful if you have already been involved with the juvenile justice and/or child welfare systems. Call (415) 703-8800 or visit CYWD to get a free copy: 832 Folsom Street, Suite 700 in San Francisco.



The Life and Times of Luis

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not calling his parole officer. I had told him to call, that if he got caught one more time I wouldn't have a father anymore and he should forget he had a son, that I had already heard too many excuses.

How would you feel if your father went to jail for something as minor as that? My mom told me, "He is still your father," and that I should love him no matter what. I guess I still love him, but I don't want to get close to him and see him get taken away again.

After he went to jail I kept to myself a lot—became the quiet kid that no one noticed and no one really cared about. At one point I didn't even have any friends. No one talked to me, so I didn't have to say anything about my life. I kind of like it that way, but inside I feel sad and angry. In this world, though, no one wants to see that so I keep it all to myself.

My dad sends me a letter for my birthday. I just start to cry because I can't even see him.

I say to my mom and dad that I don't have a father anymore and I don't care if he gets out of jail. I am only kidding myself. The first time he got out of jail, I was eleven. I was home at the window and my face lit up like the sun when I heard him calling my name from the curb. I ran out of the house and hugged him, crying and crying. I pinched myself like 100 times just to make sure it wasn't a dream. Then he went back to jail and my world came crashing down.

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Hotlines and Information/Referral Lines

Alameda County Mental Health Care Services

Access Mental Health
1-800-491-9099

Telephone screening and referrals for people needing psychotherapists and psychiatrists; also for people with chronic mental illness needing admittance to an Alameda County community mental health center. Fees are on a sliding scale and Medi-Cal is accepted. Referral line is open Monday through Friday 8:30 a.m. to 5 p.m.

Bay Area 2-1-1 Lines

www.211bayarea.org

For every day needs and in times of disaster, dial 2-1-1 to access hundreds of community services, 24 hours a day, 7 days a week. You can find the help you need by searching their online database or calling. 2-1-1 phone service is free, confidential and available in over 150 languages. In the Bay Area, 2-1-1 is available in Alameda, Contra Costa, Marin, Napa, San Francisco, Santa Clara, and Solano Counties. (In San Mateo, instead try 800-273-6222 or 415-808-HELP. In Sonoma, try 800-325-9601).

Child Crisis Hotlines in Bay Area Counties: If you feel like you might hurt yourself or someone else, you can call a “crisis” hotline. The person you talk to can help you figure out options and ways to get help. See below for numbers in a few Bay Area counties. If you live in other parts of California or in other states, dial 411 and ask for the phone number for the “child crisis” or “suicide prevention” hotline in your county.

San Francisco County: (415) 970-3800

Marin County: (415) 499-1100 (this is a suicide prevention line staffed 24/7)

Napa County: (707) 253-4711 (this line is staffed 24/7)

Solano County: (707) 784-2140

California Youth Crisis Line: 1-800-843-5200 or www.youthcrisisline.org. A crisis counseling and support program that is available 24/7 from anywhere in California, for ages twelve to twenty-four.

Girls and Boys Town National Hotline

800-448-3000

The Girls and Boys Town National Hotline is a 24-hour crisis, resource and referral line. The Hotline has been in operation since 1989 and is staffed by trained counselors who can respond to questions every day of the week, 365 days a year. Approximately 250,000 callers contact the hotline annually to receive help relating to being suicidal, physically or sexually abused, on the run, addicted, threatened by gang violence, fighting with a parent, a parent frustrated by a child, scared of a spouse, or faced with an overwhelming challenge. Visitors can also chat online with counselors every Monday (except holidays) from 8 to 9 PM CST.



The Life and Times of Luis

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I ask my mom if she misses him. She doesn't say a word. I think it is because she is secretly seeing someone else. She acts like nothing happened and goes on with her life. I feel bad for her, but I should talk—I am the same way.

When my dad is out, it is a whole different story. Mom smiles and laughs and has the time of her life. I feel so happy for her because it's been like forever since I have seen her be that happy. I guess she does love him.

The second time they told me he was getting out, I put my best clothes on and sat next to the window like a dog waiting for his master's return. He didn't show. I asked my mom to call and check if he was released. She looked at me with a sad face. I swallowed my feelings in front of her and acted like it didn't bother me. As soon as I got to my room I started crying, but then I told myself, “Hey, what's the difference? He hasn't been here for me for most of my childhood. Why should it matter to me now?”

My mom says that my dad is coming out soon, and that we can be a family again. I don't think that's possible. Too much has happened.

I hate that when my dad gets out, no one tells him what they really feel. But I do the same thing. I can't get the courage to tell him how much he has hurt me and everyone else around him. I guess that's how my family wants it—to act like nothing ever happened. I love the moments I get to spend with him when he is

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Bay Area Wide Health Resources

Family Support Services of the Bay Area (FSSBA)

www.fssba-oak.org

FSSBA's mission is to help caregivers nurture their children and keep their families intact. Programs include Respite, Family Preservation, Kinship, and OreMi Mentoring. Services are provided in Alameda, Contra Costa and San Francisco Counties. See below for offices/programs.

San Francisco FSSBA

205 13th St., Suite 3150

San Francisco, CA 94103

(415) 861-4060

Respite Program direct line: (415) 861-4284

Oakland FSSBA

Family Reclaim and Another Road to Safety Programs

401 Grand Avenue, Suite 200

Oakland, CA 94610

(510) 834-4006

Admin/Finance, HR, and OreMi Mentor, Respite and Kinship Programs

401 Grand Avenue, Suite 500

Oakland, CA 94610

(510) 834-2443

Respite Program direct line: (510) 834-4766

Planned Parenthood Golden Gate

1-800-967-7526 or 1-800-967-PLAN

www.ppgg.org

Planned Parenthood offers a wide range of reproductive and primary health care services, including medical care, STD screening, HIV testing, HIV/STD prevention, family planning, pregnancy-related services, and health education during daytime, evening, and Saturday hours. You can make a confidential online appointment from the website or call the appointment/ information line at 1-800-967-7526. PP also has "teen clinics" for teens only ages 12-19. All services are very low cost and in most cases confidential for teens ages 12 and older. See below for select locations, or check the website for all Bay Area locations and hours. Always call to check days and hours since they might change after our guide is published.

San Francisco Health Center

815 Eddy St. at Van Ness Ave.

San Francisco, CA 94109

Oakland—Eastmont Health Center

Eastmont Mall, Suite 210

7200 Bancroft Ave.

Oakland, CA 94605

Teen Clinic: Thursday 1-5pm



The Life and Times of Luis

Continued from page 22

out, and I sort of get why my family says nothing. I guess we would rather have some moments of happiness with my dad than not have him in our lives at all.

My dad is out now. I am fifteen. He first went in when I was seven. I haven't seen him once since I was eleven, except in that horrible place that is the jail waiting room. He is in Mexico and wants us to go there too. He was given the choice to stay in the U.S. but he wanted to go to Mexico so he chose to be deported. I tell him I won't leave the people I love here, because some of them have helped me out more than my father. "How do you expect to tell me anything, when you haven't been there almost my entire life?" I ask. He tells me he has no right, but he is trying to make everything right.

Some people I have told this to tell me that it seems like a bad dream or something made up and sometimes I think it is. Sometimes I feel like all this isn't really happening, that maybe one day I'll wake up from this bad dream. I call this dream my life. ✖

The second time they told me he was getting out, I put my best clothes on and sat next to the window like a dog waiting for his master's return. He didn't show.

Oakland—MacArthur Health Center

482 West MacArthur Blvd.
Oakland, CA 94609
Teen Clinic: Wednesday 2-5pm

San Rafael Health Center

2 H Street
San Rafael, CA 94901
Teen Clinic: Thursdays 1-4pm (they will take the first 20-35 teens)

month (teens welcome to drop-in any Wednesday from 1:30-3:30pm; the 1st Wednesday of each month is Teen Clinic ONLY; the clinic is closed the 4th Wednesday of each month)

Hayward Health Center

1866 B St.
Hayward, CA 94541
Teen Clinic: Wednesday 1-4pm

San Mateo Health Center

2211 Palm Ave.
San Mateo, CA 94403
Teen Clinic: 1st Wednesday of each

East Bay Resources

Already listed:

DreamCatcher (See page 09)
George P. Scotlan Center (See page 09)

Ann Martin Center

1250 Grand Ave. (across from the ACE Hardware)
Piedmont, CA 94610
(510) 655-7880
www.annmartin.org
Ann Martin Center is a nonprofit community organization that provides child and family psychotherapy, play, art and sand tray therapy, academic tutoring and remediation, and educational and psychological diagnostic testing. The center helps youth and adults handle problems with learning, emotions and behaviors that can be due to stress, relationship issues, life transitions, and learning disabilities. Fees vary by service. They offer a sliding scale whenever possible. Occasionally treatment scholarships are also available. Families may be eligible for free or reduced fees through Alameda County Behavioral Health Care, Medi-Cal, or the Victims of Crime Program.

Berkeley Free Clinic

2339 Durant Ave. at Ellsworth
Berkeley, CA 94704
(510) 548-4811 ext. 6400
www.berkeleyfreeclinic.org
Neighborhood: Berkeley
The Berkeley Free Clinic provides a variety of services, including free primary care services and other medical care, dental services, HIV/STD prevention/testing, peer counseling, youth employment, and health education. The Information and Referral Collective (IRC) provides information in areas such as addiction programs, medical needs, mental health resources, shelters, foodstuffs and meals, legal services, HIV and STD programs, and much more. To get information about health and social services in the community, or if you have questions about the services of the Berkeley Free Clinic, call. **They answer phones on Sundays from 4 p.m. to 7 p.m., Mondays through Fridays from 3 p.m. to 9 p.m., and Saturdays from 8 a.m. to 5 p.m.**

M X S T O R Y

Daddy's Little Girl

By Marriah Humphrey

If I hadn't woken up out of my sleep that night crying for my dad, how long would they have carried on with this lie about him working late? I was in kindergarten and for the past year I had been under the belief that my dad was working late nights at a hotel. That night when I started crying, my mom came in and sat down on my white princess bed with the pink flowers. "Daddy's gone," she said. "He's in jail." He was actually in prison but I didn't know that word yet so she said jail.

It crushed my world. I was sad because if he was working at a hotel, he could come back anytime he wanted to, but knowing he was in jail meant he couldn't ever come. I was so used to having my dad around, and at four years old I was spoiled rotten. My dad never yelled at me and whenever my mom threatened to punish me he'd insist, "Don't spank her!" I felt like I had the best dad in the world, there was no one better.

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FamilyPaths, Inc. (formerly Parental Stress Service)

Family Hotline: 1-800-829-3777 or (510) 893-5444 (if calling from Oakland)
www.familypaths.org

FamilyPaths, Inc. (formerly Parental Stress Service) is a non-profit organization of mental health professionals and dedicated volunteers that provide a number of mental health, counseling and therapy services to low income, multi-stressed individuals and families. The agency has served the mental health needs of Alameda's families since 1972 and today offers services from offices in Oakland, Hayward and Fremont. These services include a 24-hour Family Support Resource Hotline, a 24-hour Foster Parent Advice Line, Emergency Respite Child Care, CalWORKS support counseling and Positive Parenting Classes. They also provide counseling for infants, children, adolescents, adults, and families. See below for locations.

Oakland FamilyPaths Office

1727 Martin Luther King, Jr. Way, Suite #109
Oakland, CA 94612
(510) 893-9230

Hayward FamilyPaths Office

22455 Maple Ct., Suite #402
Hayward, CA 94541
(510) 582-0148

Fremont FamilyPaths Office

39155 Liberty St, Suite #F600
Fremont, CA 94536
(510) 790-3803

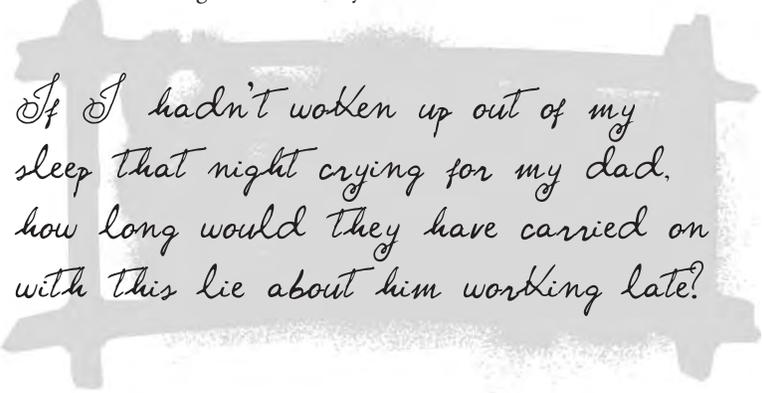
Youth Uprising

8711 MacArthur Blvd.
Oakland, CA 94605
(510) 777-9909

www.youthuprising.org

Neighborhood: Oakland, near Castlemont High School

Youth Uprising serves youth ages thirteen to twenty-four, providing youth leadership and community building training, classes in media arts, physical arts and material arts, health and wellness services, youth employment, career and education services, and legal services. They also have a health clinic.



If I hadn't woken up out of my sleep that night crying for my dad, how long would they have carried on with this lie about him working late?



Daddy's Little Girl

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My dad was six foot one, with a smooth bald head and big biceps. We did everything together. We went swimming whenever I wanted to, jumping into the pool together, splashing around and playing. I always stayed close to him in the water. He exercised a lot, and I liked to jump rope next to him. I remember he used to jump rope really fast and I always wanted to jump fast like that. I didn't know how to do it though. I started out with the rope in front of me instead of behind me. It wasn't till I started school and a girl asked, "Why do you jump rope like that?!" that I realized I had been jumping backwards. My dad never told me I was doing it wrong because he didn't like making me sad. If anything hurt me, it hurt him too. My dad used to run next to me while I rode my bike. He always made sure I wore a helmet, elbow pads, kneepads and gloves. One time he was putting my helmet on and he snapped the skin under my chin by accident. It hurt and I cried. To this day he asks me if I forgive him for it.

The day after I found out the truth about where my dad was, I went over to the house of my grandma, my dad's mom. My aunt was there too. I told them I knew and that I wanted to write my dad a letter telling him I knew. But when I got ready to write my letter and I was asking them how to spell stuff, they wouldn't tell me. I think they were upset with my mom for telling me, and thought "Well, maybe we can stop her from writing the letter." But that wasn't the case. Even though I couldn't

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San Francisco Resources

Already listed:

- Girls 2000 (See page 10)
- Huckleberry Youth Services at the Cole Street Clinic (See page 10)
- Larkin Street Youth Services (See page 10)

A Home Within

2500 18th St.
 San Francisco, CA 94110
 1-888-898-2249
 www.ahomewithin.org
 Neighborhood: Potrero Hill
 A Home Within's Local Chapters offers pro bono psychotherapy to current and former foster youth. Their Fostering Art Program gives foster youth the chance to explore and document their inner and outer worlds through art and the written word, while developing life skills and strong ties with peers and the community. Fostering Transitions pairs youth about to leave foster care with mentors from the community for at least one year to build healthy relationships and skills for work and life.

Balboa Teen Health Center

1000 Cayuga Ave. Room 156
 San Francisco, CA 94112
 (415) 469-4512
 Neighborhood: Outer Mission/Excelsior
 The Balboa Teen Health Center serves high school aged adolescents, not just students at Balboa High School. They provide medical and mental health services. Drop-in services are available.

Bayview Hunters Point Foundation Youth Services

5015 3rd St. at Quesada
 San Francisco, CA 94124
 (415) 822-1585
 Neighborhood: Bayview
 The Bayview Hunters Point Foundation is a drop-in center with social services for youth ages 11-22 in Bayview Hunter's Point. They provide outreach, STD screening, HIV testing, HIV/STD prevention, family planning, pregnancy-related services, substance use services, crisis intervention, youth development, tutoring, and vocational training.

Haight Ashbury Free Clinics, Inc.

Main number: (415) 746-1967
 www.hafci.org
 Haight Ashbury Free Clinics (HAFCI) provides free or low-cost health care, substance abuse treatment, HIV prevention, and a range of community programs. They speak English and Spanish. They serve youth over 17 years old as well as emancipated and homeless youth, even if under 17. There are two locations: the Haight Clinic and the Integrated Care Center. See below for ad-



Daddy's Little Girl

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write, I just drew him what I wanted to say. I remember drawing a man with little bars.

After that first time I wrote him, it got harder for me. To this day I do not like writing him. I have a mental block on writing him. Maybe it's because I don't want to know that he's there. I'd rather not believe it. I only write him when report cards come and school pictures. When I was still living in Texas my grandma used to come take me to visit my dad. It was always awkward because my grandma and mom didn't really talk. Me being around was the only thing that kept them talking. Whenever I went to go visit my dad I always cried. He asked me about school, my friends, and what I did during the day. He always had candy in his pocket for me, usually candy canes because most of the time it was during Christmas that I'd get to visit. It was always a long time between visits because of the tension in my mom and grandma's relationship.

We moved from Texas to California when I was about to start first grade. It was really far away. I just recently asked my dad if he knew why we moved and he said, "Because your mom wanted a new beginning, a chance to start over."

My mom moved on in her life without my dad, and I guess I did too. I started to take my mom's side because I could see all her pain and frustration. Ever since that first time she told me my dad was locked up, my mom has been really straight-

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dresses and numbers. Days and hours are subject to change so call to inquire.

Haight Clinic

558 Clayton St. at Haight
San Francisco, CA 94117
Appointments: (415) 746-1950

Integrated Care Center

1735 Mission St. at 13th
San Francisco, CA 94103
Appointments: (415) 746-1940

Homeless Youth Alliance

1696 Haight St. at Cole
San Francisco, CA 94117
(415) 630-0744
homelessyouthalliance.org

The Homeless Youth Alliance (HYA) offers a variety of services, including a drop-in center, street-based outreach, one-on-one counseling, weekly educational workshops, psychotherapy services, syringe exchange, and monthly community clean-ups. The drop-in center is open: Monday 10am-1pm, Wednesday 12:30-4:30pm, Thursday 10-2pm, and Friday 2-5pm.

Hip Hop to Health Clinic

446 Randolph St. at Arch
San Francisco, CA 94132
(415) 337-4719
Neighborhood: Lake Merced

Hip Hop to Health is a community clinic that provides supportive services for ages 12-24, including outreach, education, mental health, medical care, case management, STD/HIV screening, STD/HIV prevention, family planning, substance use services, and crisis intervention.

Horizons

440 Potrero Ave at Mariposa
San Francisco, CA 94110
(415) 487-6700
www.horizons-sf.org
Neighborhood: Potrero Hill

Horizons engages, educates, and inspires youth to greatness through a wide range of programs and services. Services include education, mental health HIV/STD prevention, substance abuse treatment, crisis intervention, arts, the DJ Project (arts entrepreneurship built on a hip hop foundation), employment, and entrepreneurship, and programs specifically for females. Horizons serves youth ages 12-26 and is bi-lingual Spanish/English.

Homeless Prenatal Program

2500 18th St.
San Francisco, CA 94110



Daddy's Little Girl

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forward with me about everything. Me and my mom's connection grew strong. I became and still am mama's baby girl.

Watching my mom's struggle made me angry at my dad. Without him around, money was always an issue. Once my mom told me a story about how right before my dad went to prison they were about to buy a big yellow house in Texas. I always wonder what it would be like to live in Texas. I always wonder if I had stayed if I would have been that Southern belle with a deep accent.

But instead here I am in California, far away. I saw my dad this summer, but before that it had been seven years since I had last seen him. We talk on the phone, and I guess we pretend like everything is normal because we always had a good relationship when I was little. But the truth is we just can't communicate like we used to. I like to joke around, but I've noticed he can't tell the difference between me being serious and sarcastic. The truth is, it's hard to talk to him about my life when there's so much of it he hasn't been around to experience with me.

Now that I'm older, I can imagine how things could have, should have been. I remember reading a school newsletter and in the left corner there was a section about a daddy-daughter dance. The advertisement showed a little girl dancing with her dad and it made me so sad, knowing that I'd never get a chance to go to one.

Sometimes I think back to how it was when I was four. If I had to choose between going with my mom or going with my dad back then, I'd choose my dad. I always wanted to be with daddy. But

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(415) 546-6756

www.homelessprenatal.org

Neighborhood: Potrero Hill

Homeless Prenatal helps women have healthy babies through case management, education, and home visits. They provide housing assistance, substance abuse services, a childcare center, a mental health center, a technology center, and prenatal services, housing workshops, art classes, and mommy and baby yoga.

Valencia Health Services

1647 Valencia St.

San Francisco, CA 94110

(415) 647-3666

www.nurseweb.ucsf.edu/conf/vhs

Neighborhood: Mission District

Valencia Health Services (VHS) is a community clinic that offers confidential sexual health services to teens up to 21 years of age. VHS offers these confidential services: Plan B (emergency contraception) and condoms at the clinic, birth control counseling and prescriptions, safer sex counseling, pregnancy testing and counseling, pediatrics clinic referrals for prenatal care or abortion, STD testing and treatment, and pelvic exams and pap smears. VHS also offers general health services to teens and budgeting services. Clients don't need a parent or guardian's permission to receive sexual healthcare at VHS. Health care practitioners will not give your parents or guardians any information about the sexual health treatment you receive there. However, if you are under eighteen you will need a parent or guardian's permission for these services: physical exams, including pre-sports, camp, job training or college physicals; urgent care visits; care for teen chronic conditions, including asthma and acne; and referral to specialists. Services are NOT free, but they are payable on a sliding scale. Many insurance plans are accepted, including San Francisco Health Plan and Healthy Kids.

San Francisco Wellness Initiative

555 Franklin St.

San Francisco, CA 94102

(415) 522-6738

www.sfwellness.org

The San Francisco Wellness Initiative is a group effort to support the health and well-being of students. As of 2008, there were school-based wellness centers in 15 high schools in the San Francisco Unified School District (SFUSD)—see our list below. The programs provide free, confidential services to SFUSD students, including behavioral health counseling and services; support and empowerment groups; reproductive health services, and referrals to health resources in the community. Core staff at wellness programs includes a site coordinator, school nurse, mental health and substance abuse counselors, and student and professional outreach workers. (Note: The program originally was going to include some middle schools, but middle schools will now be coordinated



Daddy's Little Girl

Continued from page 27

now it has been eleven long years, and hearing he is getting out soon just doesn't excite me in any way. I was in kindergarten when he went in, but by the time he gets out I'll be heading off to college. I want to be a daddy's girl and I sometimes say I am but it's just four-year-old me remembering how it used to be.



**ROOTS
STUDENTS
POEMS**

Dear Dad

By Grevon Dags

Most of my life you have
been locked up—
This is what you missed in my life:
My elementary school graduation,
my 15th birthday when we went
to Universal Studios,
and my first touchdown
in a high school football game.

Greshawn got out of jail
and is now holding two jobs.
Mom's gotten better,
she's happier now that her sons are safe.
Uncle JoJo died of cancer last year.
I'm about to finish high school and go
to college. I'm planning to go
to Saint Mary's College like my cousins
Corey and Cordell.

Dad, I've learned that the world
is scarier than a nightmare.
I wish you were here
to help me get through it.
Until then, I will maintain my life
with strength and without fear.

through the “Safe Passages Program”).
Phillip & Sala Burton High School
Downtown High School
Galileo Academy of Science and Technology
International Studies Academy
June Jordan School for Equity
Abraham Lincoln High School
Lowell High School

Thurgood Marshall Academic High School
Mission High School
Newcomer High School
John O’Connell School of Technology
School of the Arts/Academy of Arts & Sciences
Wallenberg High School
Washington High School
Ida B. Wells High School

M X STORY

I’m Not Feeling It.

By Sarita “Ri-Ri” Wilson

On September 29, 2003, my life changed forever. This is the day my mother went to prison. Not only did I lose my mother, but I lost one of my best friends. My mom and I did everything together. We’d been going to Starbucks together every morning since I was eight. First cocoa for me, then Frappucino as I got older. We went shopping together, went out to eat together, and went to the movies together. How many teenagers would you catch at the movies with their mother? Not many, but me and my mama always did.

My mom had fought her case outside and so when she was sentenced she was forced to turn herself in on that day. The night before she left, my mom wanted to play a family Scrabble game but I was mad so I acted out and went to my friend’s house. When I came back she tried to tell me I was in trouble but I just walked away and went to bed. I wasn’t feeling it. The next day I just woke up and went to school like it was a regular day and nothing was wrong. When I came back I asked my step dad where she was and he said, “You know where she at.” My best friend was gone.

So there I was living with my step dad who, at the time I thought was a great guy. That is until Thanksgiving that year, when I woke up in the middle of the night to find him feeling on me. At that point I had few choices

of where I was going to stay, because I was hardheaded, and no one wanted a hardheaded teenager to raise. I bounced around to different family members, basically taking care of myself.

The March after my mom left, I fell 42 feet from my school bleachers, broke my whole left leg, sprained my wrist and had to have surgery on my ankle. There was no way I could take care of myself, so I had only one other option and that was to go stay with my cousin in Hayward. Hayward is quiet and boring with no one to hang out with. I wasn’t feeling that shit—I’m from the town!

Staying with my cousin was hell from the beginning. I was in a wheel chair and using a walker and still forced to do household chores even though I couldn’t even walk. And on top of that, she stopped me from going to my junior prom and other school events. After my cast came off it just got worse. I felt like jumping off a bridge. Not only was my mom gone but I was in Hayward with no privileges and all my friends were in Oakland. I hated it there. So I told her that if I continued to stay with her I would kill myself. So she called the police and told them what I said. They came and got me and took me to Herrick Mental Hospital, where I stayed for five days, not feeling it,

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until I was moved to Fred Finch Youth Center, not feeling it, as an assessment while they found me someplace to go. From there I was placed at a group home. That first group home wasn't so bad. They took us whitewater rafting and everything. But as school started it got harder and harder, me being used to being spoiled and having new clothes every year. Having to go back as a senior in the same clothes as the year before (definitely not feeling it) was horrible. Not to mention it ruined my rep. Everyone knew me as the big girl who could dress her ass off and was always fitted. I went from being the one girls wanted fashion tips from to the butt of everybody's jokes.

So I talked to this girl Cheryl in my group home and we made a plan to run away together since our boyfriends were brothers and had their own spot.

"How are we going to do it?" I asked. Cheryl said, "It'll be easier if we leave in the middle of the night."

"Why?" I asked.

"Because then the counselors won't see us and we can take our stuff."

"How are we going to get out?"

"Through the window. You know we all have those fire escape ladders in our room."

So at 2 a.m. we hopped down the fire escape. Not living at the group home, not going to school...I was loving it at first...until me and Cheryl got into it and me and my boyfriend broke up. But things were looking up. I had started talking to my neighbor and he seemed nice and sweet, as they all seem at first.

Because my mom wasn't around to tell me to watch out, I was vulnerable to older guys. I was already flirtatious as it was. Then with her gone, and not telling me to stay away I had even more reason to talk to them. I had no mom to tell me about the birds and the bees like she had promised to one day. I had to read it in a book. Because I didn't always know where my next meal was coming from and because I needed somewhere to stay, I got involved with men who weren't good for me. My neighbor offered me a place to stay with him and his son. The only thing was that he was a drug dealer. And to help pay part of the rent so I didn't feel like a moocher, I began to steal from stores and return the stuff for cash or credit until I got caught stealing and went to juvenile hall for the first time 9 days before my sweet sixteen. Definitely wasn't feeling that.

I was sent to another group home but I ran again, back to my apartment in Hayward. Then I began to sell drugs. The money was fast and easy and I loved it. I was back to being my spoiled self with fresh clothes, fresh shoes and fresh hairdos. I loved the street life. I never left the house with less than five hundred dollars and when I came home I had at least twice that. The only thing was, I kept getting arrested. It wasn't always for selling drugs. One time I went in it was for loitering with the intent to pimp and pander because I had on baggy jeans, big t-shirt and a beanie, standing on Mission Street in Hayward. They said it was a ho stroll. I didn't even know Mission was a ho stroll, I'm from Oakland!

Every time I got sent to a group home I would run. Once I had experienced independence, no group home could keep me interested enough to stay more than two days. I loved the street life.

Two weeks before our two year anniversary, my fiancé and I broke up and I started paying my godmother \$250 month to sleep on her couch. Which was cool until my stash ran out. (I had stopped selling drugs and started spending money.) So broke and homeless, I called the only person, I could think of, which was my brother Jason. The next day I moved with him.

Things couldn't get better. Finally, I had stability and I was ready to give up "the life." Finally, I was back in school, playing volleyball, and I was near my friends. I had a party for my 18th birthday. I was in a new relationship and was talking to my mother at least twice a week cause she knew where to find me now. I was ready to stop getting in trouble and start turning my life around. But because I had been involved in the street life, it wasn't that easy. I had a previous debt and I couldn't get a job because I still had a warrant. Feeling like I had no other choice, I got talked into cashing checks. I got locked up again. And this was no juvenile hall, this was Santa Rita Jail. I was 18 now. Those six days were the worst of my life. The jail was nasty, not to mention the women. Since it was my first case as an adult they let me go. But I didn't stop cashing checks, just moved to a different county and started there. On

M X STORY

I'm Not Feeling It | Continued from page 30

November 29th, 2006, Concord P.D. came in and kicked in my door. You know damn well I wasn't feeling that. But I did the crime and now I had to do the time. I did 5 months in West County Detention Facility.

People assume that if you have an incarcerated parent you'll wind up getting locked up too. But do they ever think about why that might happen? Before my mom left I was an honor roll student, with a 3.5 GPA, on every varsity sports team that my school had. When my mom left all stability left with her. I went from having someone I did everything with to being by myself. My grades

dropped. I started smoking, which put an end to sports. Things went downhill from there.

During the three and a half years my mom was gone, I made eight different trips to juvenile hall and jail and went to four different group homes.

When I got out of jail March 14th, 2007, I really began to turn my life around. I have two jobs, one here with Project WHAT! and another with the Y.O.U.T.H. Training Project. I am the mother of a beautiful baby girl named Alicia who is my reason for living. Seeing what I went through with my mother makes me want to be an even better mother to my

daughter. I'm changing my life for the better now, but it's been hard for me because I had to do all this with no mother during the teenage years and no real role model. My mother is out now but I'm still dealing with the instability that her incarceration caused. And I'm still dealing with my feelings of anger towards her for being gone so long. I still don't even know what she went to prison for. But I do know I wish she had been thinking more before she did whatever she did. I wish she had been thinking about how she had a teenage daughter to raise. I wish she had been thinking about what my life would be like with her gone. X



ROOTS STUDENTS POEMS

Untitled

By Matt Pavloff

I can't imagine, especially now
that I've learned to value my freedom.
I can't imagine being in any kind of cell
right now, although I've had my share
of time in a juvenile cell.
I can't imagine moving up a notch
in facilities and ending up in jail.
I don't want to imagine
what my father's going through right now.
I don't want to end up in his shoes,
staring at my four-sided concrete,
sitting on my metal toilet.
I don't ever want my freedom at risk
of being stripped out of my hands.

Untitled

By Josh Dillard

Truth is a fact worth listening to.
Truth is strong like Hercules.
Truth is a beautiful girl.
Truth is as bright as the sun.
Truth is hard as a rock.
Truth is as tasty as chicken.
Truth is what George Bush should be.
Truth is never painful.
Truth is most important.
Truth is dark as night.



SECTION

Drug and Alcohol Abuse and Rehabilitation



Drug and Alcohol Abuse and Rehabilitation

Oftentimes, drugs and alcohol not only contribute to the deterioration of the abuser, but also of the family. But this doesn't necessarily mean that it's right to blame the person suffering from drug/alcohol use; nor does this mean that a person is lost and beyond help once s/he has become involved with these harmful substances. In fact, in most cases, these substances are used as an escape from other, deeper problems within the person's life. In this section,

MY STORY

Kyle's Story By Kyle Sporleder

you'll learn how to make the hard decisions necessary for facilitating change and ultimately helping your family or yourself. You'll also find information on various resources, rehabilitation centers, support groups, and counseling services that can support you in your efforts. Kyle's story gives you a glimpse of how substance abuse ruined his father's life, and how his addiction and violence devastated his family. Therese's story gives you an idea of how drugs and incarceration robbed her from having a father in her life.

Question 10:
I've been turning to drugs or alcohol to deal with the problems in my life. What can I do and where can I go to get help?

Using drugs and alcohol is a common and unhealthy way to cope with your problems and the stresses in your life. It can even start to feel like it has taken control over certain aspects of your life. Assert control over the things you're able to and take care of yourself. Focus on your strengths, accomplishments and motivations in life so that the stress doesn't overwhelm you. Talk to someone, an adult you care about—chances are they want the

During his life, a boy expects to receive love, happiness, and security from his parents. He expects his parents to be dependable and to provide him with the aid and guidance necessary to thrive. In my life, these expectations were never met.

My father met and married my mom when he was 20 and she was 23. He was a non-graduate of high school, unemployed, and without his own family to support him. When

best for you. It's good to have people in your life for support, even though they might not understand exactly what you are going through. It can also be helpful to talk through your problems and find out healthy ways to cope with them with someone who has a lot of experience and knowledge. If you are at a school that has a counselor, talk to them, or go to your nearest boys and girls club or community center and they can refer you to a counselor/therapist or a case manager. A case manager is someone that can help you with goals that you have for yourself. If you have goals to get into a four-year university, get medical health care, find a place to stay, stay sober, etc., case managers can help you move forward. If you want to talk about your drug and alcohol abuse or about your problems with other youth that can relate to your experiences then a support group might work for you; a case manager and counselor can refer you to one. Also, do things that you enjoy, this can help you get your mind off of whatever you are going through. Some positive things to do can be going to the gym, for a jog, or to the beach, writing or drawing, playing hoops or strike-outs, learning how to knit, joining a club or organization, getting involved in your community or a youth center, or volunteering and taking a leadership position.

he met my mom, I think he saw his anchor, a person to help him hold his life together. They stayed happily married for about a year and a half. Then he began to drink heavily and exhibit bi-polar tendencies, jolly one minute, and violent the next. One night, after coming home from a bar, he pulled my mom out of bed and started screaming at her, blaming her for all of his problems. My mother

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Question 11:

My father is using drugs/ alcohol and I'm worried he's becoming addicted. I don't want to get him in trouble. How do I get him the help he needs?

Depending on the stage of addiction your parent is at there are a variety of ways in which you may approach him. If you've just recently started to notice his drug use and you're fairly certain that he's just begun using, then your best option may be simply sitting down and talking to him yourself. If you have a strong, communicative relationship with your parent then this may seem like an appealing route to take. However, if you feel uncomfortable engaging your parent in such a conversation, then it might be better to talk to a relative or family friend and asking them if they'd be willing to talk to him. Regardless of who makes the approach, the essential part is that your parent recognizes the danger of his drug use and how it threatens the stability and happiness of your family. If this approach works, then he may consent to attending counseling and rehabilitation. As with all problems, it's best to stop it at the inception. Question 13 considers the possibility that your appeal will fail, things might even get worse, and what additional options you have in that case.

Question 12:

A family member has an addiction and has been stealing money from us and lying about it. this has been very stressful—what should I do?

It sounds like this addiction is no longer just their problem. If you want this family member to stop lying, stealing and using, know that the desire to change has to come from that person. Confronting that person might be very difficult as they may have feelings of embarrassment, shame, pride and guilt for what they are doing. Basically, you can't be in control of anything that is happening to that family member or what is happening to the rest of you as a result of their addiction. What you do have control over is your life and taking care of yourself. If you haven't already: hide your money, valuables, bank statements, and anything else that has your account information and passwords. You can try writing little notes to them stating how serious their addiction is and how it is affecting you. If you don't feel comfortable giving the notes to them then you can place them around the house where they might look for your money. If the situation is stressing you out to the point that you can't concentrate or remain motivated about any aspect of your life—school, family or social life—then get help. If you are not taking care of your physical health and well-being—eating right, sleeping, etc.—talk to someone. Again, you can always talk to a school counselor or have them refer you to a therapist/counselor or case manager at another community agency. If your school doesn't have a counselor, go to your nearest community agency. If you feel like you want to talk to other youth who are going through the same things, there are support groups for those whose family members have an addiction. If you want to get information and educated on what your family member is going through there are a lot of community organizations that can



Kyle's Story

Continued from page 33

tried to calm him, but he was beyond reason. He grabbed her by the hair, and threw her down the stairs. She was 7 months pregnant with me at the time. The neighbors called the police, and upon their arrival, my mother was put into an ambulance and my father was arrested. This event began my family's long and painful journey of domestic violence.

By the time I was 11, my father had been arrested many more times. He and my mother argued regularly, sometimes with the dispute ending in violence. Though he had stopped drinking, he was abusing drugs and often invited his addict "friends" to stay with us. I didn't understand why my family had to be so unhappy. I wanted to talk to someone about how I felt, but I couldn't think of whom. I thought about talking to my friends, but I felt embarrassed. I also thought about telling my church's pastor but I was scared that something horrible would happen. I had seen on TV what happened to dysfunctional families: they would be split up. I didn't want to leave my mom or my little sister and brother.

So I decided to talk to my favorite relatives, my uncle and aunt. I called my aunt, and the following day, she and my uncle came to pick me up, telling my mom that they just wanted to take me to the movies. After we left the house, I told them everything. I told them about my parents' continuous arguments. I told them about how scared my siblings and I were. They listened to me silently, without expression. Then, my uncle spoke. He told me not to worry about anything, that he would handle it. I was so immensely

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help you with this or point you in the right direction. If you want to provide help and give information for rehabilitation to your family member, call an information line or ask a substance abuse agency to give you the resources that you need.

Question 13:
When my father uses drugs/ alcohol he becomes very abusive. I don't want to go to foster care if I try to get help. What can I do and where can I go to get help without getting anyone into trouble?

Above all, remember that you are not to blame; you are a survivor of abuse and have the right to be safe. If you're being abused and you don't want to talk to anyone because you're worried you'll end up in foster care—or that you'll get other adult family members in trouble by speaking out—please read our answer to question 3 in section one. You always have the option of reporting the abuse to child protective services (CPS) by calling CPS yourself or by telling a mandated reporter what's happening. You can also call an anonymous domestic violence hotline if you just want to talk to someone trained in domestic violence. These people can also often refer you

to emergency shelters if things get really bad at home. One approach that focuses more on repairing your family is to organize an intervention, which would include family members and friends sitting down with the abuser and telling him/her how they feel. At this time, it would also be beneficial to explain why change is needed and how the participants can help. If the intervention proves to be ineffective, then another option is to seek professional help. This might consist of attending family therapy or asking your abusive parent to attend counseling and/or to complete a residential or outpatient substance abuse program.

M **S T O R Y**

Kyle's Story | Continued from page 34

relieved. Finally, someone was going to help me.

Oh, was I wrong. The next day my mom confronted me. She smacked me across the face and started yelling at me. She was furious that I thought I could just spread “our family’s business” and do so without telling her. When my dad heard what she was yelling about he beat me.

I’ll never forget that night. I cried myself to sleep, cupping my wet bruised face. No one was going to help me. My mom had convinced my aunt that there was nothing wrong. She had lied out of shame, and her lies had condemned me. I was a prisoner of my own family. On the morning of my eighth grade graduation I woke up at dawn to get ready. My mom helped my sister Lindsay and my brother Shane get dressed. My sister wore a long, flowing dress with a soft blue hue, and my brother was in a navy blue suit; he even had a little clip-on tie. Honestly, they looked like two miniature angels, though I’d never tell them that.

My mom was trying to get

ready too, but my father impeded her progress. He was insisting he needed money to “fix the car,” though in actuality, he wanted to buy drugs. By this time, he was using cocaine, methamphetamine, and heroin. As they fought, I simply sat in a chair with my brother and sister, watching them. The normalcy with which we treated my parents fighting now appalls me.

My father attempted to wrench my mother’s money out of her hands but she pulled away from him and ran outside to the car. I followed her, and so did my siblings, but my father grabbed them as they neared the door. He said that they weren’t going, and that the only person that was going to be present at my graduation was my “bitch” mom. I hated him for doing that to me. My mom and I got into the car and drove to my school. She was crying, but for some reason, I wasn’t. When we got there, I ran inside the church, where the ceremony would be held. I didn’t turn back to see if my mom followed.

Twenty minutes later, as my classmates and I were lining up for the

graduation to begin, I heard a scream, my mother’s scream. I ran outside, along with many other people, and on the steps of the church stood my parents, arguing. Apparently, my father had decided to come to my graduation, but only with the intention of getting money from my mother. When she refused to relent, he took the camcorder from her. Maybe he thought that he could get some money for it. After all, he needed his drugs. But he was my dad and that was the camcorder that was supposed to record my graduation. Luckily, when he left, he forgot Lindsay and Shane, so they were able to stay. After the ceremony, many people congratulated me for my awards. A large group of teachers, friends and families, including my own, headed to a restaurant to celebrate. When we got there, I excused myself from the group. I needed a moment alone. My mom had apologized to me, but I was so angry about my father, so sick of the hell that my family was being exposed to daily. I sat down and cried.

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A final option includes reporting the abuse to a probation/parole officer or the police (or CPS as discussed above and in question 3). Although there is a huge stigma attached to taking this path, in some cases, nothing short of the most extreme options can keep you safe or actually help the abuser change their ways. We are not advocating that the first thing you do is to call the police or CPS but remember that you are not to blame for this situation and you have the right to protect yourself if someone else is harming you. In the event that you do end up calling the authorities, you shouldn't feel guilty for your choice. You'll never truly know if change is possible until all options are tried and everything possible is done to help yourself and your family.

Question 14:
My mother is trying to stop abusing drugs/alcohol, but still suffers from occasional relapses. how can I help her stay on the right track?

Fighting an addiction takes immense effort, and sometimes an addicted person will find that she feels hopeless in fighting it. At times like these, it is pertinent that you offer all the support you can. Although it may seem that the storm has passed now that your mother has decided to pursue a clean, drug-free, happy life with you, the road to actually freeing oneself from addiction is a difficult one. Relapse is common in that process of staying clean; don't despair. Your mom has already shown an interest and willingness in getting clean, and this is the most significant part. No one can be forced to change her life; she must make that choice herself. Therefore,

what's needed now is your ongoing support, which can entail anything from spending plenty of time with her to simply telling her that you know she can persevere. Some tips for helping her keep clean (which might seem obvious) include: ensuring that she does not come in contact with the previously abused substance; keeping her away from anything related to her addiction (drug dealers, other addicts, drug paraphernalia); helping her find a new, healthier "habit" such as biking, swimming, playing basketball, writing, painting, or really anything she has an interest in or used to enjoy doing before the addiction; making sure she maintains her health (good diet, exercise, meditation); and most of all, letting her know that you support her and that you're 100% confident that she can beat this addiction. Help her recognize her strengths and obstacles that she has overcome. This can help in having her focus on her future and move forward. Remember, she's fighting this addiction in order to change

M X S T O R Y

Kyle's Story | Continued from page 35

During the next year, my father continued to physically abuse my mother and me, as well as psychologically assault my brother and sister. Finally there came a moment when I was so fed up that I fought back. My father had been trying to force my mom to give him money and they ended up struggling. Lindsey and Shane were watching and crying. I tackled my father. I managed to get him off my mom momentarily, but after hitting me a few times, he turned back to her. I ran to the phone and threatened to call the police. My parents shouted for me to stop, both of them. I never knew why my mom had always protected my father all of those times that the police had come for him. But,

now I know. She protected him out of love, misplaced love, but still love. Afterward, my mom managed to calm down my dad, and then she told me to pack my stuff. She said that if I stayed there my father would hurt me and that she couldn't do anything about it. She drove me to my friend Darrell's house, gave me 100 dollars, and drove back home, to the home that was no longer mine. I stood there silently with Darrell's arm across my shoulders, and I cried.

For over a year and a half I lived with friends, first with Darrell and his father, then with two brothers, Michael and Anthony, and their dad. My gratitude toward these friends and their families is immeasurable.

But having no steady family support of my own created great stress. My mother tried to drop off some money or food monthly but it wasn't nearly enough. Then she stopped visiting so often. I ended up working two jobs. My grades dropped so much that eventually I quit working so I could bring them back up. I was only able to get by because Darrell lent me money. My situation seemed dire. However, I got back in contact with my mom and she started to help me out again. She even brought my brother and sister to see me. I had missed them so much but my joy at seeing them dissipated when they told me about the torment my father was

Continued on page 37

for herself, but knowing that she's doing it for you too can give her that extra reserve of strength that she needs to ultimately win the battle.

INTERVIEW QUESTION

How are you going to go about having a successful future and overcoming having a parent in jail or prison?

Well for me that thought had not come about 'til I was older and my dad no longer was in jail. I still think about ways to have a successful future and honestly I haven't come up with the perfect plan, but I have been making little progress step by step trying to stay positive and doing positive things. I kinda look at it like "I don't want him or me to be locked up in a cage" and the fact that the criminal justice system will not have a problem taking your life away is another thing that keeps my head straight. Really I think you can make the best of anything, if you use your situation as a motivation. (Demel)

I don't really know what I want to be or what to do with my life, but basically understanding that the past is over and now I can move forward is what motivates me most to do better. Knowing that I can help others get through this and share my

own story is also helping me change my future for the better. (Zoe)

I guess not doing the same mistake that my dad did and show the world that it's not always "like father like son." That just because he messed up doesn't mean I will. I want to show the world that I can do everything like everyone else and just because I have a parent in jail doesn't mean I'm any different than the other kids who don't have parents in jail. (Luis)

I'm going to look at their wrongs and see what they were doing and acknowledge that it was the wrong thing and know not to go that way. I'm going the opposite way and have a positive outlook on life. Also my church will be a big help because they know the struggles that I have and they are dedicated to helping me have a successful future no matter what. (Tiffany)

My mixed feelings tortured me. When I was younger, my father had told me about how horrible prison was. And I had just sent him there for at least a year. My heart burst with guilt as well as relief.



Kyle's Story

Continued from page 36

causing them. I felt like I had abandoned them. I begged my mother to let me come back home, but she said no, that I'd only make things worse. Eventually, I went to my house anyway. I expected it to be a short visit, but it ended up changing my life.

When I arrived, my parents were fighting, so I instinctively called the police. When they got there, they took my father away. Apparently, there had been an active court order for him to stay away from my mom, my siblings, and me. He had violated a restraining order that I hadn't even known existed. My mixed feelings tortured me. When I was younger, my father had told me about how horrible prison was. And I had just sent him there for at least a year. My heart burst with guilt as well as relief.

Today I'm living back at home. Lindsay and Shane are growing up fairly well by my judgment, performing well in school, making tons of friends, and being somewhat kind to me when they're not pestering. Interaction with my mother is improving. She seems to be finally realizing that her love has blinded her. My father is out of jail now, but I haven't seen him. I'm trying to get a restraining order against him for me and my siblings.

During his life, a boy expects many things. When a boy grows to be a young man, and after he has endured struggle, pain, and disappointment, he realizes that his expectations were naïve. But now that young man has hopes and dreams. He is no longer naïve; he knows that those hopes and dreams might not necessarily come true. The future is still uncertain, and all he can do is hope for the best.



San Francisco Resources

Alcoholics Anonymous

www.alcoholics-anonymous.org

Alcoholic Anonymous (AA) offers support services for alcoholics, their families and friends. The only requirement is a desire to stop drinking, there are no membership fees. AA is worldwide with meetings in almost every community. You can find times and places of local AA meetings or events by contacting a nearby central office, intergroup or answering service.

East Bay Intergroup Central Office

295 27th St.

Oakland, CA 94612

(510) 839-8900

www.eastbayaa.org

Neighborhood: West Oakland

Intercounty Fellowship

1821 Sacramento St.

San Francisco, CA 94109

(415) 674-1821

www.aasf.org

Neighborhood: Western Addition

Oficina Central Hispana

383 Valencia St.

San Francisco, CA 94103

(415) 554-8811

Neighborhood: Mission

Bayview Hunters Point Foundation

This organization is already listed in our guide. These are their specific resources for substance abuse treatment.

Adult Substance Abuse Treatment (detoxification and methadone maintenance or detox)

1625 Carroll Street

San Francisco CA 94124

(415) 822-8200

Youth Substance Abuse Treatment (outpatient, partial hospitalization/day treatment)

5015 3rd Street

San Francisco CA 94124

(415) 822-1585

Colvin House and Buster's Place

Programs of the Haight Ashbury Free Clinics

(415) 746-1940

Colvin House and Buster's Place are both located at the Integrated Care Center, which provides primary medical care, substance abuse treatment, mental health counseling and intensive case management all under one roof. Colvin House is the only Women's Detox Center in San Francisco and serves 2,900 women a year. Buster's Place is a homeless drop-in center that serves 34,000 people a year.

Friendship House Association of American Indians

56 Julian Avenue

San Francisco, CA 94103

(415) 865-0964

Neighborhood: Mission

Their substance abuse services are not strictly for American Indians, and are open to both men and women. They provide residential long-term treatment services for six months to one year, as well as a 30 day program.

M X STORY

Survivor

By Therese Rodriguez

I can recall, vividly, nights when my dad, brother and I were home watching movies, and my dad would say those little words that started my heart racing with fear. "I'm going to the store. I'll be right back." I knew from experience that once he left chances were he wouldn't come back. I would cry and cry and beg him, "Daddy, don't go, if you really love me you won't leave us, you don't have to

go." But he always left. Then would come that dreaded phone call saying how sorry he was that he wouldn't be around for awhile.

My dad had an addiction to crack and cocaine that was stronger than me and my family. He was in and out of jail, prison for all of my childhood and adolescent years, up until I was about 16 years old; at that point he made his home in Milwau-

Harbor House

407 9th Street
San Francisco, CA 94103
(415) 503-3029
Neighborhood: SOMA

Harbor House serves persons with co-occurring mental and substance abuse disorders and provides residential beds for clients' children. In addition to providing long-term substance abuse treatment (more than 30 days), Harbor House is also a Halfway House.

Western Addition Recovery House

940 Haight Street
San Francisco, CA 94117
Client Intake: (415) 487-5647

Western Addition Recovery House is a 20-bed substance abuse treatment program designed for African-American men. Counseling services, substance abuse education, job skills training, and reading classes are all offered in a culturally appropriate setting, leading to substance abuse recovery and personal development.

East Bay Resources

Alameda Family Services

2325 Clement Avenue
Alameda, CA 94501
Hotline: (510) 522-8363
Intake: (510) 522-8363 x103
www.alamedafs.org

Alameda Family Services provides a mix of mental health and substance abuse services. The care is outpatient treatment. They focus on teenagers and people who have been in the criminal justice system. They accept state financed insurance but NOT Medicaid and fees are on a sliding scale.

Kaiser Permanente

Chemical Dependency Recovery Program

969 Broadway
Oakland, CA 94607
(510) 251-0121

Kaiser Permanente Chemical Dependency Recovery Program provides substance abuse treatment, detoxification, and buprenorphine services. The care is out patient and partial hospitalization/ day treatment. They focus on teenagers and people with co-occurring mental and substance abuse disorders. They accept Medicaid and Medicare.

Narcotics Anonymous

(510) 536-4760
www.na.org

Narcotics Anonymous is an international, community-based association of recovering drug addicts with more than 43,900 weekly meetings in over 127 countries worldwide. They provide counseling and rehabilitation. There are no fees or dues for membership and they also provide a recovery process and a support network.



Survivor

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kee, Wisconsin, where he last did time at. When I was a little girl and he would disappear, my mom would tell me he was working, "in the fields", I think she would say, and couldn't come home. The thought that lingered in my mind was, "Why didn't he know and tell us ahead of time if he was going to be away for awhile working?" I listened more closely to phone call conversations my mom was having with my dad and other people and I figured out where he really was.

For awhile I still played along because I didn't know how to bring it up, but it eventually came out in the open. That's when my family started to really talk bad about my dad. My grandparents, uncles and aunts on my mom's side would say, "He's not a dad to you, he's not helping you, he doesn't do anything for you. He doesn't help your mom; look where he's at. He's more like your dad." They would say this referring to my grandpa or uncle. Everything they said to me or anyone else about my dad got me very angry and built resentment towards them. My dad was my everything, my shining star; I was the firstborn, daddy's little girl. No matter how much he hurt me and my family, he was still my dad, and I didn't like when anyone said otherwise. I always protected and defended my dad; when he was around, me and my brother were always nice to him because we saw how my mom's family treated him.

My brother and I never visited my dad when he was locked up. I'm not sure if it was my mom's or my dad's idea for us not to go, but we never questioned why we didn't visit him, I guess I always assumed he

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Cole House of Antioch

1408-A Street
 Antioch, CA 94509
 (925) 978-2873

Cole House offers an inpatient, residential substance abuse treatment and rehabilitation program (long-term; more than 30 days) for individuals with co-occurring mental and substance abuse disorders. Services are offered in English and Spanish. They accept males only, ages 18-56 and serve criminal justice clients (parolees and people serving alternative sentences or those mandated to do a drug rehab program).

REACH Project of Antioch

1915 D Street
 Antioch, CA 94509
 (925) 754-3673

The REACH Project offers various substance abuse treatment services, including an outpatient program with bilingual and payment assistance options. Hours: Tuesday through Friday from noon to 8 p.m., Saturday from 9 a.m. to 5 p.m., and Monday by appointment.

Center for Recovery of Concord

2740 Grant Street
 Concord CA 94520
 (925) 674-4100

The Center for Recovery offers detoxification and substance abuse treatment services for adults, including a hospital inpatient program, an outpatient program, and partial hospitalization/day treatment. Psychiatric services are offered for children as well as adults, but substance abuse treatment is only for adults. Payment options include self-payment or any type of health insurance.

RMS/Crossroads Treatment Center of Concord

2449 Pacheco Street
 Concord, CA 94520
 (925) 682-5704

Crossroads Treatment Center offers detoxification and substance abuse treatment services for both men and women, including both a short-term (30 days or less) and long-term (more than 30 days) residential treatment program, an outpatient program, and a partial hospitalization/day treatment service.

No matter how much he hurt me and my family, he was still my dad, and I didn't like when anyone said otherwise.



Survivor

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was very far away. I remember feeling stressed out because it was hard for me to write him. I'm sure it hurt him that we never really wrote him a letter or sent him anything, but there was nothing I had to say to him.

Each time my dad went away it grew more and more painful for me to have to be without my dad and each time apart from us grew longer. When I was in fourth grade, I believe, my parents finally got divorced. My dad was sent to prison in Milwaukee, Wisconsin and when he was released for the final time he decided to stay out there, believing that he needed to get away from his old lifestyle and bad habits in the city. He came back to visit us and apologize for everything he did to us and asked for our forgiveness. At the time I really couldn't respond and express how I really felt about it all, and I just hugged him, as he cried and I told him that it was okay. His other intention in coming down to see us was to have us move up to Milwaukee with him, but none of us was ready to change our lives around to fit his new lifestyle. We visited him before making our final decision to stay in San Francisco, where we really felt was our home. I was hurt that in the end he chose to live out there without us, I guess I had always assumed that he would eventually come back and make up for lost time. Then I figured it wouldn't make that big of a difference since I was used to him not being around anyway. He is now married and is having his "second chance at being a dad"; he is the caretaker of my niece, while my sister does time in prison.

My dad's absence robbed me of my childhood. Since as far back

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Project WHAT! member being interviewed for a police training video. The video will be used to train thousands of police officers on new procedures to keep children more safe at the time of a parent's arrest.

M **S T O R Y**

Survivor | Continued from page 40

as I can remember I have always been put in this “superwoman role”. I was there for my mom, my brother and my grandma when my dad wasn’t around. My mom was so caught up with all of the problems my dad put her through, that I was more like a sister to her than a daughter. I quickly learned responsibility.

I also suffered because I missed out on having that positive male role model in my life for guidance or support. During my pre-teen and teenage years, I never had a dad or any adult teach me about boys and dating, what love would be like, or what it would feel like to get your heart broken. I simply relied on my cousins, friends and my street smarts. When I started dating my lingering insecurities came out about how my dad had always left us and never changed his behavior. I would base how much a guy loved me or cared about me on his ability to better himself and how much he wanted to be around me. I’m sure that I would

have made smarter decisions about love and infatuation if I had a good example of what love, relationships and marriage was like at home.

As I got older, I analyzed drugs and the effect they have on people. People make it seem like it is so easy to quit. As if the person really cares about their family enough to stop whatever addiction they have. I believe that drugs are an overpowering force; its purpose is to kill, steal and destroy that person. Like with my father, it didn’t mean that he loved us any less because he didn’t quit or change. So I’m not mad at him for that. I’m mad that we couldn’t move forward as a family and that we didn’t have money to get by. We had to depend on my grandpa who had struggled all his life to get where he was at. Once my dad was released from jail there weren’t jobs available to him, or that he could hold any of the jobs he had. I wish that my family would have taken the consideration to think about me and my little brother

and how we were affected.

These are some of the reasons why I chose to become a Social Worker. I’m now in the last year of the Master’s program at State. These experiences have helped me to grow into a very strong and independent person. My desire and passion is to help people, especially, children, youth and families who have many hardships, barriers in their life. I’m working and educating myself so that I can use my skills and degree to help advocate for people, provide therapy, change policies and organize.

I have my own family now, a husband and a beautiful baby boy, Salvador Adriel, “Jr”. I want to be there physically, emotionally, mentally, and spiritually for my son so that he has what I missed out on. I want to give him the love, consistency, stability and trust he needs and I want him to be independent and strong, as I learned to be.



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SECTION

Visiting a Parent
in Prison or Jail



Visiting a Parent in Prison or Jail

It can be hard to visit a parent who is locked up. You might not even want to. But if you do want to, we hope this section will help you figure out how. If you can't visit for whatever reason, you can stay in touch with your parent by writing letters or talking on the phone.

MY STORY

Sunday Morning

By Zoe Willmott.

Generally here's how prison phone systems work: 1) you can't call an inmate in prison—they have to call you; 2) phone calls are usually limited to fifteen minutes; 3) often, inmates can only make collect calls, although some prisons allow inmates to pay for their own calls. Either way, rates are way higher than normal phone calls. Even though phone calls can be expensive, they can be a good way to keep in touch with your parent if you're able to afford them. And remember, stamps are cheap and your parent can receive as many letters as you want to write.

If you do want to VISIT, read this section carefully.

There may be lots of obstacles to visiting: where you live, transportation, your age, getting permission, etc. On top of all this, prisons and jails are confusing. Many have different rules. Visiting someone you care about in jail or prison can be an overwhelming experience. You might leave angry, upset, or sad. At some jails and prisons, there are only non-contact visits—visits that take place through glass, or where they only allow one hug. This can be stressful, especially

for younger children, so if you plan to visit your parent with a young child, it might help if someone explains to them what to expect ahead of time.

Even if you don't have younger siblings, you need to prepare YOURSELF for the visit. Guards are often rude. Sometimes it seems like they look for an excuse to turn visitors away—like little dress code violations. Don't give them an excuse! If you do, you might not get in, even if you traveled hundreds of miles to visit. Getting turned away at the door is really frustrating. Just make sure you're doing everything "right" according to their rules—even if they seem pointless.

It's critical to remember that each jail and prison has different visiting rules. Even if you follow everything we say in this guide, the best way to make sure your visit happens is to call the prison or jail before you visit. Use the worksheet we provide at the end of this section to help you ask the right questions and get all the information you need in one place.

In the rest of this section, we give you as much information as we can about visiting in general. Check out the

hills, covered completely with black and white cows, blurring in my sleepy eyes, followed by the heat of still air as we sat in traffic for what must have been hours. We drove through an army base, a training camp that existed right across the street from my destination: my mother. She was hidden behind barbed wire, metal detectors, cold steel, shackles, and clanking chains that kept her inside of this place, of this prison.

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Visiting someone you care about in jail or prison can be an overwhelming experience. You might leave angry, upset, or sad... You need to prepare yourself for the visit...

sections for visiting Bay Area county jails and California state prisons. For a personal perspective, Zoe tells her story about visiting her mom every Sunday in prison.

Question 15:
How do I locate my parent?

First of all, know that if your parent was just arrested, admitted, or transferred to a jail or prison, information about them may not be available for about a week. The length of time depends on where they were arrested and/or are being held. If it's been longer than seven days, use the procedures below to locate them. You can still try to use these instructions if it's been less than seven days, but just be aware that they might not yet show up on any official records.

County Jail: If your parent was given a sentence of under one year or is awaiting trial, they are probably being held in a county jail. California is divided into fifty-eight counties. If you know what county your parent is in you can usually access the county website at [the county's initials\).gov.org \(for example, San Francisco County is \[www.sfgov.org\]\(http://www.sfgov.org\), Alameda County is \[www.acgov.org\]\(http://www.acgov.org\), and Santa Clara County is \[www.sccgov.org\]\(http://www.sccgov.org\). Once you are in the county website you can follow the information for the County Jail or Sheriff's Department to possibly locate the inmate's information. Inmate information can also be obtained by phone through the jail's administrative booking unit. If you call, be prepared for a long wait because these numbers are usually very busy. The other option is to visit the administrative booking office. You should be able to find the address and phone number if you go to the county's web page or call 411. **No matter which way you try, the most important information to get is the phone number or address of the jail's "administrative booking unit" and the personal file number for your parent, as these numbers are the key tool for locating an inmate in the jail system.**](http://www.(add</p>
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California State Prison: If your parent has been sentenced to a California state prison, call the CDCR Identification Unit at (916) 445-6713, Monday through Friday from 8 a.m. to 5 p.m. You must provide your mom or dad's full name and



Sunday Morning
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As my dad and I pulled up to the front gates on those Sunday mornings, my six-year-old body became restless.

Form after form to fill out, line after line to wait in. The processing room to get into the prison visiting room was filled with antsy families, some from as far away as other countries. Little children anxiously ran around, and their parents were yelled at for not keeping them under control. Then, of course, were the teary-eyed folks who had been sent home because they didn't follow the dress code perfectly, or whatever other reasons the guards decided they needed to send someone home that day. Confirmation that I was not smuggling drugs into the prison as a four-year-old, metal detectors, and even more forms to fill out while waiting in even more lines, took up a good portion of the morning. Then, finally, being escorted by multiple guards, watching all of us like hungry vultures, ready to swoop down at any moment. And then, the visiting room, which brought even more waiting. Staring at those thick beige doors, desperately hoping that every time the red light came on, my mom would be the one to walk out. Eventually, she would, but each time I stood there waiting, I feared that she would never come out to see me again. She quickly walked through the doors, standing tall at five foot even. Her short, dyed-red hair bobbing at her shoulders, and kind face immediately put me at ease. I remember rushing across the room to get to her, and holding on so tight I thought I'd never let go. That is until a guard came along, staring us down, his eyes working like pliers, determined to pull us apart. Those visits flew by so quickly; I can hardly recall the time we actually spent

full birthday (month, date and year), or their CDCR identification number if you know it. This unit can only provide you with the current location and CDCR identification number for the offender. They don't have future release date information. If your parent was just admitted or transferred, information may not be available about them for seven business days.

Federal Prison: If your parent has been sentenced to a federal prison, you can search online with first and last name, using the "inmate locator" tool on the Federal Bureau of Prisons website. Go to www.bop.gov/iloc2/LocateInmate.jsp.

Question 16:
How do I get on the visitors list?

After you find out where your parent is, it's up to them to put you and the person who will take you to visit them on their visiting list. The inmate almost always has to start the process, whether they are in a state prison, federal prison, or county jail. Some county jails don't require you to be pre-approved prior to a visit, but many do, so call and ask first.

County Jail: The process for getting on a visitors list varies between counties. Some counties, like San Francisco, don't require that you apply to get onto a pre-approved visitors list. The best thing to do is call the Sheriff's Department or jail in the county in which your parent is being held, and ask if you, or the adult who is taking

you to visit (if you're a minor), needs to be pre-approved.

California State Prison: Inmates have to sign a Visitor Questionnaire (CDC Form 106) and send it to any adults who are going to visit. All adult visitors must complete the questionnaire and return it to the Visiting Sergeant by mail. Youth under eighteen don't have to fill out the form, but make sure the person who's taking you to visit fills it out. The prison visiting staff must approve visitors before they visit. This should take approximately thirty working days. Failure to provide all requested information might result in the request being either denied or delayed.

Federal Prison: The process is similar to state prison. The inmate gives a list of proposed visitors to staff, who investigate the proposed visitors before putting anyone on the list. An initial visiting list is ordinarily established within a few days. It includes immediate family members approved to visit. Additional family members and friends may be added following investigation. (These investigations can take a long time, but if you're visiting a parent, you should be able to get onto the 'immediate family member' list. If for some reason you or an adult who is taking you to visit is being investigated, be prepared for a long wait). When your parent arrives at a federal prison, they receive an institution handbook that has all the visiting procedures. Your parent is responsible for giving each visitor the visiting guidelines and directions to the prison.



Sunday Morning
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together. I do remember just wanting to sit there and talk forever, wanting her to know what my life was like, and also the curiosity in my head of what it must be like for her to be stuck in this place, but of course, I never got around to those questions. I was too scared to know. I didn't want to think about what she was going through, so I left it up to my imagination. Still, the questions stayed in my mind: what was prison like? How did they treat her? How did she survive here? I didn't want to make our only time together depressing so I just avoided asking the questions. Instead, I would tell her about school, about my teachers and my friends. Her smooth voice and calming tone made me feel like I was back at home, just for a second. She knew how to make me giggle and laugh, making the experience of visiting as enjoyable as it possibly could be. She would tell jokes and tickle me (only she knew my most ticklish spots).

Occasionally I brought my best friend with me to visit my mom, so I could bring the different parts of my life together in the same beige visiting room. I was never ashamed that my mom was in prison. I was more proud than anything else, because I could show people that no matter what she's done in her past, she's still my mom. I felt the need to teach people that being incarcerated doesn't make you a bad person. Whether you are guilty or not, prisoners are still human beings, just like anyone else. My mom was my mom no matter what, and her incarceration never changed that. I was proud that she stood up for herself, that she didn't let the prison environment become an excuse to be depressed. She

Question 17

How old do I have to be to visit alone?

County Jail: In county jails, the age requirement varies. In most, you have to be eighteen to visit alone. (In a few, you only have to be sixteen). Otherwise, you have to have a parent or legal guardian with you and bring papers to prove your relationship with the adult who brings you to visit. In some cases, the written policy is different than what actually happens. This is frustrating, but it happens, so you should be aware of it.

California State Prison: Children under eighteen are only allowed to visit when they are accompanied by an approved adult visitor such as a parent or court-appointed legal guardian, or they have written, notarized permission to visit from the child's parent or legal guardian and a certified birth certificate or embossed abstract of birth. Notarized letters must have the notary stamp on the original document; it must not be stapled or attached as an amendment and must be updated each calendar year.

Federal Prison: Children under sixteen must have an adult with them when they visit, and their parent or guardian must approve their being on the visiting list. Some institutions have programs for young children during visitation, so if you have a younger brother or sister it's good to find out about these programs.

Question 18:

I don't have a car. How can I get there?

The Center for Restorative Justice Works has a program called Get on the Bus which started out by providing transportation for children to visit their mothers in California prisons on Mother's Day. The Chowchilla Family Express was launched at the end of 2006, and provides free monthly transportation to families (including children, spouses, siblings, parents, and other family members) of women in Chowchilla prisons. They have buses each month from northern and southern California to Chowchilla. They are also starting to provide transportation to some men's prisons in California.

Center for Restorative Justice Works (Central Office)
 5411 Camellia Ave.
 North Hollywood, CA 91601
 (818) 980-7714
www.getonthebus.us

Chowchilla Family Express
 1-866-91-VISIT (1-866-918-4748)
www.familyexpress.us
 Contact: Eric DeBode

Get On the Bus
Northern California Office
 1125 Ferry St.
 Martinez, CA 94533
 (925) 335-9314
 Contact: Sister Claire Williams

Public Transportation
 Many people take a public bus or train to visit someone in jail or prison. If you have access to the web and live in the San Francisco Bay



Sunday Morning

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never let them take her spirit, which always amazed me.

That visiting room holds so many of my childhood memories, it's almost like a part of me grew up there. I still recall the first time I got yelled at by a guard. I was four years old and I'd gone over to say hello to another prisoner, a friend of my mom's who I had also known. Of course, this type of behavior is "unacceptable" in the visiting room, because you may only have any form of contact with the inmate you are signed up to visit. Now, how was a four-year-old supposed to understand this? How was I to comprehend that it was not allowed for me to say hello to someone I knew? That experience taught me to fear guards and police officers, and eventually to hate them. I grew up being scared of the people in uniform who I had to be around every weekend.

I also spent a considerable amount of time without my mom in the visiting room. In the kids play area, where she wasn't allowed, I would go and play with other kids while my parents had their visit. I drew pictures, and played with toys. Some of the older girls used to braid my hair, and we would all just try and make the best of the situation. Knowing we all had something in common made it easier. There was no awkward period to get over the question of where your parents are. Occasionally, they would have someone directing an arts and crafts project. While this was all fun for me, I often sat there staring through the window, back out at my mom. All I longed for was to be by her side.

With my mom, we talked, we laughed, we cried, until it was time to say

Continued on page 47

Area, you can use the website 511.org to help plan your route. Centerforce has a lot of information about California prisons and jails all over the Bay Area (Alameda, Contra Costa, San Francisco, Marin, and Santa Clara Counties). They list buses and trains that go to the jails and prisons in California. Like all information on the web, sometimes it's outdated, but it's a good place to start: www.centerforce.org/families.

Question 19:

This is confusing. Is there anyone who can just help me figure out what I need to do so I can visit?

We agree—the rules are confusing. Don't feel bad about not understanding them. You'll eventually figure it out. Ask that smart friend, your social worker, or another adult to help you. They probably won't know all the rules either, but share this guide with them—they might be able to help you read through it and understand everything. And here are a few more resources to make it easier: If you're visiting someone in a **California State Prison** see our list at the end of this section.

If you live in **San Francisco County** and your parent is being represented by the Public Defender's Office, call Linnette Peralta Haynes at (415) 734-3294. Linnette serves families of public defender clients. Part of her job is to help children visit their parents in San Francisco jails and provide referrals to services as needed.

If you live in **Contra Costa, Santa Clara or Sonoma Counties**, the Friends Outside offices below can help you understand the regulations and/or set up a visit, and provide other services as described. You can also contact the Friends Outside National Office.

Friends Outside National Organization

P.O. Box 4085
Stockton, CA 95204
(209) 955-0701
E-mail: gnewby@friendsoutside.org
www.friendsoutside.org

Friends Outside in Santa Clara County

551 Stockton Ave.
San Jose, CA 95126
(408) 295-6033
www.friendsoutsidein SCC.org
Friends Outside in Santa Clara County provides a variety of services to

inmates, their families, and their children. Friends Outside in Santa Clara County can help you understand how to locate and visit a family member in jail or prison in Santa Clara County. They also provide notary services. They do not provide transportation, but may be able to connect you with other organizations that will provide transportation. Friends Outside also gives out emergency food and clothing, personal hygiene supplies, and household items such as dishes, pots, pans, and bedding through its drop-in center. For families who qualify (this depends on the zip code you live in), they can provide financial assistance and housing referrals.

Youth Programs serve children ages six to seventeen and include mentoring, after school programs, summer camps, and a Girl Scout Troop. Friends Outside offers a home visitation program for parents (including teens) who are pregnant or have a baby and have had a family member incarcerated. To sign up for this program you can call the main number and ask for the Steps Ahead program.

M X S T O R Y

Sunday Morning | Continued from page 46

goodbye. Saying goodbye to my mom was the one thing I swore I would never be able to do again, yet every week I was forced to. Those goodbyes, when everyone got quiet, all the mothers with tears sliding down their cheeks, mirroring their sobbing children. I would hold on to her for as long as possible, we repeated "I Love You" and "Goodbyes" to each other. Even today, going back to that visiting room makes

my eyes tear up, just watching other children desperately clinging on to their own mothers, just how I used to be. I just left her with the strongest hope in the depths of my heart that it would not be the last time I said good-bye to her. Leaving my mom was the hardest thing I've ever had to do, yet it was the only option I had. I wanted so much to take her home with me, show her my room, my school, my friends, my

life. Every time I had a chance to blow out birthday candles, or make a wish in a fountain, it was for her to come home with me. All I desired was for that missing piece to be filled in, for her to be able to complete my puzzle. But she couldn't. Which is why I will never forget those Sunday morning visits, my one chance to be a part of her life.



**Friends Outside in Sonoma County
Main Adult Detention Facility-Lobby**

2777 Ventura Avenue
Santa Rosa, CA 95403
(707) 526-7318
www.friendsoutsidesonoma.org

Mailing Address:

PO Box 3905 Santa Rosa, CA 95402

Friends Outside in Sonoma County has a drop-in center in the lobby of the Main Adult Detention Facility at 2777 Ventura Avenue, Santa Rosa. They provide help dealing with the system, including helping family members communicate information to inmates, getting signatures on legal papers from inmates, cashing checks for inmates, and providing information about community resources and services to inmates and their family members. Friends Outside gives reading glasses, books, and greeting cards to inmates, and provides conflict resolution workshops to inmates. They also have a program for incarcerated parents in which the parents can read books to their children on tape, and they send the tape and book to the child.

Friends Outside in Contra Costa County

1127 Escobar Street
Martinez, CA 94553
(925) 228-0644
friendsoutside@aol.com

Friends Outside in Contra Costa County provides camping for children, holiday gifts and meals, emergency food pantry, clothing, money management, employment assistance, public education, self-help support group, case management, information and referrals.



Celebrating at our Holiday Party, December 2007.



**INTERVIEW
QUESTIONS**

Do you think your parent's incarceration was your fault?

No, I don't think so. I can't even blame my mom because she didn't intend for it to be that way. She did her best to keep us alright.
(Anthony)

Until recently, I entirely blamed my mother's incarceration on myself. I think this is very common for young kids, because I felt helpless, and as though there was nothing I could do to help her out. Without any particular person to blame, I believed that it was because of me that my mom was incarcerated. I began to believe that I should have done more to stop her incarceration because she did so much for me her entire life. (Zoe)

What was it like to visit your parent in prison?

When I went to go see my dad it was sad because I couldn't give him a hug and I had to talk to him through glass on a phone. I wouldn't have missed a chance to visit, but it's not fun to see someone you care about through glass and not be able to at least touch the person. I wanted to break that glass but I knew I couldn't. It just made me think that I shouldn't ever get locked up...and if I have a son, I will never want my son to be without me. (Anthony)



SECTION

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Bay Area Jails
and California
State Prisons

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San Francisco County Jail Visiting Information

Finding Your Parent

The San Francisco Sheriff's Department (SFSD) runs the county jail system. In order to find out if your parent is in any San Francisco jail, call processing at (415) 575-4489 (CJ9) or records at (415) 553-1430 (CJ1). You'll need your parent's full name and may need their date of birth.

Types of Visits

Most visits at San Francisco county jails are non-contact visits through glass—also called “phone visits”—for thirty minutes maximum. Some of the jails allow contact visits, but **ONLY** if your mother or father is participating in a program **AND** you are not too old. The upper age limit for contact visits depends on which facility your parent is in (there is not one consistent policy throughout the department). In any case, if you and your parent are eligible for a contact visit, someone from the program staff will call you and tell you what to do in order to arrange the contact visit. The contact visit is only for you (the child). Your other parent or legal guardian must bring you to the jail to sign paperwork, but can't go into the visiting area during a contact visit. For a non-contact visit through glass, the parent or guardian who brought you to visit must be with you the whole time. Children cannot be left unattended at any time in a jail facility or waiting area. **If you are younger than eighteen, you must be with a parent or guardian for the entire visit, unless you are in the process of having a contact visit.** Unlike at state and federal prisons, where you need to fill out paperwork and get pre-approved to visit, there is **NO** application process to visit at any of the San Francisco jails. How-

ever, you must call to reserve a visiting time slot for a non-contact visit through glass. To reserve a thirty-minute time slot for a non-contact visit (at all the jails except CJ8), you must call the appropriate number between 1 p.m. and 6 p.m. the day before you want to visit. Be prepared for the phone line to be busy. It's very difficult to get a call through and it's possible you will have to call many times (along the lines of twenty or more times). Once you get through, you might be put on hold. We don't say this to discourage you, but don't expect this to be an easy process. It's not right, but for now, it may be what you have to go through to visit. We listed the number you need to call for each jail in the section titled “which jail is which.”

What to Wear

The San Francisco County Jail has a strict dress code:

- Do **NOT** wear **ORANGE** at all.
- Do **NOT** wear **ALL BLUE** or **ALL RED** (a red, white and blue sweat suit would be okay, but an all red sweat suit would not).
- Do **NOT** wear any **NUMBERS** (sometimes even sports jerseys with numbers on them are a reason to be turned away—don't take the risk, just wear something else that day).
- Do **NOT** wear **HATS** (for any reason, even if it's cold).
- In general, deputies may deny a visit if they feel you have “inappropriate gang-related clothing or hairstyles.”

Identification

Adult visitors (your parent or guardian, or you if you're over eighteen) must be prepared to show valid **identification** with a current photograph, showing name, address, and

date of birth. If you're a minor visiting with an adult, you don't need to bring ID.

You may bring money to put into an inmate's account but you may not bring any personal items for your parent. All visitors may be searched. There are **NO** lockers in CJ1 and CJ2, but there are lockers in CJ5 and CJ8 for visitors to store personal items. The easiest thing to do is to **NOT** bring any personal items with you except your keys and wallet (which they should allow you to keep in your pocket during the visit).

Important Changes to Visiting Policies are Underway

The San Francisco Sheriff's Department—in partnership with Community Works, San Francisco's Human Services Agency, and the San Francisco Children of Incarcerated Parents Partnership—is working to expand parent-child contact visiting in the San Francisco county jail system. These contact visits are for children up to and including 17 years old who have a parent or guardian incarcerated in the San Francisco county jail system. The plan greatly expands the number of parent-child contact visit locations, the number of scheduled visits, and the overall number of parent-child contact visiting hours. Please call Community Works at (510) 486-2340 to get the latest information and details of these changes.

Which Jail is Which

The jails in San Francisco County are commonly referred to by their number. There are five jails: County Jail #1 (CJ1), County Jail #2 (CJ2), County Jail #5 (CJ5), County Jail

#8 (CJ8), and County Jail #9 (CJ9). As of the printing of this guide, there were plans to rename some of the jails (we don't know when the new names will go into effect), so be aware that the jail names we use below may be different by the time you are reading this. We included the NEW names of the jails in parentheses, but right now they are still called by the old names.

**County Jail #1
(going to be renamed CJ3)**

850 Bryant St., 6th Floor
San Francisco, CA 94103
CJ1 is located on the 6th floor of the Hall of Justice.

Visiting hours and notes: Phone visits (i.e., through glass) only. Thirty-minute phone visits on Saturdays, Sundays, and holidays from 8 a.m. to 2 p.m. The last slot begins at 1:30 p.m. To reserve a thirty-minute slot, call (415) 553-1464 between 1 p.m. and 6 p.m. the day before you want to visit.

**County Jail #2
(going to be renamed CJ4)**

850 Bryant St., 7th Floor
San Francisco, CA 94103
CJ2 is located on the 7th floor of the Hall of Justice.

Visiting hours and notes: Thirty-minute phone visits (i.e., through glass) and contact visits for a small number of inmates who qualify. Phone visits take place on Saturdays, Sundays, and holidays from 8 a.m. to 2 p.m. The last slot begins at 1:30 p.m. To reserve a thirty-minute slot, call (415) 553-9896 between 1 p.m. and 6 p.m. the day before you want to visit.

Contact visits are available to men housed only in the dorms that offer programs. Visits to men in this jail are scheduled between 9 a.m. and 1:30 p.m. on Fridays in thirty-minute time slots. **The Northern**

California Service League, (415) 552-9250, runs the contact visiting program in this jail (by offering parenting classes). If your father is taking a parenting class, and is eligible to have you visit, NCSL will contact you to tell you when the first visit is scheduled. You must be 16 or under to be eligible for a contact visit. As of the printing of this guide, NCSL normally would call you on Wednesday to schedule a visit for Friday.

County Jail #5, East and West

1 Moreland Dr.
San Bruno, CA 94066

Visiting hours and notes: Thirty-minute phone visits (i.e., through glass) and contact visits for a small number of inmates who qualify. Phone visits take place on Saturdays, Sundays, and holidays from 8 a.m. to 2 p.m. The last slot begins at 1:30 p.m. To reserve a thirty-minute slot, call (650) 266-1730 or (650) 266-7500 between 1 p.m. and 6 p.m. the day before you want to visit.

Contact visits are only for parents participating in programs through Prison Match and for youth ages seventeen and under. Contact visits are held on Sundays for three hours between 9:30 a.m. and 12:30 p.m. Prison Match will contact you if your parent is eligible and will let you know when the first visit is scheduled.

**County Jail #8
(going to be renamed CJ2)**

425 7th St. (near Bryant)
San Francisco, CA 94103
(415) 575-4378

Visiting hours and notes: Thirty-minute phone visits (i.e., through glass) and contact visits for a small number of women who qualify. No men in CJ8 can have contact visits. Phone visits take place on

Saturdays, Sundays, and holidays from 8 a.m. to 2 p.m. The last slot begins at 1:30 p.m. Unlike the procedure in the other San Francisco jails, phone visits at CJ8 are first come first serve. Because visits start at 8 a.m., try to arrive by 7 a.m. the day you want to visit and get in line. We don't know if there are plans to put in a phone reservation system.

Contact visits are only for women in the SISTER Project who live in D or E Pods (pods are like dorms). Contact visits are held on Saturdays for two hours, from 9 a.m. to 11 a.m. You must be sixteen or under and signed in by 9:15 a.m. or you won't be able to visit. If your mother is eligible, someone from SISTER will call you to let you know when the first visit is scheduled.

**County Jail #9
(going to be renamed CJ1)**

425 7th St. (near Bryant)
San Francisco, CA 94103

This is the intake, booking, and release facility. You can call or visit this jail to find out if your parent is in the San Francisco County jail system. Call (415) 575-4489 or (415) 575-4410 at CJ9 or records at CJ1 at (415) 553-1430. Whether you call or visit, you need to know your parent's full name and might also need to know their date of birth. **No visiting is allowed in CJ9.**

You can always see our form "Questions to Ask" (pages 58-59) to verify the information here.

Alameda County Jail

Visiting Information

There are two jails in Alameda County run by the Alameda County Sheriff's Office: Santa Rita and Glenn E. Dyer. Visits at both jails are approximately 30 minutes. You are not allowed to visit someone more than once a day. **VISITING IS ON A FIRST COME, FIRST SERVED BASIS.**

Santa Rita Jail

5325 Broder Blvd.
Dublin, CA 94568
(925) 551-6500

The Glenn E. Dyer Detention Facility

550 - 6th Street
Oakland, CA 94607
(510) 268-7777

Finding Your Parent

You can reach the Inmate Services Section at (925) 551-6580, Monday through Friday, from 8 a.m. to 4 p.m. excluding holidays. All you need are name and birthday and personal file number (PFN) if you know it.

Types of Visits

All visits are non-contact

What to Wear

- NO bib-overalls/clothing of any kind with metal.
- NO attire displaying obscene offensive language or drawings.
- NO steel toed boots/shoes.

What to Bring (or NOT to Bring)

- BRING your own pen or pencil—none are provided to fill-out forms.
 - NO personal items of any kind are allowed into the visiting areas (NO cameras, cell phones, baby strollers, cigarettes, lighters, etc. NOTHING!)
 - NO food or drink
- Personal items should be left at home or locked in the visitor's vehicle.

There are also public lockers in the lobby where you can lock your stuff up during a visit for 50 cents.

Identification

Visitors under the age of 18 must be accompanied by a parent or legal guardian. You must provide documentation showing proof of the relationship (birth certificate and school ID). Acceptable ID includes:

- Valid driver's license.

- State identification card.
- Other official identification, depicting photograph, physical characteristics, and signature issued by a governmental body.
- Other types of identification approved by the visiting sergeant.

Other Important Visiting Rules

1. Any person who has been confined in the Alameda County Jail System within the last six (6) months cannot visit an inmate without the express permission of the on-duty Watch Commander. Visitors who have been convicted of a felony and served time in state prison may not enter jail property without approval from the Commanding Officer.
2. All persons under 18 years of age must be accompanied by their parent or legal guardian, unless they are married to the inmate receiving the visit. The visitor must provide proof of the relationship (documentation) upon request.
3. Visitors and their possessions are subject to search by Sheriff's Office personnel. Entering the facility is consent to search.
4. An inmate can refuse to see any visitor.

Santa Rita visiting hours and notes

HOUSING UNIT	DAYS	TIMES
1,2,3,4	Wednesday, Saturday Thursday	8 a.m.-11 a.m. 6 p.m.-9 p.m.
6,7,8,9	Wednesday Friday Saturday	12 p.m.-3 p.m. 8 a.m.-11 a.m. 6 p.m.-9 p.m.
21,22,23,24	Thursday, Sunday Friday	8 a.m.-11 a.m. 6 p.m.-9 p.m.
25-31,32 & INFIRMARY	Wednesday Friday, Saturday	6 p.m.-9 p.m. 12 p.m.-3 p.m.
33,34,35	Thursday, Saturday Sunday	12 p.m.-3 p.m. 6 p.m.-9 p.m.

Glen Dyer visiting hours and notes

HOUSING UNIT	DAYS	TIMES
H1S H3S, H5S	Thursday	12 p.m.-3 p.m.
H1N, H3N, H5N	Thursday	6 p.m.- 9 p.m.
H2S, H4S, H6S	Friday	12 p.m.-3 p.m.
H2N, H4N, H6N	Friday	6 p.m.- 9 p.m.
H1S H3S, H5S	Saturday	8 a.m.- 11 a.m.
H1N, H3N, H5N	Saturday	12 p.m.-3 p.m.
H2S, H4S, H6S	Sunday	8 a.m.- 11 a.m.
H2N, H4N, H6N	Sunday	12 p.m.- 3 p.m.

Contra Costa County Jail Visiting Information

Contra Costa has three jails: Martinez Detention Facility (MDF), West County Detention Facility (WCDF), and Marsh Creek Detention Facility (MCDF). The visiting days and times are different at each jail, and so are some of the rules. However the rules about what to wear, what you can bring, and identification apply to all the jails.

Finding Your Parent

You can call any of the three jails to look someone up in the Contra Costa County jail system. For example, if you call Martinez, and your parent is being held at West County, the staff at Martinez should be able to tell you where they are.

Age

If you are under 18, you must be accompanied by a parent or legal guardian. You must provide proof of the relationship (between the minor and parent or guardian) upon request.

Scheduling a Visit

Inmates must request and schedule all visits and must notify visitors of the date and time of their visit. You CANNOT just show up at the jail to visit. Inmates may request to schedule a visit under the following conditions:

- Only two 30-minute visits are permitted each week (Monday to Sunday). (Work Crew Inmates and Housing Unit Trustees are authorized three 30-minute visits each week.) Inmates may schedule their visits consecutively if they wish.
- Inmates must complete and submit an Inmate Request Form at least 48-hours but not more than

seven days in advance asking for the visit.

- Requested date and times are listed on the Inmate Request Form.
- Inmate must not be serving any disciplinary lockdown or disciplinary loss of privileges at any time from request of visit.

Types of Visits

All visits are non-contact

What to Wear

- Shirts and shoes are required
- NO midriff tops, low cut tops, mini skirts, shorts, bathing suits, see-through or skin-tight clothes
- NO hats, overalls, coveralls, coats or jackets
- NO exaggerated hairstyles
- NO gang related clothing, style of dress, symbols or markings

What to Bring (or NOT to Bring)

- Basically, your pockets must be EMPTY to enter the visiting area.
- Leave personal items at home or in your car, or lock them in the lockers in the lobby.
- NO cell phones, pagers, computers, cameras, tape or digital recorders, purses, bags, briefcases, food, drink, or anything else are allowed into the visiting area.
- Smoking is prohibited in the building.

Identification

Proper identification includes a valid driver's license, passport or other official ID with a photograph, physical characteristics and signature issued by a governmental body. Other types of identification may be approved by the Custody Sergeant.

Visitor Registration Procedures

Each adult visitor must complete a visitor pass before approaching the Visitor Registration Desk. The registration must be complete and include: the visitor's name, address, date of birth, driver's license number, inmate name and booking number, and visitor's relationship to the inmate. Write neatly on the form. After you complete the form, go to the Visitor Registration Desk with your completed visitor pass and authorized photo identification.

Visiting Schedules

Martinez Detention Facility

1000 Ward Street
Martinez, CA 94553
(925) 646-4495

Monday, Tuesday, Wednesday, Friday, Saturday and Sunday

8 a.m.-11 a.m.
1 p.m.-5 p.m.
7:30 p.m.-9 p.m.

Thursday

8 a.m.-11 a.m.
1 p.m.-5 p.m.

NOTE: There are no evening visits on Thursdays!

1. Up to four (4) visitors may visit an inmate at one time.
2. All visitors must be scheduled and have entered the facility no later than thirty (30) minutes prior to the end of any visiting block.
3. Registration of scheduled visitors will begin thirty (30) minutes before the posted visiting time.

West County Detention Facility

5555 Giant Highway Richmond
Richmond, CA 94806
(510) 262-4200

Every day except Wednesday and Thursday (10:30 a.m., 1 p.m., 2 p.m. and 3:30 p.m.).

1. Up to three (3) visitors may visit an inmate at one time.
2. All visitors must be scheduled and have entered the facility not later than thirty (30) minutes prior to the end of any visiting block.
3. It shall be the inmate's responsibility to notify the supervising deputy at least ten (10) minutes to the hour of the pending visit and respond to authorized visiting areas fifteen (15) minutes prior to the visit. Failure to do so will result in the cancellation

of the visit.

Marsh Creek Detention Facility

12000 Marsh Creek Rd.
Clayton, CA 94517
(925) 646-5700

Saturdays and Sundays

- 1-1:45 p.m. (Orderlies only)
- 2-2:30 p.m.
- 2:45-3:15 p.m.
- 3:30-4 p.m.

1. Up to three (3) visitors may visit an inmate at one time.
2. All visitors must be scheduled and have entered the facility not later than thirty (30) minutes prior to the

end of any visiting block.

3. It shall be the inmate's responsibility to respond to authorized visiting areas upon announcement. Failure to do so will result in the cancellation of the visit.
4. All inmates, regardless of classification, are eligible to visit except for inmates in "Disciplinary Isolation" or on "Disciplinary Loss of Privileges".
5. A sign will be posted in the lobby providing directions from the facility to the nearest public transportation and a schedule of the operating hours for public transportation near the facility.

Marin County Jail Visiting

Marin County has one jail that houses both men and women. Visits are a maximum of 30 minutes each. Visitors are allowed one visit per day with each inmate. In order to visit your parent, you must be on their pre-approved visitor list. They can provide five names of individuals that will be approved for visiting. You MUST sign-in 30 minutes prior to the visit start time.

Marin County Jail

13 Peter Behr Drive
San Rafael, CA 94903
(415) 499-7316 (information is in English and Spanish)
(415) 429-2311

Finding Your Parent

Contact the Marin County Jail at 415-499-7316. They can advise you if someone has been arrested, the charges, whether or not they will be released on bail, cited or released on their own recognizance and they will also provide bail amount. You may also review the booking log of the Marin County Jail to locate individuals arrested

and booked into the County of Marin jail in the last 48 hours who are still in custody, and also a complete list of inmates as of the time the search is run.

Visiting Hours

Visiting is open 7 days a week.
Monday through Friday time slots:
Morning—9 a.m., 9:40 a.m., 10:20 a.m. (last morning visit)
Afternoon—1 p.m., 1:40 p.m., 2:20 p.m. (last afternoon visit)
Evening—6 p.m., 6:40 p.m., 7:20 p.m., 8 p.m., 8:40 p.m., 9:20 p.m. (last evening visit)

Saturday/Sunday/Holiday time slots:
Morning—9 a.m., 9:40 a.m., 10:20 a.m. (last morning visit)
Afternoon—2 p.m., 2:40 p.m., 3:20 p.m. (last afternoon visit) ** note later start time
Evening—6 p.m., 6:40 p.m., 7:20 p.m., 8 p.m., 8:40 p.m., 9:20 p.m. (last evening visit)

For inmates in C POD (the program pod), there are only evening visits Monday through Friday: 6

p.m., 6:40 p.m., 7:20 p.m., 8 p.m., 8:40 p.m., 9:20 p.m. (last eve visit)
Saturday/Sunday/Holiday: visiting is the same as above times: 9-11, 2-4, 6-10pm

Age

If you are under the age of 18, you may visit as long as you are with one of your parents, or legal guardian.

Identification

California Drivers License, California Identification Card, Military Identification, Passport, or other official government identification with a photo.

What to Wear

- All visitors must wear shirts, shoes, pants, shorts, or skirt.
- No see through clothing or gang affiliated clothing is allowed.

What to Bring (or NOT to Bring)

NO items are allowed into the visiting areas, but there are lockers

to store items. Bring quarters for the lockers.

Visiting Conditions

Visiting may be closed at any time with no prior notice. If this oc-

curs, a sign will be posted on the door to the jail with an estimated time for reopening. The Custody staff is not allowed to take telephone messages for inmates. If you need to contact an inmate

regarding a family emergency or other emergency situation, you may contact the housing Sergeant at (415) 499-7316.

California State Prison Visiting Information

Use the following list if your mom or dad is in one of California's thirty-three state prisons. You can get more information about visiting someone in a California State Prison by calling visitor information at (800) 374-8474 or go online to www.cdcr.gov/Vistors.

If you call the prison directly, call the main number and ask to be transferred to the "visiting lieutenant." It is the lieutenant's job to explain the visiting rules.

Visiting hours for many of the prisons are on Saturdays, Sundays, and designated holidays (usually New Year's Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day). The visiting hours vary for each prison and a few prisons have totally different visiting hours. We listed the visiting hours for each prison as of April 2008. Sometimes sign-in ends earlier than actual visiting, and times may change, so always call first. Visits to inmates in Segregated Housing Units (SHU) are always by advance appointment only. Use the worksheet entitled "questions to ask when you call the jail or prison."

Friends Outside (FO) is a nonprofit organization that has a contract with California to provide services to inmates and their families. FO runs visitors centers near each state prison, and they have case man-

agers at each state prison. The visitor centers are open only during prison visiting hours, so if you call outside of visiting hours, you may not get in touch with anyone. Outside of visiting hours, contact the Director of the Friends Outside Visitor Centers at the national office: Maria Rocero at (209) 955-0701 or mroccero@friendsoutside.org. The FO case manager usually has an office in the prison, and provides services to inmates, including helping to coordinate paperwork and visits for families.

Each entry below consists of:

Prison name

Address

Main Phone Number

Visiting Days and Hours

Friends Outside:

Visitors Center Phone Number

Avenal State Prison (ASP)

PO Box 8

#1 Kings Way

Avenal, CA 93204

Main Number: (559) 386-0587

Visiting: Sat/Sun 8:05-3:00

Friends Outside:

Oasis Visitor Center:

(559) 386-4370

California Correctional Center (CCC)

711-045 Center Rd.

PO Box 790

Susanville, CA 96130

Main Number: (530) 257-2181

Visiting: Sat/Sun 8:00-2:30

Friends Outside:

Friendship Place #I:

(530) 257-2211

California Correctional Institution (CCI)

24900 Highway 202

PO Box 1031

Tehachapi, CA 93581

Main Number: (661) 822-4402

Visiting: Fri/Sat/Sun 7:45-2:00

Friends Outside:

Tehachapi Visitor Center:

(661) 822-3407

California Institution For Men (CIM)

14901 Central Ave.

PO Box 128

Chino, CA 91710

Main Number: (909) 597-1821

Visiting: Sat/Sun 8:30-3:00

Friends Outside:

Friends Outside Hospitality Center:

(909) 597-5428

California Institution For Women (CIW)

16756 Chino-Corona Rd.

PO Box 6000

Corona, CA 92878

Main Number: (909) 597-1771

Visiting: Fri 1:30-7:00

Sat/Sun 8:30-2:00

Friends Outside:

Casa Frontera: (909) 597-0234

California Men's Colony (CMC)

Highway 1
PO Box 8101
San Luis Obispo, CA 93409-8101
Main Number: (805) 547-7900
Visiting: Sat/Sun 9:00-4:00

Friends Outside:

Friends Outside Visitor Center:
(805) 543-3888

California Medical Facility (CMF)

1600 California Dr.
PO Box 2000
Vacaville, CA 95696-2000
Main Number: (707) 448-6841
Visiting: Fri 12:00-8:00
Sat/Sun 8:00-3:30

Friends Outside:

Friendship House: (707) 469-9345

California State Prison, Corcoran (COR)

4001 King Ave.
PO Box 8800
Corcoran, CA 93212-8309
Main Number: (559) 992-8800
Visiting: Fri 12:00-8:00
Sat/Sun 8:00-2:30

Friends Outside:

Bienvenidos: (559) 992-4499

California Rehabilitation Center (CRC)

5th St. at Western
PO Box 1841
Norco, CA 92860
Main Number: (909) 737-2683
Visiting: Fri 12:30-7:00
Sat/Sun 8:15-3:15

Friends Outside:

Hospitality Place: (909) 737-7010

California State Prison, Los Angeles County (LAC)

44750 60th St. West
Lancaster, CA 93536-7620
Main Number: (661) 729-2000
Visiting: Sat/Sun 8:00-3:30

Friends Outside:

Lancaster Visiting Center:
(661) 728-0844

California State Prison, Sacramento (SAC)

Prison Rd.
PO Box 29002
Represa, CA 95671-0002
Main Number: (916) 985-8610
Visiting: Sat/Sun 8:00-1:00

Friends Outside:

Welcome House Visitor Center:
(916) 985-2372

California State Prison, Solano (SOL)

2100 Peabody Rd.
PO Box 4000
Vacaville, CA 95696-4000
Main Number: (707) 451-0182
Visiting: Fri 1:00-8:00
Sat/Sun 8:00-3:00

Friends Outside:

Friendship House:
(707) 469-9345

California Substance Abuse Treatment Facility (SATF)

900 Quebec Ave
PO Box 7100
Corcoran, CA 93212-7100
Main Number: (559) 992-7100
Visiting: Fri/Sat/Sun 8:00-3:00

Friends Outside:

Visitor Center:
(559) 992-9756

Calipatria State Prison (CAL)

7018 Blair Rd.
PO Box 5001
Calipatria, CA 92233-5001
Main Number: (760) 348-7000
Visiting: Sat/Sun 8:30-2:45

Friends Outside:

Sorensen Visitor Center:
(760) 348-2232

Centinela State Prison (CEN)

2302 Brown Rd.
PO Box 731
Imperial, CA 92251
Main Number: (760) 337-7900
Visiting: Fridays for some inmates,
Sat/Sun 8:15-3:00

Friends Outside:

Centinela Visitor Center:
(760) 352-2466

Central California Women's Facility (CCWF)

23370 Road 22
PO Box 1501
Chowchilla, CA 93610
Main Number: (559) 665-5531
Visiting: Sat/Sun 9:00-3:00

Friends Outside:

The Lighthouse: (559) 665-4617

Chuckawalla Valley State Prison (CVSP)

19025 Wiley's Well Rd.
PO Box 2289
Blythe, CA 92226
Main Number: (760) 922-5300
Visiting: Sat/Sun 8:00-2:00

Friends Outside:

Esperanza: (760) 921-8294

Correctional Training Facility (CTF) Highway 101 North

PO Box 686
Soledad, CA 93960-0686
Main Number: (831) 678-3951
Visiting: Sat/Sun 8:15-3:00, some
Fridays, call for information

Friends Outside:

El Puente: (831) 678-0135

Deuel Vocational Institution (DVI)

23500 Kasson Rd.
PO Box 400
Tracy, CA 95378-0400
Main Number: (209) 835-4141
Visiting: Sat/Sun 8:30-3:30

Friends Outside:

The Gathering Place:
(209) 835-4141

Folsom State Prison (FOL)

300 Prison Rd.
PO Box 71
Represa, CA 95671
Main Number: (916) 985-2561
Visiting: Fri 12:00-6:30
Sat/Sun 8:00-1:30

Friends Outside:
Welcome House Visitor Center:
(916) 985-2372

High Desert State Prison (HDSP)
475-750 Rice Canyon Rd.
PO Box 750
Susanville, CA 96127
Main Number: (530) 251-5100
Visiting: Sat/Sun 8:00-2:30,
sign-in from 8:00-10:40 only

Friends Outside:
Friendship Place #11:
(530) 257-5581

Ironwood State Prison (ISP)
19005 Wiley's Well Rd.
PO Box 2229
Blythe, CA 92226
Main Number: (760) 921-3000
Visiting: Sat/Sun 9:00-3:00
Friends Outside:
Descanso Visitor Center:
(760) 921-1964

Kern Valley State Prison (KVSP)
300 West Cecil Ave.
PO Box 6000
Delano, CA 93216-6000
Main Number: (661) 721-6300
Visiting: Fri/Sat/Sun 8:00-2:30

Mule Creek State Prison (MCSP)
4001 Highway 104
PO Box 409099
Ione, CA 95640
Main Number: (209) 274-4911
Visiting: Fri 12:30-7:00 for some
inmates, Sat/Sun 8:30-3:00
Friends Outside:
New Beginnings Visitor Center:
(209) 274-4749

North Kern State Prison (NKSP)
2737 West Cecil Ave.
PO Box 567
Delano, CA 93216-0567
Main Number: (661) 721-2345
Visiting: Sat/Sun 8:30-2:00
Friends Outside:
North Kern Visitor Center:

(661) 725-3833

Pelican Bay State Prison (PBSP)
5905 Lake Earl Dr.
PO Box 7000
Crescent City, CA 95531-7000
Main Number: (707) 465-1000
Visiting: Sat/Sun 9:00-3:00
Friends Outside:
Hospitality House:
(707) 465-6269

Pleasant Valley State Prison
(PVSP)
24863 West Jayne Ave.
PO Box 8500
Coalinga, CA 93210
Main Number: (559) 935-4900
Visiting: Sat/Sun 8:30-3:00
Friends Outside:
Centerforce /Pleasant Valley Visitor
Center: (559) 935-0660

R.J. Donovan Correctional Facility
at Rock Mountain (RJD)
480 Alta Rd.
San Diego, CA 92179
Main Number: (619) 661-6500
Visiting: Sat/Sun 8:00-3:00
Friends Outside:
Su Casa: (619) 710-1645

Salinas Valley State Prison (SVSP)
31625 Highway 101
PO Box 1020
Soledad, CA 93960-1020
Main Number: (831) 678-5500
Visiting: Sat/Sun 8:30-3:00
Friends Outside:
Salinas Valley Visitor Center:
(831) 678-0135

San Quentin State Prison (SQ)
San Quentin, CA 94964
Main Number: (415) 454-1460
Visiting: Fri/Sat/Sun, varies by unit.
Call or ask the person you are visiting.
Friends Outside:
The House:
(415) 482-8509

Sierra Conservation Center (SCC)
5100 O'Byrnes Ferry Rd.
PO Box 497
Jamestown, CA 95327
Main Number: (209) 984-5291
Visiting: Fri 12:30-7:30
Sat/Sun 8:30-3:30
Friends Outside:
Mother Lode Visitor Support Cen-
ter: (209) 984-5523

Valley State Prison for Women
(VSPW)
21633 Ave. 24
PO Box 99
Chowchilla, CA 93610-0099
Main Number: (559) 665-6100
Visiting: Sat/Sun 9:00-3:00
Friends Outside:
Valley State Visitor Center:
(559) 665-1913

Wasco State Prison (WSP)
701 Scofield Ave.
PO Box 8800
Wasco, CA 93280-8800
Main Number: (661) 758-8400
Visiting: Fri 12:00-6:45
Sat/Sun 8:00-2:45
Friends Outside:
Casa De Rosas:
(661) 758-8332

Questions to Ask when You Call the Jail or Prison

This list is to help you get all the information you need in one place so you can visit your mother or father. If you need help, ask a friend, social worker, teacher, or another adult to help you make phone calls to get the answers to these questions.

Name of prison/jail: _____

Address: _____

Phone number for visitor information (use our guide to find phone numbers for CA state prisons or Bay Area County Jails): _____

Name of parent you are visiting: _____

Your parent's birthday and inmate ID number (if you know it): _____

How you're going to get there: _____

What are the visiting hours and days? _____

What are the time limitations for the visit? _____

Is it a contact, non-contact (phone), or family visit? _____

Things you should NOT wear: _____

Things you should NOT bring with you: _____

Is there a locker to store anything you have with you that you're not allowed to bring in (like cell phones, clothing/hats, pens)? _____

How old do you have to be to visit without a legal guardian? _____

If you're too young to visit alone, who has to go with you? Does the person have to be your legal guardian or other parent? _____

If the adult is not your parent or legal guardian, what paperwork do you need to have with you to prove that your parent or guardian approved the visit? _____

Does the adult with you have to be on a pre-approved visitors list or can you just show up together at the prison or jail during visiting hours and get in? _____

How does someone get on a pre-approved visitors list? _____

Do you have to bring ID if your parent, guardian or another adult is bringing you and you're a minor? What ID does the adult need to bring? What ID is acceptable? Do you need an original birth certificate? _____

Does the prison have special arrangements for children? (Ask this if you have younger brothers or sisters or any younger children who will be with you.) _____

Is prison visiting running normally? If you're visiting a California state prison, before you leave for your visit, call the prison visitor information number at 1-800-374-8474. There's a recording that tells you whether visiting procedures at a specific prison are running normally. If a prison is on lockdown – and sometimes for other reasons – visits are cancelled. Information is in English and Spanish.

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SECTION

Legal Questions



Legal Questions

Question 20:

I'm in the foster care system and no one is listening to what I want about my placement or care. Who can help me?

If you're in the foster care system, you should have an attorney or court appointed special advocate (CASA). CASAs provide individual assistance, advocacy, and mentorship to make sure you get the services you need and want, if you are a ward of the court. Some CASA offices provide other services such as education, vocational training, youth development, and HIV/STD prevention. Many child welfare departments also have an ombudsman number which you can call for complaints or concerns you have about any unit within Family and Children's Services. See **Question 21** for more information about free legal services.

San Francisco CASA

100 Bush St., Suite 650
San Francisco, CA 94104
(415) 398-8001
www.sfcasa.org

CASA of Alameda County

1000 San Leandro Blvd. at Davis,
Suite 300
Oakland, CA 94577
(510) 618-1950
www.casaofalamedacounty.org

CASA of Contra Costa County

2020 N. Broadway, Suite 204
Walnut Creek, CA 94596
(925) 256-7284 or 1-888-398-3300
www.cccocasa.org

CASA of Sonoma County

P.O. Box 1418
Kenwood, CA 95452
(707) 565-6375
www.sonomacasa.org

Marin Advocates for Children

30 N. San Pedro Road, Suite 275
San Rafael, CA 94903
(415) 507-9016
www.marinadvocates.org

Advocates for Children

CASA of San Mateo County
1515 S. El Camino Real, Suite 201
San Mateo, CA 94402
(650) 212-4423
www.advocatesfc.org

Child Advocates of Silicon Valley

509 Valley Way, Bldg. 2
Milpitas, CA 95035
(408) 416-0400 or (800) 342-7480
www.cadvocates.org

Question 21:

I need a FREE lawyer. Is there anyone I can call?

You might need a lawyer for a variety of reasons—to help a relative become your legal guardian, because you got expelled from school and want to go back, because you got into trouble with the police and juvenile court system, or for whatever reason. Unfortunately, there aren't a whole lot of lawyers who provide free legal advice to children. However, the San Francisco Public Defender has a Juvenile Division (see information below). We also recommend Legal Services for Children (LSC). LSC provides free legal and social services to children and youth and has in-house attorneys and social workers to enable youth to achieve safety and stability and avoid unnecessary placement in the foster care and juvenile justice systems. LSC accepts collect phone calls. If you're in the foster care system, you should already have an attorney or CASA. If you don't know who your attorney is, ask your social worker. Also see **Question 20** for information about court appointed special advocates.

Legal Services for Children

1254 Market St., 3rd Floor
San Francisco, CA 94102
(415) 863-3762
www.lsc-sf.org

Warm Line:

Monday to Friday
1:30 p.m. to 5:00 p.m.

Clinic Hours:

Wednesdays 4:00 p.m. to 6:00 p.m.

The San Francisco Public Defender Juvenile Division

375 Woodside Ave., Room 118
San Francisco, CA 94127
(415) 753-7600

The legal resources listed below—including the public defender's office—don't work directly with youth, or tailor their services to youth. They may

be useful to your parents or caregivers, but it's better if an adult calls.

Alameda County Public Defender's Office (felony court)
1401 Lakeside Dr., Suite 400
Oakland, CA 94612
(510) 272-6600

Alameda County Public Defender's Office (misdemeanor court)
380 Washington St.
Oakland, CA 94607
(510) 268-7400

East Bay Community Law Center
2921 Adeline St.
Berkeley, CA 94703
(510) 548-4040
www.ebclc.org

East Bay Community Law Center provides legal services to low-income communities in the areas of housing, welfare, HIV and health, homelessness, and economic development. Their work makes the lives of East Bay community members more healthy, secure, productive, and hopeful.

San Francisco Office of the Public Defender
555 7th St.
San Francisco, CA 94103
(415) 553-1671

Legal Services for Prisoners with Children (LSPC)
1540 Market St., Suite 490
San Francisco, CA 94102
(415) 255-7036
www.prisonerswithchildren.org

Question 22:
My parent is in jail and is fighting for custody of me. Is there anyone who can help my parent understand his or her rights?

Legal Services for Prisoners with Children (LSPC) and Prisoner Legal Services published a very useful booklet for Incarcerated Parents in 2001 called "Incarcerated Parents Manual: Your Legal Rights and Responsibilities." It's designed to answer many of the legal and practical questions that incarcerated parents have about custody of their children, both during

and after the time they are in prison or jail. The information is based on California law as of June 2000. You can print a free copy by visiting their website at www.prisonerswithchildren.org and clicking on "publications," or you can print the order form and mail it to LSPC to request a copy. They ask for a donation but if you don't have the money, they might send it to you free. It will help if you mention that you're a youth in need of their services on the order form. The Center for Young Women's Development (CYWD) published a handbook for young mothers in 2007 called "My Life Chose Me." If you have children or are pregnant, and want to understand your rights—especially if you have already been involved with the juvenile justice and/or child welfare systems—you should read this guide. Call (415) 703-8800 or visit CYWD to get a copy: 832 Folsom Street, Suite 700 in San Francisco.

Both of the above booklets have useful information but neither is intended to replace the advice of an attorney.



Project WHAT! May 2008.



SECTION

3

Making Something
Positive Happen
in My Life



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project.

Making Something Positive Happen in My Life

Once you have your basic needs met—you have food, clothing and a roof over your head—you might have time for better things. This section has ideas about how you can create positive things in your

life, whether that means finding a job, mentor, or hobby, or improving your grades and going to college. As teens who have had parents incarcerated ourselves, we know that some people think “the apple doesn’t fall far from the tree” and that we’ll end up locked up ‘cause our mom or dad messed up. Yeah, that happens—you might even be reading this from inside Juvie Hall or the California Youth Authority (CYA). But we believe you can do whatever you want with your life. Even if you made mistakes in the past, or your parents messed up, you still can choose to do more positive things in the future. As Anthony says, “Struggles really make you stronger.” Tiffany’s story gives you a personal perspective on how knowledge has been her ticket out. RiRi’s story (on page 29) talks about what she went through after her mom was incarcerated—including running the streets and going to jail herself—until she got out, joined Project WHAT!, and started turning her life around. We hope this section will give you ideas on

how to make the next positive move in your life.

Question 23:
I have lots of negative people around me. How can I find an adult who will help me achieve my goals and dreams, or just someone positive to hang out with?

The most important thing to do is focus on yourself, which means staying away from people who bring you down, or could get you caught up in bad situations. Aside from talking to school counselors, whom you may or may not trust, there are plenty of free and confidential services available in the Bay Area. There are youth hotlines like YouthLINE (1-888-977-3399) so you can have someone to talk to when something goes down, or if you need someone to listen to you. There are also mentoring and youth development programs that can provide trustworthy adult allies to youth in need. Some of the mentoring programs serve younger children too, so keep these programs in mind for your younger brothers or sisters.

M X STORY

Untitled

By Tiffany Hopkins

A lot of people call me heartless, so I’m ‘bout to give you the background of how I became that way.

Man, I can’t remember a time when we weren’t poor. Don’t get me wrong, we were filthy rich in love and loyalty, but in dollars our wealth didn’t amount to much. I lived with my Mama, well, my great grandmother

actually, but I call her Mama. My real mother is always in and out of jail and never around, and even when she is I wish she wasn’t. I have no feelings toward her. My Mama tells me I’m wrong for that, that I should love her since she’s my “mom,” but she’s not, my grandma is my mother, the one who stood by me in all my struggles, made me feel as though I

Continued on page 65

East Bay Resources for Mentoring and Youth Development

Leadership Excellence

1924 Franklin St., #201

Oakland, CA 94612

(510) 267-9770

www.leadershipexcellence.org

Neighborhood: Downtown Oakland

Leadership Excellence is committed to developing the next generation of leaders who possess the skills and desire to create social change in urban communities. Their mission is to provide grassroots community organizing and leadership skills to African American children and youth (ages five to eighteen). This is accomplished through workshops, trainings, and curriculum which empowers young people to make informed decisions about their lives and positive changes in their communities.

LIFE Project

Centerforce

2955 Kerner Blvd., 2nd Floor

San Rafael, CA 94901

(415) 456-9980 ext. 116

www.centerforce.org/index.cfm

The Leaders in Future Environments (LIFE) Project provides one-on-one mentoring, annual retreats, and monthly group activities for teenagers throughout the San Francisco Bay Area who have or have had a parent involved in the criminal justice system.

The Mentoring Center

1221 Preservation Pkwy., Suite 200

Oakland, CA 94612

(510) 891-0427

The Mentoring Center provides services for youth who are on the wrong track and want to make a change in their lives and to develop survival skills. One program is the Positive Minds Group.

On The Bricks

1515 Webster St., Suite 303

Oakland, CA 94612

(510) 238-8080

On the Bricks provides services for youth ages fourteen to twenty who have been in the criminal justice system. There is a six-week mentoring program that focuses on education, career, and life skills.

OreMi Mentoring Program

Family Support Services of the Bay Area (FSSBA)

401 Grand Ave., Suite 500

Oakland, CA 94610

(510) 834-2443

www.fssba-sf.org

The OreMi Mentoring Program is a mentoring program for children ages



Untitled

Continued from page 64

was somebody, and provided the real parental love “that other woman” didn’t. Therefore, that other woman is lower to me than an enemy. Not having parents around, the people who look like you, affects the way you look at yourself. I would not come to terms with my appearance until late in life, if I even have now. But some things I learned along the way helped me a great deal with the missing pieces.

Another struggle: we’ve lived everywhere. In little apartments, abandoned houses, with family members, in our car—I mean everywhere. But fast forward that, leaves change colors, I’m on the block, you already know which one, no daddy around, so it’s time for me to find that male figure, someone to fill that void. Instead, I find nothing but trouble. Too much time on my hands and growing up too fast, Mama sick and we need money, that’s all I knew. Not surviving was not an option so I became one of those statistic kids they warn you about. No, not on a corner or in a bed, but hustling all the same. Knew I was tired of seeing my Mama cry herself to sleep every night, tired of doing something like crying myself, but bitterness and loneliness had dried up my tears a long time ago. Maybe I did cry then. I can’t remember now, that was too many lifetimes ago. My soul has gone through too many transformations since then.

My saving grace from getting caught up in all the drama that had engulfed my life, from becoming a copy of all the mistakes my mother made, was my knowledge. Knowledge. The most powerful word I know. My

Continued on page 66

four to fourteen living in Alameda County who have a parent in the state or federal prison system. Call or visit the website for more information or to get an application to find a mentor.

Project AVARY (Alternative Ventures for At Risk Youth)

1018 Grand Ave.
 San Rafael, CA 94901
 (415) 460-1184
 www.projectavary.org

Project AVARY’s mission is to cultivate a community of support for children whose parents are imprisoned or otherwise involved with the criminal justice system. They have a summer camp, “adventure days” (monthly field trips), and a mentoring program for youth. There are also Leadership Retreats for the older youth, a family camp weekend, and twice-yearly celebrations for the whole AVARY community.

San Francisco Resources for Mentoring and Youth Development

Already listed:

- A Home Within (See page 26)
- Horizons Inc. (See page 27)
- Larkin St. Youth Services (See page 10)

Boys & Girls Clubs of San Francisco

www.bgcsf.org
 The Boys & Girls Clubs of San Francisco provide a wide range of youth programs at nine locations throughout the city. They provide education and career development, life skills, arts, sports, fitness and recreation, and special services for teens. They also have counseling and mental health services at five of the nine clubhouses (Columbia Park, Excelsior, Hunters Point, Visitation Valley, and Treasure Island). BGCSF are a Medi-Cal approved facility. They will bill Medi-Cal or BGCSF for services provided to youth members. Youth may self-refer or be referred by family, school, legal system, or other providers by contacting the Behavioral Health Specialist at their clubhouse, or by contacting Deborah Machold, Citywide Director of Behavioral Health Services. See below for addresses and phone numbers and call for hours and services at each location, or go online to www.bgcsf.org.

- Columbia Park Clubhouse:** 450 Guerrero St. at 17th St. (415) 864-2724
- Ernest Ingold Clubhouse:** 1950 Page St. (415) 221-6100
- Excelsior Clubhouse:** 163 London St. (415) 334-2582
- Mission Clubhouse:** Bryant Elementary School, 1050 York St. (415) 648-2434
- Sunnydale Clubhouse:** 1654 Sunnydale Ave. (415) 584-5028
- Treasure Island Clubhouse:** 401 13th Ave. (415) 362-1383
- Tenderloin Clubhouse:** 115 Jones St. (415) 351-3125
- Visitation Valley Clubhouse:** 1099 Sunnydale Ave. (415) 239-0146
- Hunters Point Clubhouse:** 195 Kiska Road (415) 643-6140
- Deborah Machold, Citywide Director of Behavioral Health Services:** (415) 503-1735



Untitled

Continued from page 65

ticket out, my way out. My thinking brain is my way to escape from everybody and everything.

The moment I found out I was smart, eighth grade, I think, when they were telling us that everybody in the class, except for me, was in great jeopardy of not graduating. That jumpstarted my self-appreciation. Or, maybe it was the fact that I knew, I better have good grades or else my Mama would have my butt. I like to think it was all me, and when I look back I know that it was my own determination that got me through. Knowledge let me know that I was somebody, a reckoning force that sooner or later somebody was going to have to deal with.

All before then I was reading, reading, reading, anything I could get my hands on. I have read hundreds of books, some I can’t even remember, just my brain steadily absorbing everything it could, until I finally took a breath. I realized I could pick up a book and what was in it might help me get out of the predicament of either going crazy or not making it that, up until then, I thought were the only options.

Knowledge became my friend. Knowledge kicked in when my friends asked for help on homework. Knowledge made me accept myself. Knowledge made me focus. Knowledge taught me that it was okay that nobody around me looked like I did because that just made it harder for anybody to clone my greatness. Knowing that people of all shapes,

Center For Young Women's Development

832 Folsom St., Suite #700
San Francisco, CA 94107
(415) 703-8800
www.cywd.org

Neighborhood: SOMA (they moved from the Mission in 2007)

The mission of the Center for Young Women's Development is to empower and inspire young women who have been involved with the juvenile justice system and/or the underground street economy to create positive change in their lives and communities. Each year they hire seventeen young women for a paid internship that incorporates healing, skills development, political education, community organizing, and reintegration into the community. They also have weekly educational seminars for girls in YGC (San Francisco's Juvenile Hall) and those reentering the community.

Omega Boys Club/Street Soldiers

1060 Tennessee St.
San Francisco, CA 94107
1-800-SOLDIER (1-800-765-3437)
www.street-soldiers.org/contents.htm
Neighborhood: Potrero Hill

The Omega Boys Club/Street Soldiers' mission is to keep young people alive and unharmed by violence and free from incarceration. They provide youth with the opportunity and support to build positive lives for themselves, and to move into contributing roles in society.

Question 24:

I need money! What should I do?

Teenagers can get better jobs than just at your standard fast-food place or store in the mall. Organizations like Enterprise for High School Students and Treasure

Island Job Corps can help youth not only go through job training, but offers job placement based on your specific talents. There are also jobs that are based around a school schedule, because staying in school is also important. There are plenty of organizations looking to hire youth who have struggled and are willing to give back to their communities, so what are you waiting for?

East Bay Resources for Job Placement

Already listed:

Covenant House (See page 09)
East Bay Independent Living Skills Programs (See page 17)
Youth Uprising (See page 25)

Also see: Treasure Island Job Corps listed under San Francisco Resources below (Job Corps serves youth all over the Bay Area)

San Francisco Resources for Job Placement

Already listed:

Bayview Hunters Point Foundation (See page 26)
Boys and Girls Clubs of San Francisco (See page 66)
Center for Young Women's Development (See page 67)



Untitled

Continued from page 66

sizes, and abilities can do anything enforced my driving will to succeed because now my features or my thought of being ugly didn't matter. Shoot, look at Oprah. And the fact that I didn't have real parents, lived with a sick grandmother, and knew too much for my time—I learned that was all part of a greater good. I realized that if I could just harness all that anger, frustration, and knowledge into something good, there's no telling what might happen.

It took a while, but my thoughts started to shift. Learning about all the mistakes made since the beginning of time taught me that everybody makes mistakes, and while I don't forgive my mother for the hell and strife that I had to live through because of her, I am more aware of the many people who do the same things she does every day. I learned that sometimes you just have to say, "All right, we don't like that it's happening, but how can we prevent it from happening again?" And then do everything you can to prevent it.

I knew that I hated the person that my mother had turned out to be, but my main focus was making sure I did not end up like her. My goals and dreams had nothing to do with that aspect of life.

Now don't get me wrong, this is not a pretty story with a happy ending. Just a twig on one of the mighty branches of my life. So after we spruce this redwood up a bit, I'll let you know how far down I think the roots will go.



Girls 2000 (See page 10)
Horizons Inc. (See page 27)
Larkin Street Youth Services (See page 10)
San Francisco Independent Living Skills Program (See page 17)

Enterprise for High School Students (EHSS)

200 Pine St., Suite 600 (corner of Pine and Battery)
San Francisco, CA 94104
(415) 392-7600
www.ehss.org

Enterprise for High School Students (EHSS) is a citywide school-to-work/ youth development agency in San Francisco that guides youth ages fourteen to eighteen to find and retain jobs, be trained and engage in experiential learning, and explore career interests. EHSS serves students residing in every zip code and planning district in San Francisco.

Treasure Island Job Corps

655 H Ave., Building 442
San Francisco, CA 94130
1-800-733-5627
(415) 277-2400
treasureisland.jobcorps.gov

The Treasure Island Job Corps Center is a training facility where you will have the opportunity to learn a trade, complete your high school education, participate in hands-on job training, and receive job placement support as you embark on your career. Job Corps is a stepping stone to meaningful employment. At Job Corps, you will develop the necessary tools that will continue to benefit you throughout your life.

Question 25:
There's nothing to do in my neighborhood besides hang out on the streets. Where can I go to stay out of trouble?

There are plenty of safe places to go after school or on the weekends

that are fun and productive, and will help you stay out of trouble. It's just a matter of finding them. Getting involved with school or neighborhood sports teams, arts programs, writing programs, or whatever it is that you may be interested in could make a world of difference.

Bay Area Wide Organizations

Youth Speaks

SF/Bay Area
290 Division St., Suite 302
San Francisco, CA 94103
(415) 255-9035
www.youthspeaks.org

Youth Speaks presents after-school workshops in various locations throughout the Bay Area. Workshops typically run in eight to ten-week blocks. The



Mel's Story

By Anthony Ellis

Well, let me start off by telling you how living with Melvin changed my life. Mel was my first cousin, my mom's sister's son. Mel grew up in West Oakland, like me, but he attended Clovis High School in Fresno. He played basketball and being 6' 9" didn't hurt his game. He graduated from Clovis and got a scholarship to Fresno State. There, Mel got even better. His grades were good and his passion for the game grew. His coach told him that scouts were looking at him from the 76ers. Given that he was from the 'hood, making it to the pros was a life dream. Mel played for the 76ers for one year, which made us all proud of him. After his first season, like the rest of the team, Mel went home for the off season.

Once home in West Oakland, he started hanging with his old friends from growing up, who were in the dope game. In 1994, he got shot in the throat during a drive-by and got paralyzed from the waist down. He spent four years in the hospital going through physical therapy and was released in 1998. He had to face the fact that the wheelchair they gave him would be his legs for the rest of his life.

In 2001, I moved in with him because I needed a male figure and we got along hella good. I needed a father figure because my own father was always in and out of the pen, so I was raised by just my mom. I was getting older and I saw my friends whose

after-school workshops focus on different aspects of writing, from fiction, playwriting, and poetry, to performance, desktop publishing, and poetry slam. Taught by leading poets, writers, spoken word artists, and cultural activists, they are conducted throughout the San Francisco Bay Area. Workshops are open to any teen thirteen to nineteen years old (unless otherwise noted). All workshops are free and no registration is necessary. Go to the website or call for workshop locations and schedules.

YMCAs and YMCA Teen Centers

The mission of the YMCA teen centers is to provide a fun and safe environment where teens of all origins engage in programs and activities that enhance individual health and well-being, strengthen personal and family relationships, and develop leadership skills. Teen centers have educational services, art programs, and technology classes, among other programs. YMCAs often offer teen memberships and have plenty of programs geared towards youth, even if there is no “teen center” at your local Y. YMCA teen centers and branches in the East Bay and San Francisco are listed in the next section.

East Bay Organizations

Already listed:

Covenant House (See page 09)
DreamCatcher (See page 09)
George P. Scotlan Center (See page 09)
Leadership Excellence (See page 65)
Youth Uprising (See page 25)

YMCA Teen Center

5908 Foothill Blvd.
Oakland, CA 94605
(510) 638-3984
www.ymcaeastbay.org/urbanservices

Eastlake Branch YMCA

1612 45th Ave.
Oakland, CA 94601
(510) 534-7441

M. Robinson Baker Branch YMCA

3265 Market St.
Oakland, CA 94608
(510) 654-9622

South Berkeley Branch YMCA

2901 California St
Berkeley, CA 94703
(510) 843-4280



Mel's Story

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dads had taught them certain things and there was no one around to teach me. Once I moved in with Mel, I got to do some male bonding that I hadn't had much of a chance to do before—even just watching football games with the guys was cool.

I learned to take on household responsibilities, like cooking, cleaning, and washing our clothes. It was hard to start doing a lot of those things because someone had always done them for me.

But the hardest thing I learned was how to properly take care of Mel's wounds. Lying down too long on your butt can cause bed sores, which is when the sweat dissolves the skin, making the skin so sensitive that any friction can cause it to become an open wound. Taking care of somebody is a hard job, but someone who's paralyzed is even a harder job. What teenager you know have to clean open wounds? Not just a cut, but a wound that's so deep to where you see a bone. That's what I had to clean everyday.

Picture this. One weekend I went to Fremont and Mel told me he was going to get someone to clean out his wounds, but he never did. They bled and the gauze started to stink.

When I got back Mel was like, “Lil cuz, it something wrong. My leg keep jumpin.”

“Why?”

“I don't know, check my sores,” he said.

Man I ain't never seen no shit like that in my life! It was real life maggots in there wiggling around and

If you have younger brothers or sisters, the South Berkeley Branch YMCA is a good resource. This branch has a learning academy with after school programs serving grades 2-8, a summer learning academy serving grades 1-8, and a leadership program for former learning academy students entering grades 7 through 10.

Downtown Berkeley Branch YMCA

2001 Allston Way
Berkeley, CA 94704
(510) 848-9622

The Downtown Berkeley Branch has several teen programs for youth ages 14-19 and youth memberships. A teen center is scheduled to open at 2100 Center St. (at Martin Luther King) in the fall 2008.

West Contra Costa YMCA

263 S 20th St
Richmond, CA 94804
(510) 412-5647

West Contra Costa YMCA has a great teen center.

San Francisco Organizations

Already listed:

Boys and Girls Clubs of San Francisco (See page 66)
Girls 2000 (See page 10)
Huckleberry Youth Services (See page 10)
Larkin Street Youth Services (See page 10)

Fostering Art

2500 18th St.
San Francisco, CA 94110
1-888-898-2249
www.ahomewithin.org

Fostering Art is a program of A Home Within. The program gives foster youth the chance to explore and document their inner and outer worlds through art and the written word, while developing life skills and strong ties with peers and the community.

LYRIC

127 Collingwood St.
San Francisco, CA 94114
(415) 703-6150
www.lyric.org

Neighborhood: Castro

LYRIC envisions a diverse society where lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQQ) youth are embraced for who they are and encouraged to be who they want to be. By working towards social justice and supporting young leaders, their families and allies, LYRIC is building a world that that honors, respects and appreciates



Mel's Story

Continued from page 69

my body got hella tingly.
"Mel Mel, blood."
"Wat nigga?"
"Blood, it hella maggots."
"For real?"
"Hella. Yea, I'm not playin."
A fly had got in there and laid some eggs.
Mel said, "Jus clean it hella good."
I'm thinking to myself "Hell naw!"

But cause of the love I had for him, I did it anyway. When I was done, he told me to call 911 so he could go to the hospital. The doctors told him that the maggots wasn't doin nothing but eating the dead tissue. In the hospital, sometimes they use maggots to clean out wounds, but when people hear that they're using maggots, they be like I was—"Hell naw!" So I learned a lot of people can't stomach it, but somehow and someway not only could I do that, there wasn't anything I wouldn't do for him. I loved him to death. I took care of Mel for a long time and I was getting real good at cleaning his wounds.

One time, I told him I could do it better than the doctors.
He said, "Yeah, lil cuz, you should think about taking this as a profession."
I was like, "Yea, I just might."
He said, "They get paid a lot of money too, lil cuz, I think you should go for it."

What I really want people to understand is that even though he sold drugs, he always made sure I went to school. He knew he took the wrong path and he knew he could prevent me from taking the same route he did. Mel used to tell me, "Man, go to col-

LGBTQQ youth and their contributions. LYRIC's programs fall into three general categories: community building, education and economic development, and health and wellness.

Out of Site Center for Arts Education

301 de Montfort Ave.
San Francisco, CA 94112
(415) 841-2215
www.outofsite-sf.org

Out of Site offers free arts classes for high school students. It's a great place to try out photography, painting, spoken word, music, architecture, or a variety of other art classes. In spring 2007, classes were being offered on Monday and Wednesday, or Tuesday and Thursday, from 4 p.m. to 6 p.m.

YMCA Bayview Hunter's Point

1601 Lane St.
San Francisco, CA 94124
(415) 822-7728
www.ymcasf.org/Bayview

YMCA Urban Services

1530 Buchanan St.
San Francisco, CA 94115
(415) 674-0888
www.ymcasf.org/UrbanServices

Buchanan District Branch YMCA

1530 Buchanan St
San Francisco, CA 94115
(415) 931-9622
The Buchanan YMCA has a Safe Haven/teen center.

Mission Branch YMCA

4080 Mission St
San Francisco, CA 94112
(415) 586-6900
The Mission YMCA has a teen center.

Shih Yu - Lang Central YMCA

220 Golden Gate Ave
San Francisco, CA 94102
(415) 885-0460



Mel's Story

Continued from page 70

lege, be somebody, don't end up like I did." That's what I respected 'bout him the most.

Because of everything that was happening with Mel—especially taking care of him—I started going to school at U Prep Independent Studies. At U Prep, there was one more person that made a big difference in helping me get to where I am today—that was one of my teachers. He was so nice. When I needed to call him for a question he would always be there to help me understand. On June 15, 2006, I crossed the stage because of the help of my family and this teacher. If all teachers were more like him a lot more kids would succeed in school. After I graduated, he pulled me to the side and told me about Cal State Hayward. With his support, I was able to get in.

Mel told me hella shit on life and at the time, I didn't take it all serious. In 2005, he got shot again but this time he didn't make it. Now that he's gone, I realize how much the things he told me guided me to where I am. If it wasn't for him—and people like the teacher at U Prep—I wouldn't be who I am today, tryin to finish my first year of college. I'm taking classes at Cal State to become better at dressing wounds and being a better caretaker. I know it's not going to be easy, but I have the drive to continue to be somebody in my life, just like Mel would have wanted me to be. 

Question 26:

My grades dropped after my parent got locked up. How can I improve so I can get my high school diploma, GED or get into college?

Talk to your teachers or school counselor and ask for extra support. Make a plan together or turn to resources outside of school. Lots of places offer free tutoring. If it's too hard to focus on academics because you have so much on your mind, or have other responsibilities like a job or taking care of younger siblings, you might consider alternative

education programs like Independent Studies, or getting your GED through a community-based center. Anthony enrolled in Independent Studies and got his high school diploma while taking care of his paralyzed cousin. Demel got his GED through a community organization. Both went on to enroll in community colleges. Even if there are ups and downs along the way, in the end, it's really important to get your high school diploma or GED, and even better if you go to college. To get academic support or tutoring, check out the following organizations.

East Bay Tutoring Resources

Already listed:

- Covenant House (See page 09)
- DreamCatcher (See page 09)
- George P. Scotlan Center (See page 09)
- Youth Uprising (See page 25)

Teen Homework Center

Oakland Public Library at Eastmont Town Center Adult Reading Room, Suite 211
 7200 Bancroft Ave. Oakland, CA 94605
 (510) 615-5726
www.oaklandlibrary.org

The Eastmont Branch of Oakland Public Library launched a new Teen Homework Center in February 2007 which will run until the end of school in June. It offers free tutoring in math, science, English, and Spanish. Middle and high school students can drop in for homework help on Saturdays from 1 p.m. to 5 p.m., and on Mondays from 3 p.m. to 7 p.m. A new Eastmont Library Youth Chess Club (The Eastside Knights) for elementary through high school students will meet concurrently with the Homework Center, to provide an alternative developmental activity for youth after they finish their school work. We don't know if this specific program will be offered in future years, but it's good to remember that you can always go to the public library for a quiet space to study and borrow books.

San Francisco Tutoring Resources

Already listed:

- Bayview Hunters Point Foundation (See page 26)
- Boys and Girls Clubs of San Francisco (See page 66)



INTERVIEW QUESTIONS

What should foster parents do to support children?

I think foster parents should support children more in the way of allowing or taking them to visit their parents during their incarceration, and talking to them and letting them know everything that is going on. When I was growing up I lived with a foster parent because my dad was locked up, although I considered her my grandma, and still do to this day. I always got to visit my dad so there were no questions or mysteries for me to try to figure out. That's probably because of the way she took care of us while my dad was gone. She didn't try to put bad thoughts about my dad into my head. (Demel)

Even if you made mistakes in the past, or your parents messed up, you still can choose to do more positive things in the future. As Anthony says, Struggles really make you stronger.

Youth Chance High School at the Embarcadero YMCA

169 Steuart St. (between Mission and Howard)

San Francisco, CA 94105

(415) 957-9622 (main number)

(415) 615-1302 (Youth Chance High School)

Neighborhood: Downtown San Francisco

Youth Chance High School is a non-tuition private school operated continuously by the Embarcadero YMCA since 1977. Young people ages sixteen to twenty-one who have been referred by school principals, social workers, friends, and probation officers, find an environment in which they can learn and succeed. The curriculum emphasizes the GED, financial literacy, and employment readiness training. It also includes study skills, independent living skills, critical thinking, personal growth and awareness, and paid work experiences.

INTERVIEW QUESTION

The following questions were answered by Project WHAT! participants and other youth that we interviewed. These answers give you some insight into some of the thoughts and feelings we've had about our parent's incarceration.

What resource helped you?

The single resource that helped me most through my life has been my church. Up until I had started going there, I always saw myself as something negative, but when I entered this church, I saw all these black

people who were beautiful, confident, and best of all intelligent and accomplishing a greater good. To see all these doctors, lawyers, businessmen and women did a great deal to boost my self love. (Tiffany)

How are social workers supposed to treat you?

Social workers should treat us as if they care. They should at least ask us what we want to do in our situation. They should most of all try to get to know us. Maybe then they could help us out a little more. We should be visited more often, at least once a month. Social workers should also drop in at random times at the foster home or group home to see how things really are. Social workers should always keep track of

the status at the home the children are staying at. Social workers should try and keep siblings together. When you're separated from your parents that's hard enough but when you're separated from your brothers and sister too that's even harder. Why should we have to go through even more pain than we already have? Think about it. (Former Project WHAT! youth participant)



ROOTS STUDENTS POEMS

My Brother was Arrested for Wearing a Bullet- Proof Vest.

By Quincy Martin

I was 12 when I visited my brother in jail. The jail was big like a dirty mansion. We walked into the visiting room and sat down across from my brother. The glass between us was like a shield.

I didn't know what to say so I just sat there looking at him.

My brother looked hurt because another inmate had pulled his hair out in a fight.

The quiet between us made me feel like I was in an empty room.

My brother had become a person with no expressions. Prison changes you

into a body full of blank nothingness.

After two hours, the guards said

It's time to leave. My eyes locked on the security guards gazing at my

brother

like snakes gazing at their prey.

I left the jail with a black shadow hanging over me and a heart broken into pieces I couldn't put together.

Index of organizations (cont.)

Agency Name	PAGE	SERVICES OFFERED											
		Prison Visiting and Advocacy	Legal Services	Medical Services*	Counseling/Mental Health	Substance Abuse Services	Education/Tutoring/Employment	Mentoring Programs	Food and/or Clothing	Emergency Housing for Youth	Crisis Intervention	Recreation (sports, art, music, etc.)	Youth Hotlines
East Bay													
FamilyPaths, Inc. (formerly Parental Stress Service)	25				X		X			X			X
George P. Scotlan Center	09		X	X	X	X		X		X	X		X
Kaiser Permanente Chemical Dependency Recovery	39			X	X								
Leadership Excellence	65						X	X			X		X
On the Bricks	65						X	X			X		X
REACH Project of Antioch	40				X								
RMS/Crossroads Treatment Center of Concord	40				X								
Teen Homework Center, Eastmont Library	72						X				X		
YMCAs (various locations)	69						X	X			X		X
The Mentoring Center	65						X				X		X
Youth Uprising	25	X	X	X			X	X		X	X		X
San Francisco													
A Home Within	26				X		X				X		X
Balboa Teen Health Center	26		X	X									X
Bayview Hunters Point Foundation (BHPF)	26		X		X	X	X			X	X		X
BHPF Substance Abuse Treatment Programs	38				X	X	X			X	X		X
Boys & Girls Clubs of San Francisco	66				X	X	X	X			X		X
Buster's Place (Haight Ashbury Free Clinics Program)	38				X								X
CalWORKs Office (DHS)	12												X
Center for Young Women's Development	67	X	X	X		X	X	X	X	X	X		X
Colvin House (Haight Ashbury Free Clinics Program)	38				X								
Diamond Youth Shelter	11							X	X		X		X
Enterprise for High School Students	68						X						X
Fostering Art	70										X		
Friendship House Association of American Indians	38				X								
Girls 2000	10		X	X	X	X	X	X	X	X	X		X
Haight Ashbury Free Clinics, Inc.	26		X	X	X								X
Harbor House	39			X	X								
Hip Hop to Health Clinic	27		X	X	X	X				X			X
Homeless Prenatal Program	27		X	X	X				X				X
Homeless Youth Alliance	27			X	X	X				X	X		X
Horizons, Inc.	27	X	X	X	X	X				X	X	X	X
Huckleberry Youth Services at Cole St. Clinic	10		X			X				X	X	X	X
Huckleberry House	10			X					X	X	X	X	X
Larkin Street Youth Services Drop-In Center	10		X		X	X			X	X	X	X	X
Lark-Inn for Youth	11								X	X	X	X	X
Legal Services for Children	61		X										X
Legal Services for Prisoners with Children	62	X	X										X

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Index of organizations (cont.)

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Agency Name	PAGE	SERVICES OFFERED											
		Prison Visiting and Advocacy	Legal Services	Medical Services*	Counseling/Mental Health	Substance Abuse Services	Education/Tutoring/Employment	Mentoring Programs	Food and/or Clothing	Emergency Housing for Youth	Crisis Intervention	Recreation (sports, art, music, etc.)	Youth Hotlines
San Francisco													
LYRIC	70			X		X	X				X		X
Omega Boys Club/Street Soldiers	67					X	X				X		X
Out of Site Center for Arts Education	71										X		
San Francisco Public Defender Juvenile Division	61		X										
San Francisco Public Defender	62	X	X										
San Francisco Wellness Initiative (various locations)	28			X	X	X							X
Valencia Health Services	28			X									
Western Addition Recovery House	39				X	X	X						
YMCAs (various locations)	71						X	X			X		X
Youth Chance High School, Embarcadero YMCA	73						X	X			X		X
* Medical includes: Dr. appointments, HIV/STD prevention/treatment, and pregnancy services & family planning													



About the Authors

This guide was originally created and published by Project WHAT! youth members and the Program Director, Anna Wong, in May 2007. The 2nd edition of the guide was updated by current Project WHAT! members and reprinted in May 2008. Learn more about the authors below.

Anthony Ellis joined Project WHAT! in 2006 and was a member of the project for its first year and a half. He attends Cal State East Bay. In his spare time, he enjoys playing football, going to church, and hanging out with friends.

De'Mel Deon Bullock is 21 years old and lives in Oakland, CA. He attended elementary, middle, and the beginning of high school in Suisun City, CA, then moved to Oakland and attended Oakland High. He says that school has always been a little challenging for him, more because of things that have taken place outside of the classroom walls than within. De'Mel earned his G.E.D. through a community program. Most of his spare time is spent at the gym or in the library trying to find ways to better his future. De'Mel is currently attending the College of Alameda in their automotive program. He has been working with Project WHAT! since the spring of 2006.

Kashka Washington is 16 years old. She is a leader who is here to help improve people's lives and her mission will get accomplished! Kashka joined Project WHAT! in 2007.

Kyle Sporleder joined Project WHAT! in 2007. He joined Project WHAT! to make his voice heard and to help make people care about preventing kids from missing out on their childhoods. Aside from his passion for helping others, education is an important part of Kyle's life. He is a senior at Leadership High School in San Francisco. During his time at Leadership, he discovered a talent for oral and written communication, and hopes to one day put his skills to good use by pursuing a career in journalism, law, or politics.

Luis Esparza was born in San Francisco in 1991. He joined Project WHAT! in April 2006. In his spare time, he likes drawing what's on his mind.

Marriah Humphrey joined Project WHAT! in 2007 and is 16 years old. She lives in Hayward, CA and attends Hayward High School. She's in the marching band and has been playing clarinet since the fourth grade. Marriah likes being on the computer and hanging out with friends. She wants to go to college on the east coast, and become a child psychiatrist. She says that Project WHAT! has been a great experience for her.

Sarita "Ri-Ri" Wilson is 19 years old and has been living in Oakland, California all her life. It hasn't been easy. She has dabbled in a little bit of everything from alcohol to drugs, from robbery to stealing cars but now as she begins her path towards womanhood, she is changing, trying to do the right thing. She is getting back in school and has three jobs so she is hoping, praying, and working her way to the top where she plans to be soon. She is also a mother to a beautiful little girl named



About the Authors (Cont.)

Alicia. She began with Project WHAT! in June of 2007 and says that she loves what she does because she is making a difference in the lives of current and future children of incarcerated parents.

Therese Rodriguez is 25 years old, married, and has a 15 month old beautiful baby boy. She was born and raised in the Mission District, the heart of San Francisco. Therese is currently in her last year of the Social Work Masters Program at SFSU and is also working on her Pupil Personnel Services Credential, which will enable her to work as a certified professional in the public school system. She received her Bachelor of Arts in Social Work. Therese's passion and career goal is to work with children, youth and families in low-income neighborhoods. She is currently working as a clinical social worker and counselor at a high school and an elementary school.

Tiffany Hopkins was an original member of Project WHAT! and was 16 years old when she joined. She grew up in Richmond, CA and currently resides in El Sobrante. Tiffany attends El Cerrito High School. In her spare time, she likes to write, shop, and listen to music.

Zoe Willmott was born in Pittsburgh, Pennsylvania on November 28th, 1990 (Sagittarius), but raised in the City by the Bay, none other than San Francisco. After her mother's incarceration, she became involved with prison work. Zoe has been a member of Project WHAT! since the beginning and loves it. Zoe is a Senior at Leadership High School in San Francisco. In the fall she will be attending Barnard college in New York City. Her passions include writing and political activism, although she is undecided what specifically she will study in college. In the future, she hopes to continue advocacy work related to issues of incarceration.

Anna Wong has been the Program Director of Project WHAT! since the program's launch in 2006. She also represents Community Works in its collaboration with the San Francisco Children of Incarcerated Parents Partnership and the Women's Foundation of California. Anna was born and raised in Washington D.C. She has a Masters in Public Administration from Kennedy School of Government, with a background in criminal justice and education policy. For fun, she loves basketball, music, traveling, food, exploring, and hanging out with friends and family.



Debra Bullard Kyle
Anna Wong Therese Rodriguez
Tiffany Hopkins



Thanks

...for your time, expertise, and feedback...

To everyone from the following organizations who contributed material or ideas to our guide and who keeps working to make positive change in the world: Centerforce, the Center for Young Women's Development, Children's Network of Solano County, Friends Outside, Get on the Bus, Legal Services for Children, Legal Services for Prisoners with Children, Project AVARY, Youth in Focus, and all the SFCIPP members. To Casey Family Programs, Teachers 4 Social Justice, and other organizations that continue to invite us to present at their conferences, do trainings, and share our stories.

To the ROOTS students at Balboa High School who contributed their poetry: Grevon Daggs, Josh Dillard, Matt Pavloff, and Quincy Martin.

To former and current staff of Community Works who continue to support our work: Anna Wong, Ellie Erickson, Lucia Scheckner, Melissa Klein, Rebecca Schultz, Ruth Morgan, Susie Meserve, Tanya Pearlman, and Lucy, the dog, who always greets us with a friendly wag of her tail.

Also to: Alice Bussiere, Angie Schwartz, Dana Wright, Eliza Patten, Elizabeth Graber, Emily Frappier-Short, Fay Dillof, Gabrielle Lupe, Jenn Rader, Lailan Huen, Maria Banos, Nell Bernstein, and Stephen Duffy.

Last but not least, to all the teachers, social workers, other service providers, and youth who participated in our focus groups, surveys, or helped us in any way—we thank you from the bottom of our hearts. We hope this guide helps you in your work and in your life.

...for your money...

We thank the Zellerbach Family Foundation and Ellen Walker for making not only this guide—but our whole project—possible through your generous funding. Zellerbach has been our main funder since the beginning in 2006 and Project WHAT! would not be possible without you!

Youth Funding Youth Ideas, the San Francisco Department of Children, Youth, and their Families, and Bank of the West, have all funded us for two years straight. You are helping us get on our feet.

Our other past and present funders also deserve recognition: GGS Foundation, Morris Stulsaft Foundation, Alameda County Health Care Services Agency, and East Bay Community Foundation. Finally, we'd like to thank all of the generous individuals who supported us in 2007—especially by attending our first annual fundraiser and celebration. Every dollar you contribute counts!

...a special message to our future supporters...

If you are a foundation, government agency, or individual who's searching for the right investment for your money, we are it. You won't be sorry if you fund us. Your money is well spent developing the leaders of the future, keeping us out of trouble, and helping service providers and policy makers understand what's really going on in the world. Imprisoning millions of our parents is NOT helping our families or communities—we are!



PROJECT WHAT!

A program of Community Works

Annotated List of Recommended Resources: Incarceration and its Impact on Children and Families

Websites

*** National Resource Center on Children and Families of the Incarcerated at Family & Corrections Network – <http://www.fcnetwork.org/>**

The mission of the NRCCFI is to raise awareness about the needs and concerns of the children of the incarcerated and their families by providing information that is informed by a combination of academic research and the experiences of the families and practitioners in the field in order to promote the creation of effective and relevant policies and practices in public and private systems.

*** San Francisco Children of Incarcerated Parents Partnership – www.sfcipp.org**

The San Francisco Children of Incarcerated Parents Partnership (SFCIPP) is a coalition of social service providers, representatives of government bodies, advocates and others who work with or are concerned about children of incarcerated parents and their families. Formed in 2000 under the auspices of the Zellerbach Family Foundation, SFCIPP works to improve the lives of children of incarcerated parents, and to increase awareness of these children, their needs and their strengths.

*** Legal Services for Prisoners with Children (LSPC) - www.prisonerswithchildren.org**

LSPC advocates for the human rights and empowerment of incarcerated parents, children, family members and people at risk for incarceration. We respond to requests for information, trainings, technical assistance, litigation, community activism and the development of more advocates. Our focus is on women prisoners and their families, and we emphasize that issues of race are central to any discussion of incarceration.

The Bureau of Justice Statistics (BJS) – www.ojp.usdoj.gov/bjs/welcome.html

The U.S. Department of Justice, Bureau of Justice Statistics is a good source for official government data. Many of the organizations listed here base their reports and analysis on data from BJS.

The Sentencing Project – www.sentencingproject.org

The Sentencing Project is a 501(c)(3) non-profit organization which promotes reduced reliance on incarceration and increased use of more effective and humane alternatives to deal with crime. It is a nationally recognized source of criminal justice policy analysis, data, and program information.

The Vera Institute of Justice – <http://www.vera.org/>

The Vera Institute of Justice combines expertise in research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety.

The Real Cost of Prisons Project – <http://realcostofprisons.org>

The Real Cost of Prisons Project brings together prison/justice policy activists with political economists to create popular education workshops and materials which explore both the immediate and long-term costs of incarceration on the individual, her/his family, community and the nation. The goals of the Real Cost of Prisons Project are to strengthen and deepen the organizing capacity of grassroots prison/justice activists and to broaden the public's understanding of the economic and social consequences of mass incarceration.

Reentry National Media Outreach Campaign - www.reentrymediaoutreach.org/

The Reentry National Media Outreach Campaign is designed to support the work of community and faith-based organizations through offering media resources that will facilitate community discussion and decision making about solution-based reentry programs. Based on the belief that diverse media play an essential role in motivating and mobilizing community action, the campaign will expand public awareness and work in partnership with local organizations and initiatives to foster public safety and support healthy communities.

Research Papers and News Articles

* Bureau of Justice Statistics Special Reports on Incarcerated Parents and their Children

<http://www.ojp.usdoj.gov/bjs/abstract/iptc.htm> (published in 2000)

<http://www.ojp.usdoj.gov/bjs/abstract/pptmc.htm> (published in 2008)

* California Research Bureau: “Children of Incarcerated Parents,” March 2000.

<http://www.library.ca.gov/crb/00/notes/v7n2.pdf> or <http://www.library.ca.gov/html/statseg2a.cfm>

* Steve Christian, “Children of Incarcerated Parents,” National Conference of State Legislatures, March 2009. <http://www.ncsl.org/documents/cyf/childrenofincarceratedparents.pdf>

* Creasie Finney Hairston, “Focus on Children with Incarcerated Parents: An Overview of the Research Literature,” October 2007.

<http://www.aecf.org/KnowledgeCenter/Publications.aspx?pubguid={F48C4DF8-BBD9-4915-85D7-53EAF941189}> or www.aecf.org

* Creasie Finney Hairston, “Kinship Care When Parents Are Incarcerated: What We Know, What We Can Do,” May 2009.

<http://www.aecf.org/KnowledgeCenter/Publications.aspx?pubguid={3BA4FD1F-C884-4A88-80B6-A0F640823FC6}> or www.aecf.org

Jennifer Gonnerman, *The Village Voice*, November 16, 2004. “Million Dollar Blocks: The Neighborhood Costs of America’s Prison Boom”

<http://www.villagevoice.com/news/0446,gonnerman,58490,1.html>

Books and Publications

* Project WHAT! Resource Guide for Teens with a Parent in Prison or Jail. (2008).

The 80-page guide answers common questions that children have when a parent is incarcerated. It includes stories written by youth, along with a CD of the stories read aloud. Resources are mainly within the Bay Area but other parts of the guide are useful for a national audience.

* Nell Bernstein, All Alone in the World: Children of the Incarcerated, (New York, NY: The New Press, 2005).

This is an intimate look into the lives of children impacted by a parent's incarceration. The author explores many different sides of the issue, ranging from children's experience at the time of their parents' arrest, to unnecessarily harsh laws and policies that force even low-level offenders to forfeit parental rights, to proposals for alternative forms of punishment that take into account the status of prisoners who are also mothers or fathers. The book combines storytelling with concrete policy recommendations.

Marc Mauer and Meda Chesney-Lind eds., Invisible Punishment: The Collateral Consequences of Mass Imprisonment (New York, NY: The New Press, 2002).

A useful set of essays on a wide variety of topics related to sentencing and incarceration. Good information about some of the subtle and lasting impacts of incarceration on individuals, families, and communities.

* **For a list of books to read with children of prisoners**, see the Family & Corrections Network: <http://www.fcnetwork.org/kids-books.html>

Film and Video

Some of these films (and more) can be found on the Reentry Media Outreach website:

<http://www.reentrymediaoutreach.org/index.html#>

Focus on children of incarcerated parents:

* *A Sentence Apart* (Theo Rigby and Jason Sussberg)

A DVD copy of the film can be purchased from Community Works for \$10. Call our office at (510) 486-2340 or visit our website: www.community-works-ca.org

The U.S.A. imprisons more people, per capita, than any country in the world. Behind the 2.4 million prisoners lies an infinite ripple effect of incarceration on the family and community. A SENTENCE APART weaves three intimate stories exploring how families cope and live with a loved one in prison. Two youth from Project WHAT! are featured in this 13-minute documentary.

* *Xiara's Song* (Liz Garbus and Rory Kennedy)

www.moxiefirecracker.com

Seven-year-old Xiara's father, Harold, has been in and out of jail her whole life, and his current sentence will keep him locked up until she's 17. XIARA'S SONG intimately documents a young

girl's struggle to stay connected to her father, and Xiara's mother's struggle to keep her from following in Harold's dangerous footsteps.

Focus on juvenile justice:

Girl Trouble (Lexi Leban and Lidia Szajko)

<http://www.girltrouble.org>

GIRL TROUBLE is an intimate look at the compelling personal stories of three teenagers entangled in San Francisco's juvenile justice system. The film documents the girls' successes and setbacks over a four-year period—their daily struggles with poverty, violence, public defenders and homelessness, exposing a system that fails to meet the needs of girls in trouble.

Juivies (Leslie Neale) – shot at juvenile hall in Los Angeles

www.juivies.net (DVD or VHS can be purchased from this website)

For two years, Neale taught a video production class at Los Angeles Central Juvenile Hall to 12 juveniles who were all being tried as adults. JUVIES is the product of that class, which was a learning experience for both students and teacher—and becomes a learning experience for all of us, as we witness the stories of children abandoned by families and a broken system.

Focus on adult prisons:

The Farm: Life Inside Angola Prison (Liz Garbus and Jonathan Stack, 1998)

www.moxiefirecracker.com (rent from Blockbuster and other outlets, purchase from Amazon.com; also check independent bookstores)

Set in America's most infamous and largest maximum security state prison, THE FARM tells an extraordinary story about life and death in prison. Louisiana State Penitentiary's 18,000 acres stretch along the Mississippi River, revealing landscapes of breathtaking beauty and fertile farm land, yet for the 5,000 men who enter the gates for the first time as young men, never to leave again, it is a place of infamy, a land of suffering, made up of shattered lives and discarded souls.

* *Prison Lullabies* (Odile Isralson and Lina Matta)

www.prisonlullabies.com

PRISON LULLABIES is the remarkable portrait of four women struggling with drug addiction, arrested for dealing and prostitution, and serving prison time with one common bond – arrested pregnant, the women have all given birth behind bars. For these women, the Taconic Correctional Facility in New York State offers a rare gleam of hope. One of few prisons in the U.S. to provide a nursery program for inmates, Taconic allows the women to keep their babies for the first 18 months of their lives while insisting that the mothers participate in a rigorous series of classes that range from basic child care to anger management and drug counseling. Each woman is released in the course of filming. Each must choose whether to find a job, break the cycle of relapse that has led to the loss of her other children, or pick up the crack pipe, abandon the child, and return to the streets.

This resource list was compiled by Project WHAT!, a program of Community Works (updated April 2010). For more information, email projectwhat@gmail.com or call Community Works at 510-486-2340.

THURSDAY – JUNE 3, 2010

2:00 pm – 3:15

Workshop Session III

III.J.

Restorative Justice Pilot Project in Alameda County

Alameda County has convened a community-based effort to apply principles and practices of restorative justice in their juvenile court. This workshop will discuss the court's collaborative pilot project prospects, challenges and lessons learned.

education credit:

BBS

MCLE

PSY

target audience:

all

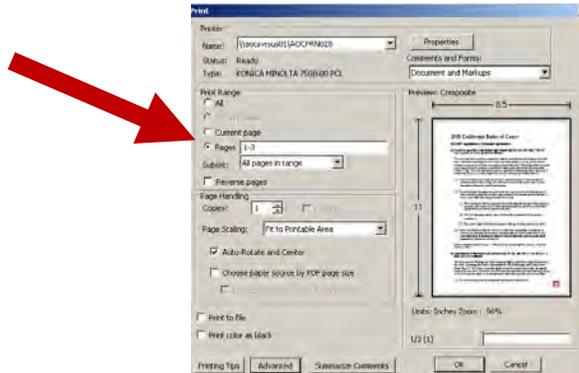
Learning Objectives:

- Learn how to form a restorative justice community collaborative.
- Identify lessons learned implementing the project.
- Analyze projected societal and court cost saving benefits of implementing the program.

Faculty:

- **Hon. Gail Bereola**
Judge, Superior Court of Alameda County
- **Fania Davis, Ph.D.**
Director, Restorative Justice for Oakland Youth (RJOY)
- **Nikita Mitchell**
Lead Student Organizer, Youth Together

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Administrative Office of the Courts, Center for Families, Children & the Courts

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For additional information about restorative justice go to www.restorativejustice.org.

Oakland program redefines juvenile justice

Brenda Payton

Sunday, June 21, 2009

It can feel so predictable. There's an outrageous crime. Religious and community members organize a march for peace with heartfelt speeches. And everyone walks away, wondering how long it will be before they're at another rally decrying another senseless crime. It's as predictable as, and directly related to, the revolving door of the juvenile justice system that locks up youthful offenders and sends them back to their communities without training or skills, almost guaranteed to return to jail.

Paradoxically, many adults who work in the system will tell anyone who asks that they know it's failing youthful offenders and their communities. A relatively new project in Oakland, Restorative Justice for Oakland Youth, is attempting to alter the script by doing no less than redefining the concept of justice.

Taking a cue from South Africa's Truth and Reconciliation Commission, which helped the country navigate the aftermath of the violence of apartheid, Restorative Justice shifts the focus from blame and punishment to repairing the harm. It attempts to bring together the offender, the victim, both families and members of their communities and addresses the offender's accountability, the victim's needs and community safety.

It made sense to Gail Bereola, presiding juvenile judge of the Alameda County Superior Court.

"I immediately got it. I understood how it could work to transform the lives of the youth in our system who are hopeless, have no empathy and wreak havoc on their families and communities," she said.

Bereola points out there are multiple victims to a crime: the individual victim as well as the wrongdoer's family and friends, the victim's family and friends and the larger community.

"This is a way to look at the needs of family and community that are usually not addressed and how you go about repairing those needs."

Central to the Restorative Justice model is a gathering called a Circle of Support and Accountability. The wrongdoer meets with the victim, or a surrogate victim, and members of his or her family and community.

A facilitator leads the group in a dialogue in which the wrongdoer takes responsibility for the crime and addresses the harm caused. The group decides how the harm can be repaired.

Sometimes the fix takes the form of monetary restitution. However, Bereola, who came to the juvenile system after serving as a judge in the adult system for 12 years, said she was surprised by the number of victims of juvenile offenders who were more interested in rehabilitation than in punishment for their young tormentors.



"In the juvenile system, the victims want the minors punished for the crimes. But they weren't saying throw the book at them. They want them to understand what they did. They're interested in how the young person is going to improve themselves. They want to know what happens when they return to the community."

So, for example, to repair the harm to family and community, participants in the Circle of Support and Accountability make the offender understand the importance of getting an education or vocational skill so he or she doesn't commit another crime.

Further, Bereola said, victims usually realize the district attorney's office is representing the state, not them. They often feel their needs aren't met. In the Restorative Justice approach, the victim's needs are central.

Last September, Bereola was joined by dozens of high-level officials of probation and police departments, educators, social workers and youth advocates in a two-day strategic planning session. The goal is to apply the approach throughout Alameda County.

Still in a pilot phase, the project has engaged 15 young offenders in the diversion, sentencing and re-entry stages.

A school-based pilot program at West Oakland's Cole Middle School, launched in the 2007-08 school year, is credited with dramatically reducing suspensions.

The initial success reflects the experience of other Restorative Justice projects. Minnesota schools using the approach report a 50 percent reduction in suspensions and expulsions. New Zealand adopted the approach for its juvenile justice system in 1989 and is actually closing detention centers.

"In one (Alameda County) case, the young man had served nine months in juvenile hall and was on probation," Bereola said. "He participated in the Restorative Justice circles. Now he's in college, working and paying \$100 a month restitution. Even after his probation ended, he wanted to continue the circles. He said in one of the circles his younger brother said it was the first time he saw his older brother as a role model. It was an eye-opener for him, encouraging him to make sure he does the right thing."

Brenda Payton is a Bay Area writer.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/06/21/INME187M4H.DTL>

This article appeared on page H - 8 of the San Francisco Chronicle

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Alameda County Pioneers Restorative Justice for Youth

New America Media, News Feature, Annette Fuentes, Posted: Jun 15, 2009 [NT Review it on NewsTrust](#)

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Editor's Note: Alameda county is experimenting with a new pilot program which hopes to reduce recidivism among young offenders and also force them to confront the consequences of their actions. NAM editor Annette Fuentes met its first candidate.

BERKELEY. Members of the circle arrived one by one on a recent Friday evening at the Berkeley home of Leavy Perkins. She is the great grandmother of Dante Green, and had raised the young man from infancy. Green, 18, was the reason they'd converged, and he greeted them with a smile and warm hug before the members took seats around Perkins' dining room table.



(L TO R)Dante Green, Fania Davis, Jack Dison,

Leavy Perkins and Al Scott The Circle of Support and Accountability—COSA--that gathered at Perkins' home has been meeting weekly for the past six months, beginning when Green was a juvenile offender locked up in Camp Sweeney, a juvenile detention facility. It offers him guidance and direction and demands honesty and commitment in return, as Green creates a new, healthier life for himself. This spring, he completed a year at Berkeley College with a 3.75 grade point average and aspirations to transfer to UC Berkeley.

His early years were less promising. Green's run-ins with the juvenile justice system began when he was 14 and stole a bicycle. Then he stole a car and a laptop computer. He went truant at school and was in and out of court, missing dates and pushing the envelope with the system. Finally, he landed in detention for more than a year.

But Alameda's juvenile justice system was piloting a new alternative to treating youthful offenders and Green would be the first candidate. At Christmas time 2008, he was given a chance to make amends for his crimes in a very different way. And he took it.

Behind the COSA and the Alameda courts' decision to adopt an alternative sentencing model was Restorative Justice for Oakland Youth (RJOY), a nonprofit begun in 2005 by attorney Fania Davis, now its executive director. RJOY's philosophy--and Davis'--is based on the principles of restorative practices, which focus on the harm to victims and the wider community and holds the offender accountable for their actions, which means restitution and making right what was wronged. Restorative justice addresses the needs of victims and offenders that are usually neglected in the criminal

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justice system, and in so doing, aims to reduce recidivism, strengthen communities and decrease costs of the current system.

In 2007, Davis and RJOY board members approached Judge Gail Bereola, presiding judge of the Alameda Juvenile Court, and the probation department, about adopting restorative practices in their treatment of youth. Bereola got on board with enthusiasm. "I immediately got it," she said, "how it could address harms caused and maximize outcomes for youth in the system. The traditional ways we do things don't work for all youth. I never saw restorative practices as something to supplant the way we do things, but as another tool we could utilize to strengthen what goes on with victims, youth, families and communities."

Bereola immediately formed a restorative justice taskforce, with representatives from the district attorney, the public defender, probation, school districts and community organizations, to discuss how to use restorative justice in the juvenile justice system. In January 2009, the taskforce released a three-year strategic plan that recommends implementing restorative practices in juvenile justice programs, creating pilots in the system and doing a broad public education campaign on the principles of restorative justice. Dante Green's case was the first pilot, and three other youths are now working with RJOY in COSAs.

"The restorative justice concept really addresses holding the youth accountable, but also correcting harm to the victim," said Hamilton Holmes, Alameda's deputy chief of juvenile probation. "RJOY helps the victim understand the circumstances of the youth and helps the youthful offender understand consequences. While the victim isn't always made whole financially, that has truly been lacking in our previous efforts." Holmes notes that because offenders often are poor, making full restitution for property crimes isn't always a quick, easy thing. Dante Green, for example, still owes about \$400 for the laptop he stole.

Not all youth who come before Judge Bereola are eligible for restorative justice. The district attorney's office screens candidates and recommends those likely to succeed. Youth who commit violent crimes or who are not eager to participate are not good candidates. And where there are known victims--unlike Green's situation--they have input on the process.

"The juvenile justice system has the joint charge of protecting the public and rehabilitating the minors. We don't want to criminalize kids, lock em up," said Matthew Golde, assistant DA in the county's juvenile justice department. "The question is, how do you succeed? We have many arrows in our quiver--this is one of them." Golde said that the victims' voice is important in how restorative justice is implemented. "Many victims don't want anything to do with these criminal kids," he said. "Right now, I'm reviewing the case of a guy who pulled a gun on three adults and tried to rob them. This won't go to that process. We're taking the less serious or violent cases."

The pool of potential candidates for RJOY's model is large. In 2008, 2,842 juvenile offenders up to age 17 were booked into custody, according to Holmes, and the number has been fairly constant for the last three years. He said that while crime rates are not higher, the nature of youth crimes now is "more aggressive, more felonious. They tend to be perpetrated against individuals, not property." Another 3,500 youth annually are released back to their families' custody by law enforcement and processed as a noncustodial referral, Holmes said. In those cases, police make the decision that justice is better served by not booking youth into the system because of the low level of their offense.

The COSA forms the core of RJOY's program and in Dante Green's case, it is proving successful. One reason is Green himself, says Jack Dison, a RJOY board member and former sociology professor who runs restorative justice programs with adult offenders in San Quentin. "He looked like a good prospect and was willing to change," Dison said. "We met with his great grandmother and two sisters and they agreed to be part of the circle."

Dison, Davis and Al Scott round out the COSA. Scott, a retired banker, has been taking a leading role in the circle and providing the African-American male role model that Green lacked in his life. At the recent COSA meeting, Scott was the facilitator, a function that alternates weekly among members. "Why don't we start with the check in?" Scott said to begin the meeting, and each person in turn said how she or he had been doing since the last circle.

"I've been working 24-7 with my grant applications for RJOY," said Davis. Scott mentioned his current work in real estate, while Dison mentioned difficulties of facing a friend's growing illness. Then Green, the circle's center, had his say. "My week was productive, fairly normal," said Green. "I changed my major. If y'all remember, the first meeting I wanted to go into real estate. Now, I don't just want to go into business. I want to do political science. It might not be the most lucrative, but it's something I want to do."

His decision prompted much discussion as everyone weighed in, like a concerned family gathering. There was excitement and some pride as Green described his thinking and his supporters offered feedback. "One of the better things that can come out of the circle is growth and maturity," said Dison, "and a look at your values. I see you doing big-picture thinking, not just, 'how can I get a pay check?'" Perkins expressed her pride and Scott said he saw a shift in Green as he opened his mind more and was willing to listen. "Are there other topics we need to discuss?" Scott as facilitator asks. "How's it going with the probation officer?" Dison asks. Green is required to meet with an officer on a regular basis and make restitution for the computer theft. "It's time wasteful," he said, "but I'm just doing it."

The COSA meetings were more challenging in the first few months when Green was still at Camp Sweeney but allowed out for weekends at home. Circle members were crucial in guiding him after he got into an altercation with another youth. "Their point was: what can you learn from this," Green said. "We processed it," Scott said. "It's important that when negative things happen in your life, you can learn from them and make positive choices."

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Chief task ahead is formulating immediate plans and more long-term ones. Green needs to get a job for the summer and Davis has some leads. Scott has worked up an action plan, "like a business plan for getting things done," and he passes it around for all to see and comment on. Another topic for a future meeting is just exactly how long the COSA will continue to meet for Green, Dison says. Because this is a pilot, many aspects of the group's operation are being formulated as it goes.

"As far as the circle goes, I'd love to do it forever," Green said, "but I know people have lives." There is general agreement that Green has turned his life around and learned to make better choices. "We don't have as many issues, and Dante has been getting better and better at processing issues," Scott said. "The key is, you give a person a fish and they eat for a day. Dante has learned to fish for himself."

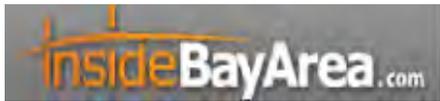
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Restorative justice instead of punishment

Kony Kim and Christina Yang
CORRESPONDENTS

Posted: 05/22/2008 04:55:05 PM PDT

Updated: 04/07/2009 12:33:21 PM PDT

OAKLAND — At Cole Middle School in West Oakland, a student who curses or fights is sent to a talking circle instead of the principal's office.

Even teachers and staff are using circles to talk about the daily stress of work.

"It helps me feel more connected to people when I'm sitting in circle," said Chad Riley, a second-year teacher at Cole.

Talking circles are one element of a restorative justice program that Cole teachers and administrators adopted this year.

Restorative justice, which emphasizes dialogue-based responses to community problems, has been adopted by schools and juvenile justice systems around the world — including several schools in California, such as Cole.

Last year, before restorative justice was adopted at Cole, teachers and administrators struggled to control student conduct. Pressured to focus on teaching the rest of the class, teachers typically sent troublemakers to the principal's office. Students who committed serious offenses were suspended or expelled.

Discipline at Cole looks very different now. The restorative justice approach requires more time and energy from everyone involved — teachers,

administrators, and students — but the rewards have been greater. Suspensions have decreased 50 percent at Cole since the restorative justice program began. Additionally, the number of students referred for expulsion has dropped from 22 last year to zero as of midway through the second semester.

"There has been a huge shift in climate this year," Riley says. Last year, he recalls, students were more likely to walk out of class, "mouth off" to adults and resist class work and homework assignments.

Riley also notes that as rapport among students and teachers has improved, students have been more receptive to the idea of planning for college. He attributes the change to the implementation of restorative justice, which he says could not have happened without support from Principal Ivory Brooks, who's in her first year at Cole.

All staff and teachers at Cole have undergone training in restorative justice practices.

Training begins with basics — defining a talking circle, learning to use a "talking piece," which is an object passed around to symbolize when a person having the floor — then preparing teachers to use restorative justice in their classrooms. Teachers first practice "sitting in circle," and then they become comfortable leading circles.

Cole staff and teachers also practice restorative justice among themselves. Staff circles are a forum for discussing interactions with students and for considering the ways these interactions affect the community. Circles also serve a "cathartic" purpose, Riley says, by providing a way to air the daily stresses of teaching. The implementation of restorative justice at Cole has included some bumps. Initially, teachers and administrators were unsure about whether the new disciplinary approach would improve students' behavior. Now, Riley says, the

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staff has seen restorative justice make a difference and has collectively embraced it.

So have the students. According to Rita Alfred, Cole's restorative justice coordinator, students are now so familiar with the practice that they initiate talking circles in response to problems. They have begun to adopt an ethic of care for the school community, Alfred says.

Measure Y, passed by Oakland voters in 2004 to earmark funding for violence prevention and public safety, pays for Alfred's position. Alfred is employed by Restorative Justice for Oakland Youth, which spreads the philosophy and practice of restorative justice.

At Cole, any member of the school community may initiate a talking circle to deal with a variety of problems.

For instance, Sharon Thomas, a history and English teacher, recently held an "issue circle" with her seventh-grade class.

The problem: Many students were not doing homework, and not enough students were participating in class. So this circle was a chance for Thomas to explain her concerns and for students to voice their thoughts. Class members shared views about the problem and then discussed possible solutions. As a group, they decided they would seek tutoring, use after-school support programs and create a class homework chart.

In another instance, a female student asked Alfred to mediate a "harm circle" for herself and a male student who had cursed at her as they were both cooking in the school cafeteria. Each student brought one friend to the circle for support.

After setting ground rules of respect and honesty,

the circle participants discussed the conflict and what led up to it. Then everyone suggested solutions. In the end, the two students agreed to avoid interacting with each other.

After the female student and her friend left the circle, Alfred reminded the offender that he had been "saved" from suspension by the female student's decision to use restorative justice. Under school rules, suspension is the normal penalty for students who use foul language.

The parents of students at Cole are sometimes called in to participate in circles for family group conferencing — another element of restorative justice practice — and they all love the process. "They're very happy with the way we're doing business," Alfred said. "They don't want to see their kids kicked out."

In one leadership class, students engage in performing arts that promote restorative justice principles. In addition, older Cole students are trained as restorative justice mediators for younger students on the playground.

Despite its progress with restorative justice, Cole will close at the end of the 2008-09 school year. A new public school, West Oakland Middle School, will move onto the campus.

Fred Brill, a district administrator who oversees Cole and other middle schools, said West Oakland Middle School and other local middle schools might adopt the restorative justice program as well.

Alfred, though, is optimistic that Cole students will remember and use what they have learned through talking circles

"We're hoping to empower the seventh-graders to take restorative justice to high school," she said.

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Rethinking Juvenile Justice

Two local programs offer alternatives to the failing system. One of them transforms teenage offenders into attorneys. The other wants to change our notion of justice.

By [Sam Levin](#)

July 29, 2009

On a Wednesday evening inside a courtroom in Oakland's Wiley Manuel Courthouse, the defendant squirms as if he isn't sure what to say. But then again, he's trying to explain why he bit the victim.

"I stepped in to clarify," he says. "But she grabs my right sleeve, and hits me over my right ear. We are tugging back and forth, and she is swinging at me. She hits the back of my head six or seven times, so I bit her hand and that ended the dispute."

Prosecuting Attorney Naimah Jennings asks the defendant, "Did you have a history of tensions with the victim?"

"No," the defendant says, adding that they were mere acquaintances.

"If you didn't have issues with each other," Jennings continues, "why all the sudden would she become violent?"

When the defendant doesn't answer, Jennings continues.

"When you stepped in," she asks, "did you say anything derogatory to her?"

"No."

"Why, out of the blue, did you bite her?" Jennings asks, her volume increasing.

Visibly flustered, the defendant reiterates that his action was in self-defense. "I bit her until she let go," he says. "I didn't want to cause damage."

Craig Merrill



Once Dante Green stole a bicycle, he was in and out of the juvenile justice system ten times before turning over a new leaf after enrolling in a program run by Restorative Justice for Oakland Youth.

Craig Merrill



Pairoj Sansri went from troubled youth to paid peer advisor with the help of McCullum Youth Court.

Craig Merrill



A young attorney at McCullum Youth Court presents an

"No further questions, your honor," the prosecutor says. She then walks swiftly and triumphantly back to her seat and sets her pages of notes down in a neat pile. And after a brief break, the jury reaches its verdict. The defendant must perform twenty hours of community service and attend a mandatory "Healthy Boundaries" workshop designed to encourage positive behavior among youth who have committed offenses against other youth. He also must agree to serve as a juror himself.

It looks like a standard courtroom session. A judge sits on the bench. The defendant sits alongside a well-dressed attorney at a table with a pitcher of water. The bailiff maintains order while a clerk below the judge takes notes. However, most everyone involved — the attorneys, jurors, defendant, and victim — are minors.

This is McCullum Youth Court, a diversionary program for first-time offenders that offers an alternative to the traditional juvenile justice system. For fifteen years, the program has sought to stop offenders from pursuing a path of crime that could have been avoided with proper intervention.

When a youth under the age of eighteen has committed a minor, first-time offense, such as battery, bringing a toy gun to school, or getting caught with marijuana, police departments in Alameda County can help the offender avoid a criminal record by sending him directly to McCullum Youth Court. Instead of undergoing a traditional trial, the offender goes before a jury of past youth offenders. The bailiffs, clerks, prosecutors, and defense attorneys are all youths, too.

The idea is to hold offenders accountable by having them face the judgment of their peers. And participants eventually also serve as jury members. The program's philosophy holds that when wayward adolescents take on the responsibility of judging others who have made mistakes similar to their own, they gain a sense of self-worth while reevaluating the consequences of their own actions.

McCullum Youth Court is one of two innovative East Bay alternatives to a juvenile justice system that has been proven to fail first-time offenders. The other program, Restorative Justice for Oakland Youth, seeks to change society's notions of juvenile justice by looking closely at the needs of victims.

Both programs reject conventional concepts of punishment. And there are good reasons to reject the current system; sending arrested youth through the courts to county and state incarceration facilities is expensive, time-consuming, and likely to lead to future incarceration. Some 65 percent of youth who go through juvenile hall in Alameda County end up returning there, said Deborah Swanson, the county's deputy director of probation. And according to a 2004 California Performance Review report, California had the highest rate of reoffending

Youth Court presents an argument to a jury of his peers.

Craig Merrill



Every other week, a surrogate family meets with Dante and his great-grandmother to discuss his goals and monitor his progress.

Craig Merrill



Fania Davis and Jack Dison of Restorative Justice for Oakland Youth.

juveniles of any state in the country. In fact, 91 percent of the "graduates" from California's youth incarceration system are rearrested within three years.

The costs of this failure are impossible to ignore. Gail Bereola, the presiding judge of the Alameda juvenile court, said it costs \$383 per day to keep a juvenile offender in juvenile hall and \$165 per day of detention in Alameda County's correctional facility, Camp Wilmont Sweeney. With the standard stay at Camp Sweeney lasting nine months, the county's typical financial burden for a single youth sentenced there is roughly \$44,550. Meanwhile, she added, the state Division of Juvenile Justice charges Alameda County slightly under \$21,000 per month per youth in its care.

The most frustrating part for Bereola, who convened a 2007 countywide task force into alternative approaches in juvenile justice, is knowing that much of this money is wasted. Youths enter court discouraged and unmotivated. "They are trying to understand who they are, and they are often dealing with broken homes," she said. At that point, they no longer see any connection between their crime and the legal consequences. They just grow numb to the punishment.

In short, getting swept up in the juvenile justice system is often poisonous for the very youths it is intended to rehabilitate. Even among people who administer the current system, there is agreement that the process often fails to help offenders understand the consequences of their crimes. "It's important to be held accountable and have some consequences, but instead of having a kind of interaction that holds you responsible, there is often little or no interaction," said Matthew Golde, assistant district attorney for the county's juvenile justice division.

The people leading two of Alameda County's major alternative juvenile justice programs are united by a desire to end these vicious cycles.

It is easy to criticize the system, but much harder to change it. In 1992, teacher Rachelle Distefano became the first director of the Law Academy at McClymonds High School. Her school within a school typically attracted students who weren't academically successful. Distefano managed to engage them by putting on mock trials and taking them to speak at city council meetings. But the students wanted more. "We want to do something real," she recalled them saying. And after hearing about a San Francisco youth court being run out of the police department, students said they wanted to run a similar courtroom in West Oakland. It would be a real court that would dispense real justice for real juvenile offenders. Distefano's students were motivated, and so was she.

So along with attorney and soon-to-be judge Brenda Harbin-Forte, and Deputy District Attorney Jon Thurston, Distefano wrote up a proposal for a youth court at McClymonds' Law Academy. The goal was to prove to the community that students could participate in and ultimately run a legal diversion program.

Some members of the community opposed the initiative. They seemed to fear that it would function as another arm of the police, Thurston said. To others, Harbin-Forte recalled, the

very idea of youth sentencing youth was absurd. But the program's backers endured, establishing McCullum Youth Court as a nonprofit organization that would not be at the mercy of government budgets — like its San Francisco predecessor, which didn't last. If they were going to go forward with this, Distefano decided, McCullum was going to survive.

The eager students set up shop in the youth services division of the Oakland Police Department. Before they knew it, they were acting as attorneys for real offenders. "Everyone loved it," remembered Verleana Green, one of the first students to participate. "Plus, it gave these offenders a serious wake-up call." More than a decade later, she is now a practicing attorney.

Distefano's students were proving themselves in the community, while first-time offenders were being held accountable for their crimes yet avoiding juvenile hall. "They were making a meaningful difference in the lives of others," Distefano said.

Fifteen years later, McCullum Youth Court serves around 450 youth offenders a year. It relies upon a mixed bag of private and public funding but lacks financial security. It has expanded rapidly over the last decade and a half, but recently weathered staff reductions.

So does it work? Not until 2009, with funding support from the federal Office of Juvenile Justice and Delinquency Prevention under the Department of Justice, did the organization devote resources toward a comprehensive study of its efforts. A recent internal study indicated that 98 percent of youth successfully complete the program without offending again during a five-month period following their initial arrest. And a 2002 UC Berkeley study indicated that only 17.8 percent of youth court participants reoffend in a twelve- to eighteen-month period following the first arrest. Meanwhile, a study of a similar program in Lane County, Oregon revealed that, after three years, 81 percent of participants had kept their records clean while only a little more than 60 percent had avoided arrest in a comparable group of offenders who didn't go through the program. Other national studies show similarly high rates of success.

Without program-specific data, perhaps the best way to measure McCullum Youth Court's achievements is to observe it in progress. Twice a month for several hours a night, the court's staff of adolescents holds more than twenty cases in four different courtrooms — one of which is designed exclusively for middle school students. Associate Executive Director Sean Duren calls it "game night."

The young attorneys have prepared for weeks, reviewing cases and writing opening and closing statements. The offenders arrive nervously with their parents. Although some clearly have rehearsed their confessions of guilt, the judging eyes of their peers are a new experience. Meanwhile, the jurors, most of who were on trial as offenders only two weeks ago, generally look like they'd rather be somewhere else.

Volunteer adult attorneys act as judges. But first they must be trained by the minimum-wage youth court staff, who are nearly two decades younger than they are. The courtroom is filled with tension and excitement.

On a recent Wednesday night, one courtroom held an offender who was caught with a BB gun at school and then panicked at the principal's office and fled while under arrest. Another student got drunk and gave a police officer a fake name. A third girl vandalized a school bathroom with a gang-related tag. A fourth youth got caught by the police with a bag of marijuana.

In interviews after court, most offenders expressed gratitude and relief. "I just feel like it's a second chance," said the student who fled from school grounds after bringing a BB gun to campus. His father seemed equally grateful. "It avoids my son being labeled," he said. "That could have really affected his self-esteem — creating a stigma around him if he had to go to juvenile hall. Also, it builds up anxiety, and he is not going to do anything like that again." The father then gave his son a stern look, and his son nodded in agreement.

The boy caught with marijuana admitted during his trial that he needed to make some changes in his life. He said that since his arrest he has reduced his pot smoking to "only" a few times a week. In closing arguments, youth court prosecutor Jimonte Johnson said the offender has a serious problem and needs substantial intervention. The jury sentenced him to attend a drug-abuse class.

By 8:30 p.m. — after three and a half hours of orientation and then trial upon trial — much had changed. Offenders typically expressed shame, and left having committed themselves to a specific plan to right their wrongs. The adolescent attorneys left the room enjoying a kind of performance high, with the volunteer adult judges offering endless praise and encouraging them to go to law school. And the jurors themselves seemed changed, too. For most, the apathy appeared gone. After seeing up to three cases, these youths likely have a better grasp on the consequences of crime, and with luck become motivated not to end up back in the hot seat.

At age fourteen, Pairoj Sansri was hanging out with the wrong crowd — people who reinforced his apathetic, frustrated attitude. His father was often absent from his life, and his mother was struggling to raise Pairoj and his siblings by herself. His first year at Oakland's Skyline High School in 2005 was rocky. He said he was "drinking alcohol and smoking weed" and receiving Ds and Fs. He felt frustrated by his situation at home and at school. "I couldn't stay focused," he recalled recently. And no one was holding Pairoj accountable for his behavior.

Just months after starting high school, Pairoj took an airsoft gun to school to show a friend. He had bought it that weekend at the Berkeley Flea Market. "I just wanted to let my friend see it," he explained. "But when I pulled it out and gave it to him, the teacher saw it and grabbed it from him quickly." Within moments, a security guard was on the scene and called the Oakland Police Department. Pairoj was arrested.

From there, it seemed like Pairoj and his family were on a downward spiral. "I didn't know what I was going through," he said. The process was overwhelming and confusing. Making matters worse was the disappointment he felt from his father, who did not live with him at the time. "He doesn't like guns, and it made him really mad that I had brought it to his house,"

Pairoj said. He was suspended for thirty days and spent a month in an alternative placement center — forced, he said, to do elementary-level school work.

Soon after Pairoj's suspension, he was transferred to Merritt High School — a small, alternative public school for students who have gotten in trouble. At Merritt, Pairoj joined an unstable community of about a hundred students and six staff members. Months of depression followed.

"I hated being at that school," he recalled. "That part was really depressing." Classmates would skip school for months at a time but were never punished. Pairoj felt himself slipping. Surrounded by students who seemed to have lost all sense of direction and were constantly misbehaving, Pairoj felt as if he was being conditioned to give up. He desperately needed a solution.

His first glimmer of hope came when he met his McCullum case manager Kayode Powell. Since Pairoj immediately admitted to committing his offense, his case managers concluded that he was a good candidate to go through youth court.

So Pairoj faced a trial run by his peers. And although he felt intimidated and afraid of the outcome, he now believes it was the most useful punishment he could have received. He was ordered to do many hours of community service, attend classes, and serve as a juror several times. He was again facing consequences, but this time, they felt reasonable and thought-out.

"My father was skeptical at first," Pairoj said. "He thought I should have done it the hard way." But the appeal of a clean criminal record ultimately attracted Pairoj and his family to youth court. And upon completion, Pairoj's record remained untainted — but his goals in life had changed.

For the first time in years, he felt motivated. He was genuinely impressed by his peers and their performances in the courtroom. "Initially, I was surprised by it, especially in terms of how far everyone could rise," he said. Most of the paid attorneys had been in Pairoj's shoes only a few years earlier. "When they say 'youth-run,' it is youth-run," he said. "But what is most surprising is how far you can go."

Pairoj took that lesson to heart. From juror to volunteer attorney to paid bailiff to peer advisor, the climb for Pairoj to a position of importance and authority was at times scary, but ultimately exciting. Now, at age seventeen, Pairoj chairs the program's youth board and is the youngest of the program's ten scholars. "I honestly don't know where I would be, but I probably would have gotten into a lot of trouble," he said, considering his life without McCullum. Just a few years ago, he was facing punishment from the law. Now he is a paid peer advisor with real responsibility.

In the movement known as restorative justice, equal attention is given to all the parties affected by criminal acts — the victim, family, and community. It holds offenders accountable for crimes while simultaneously helping to restore the lives of the victim and the offender.

Sujatha Baliga, the justice coordinator of Restorative Justice for Oakland Youth, said it is all about "victim-identified victim's needs."

In the traditional American criminal justice system, crimes are treated as offenses against the state, and the state decides the appropriate punishment. But in restorative justice, crimes are seen as offenses against people, and the victim and the offender together decide the appropriate consequences. Through such a process, supporters believe, offenders can develop empathy for their victims while victims can ensure firsthand that criminals are held accountable. The philosophy is that offenders will understand their wrongdoing much better if they face their victims and not just judges. Meanwhile, victims have an opportunity to move past the trauma of the crime. "It seems like some big theory of justice, but it's not," Baliga said.

She believes that the legal system often misses the point. A stolen car may be a minor inconvenience, where a swiped handbag is devastating and psychologically traumatizing. The legal system would consider the value of the stolen goods, but restorative justice would consider actual harm to the victim. The woman who lost a handbag would be given proper attention and the robber would not be dismissed simply because the theft is deemed "minor."

Restorative justice is based upon ideologies present in many indigenous cultures throughout the world. Notably, the Maori people of New Zealand protested the placement of their children into youth jails in the 1980s because it directly conflicted with their traditions of group healing within families. In 1989, after much debate, the New Zealand government followed the ways of its indigenous people and implemented a countrywide system called Family Group Conferences. Its success has been astonishing. Two decades later, New Zealand has virtually shut down its youth incarceration facility — maintaining fewer than 75 beds where it once had space for more than 1,000.

Half a world away from New Zealand's success, Baliga is piloting projects designed to replicate that country's success. Although the *Express* was not allowed to sit in on any of the conferences because of their sensitivity, Baliga described in detail the complicated, labor-intensive process that restores the lives of victims and offenders, pre-adjudication. After separate private meetings with the victim and offender, the two parties are brought together for one intense gathering with their families. The victim shares personal feelings directly with the offender, who must then make amends through apology and reconciliation. Ultimately, the offender must propose his own solution, which requires the approval of the victim.

It is an arduous, time-consuming, and emotional process for all involved. But if successful — and Baliga said the first few pilot cases have truly exceeded her expectations — everyone leaves the situation satisfied.

Restorative Justice for Oakland Youth, which was founded in 2005, aims to fundamentally change juvenile justice by integrating these philosophies in every step of the process, from pre-adjudication programs to post-incarceration. Executive Director Fania Davis is leading what she calls Circles of Support and Accountability that use similar methods to help reintegrate incarcerated youth back in to society and ensure that they don't return there. In the long run, Davis said, they hope restorative justice is the default method throughout the system, so that

the courtroom would be used only for arrested youth who claim innocence. "It's about shifting the focus from systems to community," Davis said. "What is really going to make our community safer is not longer prison sentences."

Restorative Justice for Oakland Youth has launched several pilot projects this year — taking on only a handful of cases as their guinea pigs. In its latest and most important grant application, however, the program is asking for \$2,711,254 so that it can help hundreds of youth in schools and in pre- and post-adjudication cases.

Dante Green stole a bicycle when he was fourteen years old. It was a relatively small crime, but the West Berkeley native had committed an act of petty theft and was caught in the act. "It was juvenile; it was adolescent," he said. "I just wanted to have fun."

His act of fun opened the door to a world Dante knew little about. He entered the juvenile justice system, starting with a court date, a sentence of community service, and a lot of probation rules that he was conditioned to defy. And over a span of four years after his first offense, Dante was in and out of court ten times.

Raised by his great-grandmother with no father or mother present in his life, and surrounded by peers who reinforced his bad behavior, it was only natural that Dante disobeyed probation rules and missed court dates. "I was defying it because I was young and I didn't want to deal with it," he said. "I come from a low-income, impoverished area. I was a product of my environment."

And for his great-grandmother, Leavy Perkins, it was exhausting. "By junior high, oh boy, he was getting in a lot of trouble with those boys," she said. "It was hard to go to court. I hated it."

Dante saw little connection between his theft and his punishments — a nightly curfew, regular visits to a probation officer, hours of community service. He was familiar enough with the process to know that any petty crime would result in the same meaningless consequences. So his list of violations grew longer and longer. "It kind of became a way of life," he said.

On top of routinely violating probation, Dante would very often cut class. A typical high school day involved waking up late, taking the bus to school, roaming the halls aimlessly, cutting out at lunch, and lying to his great-grandmother about his whereabouts. After going in and out of court so many times, he felt like nothing mattered. "I would just lay down and wait for the next day," he said. "It is kind of sad when you think about it."

About a year after he stole the bike, the Berkeley High School sophomore made another bad decision. He and a friend stole a laptop computer from a teacher. His friend lied about his own involvement, so Dante took the fall. The system again put him right back where he started.

Soon after the laptop incident, Dante stole a single dollar from that same friend, and his friend reported it. That third theft was the clincher for Dante's probation officer. The court sent

Dante to the correctional facilities of Camp Sweeney to take classes and earn his GED.

That day of sentencing was one of the few times that Dante actually had a meaningful experience in court — and not because he was scared of the consequences or regretted his violations. From his seat in court, he saw his deeply disappointed great-grandmother in the audience. "I saw her crying, and I couldn't do anything about it," he said. "And she is usually such a strong woman. I wanted to embrace her, but I couldn't. ... She just walked out."

That frustration was followed by months of apathy in detention. Dante said Camp Sweeney wasn't that bad. But he was away from home and confined to camp grounds — nine months of programs, classes, and separation from his great-grandmother. "It wasn't hell," he said. "But of course I wanted to leave; I wanted to be with my family."

However, Dante did relatively well while he was detained. He followed all the rules and regulations, and successfully participated in his classes and programs. That made him a perfect candidate for Restorative Justice for Oakland Youth's very first Circle of Support and Accountability. The Camp Sweeney staff agreed to let Dante leave on weekends to work with Fania Davis and mediator and facilitator Jack Dison. For Dante, it seemed at first like just another program to get through, but he said Dison seemed genuine in their first meeting, and Dante agreed to participate.

"Usually," Dante said, "you get the regular — an ex-con comes in to scare you and that's it." The Circle of Support and Accountability seemed a bit different, but once he actually started, he realized that it was really like nothing he had ever expected. "They are genuine people who provide love and care," he said.

Every week, starting in December 2008, Dante had the support of a small group of several staff members and relatives convened solely for him, to help him in his transition out of incarceration while also holding him accountable and making sure he was taking the necessary steps to move his life forward. Along with discussing his original crime, the meetings also helped him make real life goals, and they expected weekly reports about his progress. With a group of people listening and discussing his situation exclusively, it was the most positive attention Dante had ever received.

In one crucial meeting, the staff also brought in a surrogate victim to act as the owner of the computer that Dante had stolen, since the actual victim could not be reached. This, Dison noted, is an important part of the process, because it helps the offender understand the extent of the harm he inflicted on his victim.

If Dante set goals for himself in a meeting, the following week he would have to explain his progress. Instead of an earlier curfew, he was developing life skills and objectives. Instead of more frequent probation meetings, he was talking to people who would volunteer their time to listen to him every Friday evening.

Today, the meetings happen every other week in his West Berkeley home, and he hopes they will continue for a very long time. "He has changed quite a bit," Perkins said of her great-

grandson. "He is more humble now."

On a recent Friday night, the meeting felt joyful — like a gathering of friends as they all greeted each other with hugs. Perkins even served a freshly baked cake. When it was his turn to share, Dante announced to the group that he had just gotten hired for a full-time paid position as an intern for a San Francisco consulting firm. But the excitement was quickly clouded by a serious discussion of the difficulties of going to school and working full-time.

After years of being truant in high school, Dante — in his first semester out of detention — earned a 3.75 grade point average from Berkeley City College in the spring. He now has ambitions of earning a degree in political science and transferring to UC Berkeley. Planning to take online classes next semester, Dante said in the meeting that he never thought it would be difficult to work and go to school at the same time. He was excited, too, about earning real money. But after a long debate about education and work, the group together decided that they would make a final decision about the issue next week before Dante starts his new job.

Despite the challenging meeting, Dante's current dilemmas are good ones. He is off of the roller coaster of the failing juvenile justice system, and on a path to do right for himself. To compensate his victim, Dante is required to pay the court \$350 for the computer he stole. Last week, he paid back half and he is on track to pay it all off by the end of August.

Students brainstorm new paths to justice

Sessions facilitate flow of ideas, empower youth to abstain from violence

By Kamika Dunlap, STAFF WRITER

Article Last Updated: 01/27/2008 02:41:00 AM PST

OAKLAND — Residents from around the city concerned about dealing with conflict brought their imaginations of justice to a "talking circle" Saturday at Cole Middle School.

They discussed ideas about what to do when a crime occurs or an injustice is done and then what needs to happen.

They envisioned criminal justice as restorative justice, the practice of allowing a person responsible for harm to make amends and the person harmed to begin the process of healing.

The community talk session organized by Restorative Justice for Oakland Youth included guest speakers Howard Zehr, a sociology and restorative justice professor at Eastern Mennonite University, and Don Johnson, a district attorney in the juvenile prosecution division of his Minnesota county.

Together, the group imagined what it would be like to revolutionize the U.S. criminal justice system and create a model patterned after one in New Zealand, which in 1989 began exclusively using restorative justice practices for juvenile cases.

"Imagination is when a community says we don't have to do it this old way," Zehr said. "And restorative justice is more than about dealing with crime. It's a way to remind

us that we are interconnected."

Cole Middle School in West Oakland recently incorporated restorative justice practices as a way of addressing conflicts. The school got help from the Restorative Justice for Oakland Youth organization founded by attorney Fania Davis, activist Aeshah Clotey and Oakland City Councilmember Nancy Nadel (Downtown-West Oakland).

Students at the school are taught to form talking, support and accountability and peacemaking circles to air their feelings, communicate their needs and reduce violence. They pass around a talking stick, rock or feather as they take turns speaking around the circle. In some cases, students are encouraged to write letters of apology.

"I used to fight to get my anger out and argue," said Portia Lee-Fletcher, a 12-year-old Cole Middle School seventh-grader. "Now I just sit down to talk and try to make it right."

Rita Alfred, one of Oakland Unified School District's restorative justice counselors and a member of the staff at Cole,

said she has trained students, teachers and parents to use restorative justice principles.

"Sometimes these circles are scary, because there's a lot of feeling in it," Alfred said.

"But when you call a circle, you can get to know people more deeply."

Last year, Cole switched from a zero-tolerance policy to using restorative justice practices that students can use to help shape the culture of the school. As a result, the school has seen a drop in the number of suspensions and physical conflicts.

Despite efforts to improve student relations, Cole

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— like many other schools in Oakland
— is slated for closure next year due to low student performance and test scores.

Cole Principal Ivory Brooks declined to comment about the school's closing but said he was proud of progress his students have made to avoid conflict and better communicate their needs on the playground and in the classroom.

At Saturday's talking circle in the Cole auditorium, Johnson, the prosecutor from Minneapolis, shared his thoughts about justice and how society often treats young people unfairly.

People have used their imagination to hurt others, he said.

"We need to understand where we are with our imagination," Johnson said. "Let's figure out what kids do right, and that is the space that opens us up to restorative justice."

Contact Kamika Dunlap at kdunlap@bayareanewsgroup.com 510-208-6448.

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No Word for 'Prison'

Posted By [The Editors](#) On January 20, 2010 @ 12:05 pm In [Criminal Justice](#) | [No Comments](#)

By Eisa Nefertari Ulen

What does a woman do after coming-of-age in Birmingham in the 1950s, after losing two friends in the 16th Street Baptist Church bombing that killed four little girls in the 1960s, after helping free her very high-profile sister from the clutches of the FBI's Most Wanted List during the height of Black Power in the 1970s? What does she do after advocating for the end to Apartheid in the 1980s, after working as a Civil Rights trial lawyer through the 1990s?



[1]

Fania Davis

For Fania Davis, the answer is simple: Continue the fight by helping to increase the peace.

An Oakland, California-based lawyer and professor with a Ph.D. in indigenous studies, Davis is co-founder and Executive Director of Restorative Justice for Oakland Youth (RJOY). RJOY's mission is to "to fundamentally shift the way we respond to wrongdoing" by giving young people the tools they need to resolve conflict in holistic ways.

Davis' sister is Civil Rights icon Angela Y. Davis, and her daughter, Eisa Davis, is a Pulitzer Prize-nominated playwright and Obie Award-winning actress. Fania Davis helped establish RJOY in 2004 after apprenticing with traditional healers around the world, particularly in Africa.

By bringing young people who are in conflict into a circle that implements restorative justice, RJOY has reduced suspension rates by 75 percent and helped eliminate violent fighting and expulsions at one low-income Oakland middle school.

According to Davis, in most traditional languages there is no word for prison. Meanwhile, our land of the free has the highest incarceration rates in the world. If current trends do not change, one out of every three black men born today can expect to spend some time in prison. RJOY's mission can help free our young people. Davis and I discussed old and new ways of thinking about conflict, retribution, and personal liberation.

Q: What is Restorative Justice for Oakland Youth (RJOY) and what does it aim to do?

A: Punitive school discipline and juvenile justice policies in the nation have the unintended consequence of setting into motion tragic and persistent cycles of increased incarceration and

violence, increasingly unsafe communities, and wasted lives. Ours is a system that tends to harm people who harm people to show that harming people is wrong.

RJOY is an Oakland, California-based non-profit group which works to interrupt these devastating cycles by promoting systems-based shifts toward restorative, data-driven approaches which will repair harm instead of replicating it and which will create a more effective and fair justice system. Combining its expertise in research, training, technical assistance, and launching demonstration projects, RJOY helps a consortium of more than 42 government and community leaders in the San Francisco East Bay move from a juvenile justice system that causes more harm to one that repairs it.

Rather than focus on who broke the law and what punishment is deserved, restorative approaches create opportunities for active community engagement to repair harm, address root causes, and meet victims' needs, while promoting youth accountability and growth.

RJOY works in a metropolitan area that is predominantly African American, Latino, and Asian. Restorative juvenile justice holds great promise not only in lowering overall rates of incarceration and recidivism but also in helping to eliminate unequal treatment of African Americans and Latinos...

...The process of bringing people together in face-to-face encounters also inherently reduces the "otherizing/demonizing" of young people of color that our adversarial criminal justice system tends to foster.

Q: What led you to this program? Why are criminal and social justice so important to you?

A: Looking back, I see my life as sort of a quest for social transformation. [This was said in the introduction] I come from a lineage of activism. My mother was involved in the Scottsboro Brothers case, the unemployed councils of the 1930's, the Southern Negro Youth Congress and other progressive movements of her time. The Ku Klux Klan murdered two of my close childhood friends in the Sunday School bombing in 1963. This horrific event crystallized within me a passionate commitment to social justice, and for the next decades, I was active in the civil rights, black students', women's, prisoners', peace and anti-hate violence and anti-apartheid movements.

I also helped lead the international movement to free my sister Angela who, based upon her radical activism, was falsely accused of murder and conspiracy to murder in 1970. Witnessing the remarkable lawyers on her defense team led me to the decision to pursue a legal career. After receiving my law degree from UC Berkeley, I practiced in the Bay Area as a civil rights trial lawyer specializing in employment discrimination.

However, by the mid-1990's, after a lifetime of following the way of the warrior, I began to feel out of balance. I yearned for more healing, spiritual, and feminine energies to counterbalance the hyper-rational, hyper-masculinist and bellicose qualities I'd been compelled to cultivate as trial lawyer and activist. Serendipitously, I entered a Ph.D. program in Recovery of Indigenous Mind at the California Institute of Integral Studies and apprenticed with traditional healers around the globe, particularly in Africa. Not long after returning, I learned about the field of restorative justice. This was an epiphany. This new approach to justice—rooted in ancient indigenous processes—allowed integration of the healer and warrior and the spiritualist and activist within me.

Q: In what ways do traditional constructions of criminal and social justice differ from our Western approach to law and order?

A: Traditional and modernist constructions of justice differ in a number of ways. First, a communal and participatory ethos pervades indigenous justice approaches. Indigenous justice proceedings tend to involve an expansive range of participants. All affected persons are actively engaged—each of the parties in conflict, their extended families, traditional elders, and community members at large. The process tends to be consensus-based and more egalitarian than hierarchical.

On the other hand, in modern justice proceedings, the range of participants is quite restricted, typically limited to the two sides in conflict, along with a group of justice professionals who dominate the proceedings. Crime is impersonally viewed as an offense against the state rather than as an injury to a person or to relationships. The victim is usually excluded, except as a witness to

support the “state’s” case. Offender-focused, modern justice asks: What law was broken, who broke it, and what punishment is deserved?

Ancient justice—and this applies to restorative justice too—is inherently more democratic and inclusive, actively engaging everyone affected by the wrong doing. It shifts the locus of the justice project from courtroom to community. It is balanced and wholistic, giving equal attention to victims’ needs, community interests, and offender accountability and growth. It asks: Who was harmed, what are the needs and responsibilities arising from the harm, and how do all affected collaboratively figure out how to repair it and prevent recurrence?

A second major difference between modernist and indigenous constructions of justice is that, while the former is based upon interpretation and application of written rules, regulations, procedures, and statutory and common law, indigenous justice decision-making is grounded in values, history, proverbs, and other cultural teachings handed down through oral tradition.

Additionally, though modern justice forbids prayer and spirituality, based upon the doctrine of separation of church and state, indigenous justice intentionally relies upon prayer, ceremony and ritual. For instance, prayer may be offered and libations poured to open the process and to invoke the assistance of the ancestors or other supernatural beings, and to create an atmosphere of reconciliation, healing and unity. The process usually closes with a feast or other ceremony to celebrate reconciliation, to invoke the continued assistance of the supernatural and the community in keeping the peace and enforcing the decisions reached.

Also, indigenous justice’s solutions often involve taking spiritual action to restore balance within individuals and communities. For instance, traditional approaches were used in post-conflict Mozambique in the early nineties to heal trauma and reintegrate child soldiers back into the community. How does this apply to a contemporary U.S. urban context? We are successfully using Peacemaking or Healing Circles to address conflict and wrongdoing in Oakland’s schools, justice system and communities.

These are values-driven and consensus-based processes in which ceremony, truth-telling, and relationship-building exercises figure prominently. For example, depending on their expressed cultural preferences, Circle participants may choose to open and close a Circle with meditation, breathwork, a quote, or a prayer. We usually also use a talking piece. This allows us to move into a sort of respectful and sacred space which promotes a sense of closeness, interrelatedness, and of being together in a good way – a way of being together that is different from our ordinary daily interaction. It’s important to note here that any sort of spiritual activity utilized is not imposed upon participants – it would organically arise out of participants’ cultural preferences and choices.

A third major difference is in overarching aims. In indigenous justice, the focus is on repairing and rebuilding relationships with the intent of bringing reconciliation and social harmony. It seeks to strengthen relationships and bring about healing: Justice is a healing ground, not a battleground. Punishment as we know it today was the exception rather than rule. Reconciliation, not punishment, was the overarching concern. Indeed, in most indigenous languages, there is no word for prison.

If you stole something or hurt someone then, you would pay restitution—for instance, in Africa, maize, palm oil, chickens, goats, cows. Since your family has to pay, you are subjected to the sanction of your family, exerting a corrective influence. Your wrongdoing is shamed—the act, not you. You are urged to empathize with your victim, to acknowledge the wrong, apologize, make amends, and ask for forgiveness.

Of course, this contrasts sharply with our modern justice system whose approach is to isolate and eliminate alleged wrongdoers from the community by incarcerating them. The retributive essence of modern justice has spawned the highest absolute and per capita incarceration rates in the history of the world. We spend far more on incarcerating youth than on educating them. We sink endless resources into abysmally failing systems.

In California, youth formerly incarcerated in state institutions have a 91 percent chance of re-offending within one year. The retributive approach has created a system where black Americans, 13 percent of the population, constitute 50% this country’s prisoners at more than eight times the white rate. This is a system, which, based on its” eye for an eye and tooth for a tooth” mentality, is devastating our communities, leaving them blind and toothless, to paraphrase Mahatma Ghandi.

And manless, if you will.

Q: What main principles should we know and understand that are rooted in the ontology (the study of the nature of being)?

A: Traditional view of justice focuses is on a language of healing rather than a language of revenge. Many native cultures see wrongdoing as a misbehavior which requires a lesson.

There is also a focus on the interrelatedness of all people and actions. RJOY assumes that humans wish to be connected with other human beings. There is the assumption that all people value honesty, responsibility, respect, and hearing each other's point of view.

I recommend picking up *The Little Book of Circle Processes* by Kay Pranis and *Returning to the Teachings* by Rupert Ross for more in depth looks at the ontology of native peoples as it relates to justice.

Q: Is it possible to apply these ideas, which come from smaller, more homogenous societies, to our own, vast and diverse America?

A: I think we can extract underlying principles and apply them to local contexts, tailoring each program to respond to local needs.

In our first school pilot, we successfully used Peacemaking Circles and Family Group Conferences in the context of a middle school located in a low-income neighborhood and high stressor police beat of Oakland, comprised of approximately 75 percent African Americans and 23 percent other people of color. As stated above, we were able to reduce the suspension rate by more than 75 percent and eliminate violent fighting and expulsions.

Our pre-adjudication Restorative Group Conferences and post adjudication Circles of Support and Accountability (COSA's) all involve youth and families of color. Circle and Conference participants meet in community centers, churches, and in the dining rooms and kitchens of the youth involved.

Q: Please describe the way RJOY looks when it is implemented in the Oakland schools.

A: RJOY's objective is to help parents—particularly those with children at pilot schools and in the juvenile justice system—to use reconciliation processes to reduce conflict and violence in homes and communities. We work with parents and families in our Conference and Circles programs as well as in our school program.

RJOY has trained more than 125 Oakland public school teachers, parents, and administrators, and offers continued training and technical assistance to them. We're also developing a similar project with Oakland's Parks and Recreation Office.

Q: Are there any changes in the schools that can be measured or tracked since RJOY began? Has, say, the violent assault rate diminished in Oakland schools that use RJOY?

During the 2007-2008 school year, RJOY's school pilot at West Oakland's Cole Middle School reduced suspension rates by more than 75 percent; the school experienced no violent fights and no student involved in peacemaking circles on an ongoing basis has been expelled.

Notoriously high in previous years, teacher attrition rates were reduced to virtually zero as well. Cole's successes generated such enthusiasm that in May 2008, nearly 20 Oakland public schools expressed interest in launching restorative programs at their sites. We have started new pilots at two Oakland high schools and are training staff and students at additional sites.

Q: Can you share some stories of RJOY's impact?

A: One story involves Dante Green, which did not go unnoticed by local media. Before Dante was released from a juvenile detention facility in mid-November 2008, RJOY formed a Circle of his

great-grandmother, sister, two community members (including a retired African-American banker and mother of four successful boys), along with two RJOY members.

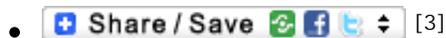
Dante had been in and out of lock-up facilities approximately ten times during the last few years for robbery and theft. Since his release the Circle around Dante has met more than 30 times, helping him stay on the path of becoming a positive, contributing member of his community. He's completed his GED and last January enrolled full-time in a community college, completing that semester with a 3.75 GPA. For the first time in his life, Dante has begun to explore career directions and college and post-graduate options. He is working full-time as well. Another first is that we have seen him develop the capacity—and hopefully the life-long discipline—of making healthy and positive life choices.

[Eisa Nefertari Ulen](#) ^[2] is author of the novel *Crystelle Mourning*. She lives with her husband and son in Brooklyn.

Rather than focus on who broke the law and what punishment is deserved, restorative approaches create opportunities for active community engagement to repair harm, address root causes, and meet victims' needs, while promoting youth accountability and growth.

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RJOY Restorative Justice for Oakland Youth

RJOY Project Description

Background. The dramatic successes of the Truth and Reconciliation Commission in healing the wounds of mass violence in South Africa and of restorative juvenile justice legislation in making youth incarceration virtually obsolete in New Zealand inspired civil rights attorney and community activist Fania Davis to explore the possibility of an Oakland initiative. In 2005, others joined the effort, including Oakland City Council member Nancy Nadel, who hosted a series of meetings at her office, attended by judges, educators, law students, community members and representatives of the district attorney's, public defender's, and human services offices. With a small grant from Measure Y, Oakland's—voter approved—violence prevention initiative, Restorative Justice for Oakland Youth (RJOY) was born.

Vision and Mission. Disparately impacting youth of color, punitive school discipline and juvenile justice policies have the unintended consequence of activating tragic cycles of incarceration and violence, unsafe schools and communities, and wasted lives. RJOY works to interrupt these cycles by promoting institutional shifts toward restorative approaches, which actively engage families and communities to repair harm and prevent re-offending. RJOY also focuses on reducing racial disparities and soaring costs associated with high rates of incarceration, suspension, and expulsion. We provide education, training, and technical assistance to seed restorative approaches in Oakland and beyond.

Staff and Board. Primarily an all-volunteer group in the early years, RJOY opened an office and hired a full-time E.D. in August 2008. Currently, two additional employees coordinate RJOY's school initiative. (We are in the process of hiring an administrative assistant.) All staff members are African-American. We have an active Board of Directors and Advisory Committee. Over 75% are persons of color. Advisory board members include city council and school board members, an Oakland Unified School District (OUSD) manager, university professor, Oakland police officer, youth, mental health professionals and attorneys.

RJOY is a fiscally sponsored project of Community Initiatives, Inc., formerly Community Initiatives Fund of the San Francisco Foundation, is RJOY's fiscal sponsor. CI has 90 active projects, a budget of \$20 million, with 90 employees and 300 independent contractors. CI provides high quality human resources management, risk management, financial management, grants management, payroll and other back office services.

Programs. Beginning in 2007, our West Oakland Middle School demonstration project eliminated violent fights and expulsions, reduced suspension rates by more than 75%¹, saving the school thousands in attendance funding. As a result, by May 2008, nearly 20

¹ The reduction in suspension rates is significant, as the Surgeon General reported in 2001 that keeping children in school is a strong protective factor against violence. Also, it can begin to dismantle the school to prison pipeline, as high suspension rates are correlated with high incarceration rates.

OUSD principals requested training to launch programs at their sites. RJOY has since been working with school officials to institutionalize restorative discipline alternatives, including launching two new demonstration programs at area high schools. A UC Berkeley research team studied the first pilot; a report is forthcoming. On January 27, 2010, the OUSD School Board passed a resolution adopting restorative justice as a system-wide alternative to zero tolerance discipline and as an approach to creating more healthy and nurturing school communities.

RJOY has enjoyed similar success in the juvenile justice arena. In 2007, we gave educational presentations to the Presiding Judge of the Juvenile Court and others. Impressed with the restorative justice model, the judge convened a Restorative Justice Task Force. RJOY provided education and training and initiated a planning process, which engaged approximately 60 program directors—including probation, court, school, and law enforcement officials, as well as community-based stakeholders. The group produced a Strategic Plan that charts reform of the county's juvenile justice system through institutionalization of restorative justice. Three innovative demonstration projects are underway: pre-adjudication diversion, sentencing, and re-entry—all containing strategies to reduce disproportionate minority contact. To date, the pilots have successfully served approximately 20 youth, virtually all of color.²

Training, Public Education, and Policy Advocacy. Having trained and made presentations to more than 700 individuals, RJOY has already made headway toward the strategic goal of effectuating a fundamental shift of public opinion away from punitive, zero tolerance approaches and toward more restorative approaches. RJOY plans to continue and extend this work by launching a widespread training and media and public education campaign over the next three years.

Financial Support. RJOY's past and present funders include Measure Y (City of Oakland Anti-Violence Fund), Philanthropic Ventures Fund, the San Francisco Foundation, Butler Family Fund, the Van Loben Sels/Rembe Rock Foundation, Akonadi Foundation, and the Marguerite Casey Foundation. Additionally, we have been awarded contracts for services by the Oakland Unified School District, the Health Care Services Agency of Alameda County as well as additional earned revenues for providing training and technical assistance from smaller agencies. During the last year and one-half, the salary of our Justice Director was subsidized by a non-renewable justice fellowship awarded from the Soros Foundation.

² While we await the results of formal evaluation of our pilots, anecdotal evidence is promising. Thus far, no youth have re-offended. The young woman completing the first restorative diversion program might have served a year in Juvenile Hall on assault charges. Instead, she apologized to the victim and was forgiven, repaid the victim's out-of-pocket losses, and is participating in programs to reverse the underlying patterns which gave rise to her violent behavior. In diversion conferences involving suspected gang violence, people who were initially afraid to be in the same room ended up embracing. Having been in and out of the system 10 times, the first youth completing the re-entry program is now working and enrolled full-time in community college with plans to transfer to UC Berkeley to study political science.

THURSDAY – JUNE 3, 2010

2:00 pm – 3:15

Workshop Session III

III.L.

Think Child Support Doesn't Affect Your Dependency Matter? Think Again

education credit:

BBS

MCLE

Judges, attorneys, social workers and especially the parties want to maximize the possibility of reunification in dependency and dependency drug court cases. Unrealistic child support orders have the potential to undermine these reunification requirements. Learn how these courts collaborate and how you can implement a successful process in your county.

target audience:

attorneys

judicial officers

self-help staff

social workers

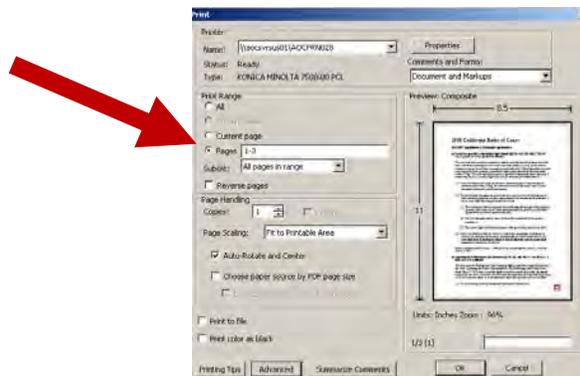
Learning Objectives:

- Understand the importance of federal and state law, and recent Department of Child Support Services regulations, which impact dependency drug court and dependency cases.
- Learn about the complex interactions between dependency court and child support court and identify goals, challenges and obstacles to working together.
- Discuss how to implement crossover case coordination in your county.

Faculty:

- **Robert Lafer**
Chief Legal Counsel, San Diego County Department of Child Support Services
- **Kristen Hoadley**
Attorney, Superior Court of San Francisco County

Before you choose to print these materials, please make sure to **specify the range of pages.**



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Administrative Office of the Courts, Center for Families, Children & the Courts



County of San Diego
Department of Child Support Services

Dependency and Child Support We Can Succeed Together

Presented by:
ROBERT L. LAFER
Chief Legal Counsel
Department of Child Support Services
County of San Diego

Beyond the Bench 20
Collaboration Works!
June 3, 2010



Dependency and Child Support – Brief Outline

- Child Support Establishment/Enforcement Overview
- Parentage Establishment
- Juvenile Court and LCSA Communication
- Parentage Judgment = Presumed father status?
- Child Support Enforcement Tools
- Drug Court Referral Process



Local Child Support Agency (LCSA) Involvement

In order to open a case, the LCSA needs a referral or application for services

- TANF (Assignment of Rights) - W&I 11477
- Foster Care
- Self Application
- UIFSA Petition – FC 4919



LCSA Opens Case

- Existing Order
 - Register and/or substitution of payee
 - Enforce
- No Prior Order
 - Complaint
 - Petition
- Issues
 - Parentage
 - Child Support



Parentage

Established by:

- Prior Judgment
- Conclusive Presumption – FC 7540
- Voluntary Declaration of Paternity (POP) – FC 7573



Parentage

If not established, consider:

- Presumed Father – FC7611
- Genetic Test
- Excluded by genetic test, still may be legal parent



Parentage

- Who is the Father?
 - I know, but you didn't ask me
(DCSS has a judgment, but no communication)
 - You know, but you didn't tell me
(Juvenile Court has a judgment, but no communication)
 - Result: Multiple conflicting judgments
Is the child reunified with the right person?



Parentage – Communication and Collaboration

- California Rules of Court (CRC) provide procedures for the Juvenile Court and LCSA to share information regarding the establishment of parentage – CRC 5.635(d)
- Procedure is designed to eliminate duplicative and conflicting judgments



Parentage – Duty to Inquire

- Juvenile Court has “a duty to inquire about and, if not otherwise determined, to attempt to determine the parentage of each child ...” – CRC 5.635(a)
- “If the LCSA states or if the Court determines through statements of the parties, or other evidence, that there has been no prior determination of parentage of the child, the Juvenile Court must take appropriate steps to make such a determination.” – CRC 5.635(e)



Parentage – Duty to Inquire

- When parentage is at issue, the Court must direct the Court clerk to prepare and send a “Parentage Inquiry – Juvenile” (form JV-500) to the LCSA
- The inquiry is to determine whether or not parentage has been established through any Superior Court order or judgment or through a voluntary declaration.



Parentage – Duty to Inquire

- LCSA must complete and return the form within 25 judicial days along with copies of the order or judgment or proof of the filing of the voluntary declaration – CRC 5.635(d)(3)
- Juvenile Court must take judicial notice of the prior determination of parentage – CRC 5.635(d)(4)



Parentage Finding

If the Juvenile Court establishes parentage, the Court must direct the clerk to send a signed “Parentage – Findings and Judgment” (form JV-501) to the LCSA.



Paternity Judgment vs. Presumed Father

Facts:

- Petition filed under § 300 for two children
- Allegation that mom failed to protect one child from sexual abuse by mom's boyfriend
- Alleged father appears at detention hearing
- Court detained children, placed with relative



Paternity Judgment vs. Presumed Father

Social Worker Report

- Alleged father (AF) was bio dad
- AF had no contact with children until four months before
- Recommendation of reunification services for mom, but not AF because he had not obtained presumed father status
- AF filed notice of judgment from six years earlier finding him to be the father of both children and ordering child support at \$0 per month



Paternity Judgment vs. Presumed Father

Social Worker Report, cont'd.

- Although AF had weekly visits with children, there was no father-child relationship
- AF requested that he be granted presumed father status, which Court denied
- AF Appeals



Is AF the Presumed Father?

- Trial Court found that AF did not fall within any of the categories under FC 7611, and therefore declined presumed father status.
- Affirmed: In re: E.O. (2010) 182 Cal.App.4th 722. Paternity judgment " is designed primarily to settle questions of biology and provides the foundation for an order that the father provide financial support."



Is AF the Presumed Father?

- Court went on to state, "we would endorse an 'interpretation that would lead to absurd consequences' if we were to conclude that a paternity judgment that is focused narrowly on biological and financial issues is determinative on subsequent issues that are unrelated to and far beyond its scope."



Is AF the Presumed Father

In re E.O. failed to consider, or even mention:

- *F.C. §7612: Presumption under 7611 is rebutted by a judgment establishing paternity of the child by another man.*
Rebut a judgment using a presumption?
Statute provides the opposite.
- *Res Judicata*



Discussion: In re E.O.

- Correct result in E.O.?
- Did opinion go too far?
- Minimizes Parentage Judgments?
- Disconnect between Juvenile and Family Courts?



Child Support Establishment

- Guideline Factors
 - CP's Income
 - NCP's Income
 - Timeshare
- Presumed Income (Default)
 - Minimum wage full-time



Child Support Modification

- Change in circumstances
- No Retroactivity



Child Support Enforcement Methods

(May vary among States)

- Wage and Health Insurance Assignments
- UIB/SDI Intercepts (25% of benefit)
- Workers' Compensation Assignments/Liens
- Federal and State Tax Refund Offsets
- Bank Levies
- Credit Reporting
- Real Property Liens
- Suspension of Drivers and Professional Licenses
- Civil and Criminal Contempts



Identifying the Need for a Drug Court Referral Program

- Conflict in succeeding in both Drug Court and Child Support programs:
 - Child support enforcement tools can make it more challenging to comply with drug court requirements.
 - Drug Court participants may not have the knowledge or ability to navigate through the normal channels of the child support system.
 - Drug Court participants teeter on the edge of success/failure in rebuilding their lives to be productive members of society.
- Drug Court participants need ability and opportunity to comply with Drug Court requirements:
 - Driver's License to seek employment.
 - Child Support Obligation/Arrears Management Plan.



Drug Court Referral Program

Goal:

Enhance the ability of Drug Court participants to be successful in their rehabilitation program and become productive members of society and responsible parents.

Mutual Benefit:

Success in Drug Court program increases chances of succeeding in child support program.

- Drug Court therapy program follows traditional 12 step recovery program emphasizing personal and family responsibility.
- Drug Court program requires participants to seek and maintain employment in addition to abstaining from drugs.



Development of the Drug Court Referral Program

- Identify all stakeholders:
 - Courts
 - Prosecutors
 - Defense Attorneys
 - Probation Officers
 - Treatment Providers
 - Administrators
- Meet to identify goals, challenges and obstacles to success and develop standardized process

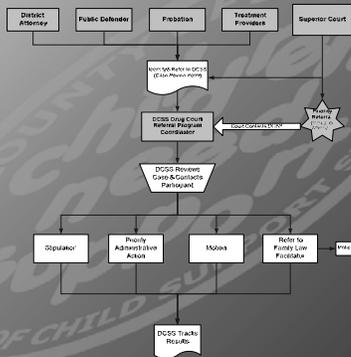


Develop and Implement Process

- Identify interaction points in case flow
- Establish internal and external contacts
- Develop referral process:
 - Establish Referral Coordinator and Review Team for expedited referral
 - Develop forms (flyers, review guides and referral forms/brochures)
- Develop overview/training for stakeholders and review team



Drug Court Referral Program Structure



Possible Relief Available

- Release of suspended driver and professional licenses
- Genetic testing and set aside of paternity judgment
- Relief from bank levy enforcement
- Modification of child support orders
- Reduction of arrears payment
- Review and adjustment of terms of default judgment
- Compromise (waiver) of arrears (limited circumstances)
- Dismissal of contempt action possible
- Referral to Family Law Facilitator
- Assistance and contact information on Interstate/Intracounty cases



Outreach and Presentations

- Site visits and presentations to various treatment group meetings (provide outreach flyers and referral forms, answer questions, accept referrals)
 - 25% of group participants request review forms
- Periodically attend Drug Court hearings and provide program information to Drug Court Judges/Commissioners
- Identify liaison for Drug Court Judges/Commissioners, treatment providers, and other stakeholders for questions or direct referrals
- Maintain ongoing relationships with stakeholders



Positive Results

- Initial skepticism by the Court transformed into substantial Judicial Support of the program
 - DCSS commended in letter from Judge for developing "a practical and workable protocol in record time."
- During the first year of the program:
 - 30-percent increase in the total percentage of support collected
- Continued positive results:
 - Over 76 percent of program participants have made payments since entering the program
 - Some form of relief provided in almost 60% of the referrals
- Program recognized with National Association of Counties (NACO) 2007 Achievement Award

Questions/Comments

