



NYS PERMANENT JUDICIAL COMMISSION ON  
**JUSTICE FOR CHILDREN**

*Working to improve the lives and life chances of children involved with New York courts*

**Pursuing  
Pathways  
*to*  
Justice  
for  
Children**

**November 2020**

## A Message from the Chair

“Justice for Children” is a journey. The pathways to justice for children are not straight lines. Rather, they meander as our world changes. This is precisely why we are the Permanent Judicial Commission on Justice for Children.

This year brought an unprecedented challenge. How can the court system and its partners pursue the objective of improving children’s lives and life chances during a worldwide pandemic when old assumptions and paradigms are suddenly shattered, and when children and families are in desperate need of the courts at a time when the ability of courts to provide that lifeline is compromised? With alacrity, our court system responded to the shifting demands of the pandemic to ensure that its most vital responsibilities were met. While court operations were severely limited, our court system never shut down – not for a single day. So, while much of society hit the “pause” button, the time-is-of-the-essence issues affecting children could not be put on hold. They had to be addressed and they were, and the Commission contributed to that effort by providing stability and serving as a conduit and voice for the emerging protocols in the courts.

Throughout this challenging time, our Executive Director, Kristen Conklin, has remained laser focused upon our need to pivot and look anew at how we can improve the lives and life chances of New York’s children. Under her able leadership, the Commission has both responded to the pandemic emergency and pushed forward on our continuing initiatives, collaborations, and projects, all through a lens of racial and ethnic fairness.

May we find and travel new pathways to justice for children together.



# NYS PERMANENT JUDICIAL COMMISSION ON JUSTICE FOR CHILDREN

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# NYS PERMANENT JUDICIAL COMMISSION ON JUSTICE FOR CHILDREN

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## Introduction

The New York State Permanent Judicial Commission on Justice for Children was established in 1988 to improve the lives and life chances of children involved with New York courts. The Commission is chaired by the Hon. Karen K. Peters, former Presiding Justice of the Appellate Division, Third Department, and comprised of judges, lawyers, advocates, physicians, legislators, and state and local officials.

At its inception, the Commission predominantly concentrated its efforts on the youngest children before the courts — securing early intervention, establishing a statewide system of Children’s Centers in the Courts, improving court proceedings, promoting the healthy development of children in foster care and focusing on the needs of infants involved in child welfare proceedings. Over the past 32 years, the Commission’s role has expanded. In addition to its initial mandate, the Commission expanded its focus to include older youth involved with the courts, focusing particularly on encouraging child and youth participation in their court proceedings and examining juvenile justice issues, including juvenile probation and issues affecting dually adjudicated youth. Fulfilling that role, and moving forward, was particularly challenging during a pandemic, but both the court system and the Commission confronted that obstacle to ensure that justice—including justice for children—was achieved to the greatest extent possible.

## Rising to the Challenge

The court system promptly pivoted to a virtual court appearance mode that required judges, attorneys and litigants to utilize and embrace technology platforms that may have been totally unfamiliar. The Commission saw an immediate need and sought to fill that need, reaching out to our partners and the Redlich Horwitz Foundation.<sup>1</sup> Redlich Horwitz assisted the Commission with a generous grant to support family-centered practices, including the provision of remote training to attorneys for children, parents, and child welfare agencies on how best to use technology platforms to communicate with their clients and participate in hearings.

The Commission, in collaboration with the Office for Justice Initiatives, the Child Welfare Court Improvement Program and the Office of Court Administration's Senior Advisor for Strategic and Technical Communications, produced a series of free programming to help parents, attorneys, youth, and child welfare organizations navigate the landscape of remote court proceedings in Family Court.

The [first in the series](#) of programs addressed topics particular to the virtual Family Court setting. *Participating in a Virtual Court Appearance Via Skype for Business* answered basic questions about taking part in a court proceeding using Skype for Business, such as: How do I know if I need to appear remotely? What do I need to appear remotely? How should I present myself? How do I connect when it's time?

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<sup>1</sup> The Redlich Horwitz Foundation supports and works collaboratively with other stakeholders to implement thoughtful, data-informed policies and programs that: promote child welfare systems that are racially just and prioritize family preservation, engagement and family-based care; ensure that every child exits the foster care system into a permanent, loving family through timely reunification, adoption, kin guardianship or another lifelong adult connection; and improve the overall wellbeing of youth and families involved with the child welfare system in New York. (Redlich Horwitz Foundation, "About," accessed October 27, 2020, <https://www.rhfdn.org/about>.)



In the [second program](#), *Family Court Representation in the Virtual Age*, Albany County Family Court Judge Richard Rivera and Jaya L. Connors, the Assistant Professor of Law and Director of Family Violence Litigation Clinic at the Justice Center at Albany Law School, discussed the dynamics, pitfalls and future of virtual representation in the Family Court.



Skype Recording on Virtual Courts - Wednesday,  
August 26, 2020 4:02:54 PM

Meeting start time: Wednesday, August 26, 2020 4:02:54 PM  
Organizer: Kristen Corliss



The [third program in the series](#), *Family Court in the Virtual Age*, was a live virtual roundtable discussion, recorded and subsequently made available on the Commission's website and promoted through social media (including the Commission's new Facebook account), addressing the Family Court's reaction to the pandemic and analyzing the implications, both now and in the future, for virtual representation. It featured: Hon. Edwina Mendelson, Deputy Chief Administrative Judge, Office for Justice Initiatives; Hon. Craig J. Doran, Administrative Judge, Seventh Judicial District; Hon. Jeanette Ruiz, Administrative Judge, New York City Family Court; and Henry M. Greenberg, chairman of the

Chief Judge’s Commission to Reimagine the Future of the New York Courts and immediate past president of the New York State Bar Association. Nearly 1,000 people registered for the live program.



Future planned programming includes an instructional video on the Microsoft Teams platform, engaging youth in their virtual hearings, visitation in the time of Covid-19, and other cutting-edge topics.

## Collaborations

The Commission views itself as a collaborative body, rather than an island unto itself, and the underlying “united we stand” spirit of cooperation and partnership we embrace was particularly important this past year. Fortuitously, our relocation to the Pond View offices in Castleton-on-Hudson proved exceptionally timely, reinvigorating our working relationship within the Unified Court System. Our co-location with the Division of Professional and Court Services has enhanced the Commission’s opportunities to participate in contracting efforts and grant applications. Although the Grants and Contracts office has always been helpful and supportive, it is one thing to have their professionals a phone call away, and another to have them down the hall and readily available for an impromptu



brain-storming session. Direct, daily access to the Grants and Contracts staff has been invaluable to the Commission.

## Grants and Funding

A recent change in the law regarding availability of Title IV-E funding presented an opportunity to promote quality enhancements in New York’s attorney for the child (“AFC”) program. The Commission has teamed with Frank Woods, Chief Management Analyst, and the Division of Professional and Court Services staff, in working with the New York State Office of Children and Family Services (“OCFS”) to maximize the potential of this new funding to support independent legal representation for child welfare-involved children and parents.

With the assistance of Grants and Contracts staff, the Commission sought and was awarded a grant from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Office of Justice Programs for the New York State Girls’ Justice Initiative (“GJI”) — a collaboration led by the Unified Court System and implemented by the Commission in partnership with the New York University Steinhardt School of Culture, Education, and Human Development and the New York State Division of Criminal Justice Services (“DCJS”).

The purpose of GJI was to address the documented criminalization of girls’ behaviors, including those related to status offenses and technical violations of probation that too often reflect trauma-induced responses, and to implement gender-specific, trauma-informed policies and programs for girls at-risk or involved with the juvenile justice system.

The Commission began the work performed under the grant by convening, in partnership with the New York University Metropolitan Center for Research on Equity and the Transformation of Schools, the Girls’ Justice Conference for Child Welfare, School and Justice Practitioners on July 20, 2016 at the NYU Metro Center. The goal of the conference was to raise awareness of the stark statistics and issues facing girls at-risk or in the justice system, and to introduce strategies that address their gender-specific needs with a trauma-informed approach. It featured keynote speaker, Dr. Monique Morris,

EdD, who founded and leads the National Black Women's Justice Institute, an organization that works to transform public discourses on the criminalization of Black women, girls and their families.<sup>2</sup>

The GJI team developed a court-based approach for girls involved in the juvenile justice system, implemented in Westchester County, that was informed by and involved the decision-makers at each point of contact within the juvenile justice system in partnership with the community, girls, and their families.

There were three components to the grant plan: a research component to provide the foundation and information needed to build, monitor, and maintain effective gender-specific, trauma-informed policies and programs; a local-level component implemented in Westchester County; and the state-level component to translate the findings and bring the policies and practices to scale across the state.

The plan was informed by the identification of gender-specific, trauma-informed best practices. GJI sought to raise awareness of trauma as a public health issue and build public support for gender- and trauma-informed policies and practices by including grassroots and business leaders. GJI promoted youth participation in policy development and service delivery by building capacity and integrating trained peer-to-peer advocates into the planning and approach and building capacity to serve LGBTQ girls.

### Cross-disciplinary collaboration

The DCJS, OCFS, and the Commission convened cross-disciplinary teams from nineteen counties in New York State to attend an invite-only two-day *Persons in Need of Supervision (PINS) and Youth At-Risk of Entering the Juvenile Justice System* learning collaborative. Teams were comprised of individuals from probation, social services, judges, county attorneys' offices, schools/BOCES, mental health, and other professionals who work with the PINS/at risk youth population.

The conference focused on the PINS population, with attention given to early intervention and information sharing. The keynote and subsequent facilitated dialogue were performed by John Tuell,

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<sup>2</sup> Co-sponsors for the event were the Commission; New York University Steinhardt School of Culture, Education, and Human Development; the Metropolitan Center for Research on Equity and the Transformation of Schools; New York University RISE Team/ROSES Project; DCJS; New York State Juvenile Justice Advisory Group; and Center on Race, Crime and Justice of the John Jay College of Criminal Justice, CUNY.

Executive Director for the Robert F. Kennedy National Resource Center for Juvenile Justice.<sup>3</sup> Covered topics included the history of how agencies collaborate and share information, principles that drive the work, practical solutions to better the outcomes for PINS youth, and state statutes to guide counties in laying the groundwork to develop their own protocols.

Several agencies presented innovative and successful projects implemented in their jurisdictions, such as: Safe Schools Initiative (Utica), Mapping Project (Dutchess County), Family Support Model (Connecticut), Impacts of Community Dispute Resolution Centers (Unified Court System) and the Commission's Westchester Girls Justice Initiative.

Participants left the convening with an action plan and implementation strategy. Follow up technical assistance sessions with Mr. Tuell occurred a few months after the initial convening, wherein progress on the protocols was reviewed with each team and further development of action steps and implementation plans to better serve these youth were addressed.

### Partnership for Youth Justice

The New York State Partnership for Youth Justice (PYJ) is an interbranch collaborative focused on improving outcomes for youth in the justice system. The PYJ has three co-chairs: a representative of the DCJS, a representative of the OCFS, and a representative of the Unified Court System. These are the facilitators and conveners of the PYJ strategic visioning and planning for youth justice reforms statewide and alignment of youth justice reform implementation across State Agencies. The representatives are appointed by, and report back to, the executive leadership of their respective organizations. The Commission's Executive Director was appointed by Chief Administrative Judge Lawrence K. Marks as the representative of the Unified Court System to the PYJ, with the support, advice and counsel of Deputy Chief Administrative Judge Edwina Mendelson.

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<sup>3</sup> The Robert F. Kennedy National Resource Center for Juvenile Justice at Robert F. Kennedy Children's Action Corps focuses on practice and policy reform through an active commitment to field-based partnerships with state, local and federal agencies dedicated to improving the lives of our nation's youth. Since 2004, the Foundation has supported reform in multiple states across all regions of the United States through the Models for Change: Systems Reform in Juvenile Justice Initiative. Models for Change has sought to translate research into fair, effective, and developmentally informed juvenile justice practice and policies. (Robert F. Kennedy Children's Action Corps, "About Us," accessed October 26, 2020, <https://rfknrcji.org>.)

The PYJ promotes continuous quality improvements and supports policy and practice changes that further the work of youth justice reform efforts in New York State. The PYJ serves as a mechanism for the relevant stakeholders to share information and to identify related issues that jointly impact state and local youth justice systems. To enhance the alignment of state and local policies, the PYJ uses workgroups or subcommittees to focus on identified cross-cutting issues. The PYJ members are committed to sharing data and information, in accordance with New York State law and the applicable participating agency regulations and policies, to assist the PYJ's activities.

The PYJ has a multifaceted vision to improve the outcomes for youth and families in New York State. Pursuant to its charter, that vision, viewed through an equity lens, is that: New York State's Youth Justice System is equitable in response, opportunity and outcome; the system provides the right intervention, for the right amount of time, at the right intensity, to the right youth; if Court involvement is necessary, cases move efficiently from petition to disposition and due process rights are protected; if confinement is necessary, the least restrictive setting is used; public safety is maintained or improved; and those who enter the system are better off when they exit.

A key component of the PYJ is the Technical Assistance Coordinating Team ("TACT"), which is a multi-disciplinary team designated by the PYJ Chairs to facilitate the implementation of youth justice reform priorities determined by the PYJ; conveners of regular communication with the PYJ Chairs to plan and problem-solve any barriers to implementation of youth justice reform priorities; communicate regularly with the Regional Youth Justice Team Liaisons to regularly align work of the PYJ and the Regional Youth Justice Teams; plan all PYJ meetings and events; and support the orientation of any new members of the PYJ. The Commission's Deputy Director is a member of this team.

### Youth Justice Institute

The Commission, once again with the assistance of Grants and Contracts staff and the Office for Justice Initiatives teamed with the Youth Justice Institute ("YJI") at the University at Albany<sup>4</sup> on a federal grant proposal to develop high-quality distance learning modules modeled after the National

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<sup>4</sup> The mission of the YJI is "to build and strengthen the capacity of localities around New York State to adopt evidence-informed youth justice practices. It is done so by disseminating information, assisting with implementation and assessing efficacy in existing youth justice programs, and by conducting cutting-edge research to advance the science and practice of evidence-based initiatives." (New York State Youth Justice Institute, "About Us", accessed November 9, 2020, <https://www.albany.edu/yji>.)

Juvenile Defense Standards and tailored for the needs of the juvenile population and provider communities within the non-metropolitan areas of New York State. The modules would have utilized subject matter experts from the Office for Justice Initiatives, the YJI, OCFS, DCJS, the AFC programs in the Third and Fourth Judicial Departments and the primary contract providers (Legal Aid Bureau of Buffalo, Legal Aid Society of Rochester, Legal Assistance of Western New York and Sullivan Trail Legal Society). Although the grant application was not successful in this cycle, we intend to reapply when it is offered again, and the process of working collaboratively with several different entities approaching youth justice from different perspectives was extremely valuable and set the stage for future collaborations.

## Child Welfare

Pre-pandemic, the Commission renewed its commitment to the Children’s Centers, working closely with the Program’s statewide director. At the request of Chief Administrative Judge Marks, during the 25<sup>th</sup> anniversary year of the Children’s Centers the Commission undertook a review of the centers, resulting in two key findings. First, it is abundantly clear that the Children’s Centers are an asset to the court system, offering children a safe, inviting place to spend time and be well cared for while their caregivers attend to court matters. Second, until the onset of the pandemic, more than half of the Children’s Centers continued to operate on a part-time basis since 2011. This means that in many courts, the centers are closed on certain days, or they only offer services for a few hours each day. The Commission remains committed to the provision of a safe, literacy-rich environment and an opportunity for positive interventions in the lives of vulnerable children and was prepared to support robust funding for the centers so that they may all be available for full time hours. However, given the economic impact of the Covid-19 pandemic and the shift to virtual proceedings, we know operation of the Children’s Centers may look different going forward.

## Racial and Ethnic Fairness

The New York State Racial and Ethnic Disparities (“RED”) Committee promotes effective efforts to eliminate racial and ethnic disparities for youth in New York State’s justice system and other youth-serving systems through collaboration among state agency partners, integration of principles of racial and ethnic equity within existing reform initiatives, and support for effective efforts to reduce racial

and ethnic disparities at the state and local levels. Its work is also used to inform the Partnership for Youth Justice.

To ensure effective reform efforts, the work by the RED Committee incorporates intentional and meaningful partnerships with impacted youth, families, and communities; and is rooted in accurate data collection and reporting to present information on youth of color at each major decision point in the juvenile justice system and identify cause(s) of any disparities. There are several representatives from the Unified Court System on the RED Committee, including the Commission's Deputy Director.

### [Children of Incarcerated Parents](#)

Millions of children in the United States are affected by the loss of a parent due to incarceration. When parents—primary caregivers—are arrested, taken into custody, detained or incarcerated, the experience can be traumatic for the parents and their children. Parental incarceration is identified as an adverse childhood experience (“ACE”), a measure of childhood trauma developed by the Centers for Disease Control and Prevention, and exposure to multiple ACEs is associated with long-term negative health outcomes. It is a crisis for the entire family.

To make certain children are safe and cared for appropriately, parents need to arrange for a suitable caregiver immediately, a caregiver who can make educational and health decisions. Knowing that their children are taken care of and safe, parents can focus on their criminal proceedings.

The Commission, working with experts in the field, developed a flyer to help parents who have been arrested plan for the care of their children. The flyer describes and provides forms to designate a person in parental relation so that their children have caregivers with the legal ability to make education and medical decisions for their children. While the flyer does not provide legal advice, it does explain various short- and long-term options that help parents plan appropriately for their children's care and provides information about resources that can be helpful to the parent, their children and their children's caregivers. These flyers are available on the Commission's website in ten different languages, along with other resources.

**BE SURE  
YOUR CHILD  
IS CARED FOR  
AND SAFE**

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**IF YOU ARE  
ARRESTED,  
CALL SOMEONE  
IMMEDIATELY!**

**IF YOU ARE  
SENT TO JAIL  
OR PRISON,  
MAKE PLANS AND  
ARRANGEMENTS FOR  
YOUR CHILD!**

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**APPOINT A CAREGIVER**

**TALK TO A LAWYER  
ABOUT YOUR PLANS  
FOR YOUR CHILD**

**BE SURE YOUR CHILD IS CARED FOR AND SAFE**

**TAKE IMMEDIATE STEPS — CALL SOMEONE!**

Make arrangements for today and for as long as you will be unable to care for your child. You may need to ask one person to care for your child immediately and another person to provide longer-term care.

**Appoint a Caregiver Immediately**

If you are your child's only caregiver, ask your child's other parent, a relative or friend to care for your child and put it in writing. This gives that person the legal ability to make education and medical decisions for your child. There are two forms included in this flyer that you can use to appoint a temporary caregiver. The two forms are for different time periods and have different requirements. Always do a separate form for each of your children. The caregiver can show the completed form to your child's education and healthcare providers and they can make copies of the form.

**Form 1. Parental Appointment of Your Child's Caregiver for 30 Days or Less**

- Complete this form immediately.
- It is easy for you to fill in and give to the caregiver.

**Form 2. Parental Appointment of Your Child's Caregiver for 12 Months or Less**

- Complete this form as soon as possible and before the 30 day arrangement ends.
- This form must be signed in front of a notary public by you and the caregiver. You can have it notarized together or separately. If done separately, you, the parent, must have it notarized first.
- You can renew this arrangement. Complete and notarize new forms for each of your children before the 12 month period is over.

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**TALK TO A LAWYER ABOUT YOUR PLANS FOR YOUR CHILD.  
HERE ARE SOME OPTIONS**

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**File a Custody or Guardianship Petition**

If your child's other parent or another suitable person can care for your child, he or she can file a petition in Family Court and you consent to a change in custody or to the appointment of the guardian at a hearing, and you may be eligible for a lawyer free of charge. This gives that person the responsibility for the care and decision-making for your child. You can ask for a visiting plan for you and your child.

**Modify a Custody and Visitation Order**

If your child's other parent can care for your child and you have sole custody of your child, your child's other parent can file a petition in Family Court to modify the order that gave you custody. You consent to a change in custody at a hearing that gives your child's other parent the responsibility for the care and decision-making for your child, and you may be eligible for a lawyer free of charge. You can ask for a visiting plan for you and your child.

**Voluntary Placement in Foster Care**

If your child's other parent is not able to care for your child and you do not have another suitable person who can care for your child, you can call 211 (available in most counties) or contact your local county department of social services (Administration for Children Services in New York City) preventive services department directly and ask to place your child in foster care. If the department agrees, you must sign a voluntary placement agreement that allows your child to be placed in temporary foster care. You can ask for a visiting plan for you and your child.

Tens of thousands of children have parents in New York State prisons. Most of these children want and need contact with their parents during the period of incarceration, yet distance is the most frequently stated barrier to visiting among children, caregivers and child welfare staff. Research has demonstrated that the maintaining or strengthening ties between incarcerated parents and their children is critical in preventing recidivism, promoting lasting reentry, and improving parent-child relationships post-release. Improving children's access to their incarcerated parents mitigates trauma and promotes child health and well-being. The Commission has supported pending legislation that requires the Department of Corrections and Community Supervision to consider placement of incarcerated parents closest to their children's home.

The Commission is involved at both state and local levels for New York State and the Capital Region’s children of incarcerated parents through partnerships and group memberships, including an ongoing relationship with the Osborne Association, NY Initiative for Children of Incarcerated Parents, and the Capital Region Youth Justice Team Children of Incarcerated Parents Workgroup.

### Childhood Trauma

Trauma is a public health problem affecting individuals from all walks of life. There is a growing movement behind understanding trauma, its impact, and advocating for New York State to become trauma informed. The DCJS Office of Youth Justice received funding from the New York State Juvenile Justice Advisory Groups to offer a learning collaborative based on a train-the-trainer model. The Commission’s Deputy Director was selected as one of the two representatives to be trained as a “Trauma-Informed Care Champion” from the Unified Court System. The Institute on Trauma and Trauma Informed Care, which is part of the University at Buffalo School of Social Work and Buffalo Center for Social Research,<sup>5</sup> provided the training and consultation.

The goal of the collaborative is to bring together leaders and/or key stakeholders across New York State government to become more knowledgeable in creating trauma-informed care agency/organization/system change and supply the tools to do so. By expanding on a train-the-trainer approach, the learning collaborative not only provides Champions with content and resources, but also promotes a parallel process through the trainers’ modeling of skills, activities, and discussions—putting the Champions in the position to bring the information and resources back to their own agencies/organizations/systems for planning, implementation and sustainability.

Since the initial training sessions in the second half of 2019, the Trauma-Informed Care Champions have been continuing the work by creating a plan and taking action to not only determine how trauma-informed approaches are put into practice in various agencies/organizations/systems, but also to then address strategies to improve the areas of weakness and highlight areas of success in those agencies.

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<sup>5</sup> The Institute on Trauma and Trauma-Informed Care (“ITTIC”) was started at the University at Buffalo in 2012 out of the need for additional trauma-related services, training and support within the University and community at large. Since its inception, ITTIC has provided training and consultation within the systems of child welfare, adult mental health, developmental disabilities, education, criminal justice and the court system. (University at Buffalo, Buffalo Center for Social Research: Institutes, “The Institute on Trauma and Trauma-Informed Care,” accessed October 26, 2020, <http://socialwork.buffalo.edu/social-research/institutes-centers/institute-on-trauma-and-trauma-informed-care.html>.)



Based upon continuing research, the team recognizes the importance of integrating a trauma-informed lens into the work being done on behalf of youth across the state.

### School Safety

In January 2013, the Board of Regents re-established the NYS Safe Schools Task Force, which is comprised of experts from across New York to compile measurable ways in which to improve school safety. Consistent with the Board of Regents' desire for all New York State children to be college and career ready, as well as "citizen ready," the Task Force has included holistic approaches throughout its work, especially as it relates to school culture and student engagement for the purposes of bolstering the social and emotional health and growth of students coupled with academic successes.

The Task Force was recently reconvened, and the Commission's Deputy Director is an active participant. It is currently focusing on three areas: Annual Training Requirements as required by Education Law; Designation of Persistently Dangerous Schools and the Calculation of the School Violence Index; and School Behavioral Intervention and Threat Assessment. In collaboration with the Safe Schools Task Force, the NYS Center for School Safety and the NYS Education Department Office of Student Support Services have been facilitating ongoing subcommittee meetings in these areas to finalize recommendations to the Board of Regents.

### Post-Foster Care

Nationwide, approximately 26,000 youth age out of foster care at the age of 18 each year, and within four years approximately 25 percent end up homeless. Youth transitioning often do not have steady incomes, stable credit or rental histories, bank accounts and references, or the knowledge to negotiate leases with prospective landlords, making it very difficult for young people to obtain housing. Further barriers which add to this difficulty include a shortage of affordable housing, being young parents, having no adults to help navigate this process and/or having a criminal record.

To shed light on and renew conversations about this important topic, the Commission is working with the New York State Child Welfare Court Improvement Project to host a special screening event of the documentary, *Aged and Confused*. The film follows a young adult living in New York State who has 90 days until he ages out of the foster care system. Directly following the screening, there will be a live panel discussion with the two main characters and directors of the film.

The Commission established and initially administered the Judith S. Kaye Scholarship fund at the request of the Kaye family. To honor former Chief Judge Kaye’s commitment to improve the lives and life chances of the children who come before the New York State courts, the Scholarship supports youth in foster care and youth who aged out of foster care attend college. As a special project of the Committee on Children and the Law of the New York State Bar Association, The New York Bar Foundation now administers the scholarship as the “Honorable Judith S. Kaye Children and the Law Committee Scholarship.” The Commission is represented by the Chair and Executive Director, who are both members of New York State Bar Association’s Children and the Law Committee. The scholarship is awarded to students who will age out or have aged out of foster care with a permanency goal of Another Planned Permanent Living Arrangement (“APPLA”)<sup>6</sup> and are enrolled in an accredited undergraduate or post high school certificate program during the current academic year.

## Juvenile Justice

The Commission, through its Executive Director, was part of the team brought together by Frank Woods to help create the first Request for Proposals (“RFPs”) related to Juvenile Defense attorney for the child services, including providing input on standards for representation and best practices. The Executive Director will similarly participate on the team for forthcoming RFPs related to attorney for the child services in Child Welfare matters.

## Results-Based Accountability

Results-Based Accountability (“RBA”) is an interdisciplinary, data-driven decision-making approach, which aligns with Chief Judge DiFiore’s Excellence Initiative. The Office of Court Administration (“OCA”) was awarded a Juvenile Justice grant from DCJS to advance juvenile justice reform in New York State. The Unified Court System worked with DCJS and OCFS to facilitate *Results-Based Accountability, Collaboration and Leadership* Trainings across New York State.

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<sup>6</sup> “APPLA” and “OPPLA” (Other Planned Permanent Living Arrangement) are acronyms to replace the phrase “long-term foster care,” pursuant to the Adoption and Safe Families Act of 1997. OPPLA or APPLA is a permanency option only when other options such as reunification, relative placement, adoption, or legal guardianship have been ruled out. <https://www.childwelfare.gov/topics/outofhome/foster-care/oppla-appla/>

Clear Impact<sup>7</sup> provided the train-the-trainer component for staff from various state governmental agencies to learn the RBA approach. Representatives from OCA, including the Commission’s Deputy Director, as well as DCJS, OCFS, the State Education Department and Office of Mental Health were certified as trainers.

The RBA model was delivered via regional trainings held across the state for teams of juvenile justice leaders within each county. The focus included creating action steps and commitments for each team to complete once they returned to their jurisdictions. A key component was for the plans to be delivered through the lens of race, ethnic and gender disparity so that localities can promote reduction in such disparities at key points of the juvenile justice continuum. The implementation was timed to allow counties to use the RBA framework prior to the first phase of the Raise the Age reform, enacted in October 2018.

### Girls’ Justice

Westchester County, under the leadership of 9<sup>th</sup> Judicial District Administrative Judge Kathie E. Davidson, welcomed the opportunity to focus on girls afforded by the grant described earlier in this report. Throughout the process, a variety of subcommittees and advisory groups convened to develop the plan, protocols, and take action to continue the advancement of this work.

*New York Law Journal:*

## Girls Face Disparate Treatment in Juvenile Justice System

Girls of color are 2.7 times more likely than their white counterparts to be referred to the legal system, 20 percent more likely to be formally petitioned and 1.2 times more likely to be detained than white girls.

By Kathie E. Davidson and Karen K. Peters | August 09, 2019 at 12:53 PM

Westchester County had an established multi-disciplinary juvenile justice advisory group, convened by Judge Davidson and inspired by her interest in implementing a trauma-responsive approach for girls

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<sup>7</sup> Clear Impact provides performance management software, training and services to help government agencies, non-profits, communities, and foundations track the performance of their programs, measure the impact of their funding, and report on the progress of their missions to improve the lives of children, families and communities worldwide. Clear Impact has exclusive and worldwide rights to use Results-Based Accountability™, including all of proprietary and intellectual property rights represented by RBA (Clear Impact, “About Us,” accessed October 26, 2020, <https://clearimpact.com>.)

involved in Family Court that is informed by and incorporates the diverse stakeholders. Westchester County undertook a systems-wide reform effort, implementing a collaborative community, school, probation, child welfare, court-centered initiative to effectively and expeditiously respond to girls' needs and to improve girls' outcomes. Cross-systems training provided the essential foundation to develop and maintain a gender- and trauma-informed environment at each point of contact in the justice system.

In collaboration with DCJS and NYU, the Commission brought ROSEbuds, a piloted offshoot of the Resilience, Opportunity, Safety, Education, Strength ("ROSES") program, to Westchester. ROSES is a voluntary, youth-centered, community-based advocacy program for girls between the ages of 12 and 17 who are at any level of involvement in the juvenile justice system. The program lasts 10 to 12 weeks and pairs girls with advocates on a one-to-one basis. ROSEbuds fosters a leadership model of peer advocacy. Through ROSEbuds, youth who have histories of contact with the juvenile justice system are trained to deliver the voluntary, youth-centered, community-based ROSES program to girls.

The Westchester project, now known as the Westchester County Gender Responsive Initiatives and Partnerships ("GRIP") Court, provides opportunities and improves outcomes for participants involved in the juvenile justice system, in particular, for girls of color who are overrepresented at every point of contact in the system. By bringing together leaders of the juvenile justice system and the community, the GRIP Court develops a responsive environment built on culturally competent gender- and trauma-informed policies and practices for participants. The GRIP Court is informed by research, data analysis, and the decision-makers at each point of contact within the justice system, in partnership with the community, the participants, and their families.

On July 31, 2019, the Commission hosted the second Girls' Justice Initiative Conference in the Kimmel Center for University Life at New York University. The conference explored the efforts of the development and delivery of the GRIP Court in Westchester County. It described the process of developing the first gender- and trauma- responsive court continuum in New York State, and provided a breakdown of the strategies, challenges and key take-aways for developing and delivering a continuum of care for girls that can be translated across multiple contexts in other counties across New York State.

**“Our hope is that every participant in GRIP Court can realize the words of Malala Yousafzai—**

*‘I want every girl (and boy) to know that their voice can change the world.’*

**It is the philosophy of GRIP Court that this can be done through positive interventions and partnerships.”**

*- Justice Kathie E. Davidson*

**G**ENDER  
**R**ESPONSIVE  
**I**NIITIATIVES &  
**P**ARTNERSHIPS

#### **GRIP Mission Statement**

*“Promote healing and provide opportunities, justice and supports that improve outcomes for Participants—in particular, for girls of color—who are at risk or involved in the juvenile justice system. The GRIP Court also seeks to promote healing, justice and supportive interventions that improve outcomes for individuals who face challenges because of their gender identity, gender expression and/ or sexual orientation.”*



**White Plains Family Court  
GRIP Court — Court Rm. 305**

111 Dr. Martin Luther King, Jr. Boulevard  
White Plains, NY 10601

*Hon. Kathie E. Davidson, Presiding*



**WESTCHESTER  
COUNTY**

**G**ENDER  
**R**ESPONSIVE  
**I**NIITIATIVES &  
**P**ARTNERSHIPS

**SPECIALIZED COURT PART**

In June 2020, the Gender Fairness Committee of the Third Judicial District, in conjunction with the NYS Permanent Judicial Commission on Justice for Children, New York University, the Albany County Bar Association and Albany Law School, [presented an extraordinary CLE program](#) on the emerging issues of girls, particularly girls of color, being overrepresented in the juvenile justice system, along with an overview of GRIP court.



The National Council of Juvenile and Family Court Judges (NCJFCJ) 2020 National Conference on Juvenile Justice is being held virtually in November 2020. This conference will explore gaps in services, discover new and improved practices, share cutting edge research, and motivate participants to explore positive case outcomes for youth involved in the delinquency system. Judge Kathie E. Davidson (Administrative Judge, Ninth Judicial District), Kristen Conklin (Executive Director, NYS Permanent Judicial Commission on Justice for Children), Dr. Shabnam Javdani (Associate Professor, NYU Steinhardt Department of Applied Psychology) and McKenzie Berezin (Project Manager, Girls Justice Initiative) were selected to present *Get a GRIP: A Gender- and Trauma- Responsive Court* at the conference. This presentation will describe the development and delivery of the GRIP Court, the key Family Court protocols and processes created throughout the project; and the powers and limits of Family Courts as pushers of innovation in the legal response to girls of color.

## Conclusion

The Commission’s commitment to justice for children is unwavering, even in the face of a pandemic. We are grateful for the opportunities to collaborate with all our partners in justice, and as we look—with hope—toward a post-pandemic world, we will continue our efforts within the courts for a more equitable system for New York’s children.

## Acknowledgement

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