

FOR OLDER FOSTER KIDS, HOPE CAN BE THE BEST RESTORATIVE

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Melissa Green, Restorative Justice Project director, and Judge Stacey Schulman, Unified Family-Dependency Chair, 17th Judicial Circuit.

So, if you could pick a superpower, would you fly or be invisible?

Perhaps appropriately, Melissa Green, restorative justice project director and head of the Children's Advocacy Program for Legal Aid Services of Broward County, and 17th Circuit Judge Stacey Schulman have ambitions of the soaring kind.

The two, along with many others involved with Florida's foster kids system, are working on the launch of Green's conception, the HOPE (Helping Older Teens Powerfully Engage) Court program.

If Hope Court can't confer extra-human abilities, it can aim to empower foster kids who are aging out of the system with the tools to get their lives successfully and visibly launched.

"We're talking about youth who have experienced trauma that most people could never imagine," said Green. "We want them to feel they have a voice, that someone heard them, that someone wants them to have hope, that someone wants to give them dignity in this process...."

"It's really restorative in that we're doing things with them instead of to them, and everything in the foster life has happened to them."

Schulman, who runs the Unified Family-Dependency court in the circuit and who presides over HOPE Court, thinks in addition to using restorative justice techniques, HOPE actually can restore something. (And yes, to help break the ice during the court sessions, Schulman has asked all participants whether they would prefer to fly or be invisible. Or be a whole onion or a can of sardines.)

“A lot of those kids have been in the [foster care] system for many years and instead of trusting the system, they didn’t feel supported and would turn away,” Schulman said. “So restorative justice is to restore their faith in the system....

“We’ve done a lot better job on our kids who are aging out...but there is still a lot of room for improvement.”

Green said currently numbers are bleak for kids who grow out of foster care without a supportive family. Most fail to use or complete resources and classes to help them cope in the adult world. They have a much greater risk of becoming homeless or entangled in the criminal justice system.

Green’s idea is to use the techniques of restorative justice programs, where crime victims and perpetrators are brought together for healing, and apply it to the foster program. Instead of formal proceedings in and out of court, bring everyone together in collaborative discussion “circles.” Not only include the kids in the circles, let them lead the discussion as much as possible. Involve every agency, the Department of Children and Families, guardians ad litem, law enforcement, the Attorney General’s Office (which represents DCF in court), counselors, and the judge.



Bradford Peterson, assistant Regional Counsel, Office of Criminal Conflict and Civil Regional Counsel; Cynthia Gilmore, director of Programs, HANDY; and Christine Lall, life coach, Camelot Community Care

Green points to research done by University of Miami law Prof. Robert Latham to show how much improvement room there is. He found, according to state records, that of the two existing programs the state has to help youth who are outgrowing the foster system, 60% to 70% of those eligible do not enroll, leave the programs early, or are terminated from the programs for some reason. Most of those who left the programs did so within the first two months of participation.

Slightly over half who were terminated from one of the programs reentered for a second try, only about a quarter did for the other program.

“The data confirmed what we in our practice had actually seen, between 60% to 70% of the youth who are eligible for this [independent living and training] benefits did not sign up, opted out, or were terminated,” Green said.

An examination of the system, and similar adult programs gave some hints on why. Green said children in their last year in the foster system are required to have status updates every six months in court. Often, there was little coordination between caseworkers, attorneys, and others involved in the child's life, and frequently different opinions on helping the child.

As Green put it, "they were pinned against each other" in the process.

She wants to change that by bringing restorative justice principles, particularly using the discussion circles where all of the people involved, including the child, take turns talking and listening. Kids will even lead some of the sessions. The circle strategy will also be used in the court hearings, which will be every six weeks.

"It's really a different experience to be sitting and looking in people's eyes and talking about things that may and may not happen," Green said. "We're coming together the whole [final] year [of the youth being in the foster care system] and we're addressing needs every six weeks and we're never in a position where we're playing a blame game."

For the court circles, rather than sitting above the proceedings Judge Schulman sits with the child, attorneys, caseworkers, foster parents, and other involved parties.

Schulman engages directly with the child, asking about school, whether they need medical care, and other issues — hearing directly how that child feels.

"Then obviously after I ask the child questions, I ask the advocates and the life coaches and others if there's anything they want to add," Schulman said. "It's a much more therapeutic approach."

Kids are consulted about the rules for the hearing and will even be in charge of how much of it is run, as they will other, out-of-court circles they participate in as part of HOPE Court, Green said.

Each court appearance is preceded by a preparation circle meeting, she said, where everyone except the judge takes turns discussing the appearance and preparing, she said. There's a group circle of the participant youth done through the **Broward County FLITE Center**, which helps youth growing out of the foster care system and other vulnerable youngsters build an independent life.



Stacia McCray, staff attorney, Education Legal Rights Project; Shauna Thomas, attorney, Children's Advocacy Program, victim of crime advocate; and Queira Jackson, Esq., Restorative Justice Project attorney

Subjects covered there include self-esteem, doing cooking and laundry, finances and budgeting, healthy relationships, finding a place to live — “the inner and outer workings about being an adult,” according to Green. Kids are asked to plan their life — do they want to continue their education? Do they want a job? How will they get to that job?

One FLITE Center program will feature a former foster child who just finished college talking about what he knows now and wished he knew when leaving the foster program.

Green, along with Queira Jackson, another member of the Restorative Justice Team at Broward Legal Aid, began researching and planning for HOPE in 2018. A team from Nova Southeastern University helped with the research and will measure the program's success. Green got agreement from DCF, guardians ad litem, law enforcement, attorneys ad litem, life coaches, and others in the system, all of whom had special training to participate in the restorative process.

A side benefit is those caseworkers, attorneys, guardians, and foster parents also feel more engaged and enthusiastic about the system, Green said.

“We try to communicate with each other using empathy and using a way where we really listen to each other without judgment and we communicate our needs,” she said. “We feel that shining a light on the quality of our youth will encourage and reinforce the adult workers who care and want to help.”

Funding came from a Florida Bar Foundation grant.

The initial program includes 12 foster kids. There was an organizational meeting for participants and the first hearings were set for March.

Those were postponed as were most in-person court hearings because of the COVID-19 crisis, but by April arrangements had been made to do the court and non-court circle meetings via Zoom.

“I’ve seen good results,” Judge Schulman said of the initial hearings. “I think the kids respond, they want to come to their next hearing. If they come, they know they’re going to be heard.”

Green said getting judicial support was important.

“This is all happening because of their blessing and because Judge Schulman is presiding,” she said. “We’re very grateful and blessed for her leadership.”

Green and Schulman said they’re optimistic that the HOPE program can be expanded, not only to other foster care kids in Broward County, but state- and even nationwide.

More information about the HOPE Court program is available on Legal Aid Service of Broward County’s website <http://browardlegalaids.org/>.