

Parents organizing a grassroots movement to reform child welfare

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This chapter tells an inspiring story of dramatic change in New York's child welfare system and how parents whose children were in foster care contributed to those changes. It is a hopeful story, though not without its problems and setbacks. It demonstrates how such grassroots activism can be suggestive for critical social work. The chapter is divided into four sections. First, it presents some of the major changes in New York's child welfare system in the past 25 years. Second, it describes what hasn't changed, what problems persist, and why some things haven't changed. Third it describes how changes were brought about, describing the role of parent advocates and the role of their allies. And finally, the chapter answers the question: Why has New York City's child welfare system changed as much as it has in the past 25 years, and why has the child welfare system recently deteriorated?

Major changes in NYC child welfare system in the past 25 years

In the U.S. each of the 50 states has different child welfare laws, policies, and systems. Nevertheless, throughout the country, more children are in out-of-home placements than should be and the number is increasing. In the U.S. in 2012, 396,966 children were in out-of-home care which increased by 10 percent to 437,465 children in 2016 (AFCARS, 2016).

New York City's child welfare system is administered by the public child welfare agency called the Administration for Children's Services (ACS), headed by the commissioner. In New York City children are placed by ACS in foster homes and group care that are operated exclusively by not-for-profit agencies. More than half of the foster care beds are in agencies that are affiliated with religious denominations—Catholic, Jewish, and Protestant.

In the 1990s New York City had one of worst child welfare systems in the country. There were 20 federal and state class action lawsuits filed against the City's child welfare agency and the private foster care agencies with

which the city contracted to provide foster care services. There were 11 court orders that judges had issued that required the city to improve one or another aspect of the child welfare system (ACS, 1996: 14). Many more children were removed from their homes who didn't need to be removed; family support services such as child care, drug treatment, parent training, or better housing would have prevented many of these removals. But one of the most disturbing conditions was that in almost 40 percent of the cases when a family was found to have abused or neglected a child, the family received no social services help nor was the child removed and placed into foster care (Children's Rights Inc. [CRI, 2007]: 31).

Children remained in care far too long, averaging 4 years. It took an average of 7 years for a child in public foster care to be adopted (Tobis, 1989). Since then, the reforms that have been implemented have been deeper and lasted longer than reforms that were implemented at any other time in at least the last half century. What follows are some of the major changes that occurred in the past 25 years. First, in 1992, there were almost 50,000 children in out-of-home care (Child Welfare Watch 1997: 7). As of September 2017, there were only 8,825 children in out-of-home care (Administration for Children's Services (ACS), 2017). Second, in the late 1990s parents had terrible legal representation in the legal proceeding when their child was about to be taken from them. They were represented by court appointed attorneys who were paid \$45/hour, operated out of their briefcase with no back up support from social workers, investigators, or clerks, had no time to conduct any type of investigation to strengthen their client's case, and perhaps worst of all, they met their client for the first time on the day they went into court for the proceeding to remove the child (Special Child Welfare Advisory Panel, 2000: 44-48). Today, most parents have excellent legal representation when their child is at risk of being removed and placed into foster care. They are represented by law firms in which each parent is represented by a team consisting of an attorney, a social worker and often a parent advocate who had previously had a child in foster care (Tobis, 2013: 171-174). Third, parents previously had almost no say in their own case decisions, nor did they have a voice in recommending what kinds of programs or services were most needed by struggling families. Today parents and their advocates are involved in their individual case decisions. Parents participate for the first time on advisory panels, speak in classes at law schools and social work schools and write for a publication, *Rise Magazine* (<http://www.risemagazine.org>) that presents their stories and their points of view on child welfare issues.

Parent advocates also participate in all child safety conferences when the decision is made whether a child has to be placed into foster care (NYC Children's Services, 2017). A Parent Advocate is a mother—though some fathers are also parent advocates—who has had a child placed into foster care, changed her life, been reunited with her children, and has been trained to be an advocate for herself and to learn how to advocate for other parents (U.S. Department of Health & Human Services, 2017). Parent advocates now work in foster care agencies, helping parents whose children are still in care, to reunite their family. They also sit on government and private agency advisory panels and boards helping to shape public policy so that the views of parents will be heard, their needs will be met and their rights will be respected (Tobis, 2013: 174–183). Of great importance, a parent advocate attends every Child Safety Conference as an ally of the parent. These conferences occur before the decision is made whether a child should be removed from his or her family or can remain safely at home with supports (ACS, 2013). Finally, more social services called preventive services are now available to help struggling families at risk of having a child removed. However, there are still far too few service slots of the type and quality that families need. More on this point later.

Before describing the process of change in New York City, the next section describes what hasn't changed in child welfare in both New York and the United States. What hasn't changed in child welfare. What hasn't changed is the basic design, function, and structure of the child welfare system. It continues to be an under-funded system, providing only remedial, after-the-fact help. It often functions as a punitive system of social control. A study conducted in California by J. Magruder and T.V. Shaw looked at the percentage of children who had ever been investigated for abuse or neglect (Magruder and Shaw, 2008). Jurisdictions generally report the percentage of children who are investigated or found to be abused or neglected in any one year. Throughout the United States, that figure varies between 1 percent and 3 percent (Child Trends, n.d.). Magruder and Shaw looked at the cohort of all children born in 1999 and followed them from birth until 7 years of age. What they found surprised them. Twenty percent of all children in California were investigated for abuse or neglect before their 7th birthday. And if you look at only black children, 39 percent are investigated by their 7th birthday. What is more disturbing is that only 18 percent of those investigations for abuse/neglect nationally are substantiated (Child Welfare Information Gateway, 2017). As a result, you

have a large segment of the population—primarily poor people of color—who are investigated. That creates a population that becomes preoccupied, fearful, and compliant. That is what a system of social control seeks to accomplish.

One aspect of the system that has fallen relative to need in New York City is the availability of services to help struggling families, what are called preventive services though they are generally only provided after a family has experienced a crisis or is overwhelmed. The high point of availability of preventive services was in 2008 when 33,022 families received preventive services (CWW, Fall 2009: 23). That number decreased to 25,681 in October 2017 (ACS, 2017).

As the number of children in foster care decreased without adequate social services help to families whose children remained with them, the number of homeless children living in public shelters for the homeless increased during the same period from about 5,000 in 1992 to about 22,000 in 2012 (Elliott, 2013). Parents were strong enough to prevent placement of children into foster care—which saved the city money—but they were not strong enough to force the city to adequately meet their needs which would have cost the city money.

The process of change

With that as background and context, this section describes the process of change in New York City and describes how those reforms came about. A major new force for change were parents with children in the child welfare system. Parents in New York's child welfare system organized for the first time in history anywhere in the United States, perhaps anywhere in the world, to become a collective force for change.

There is an excellent book by Linda Gordon, *Heroes of Their Own Lives*, which describes how mothers in the U.S. child welfare system between the late 1800s and 1960 fought individually to either keep their children from being placed into the child welfare system or fought to find their children or to be reunited with them. Although they had help from family and friends, and occasionally from a lawyer, they never organized to be a collective force for change (Gordon, 1988).

Parents had organized in other social welfare systems and brought about dramatic change in different systems—in developmental disabilities, parents and residents of Willowbrook Developmental Center forced the closing of a 1000-bed facility on Staten Island that was a snake pit (Rothman and Rothman, 1984). In mental health, parents of children with mental disabilities created a powerful lobbying organization, NAMI, the National Alliance on Mental Illness (<https://www.nami.org>). In the education system parents play a significant role shaping public school policy. Similarly, in Head Start for preschool children, parents play a significant role shaping programs and policy. Even in the conditional cash transfer welfare program, in the 1960s and 1970s welfare mothers organized through the Welfare Rights Movement to force important changes in the welfare system and increased the number of people receiving welfare benefits (Piven and Cloward, 1979). But parents had never organized in the child welfare system anywhere in the United States until they organized in the early 1990s in New York City.

Parents were a major force pushing the child welfare system to change but they had the support of three and a half progressive commissioners who listened to their requests and their demands and implemented many of the changes parents sought. Three and a half progressive commissioners, because three began as progressive allies of parents: Commissioners William Bell (2001–2004), John Mattingly (2004–2011) and Ronald Richter (2011–2013). But one, the first to head the newly created Administration for Children’s Service in 1996, was Nicholas Scoppetta (1996–2001). He was appointed by the conservative Republican mayor of New York City, Rudy Giuliani, who was and is a major Trump supporter. Scoppetta began his career as a prosecutor and implemented a mission statement for child welfare that said, “If there is any ambiguity about a child’s safety, the child should be removed from harm’s way” (ACS, 1996: 8). That orientation and mission statement contributed to the enormous number of children in foster care in 1994. However, Commissioner Scoppetta was slowly educated by the leaders of the Annie E. Casey Foundation about the importance of keeping families together and providing assistance to them to do so safely. By the end of his administration in 2001 he became a supporter of family preservation and began to decrease the number of children removed from their family. As a result, he gets credit as half of a progressive commissioner.

The role of executive of the Child Welfare Fund

I want to briefly mention my role as the executive director of the Child Welfare Fund (CWF) which helped lay the foundation for parents to have influence and power within the child welfare system. In 1990 a friend of mine inherited a considerable amount of money with the requirement that she give it away. I had the good fortune that she asked me to help her give it away and that she would remain anonymous. As a result, I got a lot of the credit for the good work her money did. We decided to focus on child welfare in New York City, based on the view that if we concentrated the funds—we gave away about \$1million a year—in a small area, we could make a significant difference. We operated on a principle that we learned in the 1960s—that if people participate in the decisions that affect their lives, there is a greater chance that their needs would be met and their rights would be protected.

During the mid-1950s there was a U.S. television show called The Millionaire. Each week Michael Anthony, working for an anonymous donor, would select an individual who was given a million dollars. The show was focused on how that person used the money. My job was very similar to Michael Anthony's. I would get an idea for a project to improve child welfare and then call up someone and ask if he or she wanted \$25,000 or \$50,000 to do the project. Generally, people said yes. Over time, people and organizations came to us with project ideas that fit within our strategy.

We supported three kinds of activities although we didn't begin with a clear strategy and we made mistakes as our strategy evolved. The first area of focus was to support grassroots organizing of parents with children in the child welfare system. We believed that a countervailing force needed to be created to force the child welfare system to make meaningful and lasting change. To do that we believed that real power comes from organizations that are made up of, and represent, the people who we want to help.

When we began in the early 1990s, there was no grassroots organization that represented parents of children in foster care either in New York, the nation, or probably the world. So, the Child Welfare Fund helped create one in NYC—The Child Welfare Organizing Project (CWOP). It was and is a collaboration of parents who had or have children in foster care, and social workers. CWOP is an alliance of parents and professionals and grew to be

the most effective force, pushing the New York child welfare system to change. CWOP is described in greater detail later in this chapter.

The Child Welfare Fund supported and helped launch other activist parent organizations in New York City: Voices of Women, a group of mothers who had been survivors of domestic violence. Parents in Action, primarily of Latino parents, led by an immigrant father from Ecuador. Concerned Citizens for Family Preservation worked in the court system on Staten Island, one of New York's boroughs, primarily helping African American mothers.

And People United for Children, headed by Sharonne Salaam. Sharonne's son, Yusef, had been arrested and falsely convicted with four other teenagers as part of the Central Park Jogger case. Together they spent 44 years in jail for a crime they didn't commit. They were exonerated when Mathias Reyes admitted to the crime and DNA evidence confirmed his guilt (Dasun, 2002; Dwyer, 2003). To support her son, Sharonne began working to reform the juvenile justice system but soon realized that the problem was further upstream in the foster care system, the feeder system for incarcerated youth. Roughly 60 percent of incarcerated youth were either in or had been in foster care (Child Welfare Watch, 2009: 2).

The second part of our strategy was to change the public's perception and the social work community's perception of parents and children in foster care. When we began, parents with children in foster care were demonized, with the most extreme cases of child abuse presented in the press. In fact, the typical parent whose child was placed into foster care was a single mother, living in poverty who could not adequately care for her child. More than 60 percent of children placed into foster care were placed for reasons of neglect, not abuse (ACS, 2009).

We therefore set out to change the perception of parents. First, we created a publication called the Child Welfare Watch which was published every six months. Each issue critiqued a different aspect of New York's child welfare system. Andrew White at the New School University was the editor of the Watch. He will reappear later in this story in a surprising capacity.

With each issue of the Watch we held a public forum to discuss the findings of the report. Advocates, parents, and representatives of the government's child welfare agency were presenters. The audience was the child welfare community—parents, social workers, government administrators, and representatives of child welfare agencies. At the first forum with the first

issue of the Watch Deputy Commissioner William Bell was on the panel, defending the city's Administration for Children's Services. He felt so criticized at the forum, he said he was "sandbagged" and that he would never participate again (Tobis, 2013: 59). We also helped create a publication called Represent (www.representmag.org), written by and for children in foster care. The publication comes out every other month and presents articles written by children in foster care, telling of their experiences before and after foster care, presenting recommendations on how to improve the system and their lives.

We also supported a publication called Rise (www.risemagazine.org), written by and for mothers, and also fathers of children in foster care. The publication comes out monthly and presents the voice of parents with children in foster care, describes their life experiences, and presents their recommendations to improve the system and their lives.

Finally, we created three awards—for youth in care, for parents who have been reunited with their children, and for social workers who have worked above and beyond the call of duty to reunite children with their parents. These publications and awards began to shift how the child welfare community and the media saw parents and their children in foster care.

The third part of the strategy we developed was to support the employment of parent advocates in the child welfare system to help other parents reunify with their children. As described earlier, parent advocates have had children placed in foster care, changed their lives, were reunited with their children and then took the next step to be trained as a parent advocate to help other parents reunite with their children.

Previously no parent who had had a child in foster care had ever been employed in the child welfare system. To have parents hired, we had to prove that it was legal for a parent with child welfare experience to work in child welfare with parents and with children. We asked Professor Martin Guggenheim at New York University Law School to prepare a legal brief documenting the law. He found that it is perfectly legal—for a parent who had abused or neglected a child and the child was placed into foster care—to work in a foster care agency with parents and children, so long as the executive director of the foster care agency affirms that the person is not likely to be a danger to anyone (Guggenheim, 2008). Once we had that legal determination, the floodgates opened. Parents who had had children in

foster care and had changed their lives, could work with other parents to be reunited with their children.

Parent advocates, who had experienced the loss of a child to foster care, were in an excellent position to help other parents reunite with their children since the parent advocate had walked in the shoes of parents who were struggling to change their lives and be reunited with their children. As Commissioner John Mattingly said at a forum on child welfare and parent advocates: Everywhere you look in this city where we are doing our best work . . . where the best is happening, you find Parent Advocates around. (Mattingly, 2011: 2)

At the height of the parents' movement, 100 parents worked as Parent Advocates in 22 foster care agencies, preventive service agencies and law firms (Tobis, 2013: 177).

CWOP

This section describes how the Child Welfare Organizing Project (CWOP) was able to become the most effective of the organizations that were created to help individual parents change, reunite with their children and to fight for policy and program reform of the child welfare system in New York. CWOP did four things that created an environment in which it could effectively contribute to major reforms in the child welfare system.

First, CWOP trained parents to be leaders. It developed a six-month training program that included classroom training, internships in child welfare agencies and opportunities to speak in schools of social work, at city council hearings and on panels. Parents were paid for their time in the training program.

Second, CWOP created a culture of inclusion: two thirds of CWOP's staff and half of its board of directors had to be parents who had experience in the child welfare system. That way parents had a real leadership role in their collaboration with social workers.

Third, CWOP created what the sociologist Fenton Earls at Harvard University called "Collective Efficacy," creating a sense of self-worth for people by intervening for the common good (Simpson, Rautenbach, and Earls, 1997). From working in CWOP many parents were reunited with

their children, but according to the then executive director of CWOP, Mike Arsham, they got something that some felt was more important. They got a sense of their own self-worth. They were able to effect change, to do a job that they felt was important and felt they helped others (Tobis, 2013: 92).

And finally, CWOP was flexible. It changed as the situation changed. In the beginning, CWOP confronted an intransigent child welfare system that was removing 12,000 children a year. At that time CWOP was demanding and militant. When the city added preventive service slots to help families, CWOP complained that there still weren't enough preventive services and that the quality of the services was not good enough. But as the city's child welfare system became more responsive, CWOP began to collaborate with the city and to criticize less (Tobis, 2013: ch.4).

As a result of the work of CWOP, the Child Welfare Fund, Parent Advocates, and the other organizations working to reform child welfare, a movement was created, a countervailing force to the entrenched public bureaucracy and the outdated private religious charity organizations that had provided foster care and child welfare services for centuries.

Stages of the Parents Movement

The Parents Movement evolved in four stages. The first was from 1994–2001, a period of protest when parents were outsiders, organizing and agitating outside of the system. Parents demonstrated in the streets, at St. Patrick's Cathedral because children had been killed in foster care homes in Catholic-run agencies. Parents and their allies demonstrated at the home of Commissioner Scoppetta (Tobis, 2013: 56). They demonstrated at the headquarters of ACS and at the offices of private foster care agencies. This is the period when parents were pariahs, demonized and not part of the decision-making process either on their own cases, or in shaping public policy or programs.

The second phase between 2002 and 2012 was a period of collaboration between Parent Advocates and the city's child welfare system. Slowly, as the city became more responsive to the pleas and demands of parents and their allies, the movement and CWOP shifted to collaborating with ACS.

- ACS created a Parent Advisory Board (The Parent Advocates Working Group) which met periodically with the commissioner to advise him about problems parents were confronting and to present their recommendations to improve the system (ACS, 2003).
- Parents were employed to work in ACS and foster care agencies.
- Parent advocates from CWOP attended Child Safety Conferences which recommended whether a child could remain safely in his or her family or had to be placed into foster care. CWOP was funded by the State Office of Children and Family Services to participate in Child Safety Conferences and for parents to be trained as parent advocates (ACS, 2007).
- And the State Office of Children and Family Services changed its regulations to allow agencies to get credit for parent advocate contacts with families as part of the state's assessments of child welfare agencies. Although everyone supported this change in state regulations and there was no added cost for the change, it took a year and a half for the change to be approved and implemented. Change in child welfare often proceeds at a glacier's pace (Parent Advocate Initiative, 2009).

This was a period when there was no outside agitation or street demonstrations but there was collaboration between ACS and parent organizations.

The third phase in the reform movement, from 2012 till 2014 was a period of institutionalization of reforms which has had some remarkable developments.

- Mike Arsham, who had been the executive director of CWOP, became head of ACS's Office of Advocacy and as of the end of 2017 remains in that position (ACS, 2017, Oct. 15).
- Andrew White, who had been the editor of the Child Welfare Watch and organized the forum in which Deputy Commissioner William Bell felt criticized and "sandbagged," became Deputy Commissioner for Policy and Planning at ACS and as of the end of 2017 remains in that position (ACS, 2017, Oct. 15).
- Parents with child welfare or similar experience are now funded by the city government to attend all Child Safety Conferences before a child is placed into foster care (USDHHS, 2017; NYC Children's Services, 2017). ACS has contracts with and funds two agencies to deploy parent advocates at

these conferences. Data from the first 3 years of a federally funded study (ACYF Children's Bureau, Enhanced Family Conferencing Initiative, 90CF0052-01-00) show a correlation between the presence of a parent advocate in an initial child safety conference and fewer children referred to foster care other than kinship care (M. Arsham, personal communication, December 26, 2017).

Current stage of reform

The fourth stage of the parents' movement, the current period, is a time with little parent organizing and a deterioration in the system. The current lack of a countervailing force has been one of the main factors contributing to the recent deterioration of New York City's child welfare system, although the number of children in care continues to be fewer than 9,000 but is starting to rise (ACS, 2017).

First, I want to describe the recent changes in the parents' movement which has greatly reduced the influence of parents:

- In 2009 the donor behind the Child Welfare Fund changed her focus from empowering parents to strengthening the mental health services for parents and their young children. As a result, I stopped working with the Child Welfare Fund and support for the parents' movement from CWF decreased.
- Several parent-led organizations stopped operating. These include People United for Children and Concerned Citizens for Family Preservation.
- A Parent Advocate, Sandra Killett, became the executive director of the Child Welfare Organizing Project (CWOP) in 2013. Her strategy was confrontation, not collaboration though the city still wanted to collaborate, and I believe, collaboration was what was needed. CWOP's approach antagonized the city's progressive Administration for Children's Services and reduced further the financial support to CWOP from foundations and the government. CWOP almost folded for lack of resources. Killett was removed as executive director and CWOP has struggled to find a permanent executive director. Recent changes in New York City's government and the Administration for Children's Services which reduced its support for parents, is equally important.

In 2014 Bill de Blasio became mayor of New York City. He is the city's most progressive

mayor in the last half century. He appointed Gladys Carrión Commissioner of the Administration for Children's Services. She was one of the most progressive commissioners ACS has ever had and is very supportive of parents and of parent advocacy.

BUT:

- In the first 2 months of her being commissioner, several children known to ACS died. ACS's focus shifted to protective services rather preserving families. ACS reduced collaboration with parent advocacy groups because of the confrontational approach of CWOP and eliminated the Parent Advisory Work Group. ACS decreased its funding to community partnerships which employed parent advocates. Preventive service slots to help struggling families also decreased as the focus shifted to investigations and protective services (Stewart, 2016).
- A law suit was brought against ACS and the state child welfare system by Children's Rights Inc. and the Public Advocate alleging that children remain in care too long and that there is a high rate of abuse of children in care (Yee, 2015).
- In January 2017 a parent whose child was removed from her care, set herself in flames in front of a child welfare agency because she felt so mistreated by the child welfare system (Burke, Carrega, and Tracy, 2017).
- In the fall of 2016 two children were killed who were inadequately investigated by ACS. A foster care panic began. Commissioner Carrión resigned after being under constant attack by public officials and the press for ACS's mishandling of the investigation of cases. Although the number of children in care has remained at an all-time low, the child welfare system is again in crisis, attacked from all sides for failing children and families (Stewart, 2016).

Without a grassroots movement working with professionals, there is little pressure on the city to provide the resources and reforms needed to help struggling families. As a result, preventive services are not adequately providing the help families need. The parent advisory panel has been eliminated. And the city's focus has shifted to improve investigations rather than helping struggling families.

Conclusion

Why did the child welfare system change as much as it has and why has it recently deteriorated? Changes in child welfare in the past 25 years in New York City were deeper and lasted longer than any time in the last half century. In New York City, the number of children in care decreased by 82 percent from its highest point in 1992 of almost 50,000 to its lowest point today of under 9,000 (Child Welfare Watch, 2009; ACS, 1996). Nationally the number of children in care from its highest point in 1999 decreased by only 33 percent to its lowest point in 2012 and has been increasing ever since then, rising to 437,465 in 2016 (Child Trends, 2015; AFCARS, 2016).

Why have the changes in New York City been so much greater and lasted so much longer than in the rest of the country? And why has New York City recently experienced so many problems in its child welfare system with the most progressive mayor and the most progressive Commissioner of ACS in the past half century? The answers to these two questions are interconnected.

Organized parents were the one piece that was not present in previous child welfare reforms in New York City or in child welfare reforms in the rest of the United States. There have been other progressive commissioners and other major reform efforts in New York, but they didn't have the impact or last as long. In this round of reforms, parents and their allies—social workers, lawyers, foundation officers, child welfare agency administrators, and progressive commissioners—worked together to create a movement, a countervailing force to pressure the child welfare system to change.

Parents could not have made the changes without receptive, supportive commissioners. But the commissioners would not have implemented these changes without being pushed by parents and their allies. As Commissioner William Bell said (June 10, 2004), speaking to parents at an event honoring the Child Welfare Fund:

The New York City child welfare system has fundamentally changed over the last several years . . . because you have forced us to change, because you have said openly and loudly, “Things cannot continue to go the way that they are going.” And we've listened to that (2).

There are different ways to bring about reform—such as lawsuits or federal waivers—but you need a countervailing force, not just the good will of those in power—to make lasting, structural reform that changes the balance of power. Parents with child welfare experience were that force in NYC. When that movement dissipated, when parents were no longer a powerful countervailing force, the child welfare system deteriorated.

While there was a movement of parents and their allies, there was a countervailing force that brought about profound and lasting change. As Margaret Mead, among others, is reported to have said (Institute for Intercultural Studies, n.d.): “Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”

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