

Chapter 2 – Act 55 of 2013: Family Finding

2.1 Family Finding

One of the most significant laws impacting Pennsylvania’s child dependency system is Act 55 of 2013 (62 P.S. § 3101 *et seq.*). Act 55: Family Finding, became law in July 2013. The law mandates that county child welfare agencies initiate family finding when a case is “accepted for service”. A case is “accepted for service” when the county agency decides on the basis of the needs and problems of an individual to admit or receive the individual as a client of the county agency or as required by a court order entered under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

The law also requires the county agency to make ongoing diligent efforts to involve extended family and kin in the development of the service plan and delivery of services. In many situations, this “acceptance for service” will never result in a dependency petition. In others, a dependency petition may result. In both instances, family finding is required.

Family finding is not optional. Family finding is law. Family finding is an ongoing process that can only be discontinued by order of the court (for court involved children). ***While the law specifically places the burden of family finding on the child welfare agency, in practice judges, hearing officers, child welfare administrators, guardians ad litem, parent attorneys, solicitors, caseworkers, and providers share the responsibility of identifying supportive persons and involving them in the care of dependent children.***



At its core, family finding is about ensuring meaningful, life-long supportive relationships for children and youth. Family finding helps identify caring adults who support children and older youth in a variety of ways including writing letters, sending birthday cards, including the child or older youth in holiday events, mentoring, attending sporting events and other activities that demonstrate unconditional love and acceptance of the child or older youth. ***Family finding is much more than a placement. Family finding connects a child or youth to their heritage and to loving, supportive adults.***



Family finding identifies relatives and kin (teachers, coaches, neighbors, etc...), including those estranged from or unknown to the child, who are willing to become permanent connections or supports for the child or the parent(s) receiving services from the child welfare agency. Family finding is intended to provide children and their parents a range of committed adults who are able to provide permanency, sustainable relationships and a network of support. Through family finding safe family or kin can be identified. These individuals, in turn, may be able to assist with visitation, age & developmentally appropriate activities, transportation, respite and a number of other

resources children and families need. Family finding is vital to all permanency options courts are required to consider.

Family finding is especially important to judicial officers as the court is ultimately responsible for reducing future trauma to the children/families served; ensuring that the quality and quantity of services being provided to children/families adequately meet their needs; and making a number of required judicial findings & orders.

The intent of Act 55 is, "...to ensure that family finding occurs on an ongoing basis for all children entering the child welfare system. The law is also intended to promote the use of kinship care when it is necessary to remove a child from the child's home in an effort to:

- (1) Identify and build positive connections between the child and the child's relatives and kin.
- (2) Support the engagement of relatives and kin in children and youth social service planning and delivery.
- (3) Create a network of extended family support to assist in remedying the concerns that led the child to be involved with the county agency."

(Act 55: Article XIII, Section 19-21)

In those situations where a request for protective custody is made and/or a petition for dependency is filed, the ***judge or hearing officer is ultimately responsible for ensuring adequate family finding activities occur***. To meet this responsibility, a general understanding of family finding is needed.



Understanding the urgency and the steps of family finding are critical as they link to specific findings required of the court. These findings, made at various stages of a dependency case, address reasonable efforts, least restrictive placement and a variety of issues related to safety, well-being and permanency. Evidence of meaningful and ongoing family finding efforts should be presented at an application for an Order of Protective Custody, Shelter, Adjudication, Disposition and all subsequent Permanency Review Hearings until court supervision is terminated.

Because child welfare agencies are legally required to begin family finding when cases are "accepted for service", cases which have been open to the agency for a period of time should have more thorough evidence of family finding efforts than those cases previously unknown to the agency. As such, the length of time the agency has been working with the family should be a significant factor in the court's family finding determination.

"The use of the Family Finding Report to the Court and especially the Connections Circle, has brought building networks for children and families to the forefront of our discussions."

- Pennsylvania Solicitor

In Pennsylvania, family finding is often used as a foundational step towards a successful family conference (see Chapter 20: General Issues, Section 20.4: Family Group Decision Making). Ultimately the combination of family finding and family conferencing should produce the Family Service Plan and the Child Permanency Plan required of all county child welfare agencies. These plans should form the basis for county child welfare recommendations to the Juvenile Court and, ultimately, court ordered services.

While Act 55 does not specifically identify one model of family finding, in Pennsylvania the model taught and implemented by the majority of counties is known as “Family Finding” which originates from Kevin Campbell, founder of the National Institute for Permanent Family Connectedness. Pennsylvania’s current family finding practice is a mix of the Kevin Campbell model, work done by Permanency Practice Initiative counties and Pennsylvania law. Irrespective of the model used or name given, family finding is a collection of very specific and effective methods and strategies to locate and involve relatives/kin of child welfare involved children. The goal is to connect each child with family and other supportive adults, so that every child may benefit from lifelong connections.

2.1.1 Core Family Finding Beliefs

Core Family Finding beliefs are:

- 1) Every child has a family, and they can be found if we try;
- 2) Loneliness can be devastating, even dangerous, and is experienced by most children in out-of-home care;
- 3) A meaningful connection to family helps a child develop a sense of belonging; and
- 4) The single factor most closely associated with positive outcomes for children is meaningful, lifelong connections to family and kin.

(Family Finding Website, last visited May 30, 2019 <http://www.familyfinding.org/>)

2.1.2 Essential Family Finding Components

Essential Family Finding components include:

1. Shared Responsibility: Family Finding is viewed as the shared responsibility of all professionals and family/kin involved with a young person. *Judges, hearing officers, child welfare administrators, guardians ad litem, parent attorneys, solicitors, caseworkers, and providers share the responsibility of identifying supportive persons and involving them in the care of dependent children.*

"I love my job. This is exactly what I wanted to do."

Pennsylvania
Child Welfare
Caseworker

2. Urgency: Family Finding views *meaningful, supportive, permanent relationships with loving adults to be an essential need that is closely tied to youth safety, well-being and permanence*. Family Finding asks legal and social service practitioners to urgently pursue these relationships. For this reason, family finding is mandated to begin immediately and continue intensively throughout the case.

2. Expanded definition of permanency: Although physical legal permanence is an explicit outcome for most cases, Family Finding defines permanency as *a state of permanent belonging*, which includes knowledge of personal history and identity, as well as a range of involved and supportive adults rather than just one legal resource.

3. Effective relative search: Family Finding employs a variety of effective and immediate techniques to first identify relatives, kin or other meaningful connections for each youth. While having a large number of connections and supports is preferred, Family Finding focuses *on involving identified connections as quickly as possible in an effort to minimize a child's loneliness and disconnection*. Family Finding recognizes that the quality of committed relatives/kin is more important than the quantity.

4. Family-driven processes: Family Finding recognizes that families are disempowered by the placement of relative children outside of the family system, and it seeks to remediate that harm through *identifying the strengths and assets of each family member* and facilitating processes through which families are able to effectively support their relative children.

5. Well-defined and tactical procedures: Family Finding includes the following seven steps, which are fluid and ongoing:

- Engagement
- Searching
- Preparation
- Planning and Decision Making
- Lifetime Network
- Healing and Development
- Legal Permanency

(Family Finding Website, last visited May 30, 2019 <http://www.familyfinding.org/>)

Best Practice — Ask the Parties

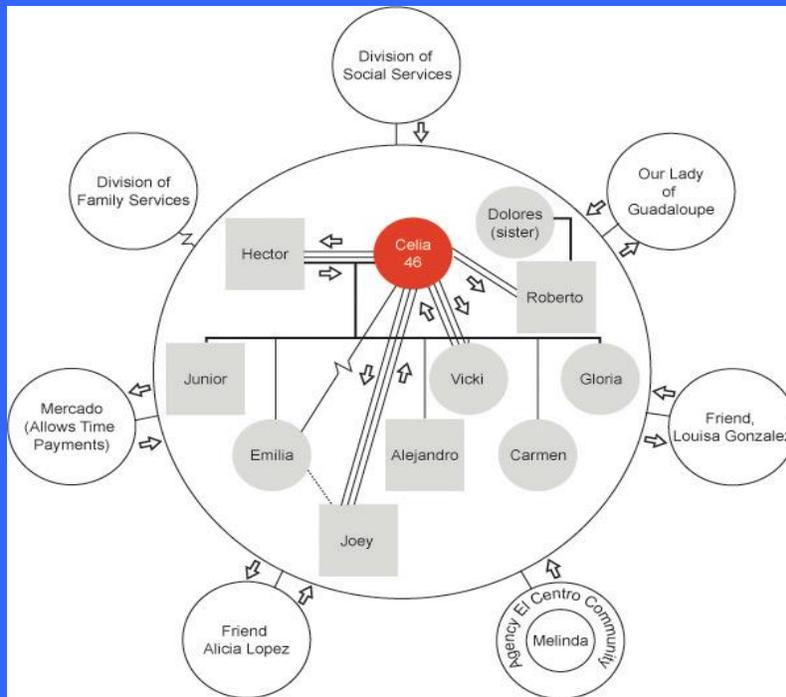
Judges and hearing officers should ask parents about the important people in their life and their child's life. Children should also be asked about adults they have known with whom they've had a connection or relationship. If a child is unable to identify anyone, the judge or hearing officer should ask the child to consider the question, list any persons who come to mind and provide that list to their GAL and caseworker.

Finally, judges and hearing officers should order the agency to explore the persons identified and how they might support the child, providing a report to the court of actions taken by the agency.

Because judicial officers are required to make specific findings and orders regarding the adequacy of family finding efforts made by the agency at each stage of the case, including in an order for protective custody, evidence regarding the agency’s “initial” and “ongoing efforts” must be provided to the court. If not provided, the judge or hearing officer should ask open ended questions regarding the application of family finding for each child at every hearing.

Best Practice — Eco Maps

Many Pennsylvania judges and hearing officers are now requiring the submission of an Eco Map for each dependent child. An Eco Map is a structural diagram of a child’s most important relationships with people, groups and organizations. This simple visual depiction of each child’s connections helps all parties understand the positive relationships in a child’s life and clearly identifies when such relationships are non-existent. When such relationships are non-existent, judges and hearing officers can order specific steps aimed at creating healthy, life-long connections for children.



For more information about eco maps, see the following site:

<http://www.strongbonds.jss.org.au/workers/cultures/ecomaps.html>

Because family finding is primarily aimed at ensuring meaningful connections for children rather than simply a placement, judges and hearing officers should know the number and strength of relationships each child has with caring adults.

2.2 The Importance of Meaningful, Life-Long Connections

We know now that in addition to the goals of safety and permanency for youth living in care systems we must also be active and intentional about protecting their development and health while they are waiting in care and transitioning from the care system. Relationships of stability, affection, responsiveness, flexibility and commitment are the only protective factors reported in science to accomplish this.

Kevin Campbell, FF Model Author

A landmark research study, the Adverse Childhood Experiences (ACE) Study, an ongoing collaboration between Kaiser Permanente and the U.S. Centers for Disease Control and Prevention (CDC), demonstrated “a significant association between cumulative adverse experiences in childhood and a host of negative adult outcomes, including physical and mental health problems, substance abuse, risky sexual behaviors, suicide attempts, aggression, cognitive difficulties, and poor work performance.” According to the findings, “by the time children have experienced four or more adverse experiences, the odds of having negative health outcomes in adulthood are up to 12 times that of children without such experiences.” According to Kevin Campbell, model author of Family Finding, his extensive experience suggests that nationally, **the average ACE score for children in foster care is 8 out of 10.** (For more information about ACEs, see <https://acestoohigh.com/2016/04/05/five-minute-video-primer-about-adverse-childhood-experiences-study/>).

Research (Harvard Center on Children, American Pediatrics Association, the National Scientific Council on the Developing Child and the Center for Disease Control and Prevention) has irrefutably demonstrated the importance of positive, healthy connections. Indeed, the importance of meaningful connections directly impacts physical, social and emotional health throughout a person’s life. While these connections are important for all human beings, they are especially critical for persons who have experienced trauma and live in situations involving high levels of toxic stress (<https://developingchild.harvard.edu/science/key-concepts/toxic-stress/>). All children in out-of-home placement have experienced some level of trauma, toxic stress and ACEs.

Research has also identified positive, healthy adult connections as a primary buffering mechanism through which a child with a high ACE score and high toxic stress level can heal. **The ACE score, the toxic stress level and the number of healthy adult connections for each dependent child is critical information for judges and hearing officers.** Children with high ACE scores, high toxic stress and few connections are at



grave risk for a lifetime of serious psychological and physiological struggles (<https://developingchild.harvard.edu/science/key-concepts/toxic-stress/>).

Because the consequences of a high ACE score and unresolved toxic stress are momentous in a person's life trajectory, it is not sufficient for the court to simply inquire as to whether family finding was done. Instead judges and hearing officers should inquire as to the specific, ongoing family finding actions taken by the county agency to ensure meaningful life-long connections for all dependent children. These meaningful, life-long connections require more than the mere identification of healthy adults. **Meaningful life-long connections require that the child have multiple opportunities for positive interaction with these adults.**



As such, judges and hearing officers need to know the connections children have with others as well as the level of interaction children have with those identified. Both pieces of information are critical in the court's assessment of family finding. Eco-maps and Connection Circles are easy ways to illustrate a child's connections while calendaring can show the actual frequency of interactions children have with people identified as important in their lives.

Best Practice — Calendaring

One simple, easy method by which the court can quickly assess the connectedness of a dependent child is known as "calendaring". In its simplest form the child (either by themselves or with the help of adults) lists his/her daily activities on a calendar, which is provided to the court at each hearing.

In reviewing the child's calendar, the judge or hearing officer should not only see the number of meaningful adults in the child's life but the level to which those adults are interacting with the child. Judges and hearing officers should pay special attention to those non-paid adults who are likely to continue positive interaction with the child once court supervision is terminated.

In addition to demonstrating a child's connectedness, calendars also provide information judicial officers can build upon in their conversation with the child as well as evidence for judicial findings/orders regarding developmental and age appropriate activities.

In the absence of an ACE score, a toxic stress level, an Eco-map, a Connections Circle and a calendar, judges and hearing officers should question the adequacy of family finding efforts. When sufficient family finding actions have yet to be made, the judge or hearing officer should specify the court's expectations in the court order. CPCMS court

orders contain very specific family finding language which can be edited by the judicial officer to meet the needs of each situation.

2.3 Discontinuance of Family Finding

While Pennsylvania law does allow for the discontinuance of family finding, ***this should be done rarely and only after careful judicial consideration.*** For court involved children and older youth, family finding can ***only*** be discontinued by the court. If discontinued, the court can order the resumption of family finding.



Act 55 allows for the discontinuance of family finding under very specific circumstances. These include the following:

- (1) The child has been adjudicated dependent pursuant to 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and a court has made a specific determination that continued family finding no longer serves the best interests of the child or is a threat to the child's safety.
- (2) The child is not under the jurisdiction of a court and the county agency has determined that continued family finding is a threat to the child's safety. A determination that continued family finding is a threat to the child's safety must be based on credible information about a specific safety threat, and the county agency shall document the reasons for its determination.
- (3) The child is in a pre-adoptive placement, and court proceedings to adopt the child have been commenced pursuant to 23 Pa.C.S. Part III (relating to adoption).

2.4 Resumption of Family Finding

Finally Act 55 requires the resumption of family finding if either of the following circumstances exists:

- (1) The child is under the jurisdiction of a court, and the court determines that resuming family finding is best suited to the safety, protection and physical, mental and moral welfare of the child and does not pose a threat to the child's safety; or
- (2) The child is not under the jurisdiction of a court, and the county agency determines that resuming family finding serves the best interest of the child and does not pose a threat to the child's safety.

2.5 Oversight

Ultimately, for children under the supervision of the court it is the judge or hearing officer who manages the provisions of family finding.



The judge or hearing officer sets the tone as to what level of family finding is sufficient; the expectation that comprehensive family finding efforts are provided to both children and parents; and ensures that all professionals involved (GALs, parent attorneys, solicitors, caseworkers and others) are meeting the court's expectations.

"Through Calendaring and Connection Circles, I am learning so much more about each child who comes before the court. I feel as if I know each child a lot better."

- Pennsylvania Judge