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TESTIMONY

OF

**KATE MARTIN, ESQ
DEPUTY DIRECTOR
COURT APPOINTED SPECIAL ADVOCATES NEW YORK
CITY**

**PRESENTED TO THE
NEW YORK STATE SENATE FINANCE COMMITTEE
AND
NEW YORK STATE ASSEMBLY COMMITTEE ON WAYS
AND MEANS**

**REGARDING THE
NEW YORK STATE PUBLIC PROTECTION BUDGET
PROPOSALS
STATE FISCAL YEAR 2013-2014**

FEBRUARY 6, 2013

Good afternoon. My name is Kate Martin and I am the Deputy Director at Court Appointed Special Advocates of New York City (CASA-NYC). I would like to thank Chairman Farrell and Chairman DeFrancisco and members of the Assembly Ways and Means and Senate Financial Committees for this opportunity to testify on the Governor's Executive Budget for State Fiscal Year 2013-2014.

Since 1979, CASA, a volunteer based organization has had one mission: to make sure that children who have been removed from their homes because of abuse or neglect, do not spend needless time in foster care, that they are returned to rehabilitated and loving parents, or freed for adoption, or successfully prepared to leave foster care and be on their own. Each year CASA serves youngsters who without the help of a CASA advocate might be shifted from foster home to foster home, go without essential services, or be neglected in regard to their potential. CASA is a cost-effective way to make a cumbersome and overburdened system work on behalf of the children entrusted to it since it relies largely on volunteers. And studies have shown that children in foster care who have a CASA advocate spend fewer years in foster care and are less likely to re-enter foster care once they leave it. A cost savings in itself.

We are here today because the Governor's Executive Budget has eliminated all of CASA's state funding. Unless other state funding is secured, the future of CASA programs throughout New York State is at stake. It is critical that the state fund this program in the next budget year. We urge you to add a line item for CASA in the State 2013-2014 budget.

In SFY 2012-2013, the state appropriated \$800,000 to CASA programs statewide. Since city children make up 63% of the foster care population in New York State, \$340,000 of this came directly to CASA-NYC. These funds comprised approximately one third of our total operating budget. With such a large percentage of our funding eliminated, we face the harsh reality of closing our doors

No other organization in New York City has the same or similar goals as CASA. CASA-NYC is comprised of 8 master level social workers and attorneys, who recruit, train and supervise 120 active volunteers to effectively advocate on behalf of New York City's foster children. This business model allows us to be a tremendously lean and cost-effective program. Of note, 82 cents of every dollar raised in FY12-13 was spent on the program - allowing 120 CASA volunteers to serve 1,500 foster children.. This is more than 10% of the total population of foster kids in New York City.¹

CASA volunteers are assigned to abused and neglected foster children and youth, by family court judges concerned that they are slipping through the cracks and not getting the attention and services they need. Our volunteers work with children who suffer from severe delays because they were born exposed to drugs or alcohol. They provide educational advocacy and link children to services that address emotional and developmental needs, such as play therapy or tutoring. We work with teenagers who cannot find families willing to adopt them, to help prepare them to succeed on their own when they turn 21. And we secure stable placements for children who are being shifted from home to home because they are difficult to manage. Volunteers ensure that visits with birth parents and other potential caregivers occur--critical elements necessary in expediting reunification and movement into safe permanent homes. For the past 34 years across New York, family court judges have been seeking out and relying on CASA to help them make important life-changing decisions for New York's children. In

¹ New York City Administration for Children's Services reports that there are 13,183 children in foster care. Available at: http://www.nyc.gov/html/acs/html/statistics/statistics_links.shtml. October, 2012.

2011, CASA served over 3,300 statewide.

CASA volunteers receive comprehensive 30 hour core training, over ten weeks. Volunteers serve as invaluable liaisons among all parties involved in a child's life collaborating with government agencies, mental health professionals, foster parents, birth parents, as well as the children and youth themselves. Based on all of these communications, CASA presents a detailed written report at each court hearing which judges and attorneys rely on to make informed decisions that will change the course of young people's lives forever.

In 2010, CASA programs in 34 New York State counties served 3,546 children, with 905 volunteers contributing a total of 97,251 hours. Based on the Independent Sector's 2010 calculation of \$27.32 per hour for a volunteer in New York State – a figure used to quantify volunteer contributions – this amounts to over \$2.6 million a year in donated time.²

The Court Appointed Special Advocate program was created in 1977 by Seattle Judge David Soukup out of his frustration that the foster care system was not providing adequate representation for children in courts and he was not getting the information to make profound decisions affecting their lives. In response to this gap, Judge Soukup developed the first CASA program of trained volunteers to give children a voice in legal proceedings and, crucially, to provide a holistic picture of the children's lives that would help judges make more informed decisions. CASA volunteers assist Family Court Judges, by offering individualized attention to each child assigned by the court. Since 1979, CASA programs have opened across NY State. In recognition of this vital tool, in 2007, NYS Chief Judge Judith Kaye, wrote CASA into the court rules establishing a dedicated funding stream for CASA programs statewide.

The CASA programs in New York State are not expensive programs and are not solely dependent on government sources. CASA's are independent non-profits and rely primarily on the support of foundations, corporations, religious organizations and individuals to enable continued operation.

Office of Court Administration (OCA) funding is the only state support provided to CASA's critical, cost-effective and volunteer-driven programs. If completely eliminated as proposed in the FY 13-14 judicial budget, other funding streams will be jeopardized. Government support signals to our private funders that their investment is sound and secure. If the state eliminates their CASA funding, we are concerned our private funders will follow.

Unless a line item for CASA is immediately added to the budget, the future of CASA programs throughout New York State is at stake. The potential loss of CASA programs statewide is particularly troubling when according to a 2009 study by the advocacy group Children's Rights Incorporated, New York ranks 40th among states in how quickly it returns children home and 44th in terms of adoption³.

Foster care is meant to be a safe, effective, temporary solution for children in crisis – not a place where children grow up and needs go unmet. Yet recent research shows several troubling negative outcomes for youth who aged out of foster care. These young adults are not equipped to support themselves or productively participate in society and they are increasingly taxing our public resources.

² Value of Volunteer Time, Independent Sector. Available at: http://www.independentsector.org/volunteer_time. 2010.

³ The Long Road Home: A Study of Children Stranded in New York City Foster Care. Children's Rights Inc., November 2009.

A study conducted in 2010 of over 600 former foster youth aged 23-24 illuminates how costly it is to turn our backs on foster children while they are still in care.⁴ This study found:

- 37 percent had been homeless or couch surfed
- 45 percent of males, and 18 percent of females had been incarcerated since leaving foster care
- Only 6 percent had 2- or 4-year degrees
- Over 50 percent were unemployed
- Three-quarters of females, including 89 percent of custodial mothers, had received benefits from one or more need-based government program; and
- More than three-quarters of females became pregnant

CASA can demonstrate its effectiveness. Consider that studies have shown that a child with a CASA volunteer is more likely to find a safe, permanent home, is more likely to be adopted, and is half as likely to re-enter foster care.⁵

Children without CASA's involvement are spending an average of over eight months longer in foster care, than those that get assigned to CASA.⁶

Studies also show that children with CASA volunteers do better in school, are more likely to pass all their courses, are less likely to have poor conduct in school, and are less likely to be expelled.⁷

Numbers alone do not tell the stories of the children CASA advocates help:

Consider a two year-old with a five word vocabulary. CASA brought this suspected delay to the court's attention and the judge ordered an immediate evaluation for Early Intervention Services.

Consider a young boy with cerebral palsy who wanted to play on a basketball team. CASA found a resource to provide the athletic wheelchair he needed, and located a wheelchair basketball team in the city that he joined.

Consider a foster care youth who was successful in getting admitted to college. CASA helped him apply for financial aid, develop a budget, and get a summer job to save for the school year.

Now consider that there are over 3,300 children in New York that CASA helped this past year overcome challenging and diverse circumstances. The impact of CASA is vast and varied which is exactly what New York's foster children need. As a volunteer-based organization, CASA is uniquely efficient and cost effective in the delivery of its mission. Cutting CASA will ultimately result in a much greater burden to tax payers, to our adult social service network, and most importantly further

⁴ Mark E. Courtney, Amy Dworsky, JoAnn S. Lee, Melissa Raap, Gretchen Ruth Cusick, Thomas Keller, Judy Havlicek, Alfred Perez, Sherri Terao, Noel Bost, Midwest Evaluation of the Adult Functioning of Former Foster Youth, Chapin Hall at the University of Chicago, 2010.

⁵ John Poertner and Allan Press, "Who Best Represents the Interests of the Child in Court?" Child Welfare 69(6): p. 537-549.

1990. Michael Powell and Vernon Speshock, Arizona Court Appointed Special Advocate (CASA) Program, Internal Assessment, 1996.

⁶ Cynthia A. Calkins, M.S., and Murray Millar, Ph.D., "The Effectiveness of Court Appointed Special Advocates to Assist in Permanency Planning," Child and Adolescent Social Work Journal, volume 16, number 1, February 1999.

⁷ University of Houston and Child Advocates, Inc., Making a Difference in the Lives of Abused and Neglected Children: Research on the Effectiveness of a Court Appointed Special Advocate Program.

imperil the lives of the neediest children in New York.

Foster care is expensive. Incarceration is expensive. Long term homelessness, unemployment and dependence on state assistance is expensive. CASA is not. And CASA works. Only \$800,000 a year produces better outcomes for over 3,300 foster children across New York State. This is the most effective investment of tax payer dollars possible. Focusing on at-risk children NOW saves our society thousands of dollars in future costs.

It is critical that the state fund this program in the next budget year. Please consider adding CASA as a line item in the State 2013-2014 budget.

Thank you for listening.

The New York Times

January 26, 2013

A Cost Cut, on the Backs of Children

By GINIA BELLAFANTE

In 1853, Charles Loring Brace, a patrician reformer, devised a plan to remediate the circumstances of New York City's 30,000 homeless children, many of whom passed their days as desperate salesmen hawking rags and newspapers, and who had acquired the label, absent a world of ethnic sensitivities, of "street Arabs." Founding the Children's Aid Society, Brace controversially arranged for abandoned children to be sent, by rail, to farm families — "kind, Christian homes in the country" as he put it, typically where they would work. By 1929, approximately 100,000 city children had been relocated across the country, often with no sense of where they would be going, in what became known as the Orphan Train movement and was the precursor to the American foster care system.

In the last quarter of the 20th century, child welfare evolved, both in theory and legislative practice, to place greater emphasis on the needs and interests of the child. Significantly, in 1977, a Seattle judge named David Soukup, who had become frustrated that the foster care system was not providing adequate representation for children in courts, organized a program called Court Appointed Special Advocates, or CASA, which trained volunteers to give children a voice in legal proceedings, and crucially to provide a holistic picture of the children's lives that would help judges make more informed decisions about the cases. Over time, CASA has grown to more than 930 branches across the country, and the role of volunteers has expanded.

Last week, in a proposed state budget otherwise admirably mindful of the needs of children, Gov. Andrew M. Cuomo eliminated CASA's financing in New York State for the coming fiscal year. This is particularly unfortunate given that, according to a 2009 study by the advocacy group Children's Rights, New York ranks 40th among states in how quickly it returns children home and 44th in terms of adoption.

CASA is hardly a social-services program to which one could attach an adjective like "bloated." The \$800,000 a year the state was contributing was keeping CASA branches in operation across New York.

Now, the New York City affiliate is at risk of closing. City children make up 63 percent of the state's foster care population, and CASA in New York City had been receiving more than one-third of the state's financing.

It has managed to serve about 1,500 children a year on a budget of a little over \$1 million annually, with Peggy Grauwiler, the executive director of CASA in New York City, performing many roles, including development chief.

The staff itself is tiny, with only two administrators and a small team of social workers spread across five boroughs; it depends on a network of 120 volunteers who each give 10 to 20 hours a month to help children struggling in foster care. When children move from foster home to foster home, they lack what is known in social-service parlance as continuity of care. In an overburdened system, there is often no one to notice changes in a child's behavior, or eating pattern or study habits. The CASA volunteer aims to be a consistent presence. Last year, when an 8-year-old boy in the Bronx who had been in the foster system for two years was having sudden difficulty reading, it was his CASA aide who figured out that he simply might need a new prescription for his glasses.

The burden of logistics — which consume hours, and for which caseworkers rarely have the time — is picked up by CASA volunteers and staff members, as well: finding parenting classes that a mother seeking to regain custody of her child can get to easily, arranging for siblings in different foster families to regularly see one another, connecting children with incarcerated parents whom the foster system has lost track of. CASA workers help children aging out of foster care with G.E.D. exams, homework and college applications so that they have a chance at going on to productive lives.

If you spend any time in family court, you begin to see how much — how many seemingly small things — is required to move a child's life along.

Last week, I attended a hearing in Manhattan involving an 18-year-old girl who had spent most of her life in the system. Her transition to adult life had been stymied by an inability to get a state identification card, for which she needed a birth certificate. It resided somewhere in Puerto Rico, and she had no idea how to access it.

CASA does not have grand finale goals; it does not set out to send forgotten children to the Ivy League. And for this reason, Ms. Grauwiler explained, fund-raising is difficult. It is hard to convey in a sound bite what is gained. Additionally, she said, a fair number of her individual donors had money tied up with Bernard Madoff, the man behind the largest Ponzi scheme in history, and, in recent years, the annual \$1,000 and \$5,000 checks she had come to depend on have fallen away.

Still, in 2011, for instance, 42 percent of CASA graduates in New York City were reunited with their parents; an additional 15 percent were adopted, half of those by relatives; and 4 percent went on to live independently. In a meta-study of CASA programs across the

country, published several years ago in The Journal of the Center for Families, Children and Courts, researchers' most profound finding was that children with CASA support were half as likely to re-enter the system. The bad outcomes for children who spend endless years in foster care don't have to be recounted. But they ought to be quantified, so we can all remember how costly they are.

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Advocates for Children Fear Dire Effects of Budget Cuts

Joel Stashenko

New York Law Journal

01-30-2013

ALBANY - The executive director of a program that provides volunteer advocates for more than 1,500 foster children in New York City said the proposed elimination of court system funding would cause her organization to "close our doors."

Court Appointed Special Advocates (CASA) in New York City would lose \$338,000 in state funding and CASAs in 30 counties outside the five boroughs would see cuts of \$462,000 beginning April 1 if additional funding is not found.

The \$800,000 in CASA funding was not included in the state courts' 2013-14 budget, as it had been in previous Judiciary budgets.

Former chief judge Judith Kaye, a staunch advocate of the program, said she found word of the discontinued funding "very distressing."

"The prospect is just devastating," said Kaye, who is now of counsel to Skadden, Arps, Slate, Meagher & Flom. "It's a tremendously useful tool for children and families."

Ronald Younkins, executive director of the Unified Court System, said the CASA appropriation was a casualty in a proposed \$2 billion budget in which administrators had to find \$50 million to cover mandated cost increases in such areas as pay hikes for judges and unionized court workers, and employee benefits ([NYLJ, Dec. 3, 2012](#)).

Younkins called CASA a "very valuable program that serves an important function in states around the country." He said Chief Administrative Judge A. Gail Prudenti ([See Profile](#)) and other court officials would meet with CASA coordinators next month to see if restorations are possible.

"We are looking for ways to restore some part of that funding," Younkins said yesterday. "The matter is not yet closed [or] finally decided."

Younkins said CASA may be somewhat less vital in other states because New York has a "robust" attorney-for-the-child program. The budget includes \$124 million for lawyers assigned to look out for the interests of minors involved in foster care cases and other Family Court matters.

CASA administrators said the impending loss of state funding comes on top of about five years of flat or diminishing revenues for virtually all CASA programs due to cuts in the Interest on Lawyer Account fund and sluggish private contributions, both because of the poor economy.

Peggy Grauwiler, executive director of the New York City CASA, said she was "living in fear" of a possible funding cut, "but when it came, it still seems shocking."

She said the loss of state funding would cause her group, which coordinates the work of about 120 volunteers and has a budget of \$1 million a year, to cease operations.

Arthur Siegel, president of CASA: Advocates for Children of New York State, predicted that the futures of many of the other 20 CASA programs in the state would be imperiled by the lost appropriation. The programs outside New York City, some of which cover more than one county, serve about 1,600 children.

"We are one of these well-kept secrets," said Siegel, a partner at Bond, Schoeneck & King in Albany. "We don't get a lot of press. We don't get a lot of attention. But I really believe a lot of these programs are going to close."

In New York, a task force chaired by Howard Levine, the retired Court of Appeals judge, urged creation of CASAs in 2004, and guidelines governing their activities were written into the Rules of the Chief Judge (Part 44) and Rules of Chief Administrative Judge (Part 117) in the 2005-06 fiscal year.

The rules largely track standards for the training and activities of volunteers established by the Seattle-based national CASA Association.

Goal of Permanency

Levine, a Family Court judge in Schenectady County from 1971 to 1980, said he was surprised that CASA funding was eliminated in the Judiciary's budget, "mainly because it is a drop in the budget in a billion-dollar budget."

"It would be very sad and frankly it would be counterproductive" if the program dies because of the lost appropriation, Levine said yesterday.

"The main thing is they are successful in helping establish permanency for these kids," said Levine, who is now senior counsel at Whiteman, Osterman & Hanna in Albany. "If you get these kids decent help with CASA volunteers you are saving the state tens of thousands of dollars. I think that is where the program has special appeal."

Though specific rules for the CASA programs in New York vary somewhat, all volunteers must undergo at least 30 hours of training and clear security checks before becoming eligible for assignment to cases by Family Court judges.

To provide both courts and foster children with continuity of services, volunteers are typically required to commit to tracking individual cases for one or two years. In some instances, volunteers are asked to follow children through the foster care process until they are placed in permanent homes, a process that can take several years, said Barbara Benedict, state CASA coordinator.

Benedict said that in 2011, 769 volunteers spent an average of 81.5 hours tracking the cases of 3,074 foster children statewide. Grauwiler said the volunteers in New York City provide an average of 720 hours of service a year.

"We tend to get assigned the most difficult cases," said Benedict. "We are concerned about the health, both the mental health and physical health of children, and their education. We want to know their wants and needs. We interview families, foster families, the children themselves, school, teachers, counselors and we gather all this information and we report back to the Family Court judge... Our mission is safe, permanent homes for children as quickly as possible."

A fair percentage of the volunteers are retired, often one-time teachers and lawyers. Benedict, who became state coordinator when funding for the group's executive director was lost due to earlier cuts, said law students interested in becoming more versed on the Family Courts are also well-represented in the CASA ranks.

Siegel, the CASA president, said CASA programs are "hugely cost effective" because they help place children in permanent homes and divert youngsters from more expensive temporary foster care arrangements.

"It is penny wise and pound foolish to be cutting these programs that provide a real safety net for these children," he said.

Siegel added that the funding cut would cripple the advocacy system in New York City and elsewhere by depriving programs of money to train and oversee the system of volunteers at CASA's core.

"When you take money away from the local programs, you are taking money away from training these volunteers who are in the Family Court every day, who are assigned by the judges to look after the really high-risk children," he said.

National CASA funding from Congress, some of which trickled down to New York, also has suffered a 69 percent reduction in recent years to further reduce aid available to the program, according to Siegel.

He said he hopes to convince court administrators, Governor Andrew Cuomo's office or the state Legislature to restore the funding.

The concept of CASAs was pioneered by David Soukup, a superior court judge in Seattle who developed the idea of having people track the school records, health care needs and other aspects of the lives of children involved in Family Court matters.

Soukup reasoned that by becoming knowledgeable about the lives and problems of the children, the advocates would be able to provide judges, attorneys for the child and social services caseworkers more information about cases than they currently had available to them.

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Budget Cuts Could Put New Burdens on Family Court

by Abigail Kramer on January 31, 2013 in Child Welfare

If Governor Cuomo's budget goes through as proposed, it could make things even more complicated for children and families attempting to navigate the state's notoriously unwieldy Family Court system.

The governor's proposed budget allots \$2.6 billion to the state judiciary. That's not technically a cut—in fact, it's the same total number as the current fiscal year, but it forces the court system to absorb its second-in-a-row round of mandatory judicial raises without increasing expenses overall.

Cuomo says the court plan "recognizes the ongoing budgetary pressures the State faces... yet ensures the courts have the resources necessary to uphold their constitutional duty."

But advocates for court-involved children argue that Family Court can't afford a flat budget.

While demand has steadily grown, Family Court hasn't added any new judgeships in more than two decades, according to the Citizen's Committee for Children. The result is that children often wait months or even years for judges to decide whether they'll stay in foster care or reunite with their parents, or even whether they'll get visits with their siblings. The problems have gotten worse over the past three years, as funding cuts have forced the court system to reduce its hours and cut nearly 10 percent of the non-judicial workforce.

This weekend, *The New York Times* ran a column about one program that stands to lose its state funding this year: Court Appointed Special Advocates, or CASA, is a national organization that trains volunteers to advocate for kids and families, following individual cases as they move through the court.

Under the supervision of a social worker, the advocates do everything from cleaning up bureaucratic messes (like incorrect birth certificates or outdated school information) that can slow cases down, to helping birth parents find a place to live so their kids can come home. Most urgently, the advocates are trained to keep an ongoing record of the case, so there's less confusion when children are assigned to new judges or foster care workers.

In New York, the program receives \$800,000 from the state to serve 3,000 kids in foster care per year. As the *Times* piece points out, it's a relatively inexpensive way to provide continuity through a chaotic process.

Bruce Buchanan is a New Jersey-based insurance administrator who credits CASA with making it possible for him to adopt his two grandsons. A generation back, Buchanan and his wife raised a foster daughter from the age of 3. When she had her own sons, the Buchanans considered them grandchildren.

Then the mom's life fell into chaos. The youngest boy contracted leukemia and was hospitalized for more than two years. The boys' father died of a heart attack. Their mother fell apart, says Buchanan, and left the state.

New York City foster care placed the boys with Buchanan, who became re-certified as a foster parent and began proceedings to adopt them. That's when he discovered the dysfunction of the system, he says.

Even though no one objected to Buchanan adopting the boys, the process took more three-and-a-half years. The court held at least 11 hearings in that time, Buchanan says, most of which were postponed because foster care workers came to court unprepared to present findings to the judge. When they did have court abstract ready, Buchanan says, they were usually incorrect. The brothers' names were

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reversed, and there was outdated information about where the boys were going to school, or about the youngest boy's—the leukemia survivor's—medical status. Two years in, Buchanan says, the court discovered that the foster care agency assigned to the case had never been authorized to work with medically fragile children, and the boys had to be transferred to an entirely new agency.

Buchanan was appointed a lawyer, but he says he only saw or heard her on court dates. It was his CASA advocate who tracked the boys' progress, presenting accurate information to the judge at each hearing: "The judge ended up relying on CASA for the write-up of the case," he says. The advocate also helped him get Medicaid for the boys, which had been denied because ACS submitted incorrect paperwork, as well as the foster care and adoption subsidies to which he was entitled. "I would have been lost without CASA," Buchanan says. "I don't know what people do without them. The bureaucracy is so big and so heavy, a family can get eaten alive. I don't know how people get through it."

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One Response to *Budget Cuts Could Put New Burdens on Family Court*

Donald Mattesin January 31, 2013 at 10:21 pm #

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