

Considerations in the Utilization of Reunification Bypass

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Reunification Bypass

- Definitions:
 - Reunification Bypass
 - Reunification Exception
 - Aggravated Circumstances
- Allowable under AACWA (1980).
- Strengthened under ASFA

ASFA Allowable Conditions

- Murder of another child of the parent
- Voluntary manslaughter of another child of the parent
- Aided, abetted, etc., murder or manslaughter
- Felony assault resulting in serious bodily injury
- Parental rights to a sibling terminated

ASFA Allowances for States' Aggravated Circumstances

- 10.5 average aggravated circumstances across states.
- 4 states set a presumption *against* reunification services.

Issues to Consider Regarding Reunification Exceptions

- Not based upon research evidence.
- Conditions are vaguely worded or broad in scope.
- No restrictions on the number or characteristics of conditions states can set.
- No reporting requirements.

California's Reunification Exceptions

1. Parents' whereabouts unknown
2. Mental disability rendering parent incapable of making use of services (note: requires 2 Psych Evals demonstrating parent's incapacity)
3. Child or sib a prior dependent, removed, returned, and re-abused
4. Parent caused another child's death
5. Child under 5 made a dependent due to severe physical or sexual abuse

California's Reunification Exceptions

6. Child or sib suffered severe physical or sexual abuse
7. Sib did not receive reunification services due to #3, #5, or #6 above.
8. Child conceived by rape
9. Child willfully abandoned or endangered
10. Reunification services terminated for sib.

California's Reunification Exceptions

11. TPR ordered for sib.
12. Parent convicted of a violent felony
13. Chronic hx of substance abuse, resisting tx within last 3 years, or failing case plan compliance with tx twice.
14. Parent wants no services, nor wants child returned.
15. Parent abducted child or sib and refuses to disclose whereabouts

Research Questions

- What proportion of cases entering care are eligible for a reunification exception?
- What proportion of those eligible are recommended to the court for a bypass?
- What proportion of those recommended are approved by the court?
- What parent characteristics are associated with reunification exception?

Methods – Quantitative Study

- Quantitative study
 - Six California counties
 - Case file review (n=2,314)
 - Cohort I: Children entering care 1993-1994
 - Cohort II: Children entering care 1998-1999
 - Children ages 0-10 at point of entry

Methods – Qualitative Study

- Six California counties
- Interviews and focus groups addressed reunification bypass with:
 - Social Workers (n=85)
 - Social Worker Supervisors (n=23)
 - Judges (n=4)
 - Attorneys (n=15)
 - Concurrent planning foster parents (n=27)
 - Birth parents (n=5)

Parents Eligible for Reunification Bypass Over Time

No significant change in population from Cohort I to Cohort II.

Cohort I (n=1016)	Cohort II (n=1298)
% Yes 38.5% (n=391)	% Yes 38.2% (n=496)

Eligibility, Recommendations, and Court Approvals

Total Cohort II Sample
(n=1,298)

% Eligible for Reunification Exception
38.2% (n=496)

% of Eligibles Recommended
13.1% (n=65)*
**5% of total sample*

% of Recommended, Court Ordered
81.5% (n=53)**
***4% of total sample*

Variability in Reunification Bypass Recommendations and Orders by County (% of Cohort II Eligibles)

	County A	County B	County C	County D	County E	County F
Recommended	20%	21%	21%	8%	8%	2%
Ordered	18%	21%	16%	5%	6%	2%

Eligibility for Selected Reunification Exception Indicators (% of total Cohort II Sample)

REI	% Yes
Parents' whereabouts unknown (#1)	5.5
Child or sib suffered severe abuse (#6)	4.9
TPR for sibling (#11)	7.6
Parent convicted violent felony (#12)	6.6
Chronic Hx of sub abuse (#13)	14.4

Reunification Exception Indicator	REI situation exists		REI agency recommended		REI court ordered
	Freq	%	Freq	%	Freq
1. Parents whereabouts unknown	71	6%	34	48%	43
2. Mental disability rendering parent incapable of making use of services	17	1%	5	29%	3
3. Child or sibling a prior dependent due to abuse, removed and returned, now being removed again	29	2%	3	10%	2
4. Parent caused another child's death	9	1%	3	33%	3
5. Child made a dependent under 300(e) [Child under five and suffered severe physical or sexual abuse]	10	1%	1	10%	0
6. Child or sibling or half-sibling suffered severe sexual or physical abuse	64	5%	5	8%	3
7. Sibling did not receive reunification services due to #3, #5, or #6	4	0.3%	4	100%	4
8. Child conceived by rape (applied only to the perpetrator)	6	1%	0	0.0%	0
9. Child has been willfully abandoned and endangered	56	4%	3	5%	2
10. Permanent plan ordered for sibling, or termination of parental rights ordered for sibling, and parent not made reasonable efforts to treat problems	98	8%	37	38%	26
11. Parent convicted of a violent felony	86	7%	4	5%	7
12. Chronic history of substance abuse, has resisted treatment within last 3 years, or failed case plan compliance for	187	14%	36	19%	28
13. Parent wants no services nor to have child returned	35	3%	6	17%	8
14. Parent abducted child, sibling or half-sibling, and refuses to disclose whereabouts of child	19	2%	2	11%	2

Characteristics of Cohort II Eligible Parents for Whom Recommendations were Made, and Not Made

Variables	% of Recommended Parents	% of Not Recommended Parents	Test Statistic
Parent's Age			
-18	15.4	21.9	9.5*
18-25	16.9	17.7	
25-30	9.2	19.6	
30-40	41.5	30.1	
40+	16.9	10.7	
Parent's ethnicity			
African American	15.5	14.4	6.3
Hispanic	19.0	20.3	
White/Caucasian	31.0	43.8	
Other	34.5	21.4	
Parent's good general health (yes)	5.2	20.2	7.9**
Parent's support system (yes)	12.1	39.8	17.9***
Has the parent held a job (yes)	29.8	46.3	5.9*

Note : * < .05; ** < .01; *** < .001

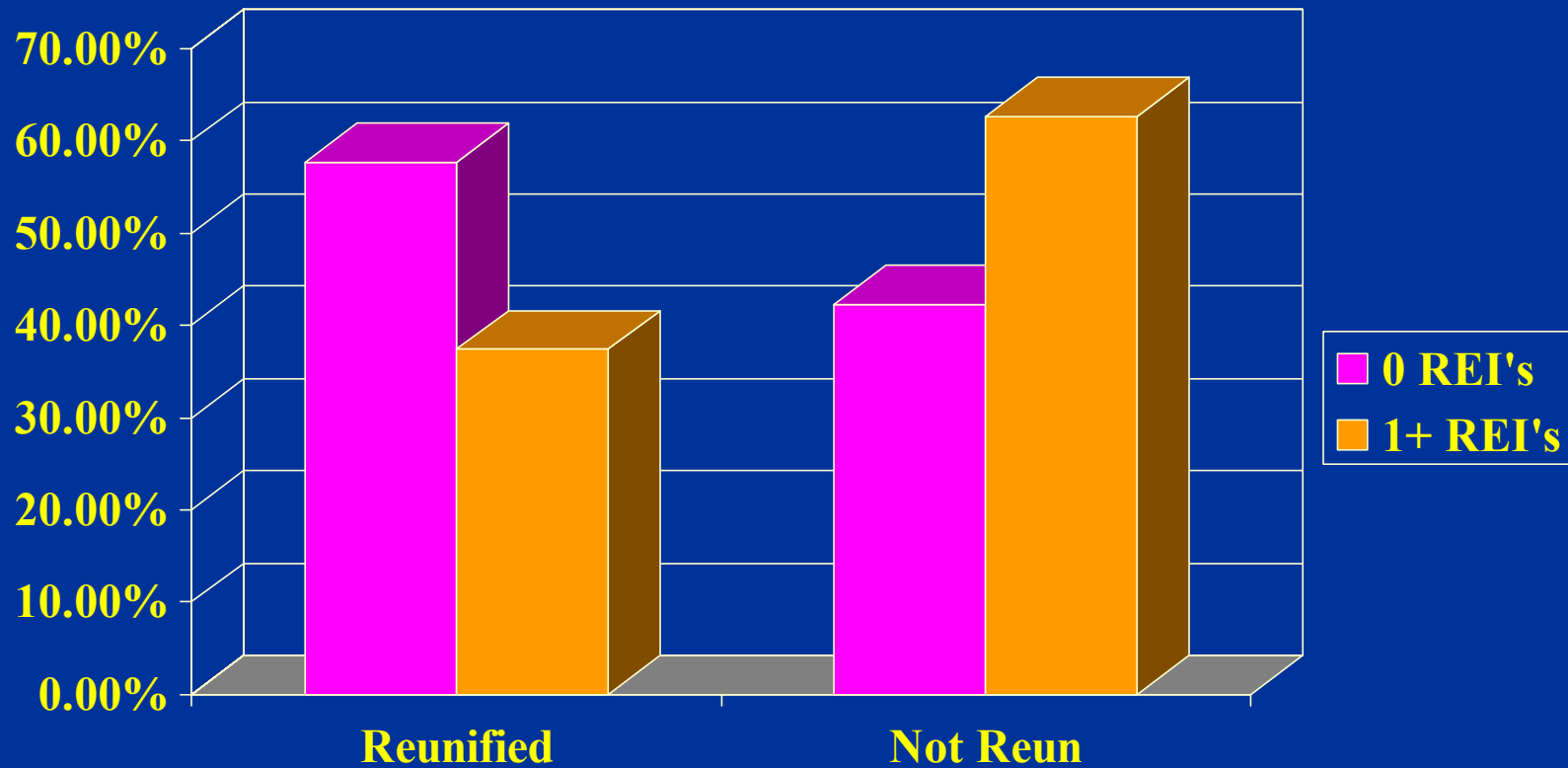
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Characteristics of Eligible Parents for Whom Recommendations were Made, and Not Made (Continued)

Variables	% of Recommended Parents	% of Not Recommended Parents	Test Statistic
Income from?			
AFDC/TANF or SSI	10.3	16.0	7.9*
Work	12.1	24.8	
Other	77.6	59.2	
Parent had a child removed previously	63.1	24.3	48.0***
Child's sibling in care	41.9	60.2	8.1**
	Mean		
Child's age	1.9	3.3	2.2*
Child's Maltreatment Severity Score (MSS)	2.2	2.9	0.4

Note : * < .05; ** < .01; *** < .001

Can Parents with a Reunification Exception Indicator Reunify?



Although California has Many Opportunities for Reunification Bypass, and Many Child Welfare Clients Eligible, Few Families are Recommended to the Court.

Why?

Social Workers' Reported Reasons for Limited Use of Reunification Bypass

- Philosophical reasons, sense of caution
- Conditions that may be hard to “prove”
- Legislated time limits for young children
 - May lead to faster outcomes than a contested bypass recommendation
- Age of child
 - With older children, more likely to attempt reunification for emotional & practical reasons

Social Workers' Reported Reasons, Continued

- Limited alternatives for permanence
 - Adoptability of the child/sibling group and availability of kin influence the perceived need to attempt reunification
- Promising remedial services
 - Where available, likely to attempt reunification
- Need for extensive consultation
 - To determine appropriateness, and likely court response; this results in judicious use

Perceptions of Reunification Bypass In Courts

- Some would prefer more frequent recommendations to the court, where appropriate.
- Some see the threat of bypass as another tool to “motivate” birth parents
- Clarification is needed on some indicators
- Contested hearings slow resolution of cases

Summary of Findings

- Significant proportion of cases are eligible for reunification bypass under California state law
- A very small proportion of cases are recommended to the court, although great variability by county
- Of those recommended to the court, the majority are approved
- Philosophical, bureaucratic, and permanency considerations limit use of reunification bypass

Recommendations

- More research to develop evidence-based prognosis for reunification
- Greater legislative clarity to reduce inequities of implementation
- Improved ability of courts to be consistent with legislated timelines
- Requirements for reporting standards within and across states.

Future Research Questions

- Are orders for reunification bypass associated with more court continuances?
- What is the time to permanency for bypassed cases compared to eligible/non-bypassed cases?
- What are the characteristics of families that are eligible for a bypass, but reunify?

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