

**Baruch**COLLEGE  
SCHOOL OF PUBLIC AFFAIRS

CENTER FOR NONPROFIT STRATEGY AND MANAGEMENT

NEW YORK CITY NONPROFIT ADVOCACY CASE STUDIES

**CASE STUDY 2**

**CHILD WELFARE AND FOSTER CARE REFORM**

**GOING MAINSTREAM: ADVOCATES TAKE THE REINS**

**STUDENT VERSION**



NEW YORK CITY NONPROFIT ADVOCACY CASE STUDIES

CASE STUDY 2

CHILD WELFARE AND FOSTER CARE REFORM

GOING MAINSTREAM: ADVOCATES TAKE THE REINS

Student Version

This is one of three multimedia cases in the New York City Nonprofit Advocacy Case Studies series. The case narratives in the series are available in both a *Full Version* that includes an appendix with an analysis of the lesson learned, and a *Student Version* for use in the classroom that omits that appendix.

The *Full Version* is for general distribution to anyone interested in reading about the involvement of nonprofit organizations in advocacy. The *Student Version* is for classroom work. In addition, the background paper that accompanies the case studies, *Understanding Nonprofit Advocacy*, can be assigned to provide students with the theoretical context for analyzing the cases.

Students who are assigned the case study should work under an honor system and not consult the *Full Version* until after the classroom discussion.

*Teaching Notes* are available that provide instructors with additional information on how to use the cases, study questions for classroom discussions or assessment assignments and an analysis of the lessons learned for all three cases.

For copies of all three cases, the background paper *Understanding Nonprofit Advocacy* and information on how to obtain the *Teaching Notes*, visit the New York City Advocacy Case Studies website:

<http://www.baruch.cuny.edu/spa/researchcenters/nonprofitstrategy/CaseStudies.php>

## CONTENTS

ACKNOWLEDGEMENTS .....	iv
CENTER FOR NONPROFIT STRATEGY AND MANAGEMENT .....	v
ROBERT STERLING CLARK FOUNDATION .....	v
INTRODUCTION TO THE NEW YORK CITY NONPROFIT ADVOCACY CASE STUDIES.....	vii
CASE STUDY	
CHILD WELFARE AND FOSTER CARE REFORM: GOING MAINSTREAM: ADVOCATES TAKE THE REINS .....	1
ABSTRACT .....	1
BACKGROUND TO CHILD WELFARE AND FOSTER CARE ISSUES .....	1
ADVOCACY ON FOSTER CARE ISSUES.....	4
ADVOCACY STRATEGIES .....	7
CONCLUSIONS.....	9
APPENDIX I – SUPPORTING DOCUMENTATION AND MEDIA COVERAGE .....	10
APPENDIX II –DESCRIPTION OF ADVOCACY ORGANIZATIONS AND COALITIONS HIGHLIGHTED IN THE CASE STUDY .....	14

A video of the nonprofit advocates highlighted in this case study discussing their role in the advocacy campaign is available at: <http://usqproductions.com/media/baruch>

A background paper, *Understanding Nonprofit Advocacy*, explores the definitions of advocacy, the strategic choices organizations make when planning advocacy campaigns and the difficulties of evaluating the outcomes.

The cases consist of a written narrative and accompanying videos of nonprofit advocates discussing their work. Also available are *Teaching Notes* that provide instructors with additional information on how to use the cases, study questions for classroom discussions or assessment assignments and an analysis of the lessons learned for all three cases.

All documents and links to additional materials are available on the NEW YORK CITY NONPROFIT ADVOCACY CASE STUDIES website at:  
<http://www.baruch.cuny.edu/spa/researchcenters/nonprofitstrategy/CaseStudies.php>

## **ACKNOWLEDGEMENTS**

### **Contributors**

The case studies in this series were written by John Casey and Apurva Mehrotra of the Center for Nonprofit Strategy and Management in the School of Public Affairs, Baruch College.

The authors would like to thank David Birdsell, Dean of the School of Public Affairs, Jack Krauskopf, the Director of the Center for Nonprofit Strategy and Management, Margaret Ayers, President and Chief Executive Officer of the Robert Sterling Clark Foundation and Laura Wolff, Senior Program Officer of the Robert Sterling Clark Foundation for their support and encouragement during this project.

Our thanks also to all the interviewees for their generosity with their time and ideas.

The videos for the multimedia support were produced by Union Square Productions.

### **Funding**

Funding for the project was provided by the Robert Sterling Clark Foundation.

## **CENTER FOR NONPROFIT STRATEGY AND MANAGEMENT**

The School of Public Affairs (SPA) at Baruch College launched the Center for Nonprofit Strategy and Management (CNSM) to address the needs of nonprofit organizations that are pivotal to the health and well-being of New York City. The CNSM community of professors and practitioners takes seriously the relationship between research and practice—practice informs the faculty’s development of theory as much as theory informs their approach to practice. Faculty members engage directly and vigorously with area nonprofits and the institutions that support them and command a wide range of expertise. The School has substantial strength in organization theory, budgeting and finance, public communication, advocacy and lobbying, technology diffusion, population studies, strategic planning, housing policy, human services management, and health care policy.

SPA and CNSM offer a wide range of academic and non-credit programs and services that address the complex issues facing the nonprofit sector, including strengthening leadership and building a pipeline of future leaders. These programs include a Master of Public Administration with a concentration in nonprofit management, monthly seminars for nonprofit professionals, conferences, the annual Consulting Day, the annual nonprofit executive outlook survey, the Emerging Leaders Program, and support for and collaboration with various “umbrella organizations.”

For more information about SPA and CNSM see:

<http://www.baruch.cuny.edu/spa/home.php>

<http://www.baruch.cuny.edu/spa/researchcenters/nonprofitstrategy/index.php>

## **ROBERT STERLING CLARK FOUNDATION**

The Robert Sterling Clark Foundation supports advocacy through its program on "Improving the Performance of Public Institutions." The underlying premise of the Foundation's interest in government performance is that government agencies and employees will deliver better services in a more cost-effective manner if their activities are scrutinized, evaluated, and held up to public view. While there are a number of public sector entities that monitor government spending, we believe that outside organizations play a critical role in examining existing policies and programs, identifying deficiencies, and promoting reforms that are responsive to changing societal needs. At times, this function has been carried out by the press, but for persistent attention to complex social problems and public bureaucracies, we have come to rely on non-profit organizations that make use of the following strategies to advance the public good:

- Conducting research to determine the efficacy of government programs;
- Communicating information about government performance and policy options to the media, policymakers, and the general public;
- Organizing citizens to bring collective pressure on public agencies to be responsive;
- Helping government officials develop and implement sound policies and programs; and
- Litigating when government agencies are not complying with applicable laws, and other actions fail to improve their performance.

The Foundation's focus on advocacy also reflects our desire to maximize the impact of our limited philanthropic dollars. By influencing government policies and programs, our grantees affect the expenditure of millions of dollars in public funds--an impact many times the size of our grants budget. As exemplified by the three case studies presented in this series, our Public Institutions program supports advocacy efforts across a wide range of issue areas.

A primary objective is to safeguard the wellbeing of low-income New Yorkers and other vulnerable individuals who are most dependent on government programs. We are particularly interested in ensuring that all children in the State receive adequate care and education from birth onward, and that young people and adults receive the education, training, and other supports necessary to become productive workers and community members.

Policy change rarely happens quickly or easily. As the case studies demonstrate, it often requires years of class action litigation and persistent monitoring of government agencies, advocacy, and public engagement activities. To mount these kinds of long-term campaigns, advocates need long-term funding. Thus, the Robert Sterling Clark Foundation has provided some \$2 million in grants from 1979 to the present to Children's Rights to support its litigation, research, and advocacy to reform New York City's child welfare system.

## INTRODUCTION TO THE NEW YORK CITY NONPROFIT ADVOCACY CASE STUDIES

The Center for Nonprofit Strategy and Management has developed three multi-media case studies on landmark attempts by nonprofit organizations to drive policy changes on key issues in New York City. The three issues are:

**Case 1: Solid Waste Management and Environmental Justice.** This case examines the continuing work of community-based organizations and public interest lawyers to promote equitable and environmentally sound solutions to waste handling in New York City.

**Case 2: Child Welfare and Foster Care.** This case study focuses on the campaign to eliminate racial and religious bias from the New York City foster care system, to protect children in foster care from abuse and neglect, and to improve child welfare services.

**Case 3: Education Finance Equity.** This case study examines the advocacy work in support of the *Campaign for Fiscal Equity v. State of New York (1993)* that brought together a coalition of education advocacy groups, parent organizations, and community school boards to push for more equitable funding of New York City schools.

Each written case narrative has an accompanying video of interviews with the advocates highlighted in the case, and an appendix with links to supplementary online documentation and examples of print and visual media coverage of the issues.

An additional background paper, *Understanding Nonprofit Advocacy*, explores definitions of advocacy and the challenges in evaluating the outcomes of advocacy campaigns. Also available are *Teaching Notes* that provide instructors with additional information on how to use the cases, with study questions for classroom discussions or assessment assignments for all three cases, and an analysis of the particular lessons learned in each case.

All materials are available on the case study series website.

## CASE STUDY 2

### **CHILD WELFARE AND FOSTER CARE REFORM**

#### **GOING MAINSTREAM: ADVOCATES TAKE THE REINS**

#### **ABSTRACT**

This case study focuses on the campaign to eliminate racial and religious bias from the New York City foster care system, to protect children in foster care from abuse and neglect, and to improve child welfare services.

The case provides an example of a campaign that initially relied on litigation as its primary strategy; but as advocates began to take on key roles in overseeing the implementation of court decisions and administering the child welfare system, a different style of advocacy was needed to ensure a successful resolution of outstanding concerns about the system's performance.

#### **BACKGROUND TO CHILD WELFARE AND FOSTER CARE ISSUES**

Dating back to the end of the 19<sup>th</sup> century, New York City contracted primarily with religiously affiliated private agencies to connect children in need of care with child welfare services. At the beginning, the majority of children in need of public services were White and they were assigned to facilities based on religion. Beginning early in the 20<sup>th</sup> century, and continuing through the period following the Second World War, the number of African-Americans in the city began to grow exponentially, as did the needs of children from that community who were coming into the foster care system. The publicly funded sectarian agencies were not willing to accommodate the new population, and facilities designated specifically for African-Americans and other children of color were insufficient and overcrowded. In the 1970s, the city's child welfare system was called to account for its treatment of these children as a slew of news stories, published reports, and lawsuits highlighted tales of rampant discrimination, neglect, and abuse.

Among the lawsuits brought against the city was *Wilder v. Bernstein* (originally *Wilder v. Sugarman*), filed in 1973 on behalf of 13-year-old Shirley Wilder and other African-American foster children. Wilder's father had filed a petition declaring his daughter in need of supervision and given her up for foster care. According to the suit, none of the agencies would accept her because she was an African-American Protestant. Initiated by the Children's Rights Project, then a project of the New York Civil Liberties Union, the suit was brought against the city, state, and private agencies, contending that children of color were placed in inferior facilities due to their race and that the city's contracting with religious organizations for foster care services was a violation of the separation of church and state.



*Wilder* also challenged Catholic agencies' refusal to provide access to family planning information and resources.

While the *Wilder* case focused on discrimination in placement based on race and religion, other stories continued to surface about the terrible conditions many foster children had to endure. Poor monitoring and supervision of children in foster care, who by the 1980s were majority African- American and Latino, led to many children suffering neglect, abuse, and in some cases death. The city received additional criticism about a series of cases where the deaths of children in foster care went uninvestigated. The continued inadequacy of the city's efforts led to further lawsuits, including one in which the Legal Aid Society claimed that children were not receiving the most basic of necessities while in the city's custody.

In 1995, the murder of six-year-old Elisa Izquierdo by her mother again brought attention to New York City's child welfare system. Mayor Rudolph Giuliani responded by creating the Administration for Children's Services (ACS), a stand-alone agency dedicated to services for children. He appointed Nicholas Scoppetta to be the agency's first commissioner with a mandate to reform child welfare practices. At around the same time, Children's Rights filed a lawsuit against the city and state on behalf of over 100,000 children who had been harmed by the failures of the city's child welfare system. The *Marisol v. Giuliani* lawsuit charged that the city did not adequately care for and protect children in its custody, and sought to reform all aspects of the system.

In 1999, a settlement was reached requiring the city to comply with the recommendations of an independent advisory panel of outside experts, which was given access to all aspects of the child welfare agency and empowered to issue progress reports and determine if the city was acting in good faith in implementing systemic reforms. In 2002, the Special Child Welfare Advisory Panel (commonly known as the Marisol Panel) issued its final report. It stated that significant reforms had taken place but that there was still much work to be done. A new advisory panel was put together at the behest of then ACS Commissioner William Bell to continue the efforts of the original court- mandated panel. In 2004, John Mattingly, formerly Director of Human Service Reforms at the Annie E. Casey Foundation and a member of both advisory panels, was named ACS Commissioner. Mattingly's appointment ushered in a new era of cooperation between organizations such as Children's Rights and ACS. Recent reform efforts have focused on areas in the child welfare system that still need to be improved, including reducing the amount of time children spend in foster care and improving the quality of services provided by private agencies under contract to the city.

The following table outlines key events in efforts to reform the city's child welfare and foster care systems (see Table 1):

**Table 1: Timeline of Key Events**

<b>Year</b>	<b>Event</b>
<b>1973</b>	Children's Rights Project is established at the New York Civil Liberties Union. It later becomes part of the American Civil Liberties Union (ACLU). Children's Rights Project files <i>Wilder v. Bernstein</i> .
<b>1977</b>	<i>Wilder</i> case is withdrawn and re-filed to overcome procedural delays.
<b>1979</b>	The New York State Child Welfare Reform Act is passed, directing attention and resources to preventive services, in an effort to reduce foster care caseloads.
<b>1983</b>	The <i>Wilder</i> case goes to trial.
<b>1987</b>	A settlement is reached in the <i>Wilder</i> case. The Wilder Decree stipulates first-come first served placement, access to family planning, no excessive religious symbols in agencies, and a computerized system showing vacancies.
<b>1995</b>	The Children's Rights Project of ACLU becomes an independent organization, Children's Rights. Children's Rights files <i>Marisol v. Giuliani</i>
<b>1996</b>	Mayor Rudolph Giuliani creates the Administration for Children's Services (ACS), removing child welfare and foster care from under the umbrella of the Human Resources Administration.
<b>1997</b>	The Wilder Decree expires.
<b>1998</b>	The settlement in the <i>Marisol</i> case creates the Special Child Welfare Advisory Panel (Marisol Panel), comprised of independent experts who will have unprecedented access to city files and records and authority to make recommendations for systemic change.
<b>2002</b>	The Special Child Welfare Advisory Panel issues its final report, highlighting significant improvements and areas where further progress needs to be made. ACS Commissioner creates the New York City Child Welfare Advisory Panel to continue reform oversight.
<b>2006-2008</b>	Children's Rights works with ACS to implement reforms in campaign titled, "Safeguarding our Children."
<b>2009</b>	Children's Rights releases report, <i>The Long Road Home: A Study of Children Stranded in New York City Foster Care</i> . ACS announces <i>One Year to Family</i> initiative aimed at strengthening the child welfare workforce and reducing the amount of time children spend in foster care.

## **ADVOCACY ON FOSTER CARE ISSUES**

When Children's Rights filed *Wilder v. Bernstein* in 1973, Executive Director Marcia Robinson Lowry believed it had a relatively simple premise. Under existing law, the constitutional doctrine of separation of church and state was interpreted to preclude the awarding of public funds to religious institutions. Yet this is exactly what was happening, and had been happening for years, in New York City's foster care system. For over a century, religious institutions had been the primary organizations with which the city contracted for foster care placement services. Hearing about the discrimination African-American children in particular faced, Lowry decided to challenge the constitutionality of a system that was clearly not serving many of those who needed it most. Shirley Wilder became the name behind the suit, but according to Lowry, the *Wilder* case was less about the treatment of children and more about the violation of basic constitutional principles. To Lowry's surprise, victory would not come quickly or easily.

Because of disputes over standing and constitutional issues, a decade passed before the case even went to trial. During years of legal hurdles, Children's Rights persisted in arguing the legitimacy of its case, even as the city attempted to respond to some of the issues advocates had raised. In the meantime, the New York State Child Welfare Reform Act was passed in 1979 with a focus on preventive services, in the hopes that fewer children would need foster care and that the reduction in foster care caseloads would mitigate deficiencies in the system. However, because of continuing high poverty rates and the epidemics of crack and AIDS, foster care caseloads continued to swell throughout the 1980s and into the late 1990s. Nonetheless, the Act was considered a positive sign that the reform of child welfare and foster care was becoming more of a priority.

### *The Wilder Decree*

In 1987, fourteen years after the initial suit was filed, a settlement was reached in the *Wilder* case. The settlement, commonly known as the Wilder Decree, stipulated that all children who enter the child welfare system are to receive a timely evaluation of their needs and be placed on a first-come, first-serve basis in the best available agency program, regardless of race and religion. The city was required to implement a computerized system showing vacancies, as a way of informing and monitoring agencies and placement practices, and ensuring that children were not being discriminated against. Child welfare organizations were also directed to eliminate excessive religious displays in their facilities and to stop denying family planning assistance and counseling to children in care, which many organizations did on religious grounds. The Decree also called for the implementation of a system to evaluate the quality of foster care programs.

The Wilder Decree was upheld after appeals from religious agencies, and a panel was convened to oversee reform efforts. By the time the settlement was reached, however, new problems were arising in the city's child welfare and foster care systems. While the number of children in need of foster care services continued to swell, White children were almost completely removed from the landscape. Discrimination was no longer the issue, and to

some, the *Wilder* case seemed almost irrelevant in the new climate. According to Gail Nayowitz, former Executive Director of the Citizens Committee for Children of New York (CCC), "By the time litigation ended...all of the children in the system were [of color] and all of the nonprofits were serving them." For Lowry and other child welfare advocates, the attention shifted from discriminatory practices to the treatment and well-being of children in the system.

### *Marisol v. Giuliani*

In November 1995, New York City was rattled by a child's death that almost single-handedly altered the government bureaucracy that dealt with child welfare. Six-year-old Elisa Izquierdo was beaten to death by her mother after suffering years of abuse at the hands of her mother and step-father. The case again brought attention to the inadequacies of the city's child welfare system, which was criticized for missing opportunities to intervene and save the child from her drug-addicted and abusive mother. Elisa's death was symptomatic of continuing problems, and given the growing number of reported cases of negligence, abuse, and deaths of children, Children's Rights felt compelled to initiate a new lawsuit. In December 1995, Children's Rights filed *Marisol v. Giuliani*, named after a five-year-old foster child found locked in a closet. The lawsuit was brought on behalf of thousands of foster children negatively affected by the city's practices. According to the lawsuit, the shortage of workers and appropriate placements resulted in poor oversight and neglect, leading to mental and physical harm to children.

In January 1996, in response to the death of Izquierdo, New York City Mayor Rudolph Giuliani announced the creation of the ACS, removing child welfare services from under the umbrella of the Human Resources Administration (HRA), the city's primary social services agency. The creation of a separate agency to handle child welfare services signaled that the city was serious about dealing with issues within the child welfare and foster care systems. The agency's first Commissioner, Nicholas Scoppetta, came to the position with plans for reform and a willingness to work with outside advocates and advisors. While Scoppetta worked to shape the new agency, instituting much-needed changes in the child welfare system, the *Marisol* case moved along in the courts.

### *The Marisol Panel*

ACS Commissioner Scoppetta did not want to be bogged down in a lawsuit over child welfare issues. "The leadership at ACS wanted to avoid a long protracted struggle in the court as well because they had...a reform plan...and they saw the lawsuit as outsiders who didn't understand what was going on," says current ACS Commissioner John Mattingly. In 1998, a settlement was reached in the *Marisol v. Giuliani* case which stipulated the formation of a Special Child Welfare Advisory Panel to oversee the city's reform efforts. The panel was comprised of five national experts in the field of child welfare including panel Chair Doug Nelson, President of the Annie E. Casey Foundation, and the future Commissioner John Mattingly who at that time was a program officer at the Casey Foundation. The panel had unprecedented access to city information and influence over agency practices. The Casey Foundation continued to support the New York City child welfare system's reform process for a number of years.

The Special Child Welfare Advisory Panel closely reviewed ACS's reform efforts and issued several public reports on the agency's progress. The panel issued a concluding report in 2000, but was invited by Commissioner Scoppetta to continue its oversight work for two more years. In 2002, the panel issued a final report, noting that the agency had made significant improvements in the child welfare system but that there was still considerable work to be done. The same day the report was published, then ACS Commissioner William Bell announced the formation of a new panel to pick up where the court-mandated panel left off. Chaired by Gail Nayowith, the New York City Child Welfare Advisory Panel continued to review and advise ACS's reform efforts. According to Nayowith, "[Commissioner] Bell felt it was important, not just for public perception but for continuity of this new mission and continuity of reform, to have people continue to provide advice and guidance and sometimes oversight."

The invitation of experts to oversee ACS's reform efforts began a shift in the relationship between the city agency and outside advocates. Though the initial advisory panel was mandated by the court as part of the *Marisol* settlement, its tenure was extended at the request of Commissioner Scoppetta, and The New York City Child Welfare Advisory Panel was invited in by Commissioner Bell. "The idea was that credible people with independent standing, professional standing in the world would bring their credibility to bear on this system... and that all parties had to respect this group and take them seriously," says Nayowith. The panel worked primarily on the issue of family team conferencing, a practice that involves families in creating individualized plans that will best address the needs of children and their families. As significant as the work of the panel itself, was the fact that ACS had voluntarily opened the door to outside experts in an effort to improve its services.

### *The Long Road Home*

On November 10, 2009, Children's Rights released *The Long Road Home: A Study of Children Stranded in New York City Foster Care*, a report detailing the problem of children languishing in New York City's foster care system without being placed into stable, permanent homes. The report found that permanency outcomes for children in foster care in New York City are among the poorest in the country. It concluded that a lack of urgency, a lack of accountability, and a lack of adequate resources all combined to keep children in the system. There has been a reduction in the number of children in foster care in New York City, from more than 40,000 children at the peak of the surge in 1997 to just over 16,000 in 2009, but children were still staying in foster care for many years without returning home to their families, getting adopted, or attaining permanency through legal guardianship. There were more than 4,000 children in New York City who had remained in foster care for two years or more. For children with an adoption plan the median time from entry into foster care to adoption was almost five years. The report made 18 recommendations that focused on the major actions needed to shorten the pathways to permanency for children in foster care, to improve the quality and timeliness of case practice and court proceedings, to strengthen the standards used to measure the system's performance, and to ensure the adequacy of the resources deployed throughout the system.

On the day of the report's release, ACS announced a city-wide campaign to speed up the pace of permanency for all children in the foster care system, called *One Year to Family*. The campaign, to be implemented by ACS and its contracted nonprofit foster care

agencies, sought to ensure that as many children as possible would achieve permanency within one year.

The timing of the report's release and the city's announcement was no coincidence. There has been an unprecedented level of collaboration in recent years between Children's Rights and other advocates and ACS, thanks in large part to the appointment of John Mattingly as the agency's Commissioner. Mattingly's prior work as an advocate for disadvantaged children, and his role on the advisory panels that followed the *Marisol* lawsuit meant that children's advocates in New York City felt that they were now working with "one of their own." The "Long Road Home" page on the website of Children's Rights acknowledges that the report was developed in collaboration with ACS and a link for continuing advocacy efforts takes readers to a description of the ACS "One Year to Family" campaign.

After decades of lawsuits and court-mandated advisory panels, advocates have not only produced significant changes within the system, but in some respects they have taken over the system. Commissioner Mattingly realizes, however, that his former role as an advocate, and his willingness to work with child welfare organizations, won't make his agency immune to calls to continually improve the system. "A system is not going to change overnight, these are ten year operations ... so there will be a period where they'll be back demanding things the way advocates tend to do," says Mattingly. And as the economic downturn brings budget reductions for child welfare services, advocates are continuing to work to make sure that the voices of children are still being heard.

## **ADVOCACY STRATEGIES**

Advocates for reform of the child welfare and foster care systems in New York City have utilized a variety of strategies to bring about changes.

### *Legal and Legislative Strategies*

From the 1970s through the 1990s, litigation was the dominant strategy of child welfare advocates seeking to improve the foster care system in New York City. The *Wilder v. Bernstein* and *Marisol v. Giuliani* cases are typical of the numerous class-action lawsuits filed around the country in an effort to force reforms in child welfare systems. While most of the lawsuits eventually resulted in settlements that improved the foster care system, they also took many years to resolve and the resulting remedies were not always conducive to true reform. There is always the danger that court settlements end up micromanaging the system with compliance benchmarks that become ends in themselves and distractions from

other possibly better outcomes. Children's Rights and other advocates recognized the need for other strategies in order to effect sound policy reforms and improve casework practices.

### *Consultative and Advisory Committees*

The Marisol Panel was seen as a significant shift in reform strategies. The 1998 settlement that created the panel ended the impasse of litigation and allowed Commissioner Scoppetta

to work toward reform advised by a well-respected group of external child welfare professionals, unfettered by the courts. The panel was seen as providing the benefits of a lawsuit without the drawbacks of drawn-out, expensive litigation and a climate of adversarial relations. The tenure of the original panel was extended and after it had issued a final report Commissioner Bell formed a new panel as he believed the reform efforts of ACS would benefit from the public accountability that it could provide. The work of these panels laid the groundwork for the current climate of dialogue and cooperation.

### *Research and Policy Analysis*

Children's Rights is still pursuing litigation it considers necessary in other parts of the country, but it has taken a step back from using the courts to improve New York City's child welfare system. "Law is very, very effective but we can make it more effective when we also use expertise. When we add the expertise of the people who know the policy work, we can make our reform efforts much more effective," says Lowry. In recent years, Lowry's organization has dedicated itself more to policy research and analysis, producing multiple reports highlighting shortcomings in the child welfare and foster care systems. Lowry credits a new environment for allowing her to move away from litigation and toward a more cooperative policy oriented approach. *The Long Road Home* was the latest in a series of reports that included the 2007 *At the Crossroads*, which demonstrated that despite a decade of reforms in the New York City foster care system, safety and permanency outcomes for many children and families have not significantly improved and, in some cases, have worsened.

CCC analyzes city government budget and operational data to evaluate the impact on children. Its *Keeping Track of New York City's Children* project, which originally appeared annually in print form and is now also available as an interactive online database, uses over 400 different indicators to map child well-being in New York City at the community district level.

### *Coalition Building and Capacity Development*

There are many organizations in New York City dedicated to children's well-being, and they often collaborate with each other around particular issues and/or advocacy strategies being used. Organizations such as Children's Rights, the Legal Aid Society, and Lawyers for Children have all utilized litigation to advance the rights of children in New York City, sometimes working together as was the case with Children's Rights and Lawyers for Children in *Marisol v. Giuliani*, and at other times pursuing separate lawsuits. Organizations such as CCC take a different approach, processing and gathering data, producing reports and

advising officials on implementing policy and administrative changes. CCC often works with organizations representing direct service providers and parents of children in the foster care system. These groups usually make up a significant portion of the crowd at press conferences and other events designed to get the attention of elected leaders and appointed officials.

### *Community Support and Direct Action*

According to Jennifer March-Joly, Executive Director of CCC, the Internet has helped advocacy organizations tremendously in building community support for policy reforms and mobilizing grassroots advocacy. CCC used to conduct postcard campaigns, in which they would drop off postcards addressed to elected and appointed officials with direct service providers and urge them to get as many filled out and mailed as possible. Now, using “viral advocacy”, CCC is able to mobilize thousands of New Yorkers to write elected officials about areas of concern within the child welfare system in a much more efficient and economical way than ever before. CCC utilizes software that sends custom letters to its membership, allows for those letters to be forwarded to friends, and then sent on to state and federal officials. They have also customized the program so that members can send personalized emails to their representatives. As part of its efforts to boost direct action, CCC also runs an annual community leadership program, a ten-week course in which New Yorkers from all walks of life learn about how children are faring in different communities in the city. Participants see direct service programs, meet with experts in the field, and learn about advocacy.

## **CONCLUSIONS**

New York City's child welfare and foster care systems have undergone significant changes since Children's Rights filed the *Wilder* case in 1973, including the creation of a separate government agency to handle children's issues and reforms created to protect children in the foster care system. Along with shifting demographics and increased political support, these changes have been spurred by the work of child welfare advocates who continue to speak on behalf of the city's most vulnerable children. As a direct result of the work of these advocates and their collaboration with ACS, the infrastructure of the child welfare system has been strengthened, allowing for substantial improvements in child protection outcomes and casework practice. Reports of abuse are investigated more promptly and planning for children in the child welfare system is now better managed through innovative procedures such as family conferencing.

In New York City, class-action lawsuits resulted in several key policy and administrative changes at a time when city government was not moving to address severe deficiencies in the child protection and foster care system. Now, however, child welfare advocacy in New York City relies more heavily on a spirit of cooperation than new litigation. This is in direct contrast to other jurisdictions where confrontation is still the main feature of the relationships between advocates and governments. “I think that a willing Commissioner changes everything,” says Nayowith.

Nevertheless, having a responsive Commissioner does not mean that advocates can afford to rest on their laurels. With the recent economic downturn threatening budget cuts for city agencies, the attention of child welfare advocates has once again shifted. “If the child welfare system wants to continue to make significant forward progress then people need to be on the steps of City Hall and the offices of elected officials telling them that cuts to child welfare services are not acceptable,” says Nayowith.



## **APPENDIX I – SUPPORTING DOCUMENTATION AND MEDIA COVERAGE**

### **Books and Documents**

Bernstein, Nina. *The Lost Children of Wilder: The Epic Struggle to Change Foster Care*. Vintage Books. 2002.

Child Welfare Watch. *Against the Clock: The Struggle to Move Kids into Permanent Homes*, Volume 15, Winter 2008. The Center for New York City Affairs, The New School. Available at: <http://www.newschool.edu/Milano/nyc affairs/documents/CWW-vol15.pdf>

Children's Rights. *The Long Road Home: A Study of Children Stranded in Foster Care*. November 2009. Available at: <http://www.childrensrights.org/policy-projects/foster-care/permanency-in-new-york-city-2009/>.

Children's Rights. *At the Crossroads: Better Infrastructure, Too Few Results. A Decade of Child Welfare Reform in New York City*. July 2007. Available at: [http://www.childrensrights.org/wp-content/uploads/2008/06/at the crossroads full report.pdf](http://www.childrensrights.org/wp-content/uploads/2008/06/at_the_crossroads_full_report.pdf)

Citizen's Committee for Children. *Keeping Track of New York City's Children Ninth Edition*. June 2010. Print copy available at: <http://www.cccnewyork.org/publications.html>; the online data base can be accessed at: <http://www.cccnewyork.org/aboutkt.html>

New York City Administration for Children's Services. *Safeguarding Our Children: 2006 Action Plan*. Available at: [http://nyc.gov/html/acs/downloads/pdf/action\\_plan\\_06.pdf](http://nyc.gov/html/acs/downloads/pdf/action_plan_06.pdf); Updates were published in subsequent years: *Safety Reforms Update 2007*. Available at: [http://www.nyc.gov/html/acs/downloads/pdf/pub\\_safety\\_reform\\_sept07.pdf](http://www.nyc.gov/html/acs/downloads/pdf/pub_safety_reform_sept07.pdf) *Safety Reforms Update 2008*. Available at: [http://www.nyc.gov/html/acs/downloads/pdf/pub\\_safety\\_reform\\_nov08.pdf](http://www.nyc.gov/html/acs/downloads/pdf/pub_safety_reform_nov08.pdf)

New York City Administration for Children's Services. *Protecting Children and Strengthening Families: A Plan to Realign New York City's Child Welfare System*. February 2005. Available at: [http://www.nyc.gov/html/acs/downloads/pdf/publication\\_realignment\\_plan\\_05.pdf](http://www.nyc.gov/html/acs/downloads/pdf/publication_realignment_plan_05.pdf)

New York City Administration for Children's Services. *Protecting the Children of New York: A Plan of Action for the Administration for Children's Services*. 1996. [http://www.nyc.gov/html/acs/downloads/pdf/pub\\_reform\\_plan\\_1996.pdf](http://www.nyc.gov/html/acs/downloads/pdf/pub_reform_plan_1996.pdf) (Updates were published in subsequent years: *A Renewed Plan of Action for the Administration for Children's Services*. 2001. Available at: [http://www.nyc.gov/html/acs/downloads/pdf/pub\\_reform\\_plan\\_2001.pdf](http://www.nyc.gov/html/acs/downloads/pdf/pub_reform_plan_2001.pdf) *Six Years of Reform in Children's Services 1996-2002 Reform Update*. 2003 Available at: [http://www.nyc.gov/html/acs/downloads/pdf/reform\\_update.pdf](http://www.nyc.gov/html/acs/downloads/pdf/reform_update.pdf) )

New York City Child Welfare Advisory Panel. *Report on Family Engagement*. Citizens' Committee for Children of New York. August 2003. Available at: <http://www.cccnewyork.org/publications/nyccwap2003.pdf>

The Special Child Welfare Advisory Panel. *Final Report*. Annie E. Casey Foundation. December 7, 2000. Available at: <http://www.eric.ed.gov/PDFS/ED450171.pdf>

The Special Child Welfare Advisory Panel. *Concluding Report*. Annie E. Casey Foundation. March 2002. Available at: <http://www.eric.ed.gov/PDFS/ED463379.pdf>

### **News Coverage - Print**

Bernstein, Nina. Judge Approves Sweeping Settlement in Child Welfare Suit. *The New York Times*. January 23, 1999. Available at: <http://www.nytimes.com/1999/01/23/nyregion/judge-approves-sweeping-settlement-in-child-welfare-suit.html>

Bosman, Julie. Advocates Fear City Budget Cuts Will Put Children at Risk. *The New York Times*. April 26, 2009. Available at: <http://www.nytimes.com/2009/04/27/nyregion/27acs.html>

Cesar, Stephen. City Services For Families in Trouble Could Be Cut. *The New York Times*. June 8, 2010. Available at: <http://www.nytimes.com/2010/06/09/nyregion/09foster.html>

Farber, Peggy. Marisol Update: Prospects Are Grim. *Gotham Gazette*. April 2000. Available at: <http://www.gothamgazette.com/article//20000401/2/104>

Kaufman, Leslie. Debate Rekindled on Preserving Families at Risk. *The New York Times*. February 4, 2006. Available at: <http://www.nytimes.com/2006/02/04/nyregion/04child.html?ex=1296709200&en=eec73b254f91910f&ei=5088&partner=rssnyt&emc=rss>

Kaufman, Leslie. Report is Mixed on Child Welfare Agency. *The New York Times*. July 23, 2007. Available at: <http://www.nytimes.com/2007/07/23/nyregion/23child.html?ex=1342843200&en=a5b2c2a0cac3bb69&ei=5090&partner=rssuserland&emc=rss>

Kaufman, Leslie and Weiser, Benjamin. In Foster Care Review, Vows of Help and Vigilance. *The New York Times*. November 7, 2007. Available at: <http://www.nytimes.com/2007/11/07/nyregion/07foster.html>

McCormack, Lindsey. Now That Caseworker Ratio is Good, Cut the Budget. *City Limits*. November 17, 2008. Available at: <http://www.citylimits.org/news/articles/3653/now-that-caseworker-ratio>

The Lost Children of Foster Care. *Gotham Gazette*. June 6, 2005. Available at:  
<http://www.gothamgazette.com/article/fea/20050606/202/1432>

### **News Coverage – Television/Video**

ACS Commissioner on Hot Seat at City Council Meeting. *NY1 News*. March 29, 2007.  
Available at: <http://www.ny1.com/content/68189/acs-commissioner-on-hot-seat-at-city-council-meeting>

ACS Head Grilled Over State of Child Welfare System. *NY1 News*. February 9, 2006. Available at:  
<http://www.ny1.com/content/56972/acs-head-grilled-over-state-of-child-welfare-system>

ACS to Lay Off 650 Child Welfare Workers. *NY1 News*. March 21, 2007. Available at:  
<http://www.ny1.com/content/67902/acs-to-lay-off-650-child-welfare-workers->

Child Services Leader Defends Cost-Cutting Plan. *NY1 News*. March 24, 2009. Available at:  
<http://www.ny1.com/content/96130/child-services-leader-defends-cost-cutting-plan>

Mayor Bloomberg Appoints New Head of Children's Services. *NY1 News*. July 6, 2004.  
Available at: <http://www.ny1.com/content/41348/mayor-bloomberg-appoints-new-head-of-children-s-services>

New York City Foster Care Recruitment Campaign. Available at:  
<http://www.youtube.com/watch?v=bwTo1zmMXpE>

NY1 Reports: Who's Watching the Children? *NY1 News*. January 31, 2006. Available at:  
<http://www.ny1.com/?SecID=1000&ArID=56726>

Special Panel Makes Recommendations to Improve ACS. *NY1 News*. October 15, 1999.  
Available at: <http://www.ny1.com/content/2136/special-panel-makes-recommendations-to-improve-acs>

### **Additional Documentation on Foster Care Reform and Child Welfare Issues**

The Annie E. Casey Foundation page on foster care reform:  
<http://www.aecf.org/KnowledgeCenter/ChildWelfarePermanence/FosterCare.aspx>

Children's Rights has a Reforming Child Welfare page:  
<http://www.childrensrights.org/reform-campaigns/phases-of-reform/>

Citizen's Committee for Children publications page:  
<http://www.ccnnyork.org/publications.html>

The US Administration for Children and Families page on child welfare system reform:  
<http://www.childwelfare.gov/management/reform/index.cfm>

Class-action lawsuits continue to be a controversial strategy for reform. The following two articles question their effectiveness:

*Three more foster care lawsuits doomed to fail, three more bad child welfare systems likely to get worse*

<http://www.nccprblog.org/2010/04/three-more-lawsuits-doomed-to-fail.html>

*13 Lawsuits That Reformed (or Drained) Child Welfare*

<http://sparkaction.org/node/28658>

## **APPENDIX II –DESCRIPTION OF ADVOCACY ORGANIZATIONS AND COALITIONS HIGHLIGHTED IN THE CASE STUDY**

The following descriptions provide additional information about the two advocacy organizations highlighted in this case study.

### **Children’s Rights**

<http://www.childrensrights.org/>

Children’s Rights is a national advocacy group working to reform failing child welfare systems throughout the country. The work of Children’s Rights began in 1973 as a project within the New York Civil Liberties Union that focused on the foster care system in New York and grew to become an ACLU national project in 1979. It became a separate organization in 1995 and continues to fight on behalf of hundreds of thousands children to establish laws that give every child the right to be protected from abuse and neglect and to grow up in a stable, safe, and permanent home.

Children’s Rights is a 501 (c) 3 organization with headquarters in New York City. They have a staff of 34 people and operating expenses of almost \$4.5 million in 2008.

### **Citizens’ Committee for Children of New York (CCC)**

<http://www.cccnewyork.org/>

Established in 1944, The Citizens’ Committee for Children of New York utilizes a staff of professional experts and citizen volunteers to document facts, educate the community and advocate for change around issues affecting children in New York City. The organization addresses a wide range of issues affecting children, from income and food security for families to education and youth development to juvenile justice.

The Citizens’ Committee for Children of New York is a 501 (c) 3 organization located in New York City. They have a staff of 15 people and operating expenses of \$2.3 million in 2009. CCC relies exclusively on private funding, neither soliciting nor accepting government funding.

**In addition to the two organizations highlighted in the case study, there are numerous other child welfare advocacy and oversight organizations in New York City, including:**

**Child Welfare Organizing Project (CWOP)** is a parent-professional partnership dedicated to public child welfare reform in New York City through increased, meaningful parent involvement in service and policy planning. <http://www.cwop.org/>

**Child Welfare Watch**, a project of the Center for New York City Affairs at The New School, provides in-depth investigative reporting and analysis on children and family services in New York.

[http://www.newschool.edu/milano/nycaffairs/publications\\_cww.aspx](http://www.newschool.edu/milano/nycaffairs/publications_cww.aspx)

**Children's Defense Fund – New York** serves as a resource and partner for children, families and organizations throughout the tri-state area and is recognized as an authority in the endeavor to protect children and strengthen families. <http://www.cdfny.org/>

**Council of Family and Child Caring Agencies** is the principal representative for nonprofit organizations providing foster care, adoption, family preservation, and special education services in New York City and State. <http://www.cofcca.org/>

**Youth Advocacy Center** helps young adults in or at-risk of foster care take control of their lives. <http://www.youthadvocacycenter.org/>

# **Baruch**COLLEGE

SCHOOL OF PUBLIC AFFAIRS

CENTER FOR NONPROFIT STRATEGY AND MANAGEMENT  
ONE BERNARD BARUCH WAY, D – 901  
NEW YORK, NEW YORK, 10010  
646.660.6700  
[www.baruch.cuny.edu/spa/researchcenters/nonprofitstrategy/](http://www.baruch.cuny.edu/spa/researchcenters/nonprofitstrategy/)



135 EAST 64TH STREET  
NEW YORK, NY 10065  
212.288.8900  
<http://www.rsclark.org/>



January 2011

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Unported License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/3.0/> or send a letter to Creative Commons, 171 Second Street, Suite 300, San Francisco, California, 94105, USA.