

# Expanding the Circle-a New Team Approach to Serving Child Crime Victims

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## Recent Honors

**2018 Support and Empowerment of Children in Our Community Award**  
Guardians of the Children - HAWG City Chapter

**2017 WI CASA Volunteer Advocate of the Year**  
Vickie Clyde Vruno

**2016 Foster Club's Congressional Foster Youth Shadow & Outstanding Young Leader Recognition**  
Amanda Salas

**2015 Governor's Foster Care Youth Award**  
Devon Thompson

**2015 Hometown Hero Award**  
Modern Woodmen of America

**2014 Wisconsin Cares About Kids Award**  
Office of the Governor of Wisconsin & Wisconsin State Public Defender's Office

**2014 Pro Bono Attorney of the Year Award**  
State Bar of Wisconsin

**2013 Champion of Victim's Rights Award (for support of child victims)**  
Office of the Wisconsin Attorney General & Wisconsin Department of Justice

**2013 Black Excellence Award for Child Advocacy**  
Milwaukee Times

**2012 Women in Law Award**  
Wisconsin Law Journal

**2012 Wisconsin Victim Services Award**  
Wisconsin Department of Corrections (Office for Victim Services)

## Kids Matter Inc.

- Non-profit
- Founded in 2000 by current Executive Director Susan Conwell and a multidisciplinary team of professionals and caregivers who were seeing children who have been maltreated get lost in the gaps
- All services are free
- CASA Program
- Fostering Healing Program

## Fostering Healing Program: Who Do We Serve?

- We serve children who are being raised by someone other than a parent (relatives, foster parents) who has been a **victim of a crime**
  - Abuse/Neglect, Abandonment, DV, Homicide Co-Survivor, etc.
  - Crime doesn't have to be reported to police or result in charges
  - Similar to domestic violence, the goal is restoring a sense of safety and stability , and promote healing
- Direct service/full legal representation and in-home therapy currently only offered in Milwaukee County, but we provide brief counseling and consultation throughout the state and receive calls from across the country.
- The majority of our cases involve **Grandfamilies** and children *outside* of the formal child protective system
  - Per Generations United, Grandfamilies or kinship families are families in which children reside with and are being raised by grandparents, other extended family members, and adults with whom they have a close family- like relationship, such as godparents and close family friends. Grandparents or other relatives often take on the care of.
- One in ten children today will be raised without either parent in the home.
- Most of these children will be taken in by relatives without the support or supervision of the child protection system.

## State of WI 2017<sup>1</sup>

- 55,000 – number of children living in a household living in households where neither parent resides
- 7798 – number of children (0-17) in OHC placements in WI

## Trends<sup>2</sup>

- For every 1 child in foster care with relatives there are 20 children being raised by grandparents or other relatives outside of the foster care system.
- 7.6 million – Number of children who live with a relative who is the head of the household.
- 2.6 million – Number of children who are being raised by a relative or close family friend and do not have a parent living in the household.

127,819 – Number of children being raised by relatives

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<sup>1</sup> Annie E Casey Kids Count Data Center; Wisconsin Department of Children and Families

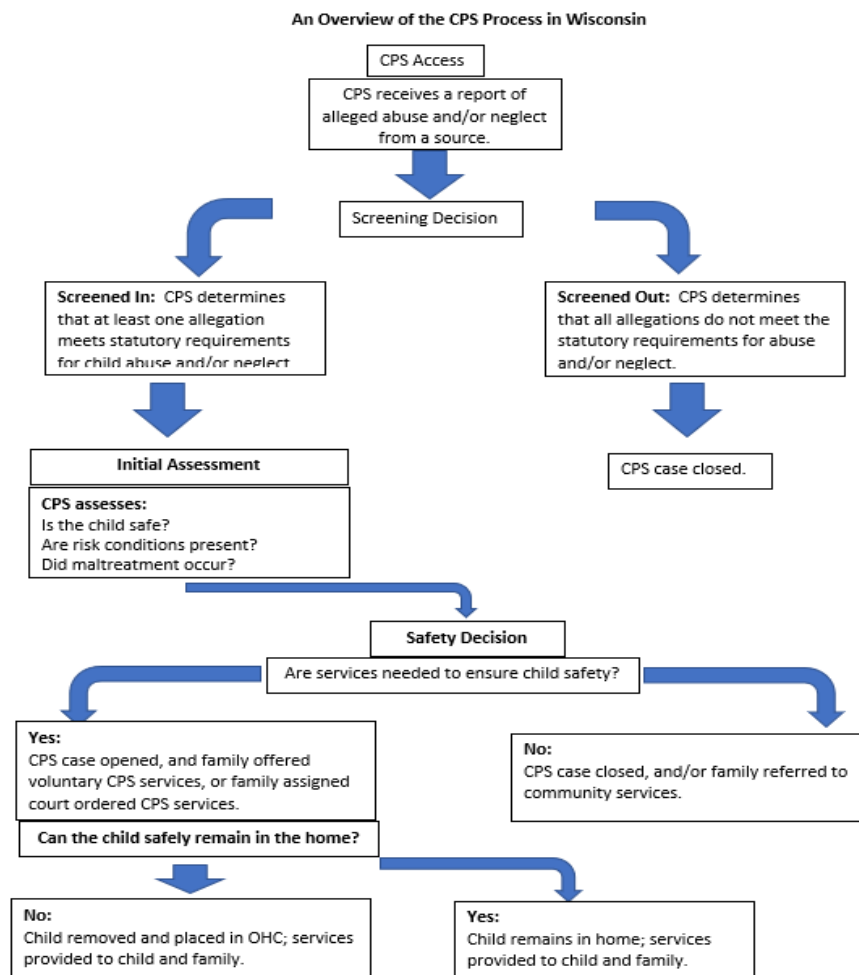
<sup>2</sup> Annie E. Casey Foundation Kids Count Data Center. Child Trends analysis of data from AFCARS.

## These Are Child Crime Victims

- Child abuse (physical, sexual)
- Significant other of parent abuses child, no contact order entered, parent chooses S.O.
- Extreme neglect
- Domestic violence
- Vehicular crimes
- Sex trafficking
- Identity Theft/Financial Crimes
- Homicide of a parent
- When other parent is the perpetrator VS stranger
- Additional contributing factors under CHIPS (Ch 48) Statute
- Unmanaged Mental Health Issues
- Substance use disorder
- Death of a parent (high volume of overdose cases)

## Doesn't CPS Handle This?

- Minimal Sufficient Level of Care
- Least restrictive intervention
- If safe, appropriate relative is available there may be little to no involvement



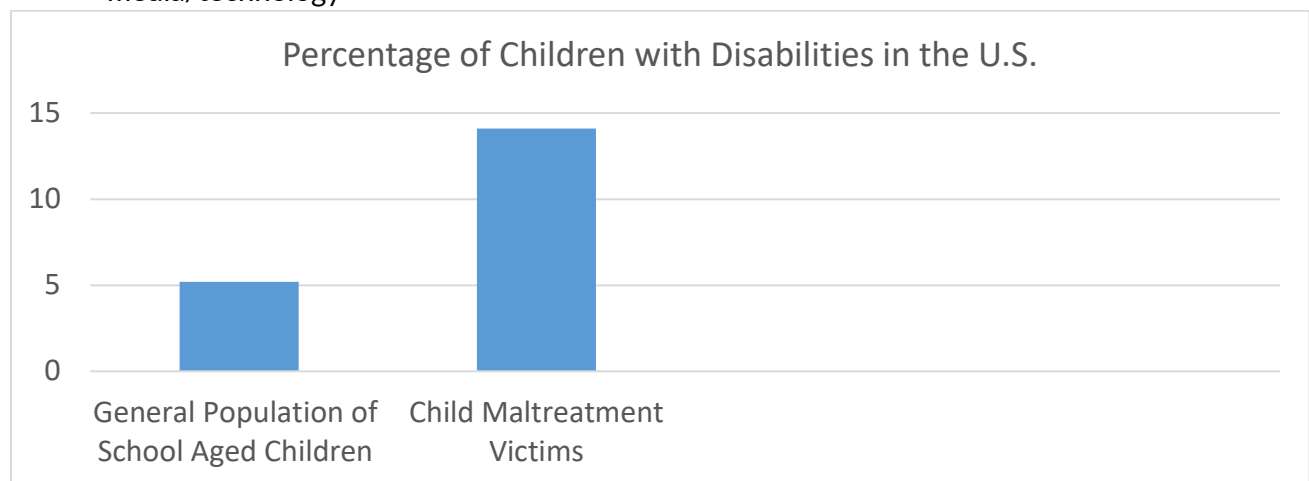
## Where Do Our Cases Come From?

- Kinship Care
- School social workers
- Law Enforcement
- Medical professionals
- District Attorney's Office/Victim Witness
- Child Protective Services
- Mental health providers
- Community agencies
- Guardian ad Litem
- Judges/Court Commissioners
- County Clerk's Offices
- AARP/Aging Services
- Adoption agencies
- Military

## Challenges for Non-Parent Caregivers and Child Victims

### Personal Challenges

- Caregiver's own health
- Stigma related to precipitating factor(s) that contributed to need for kinship care
- "The apple doesn't fall far from the tree"
- Family dynamics/setting boundaries
- Split loyalty
- Isolation, shame and guilt
- Lack of familiarity with social media/technology
- Lack of thorough history (previous trauma, medical conditions, people who have cared for child in the past, special needs, previous system involvement)
- Unable to access vital records needed to enroll in school, obtain benefits, etc. (birth certificate, SS card/#)
- Guilt
- Grief and ambiguous loss



3

<sup>3</sup> Child Welfare Information Gateway. (2018). The risk and prevention of maltreatment of children with disabilities. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

## Challenges Navigating Complex Systems

### Child Protection

- What is the status of the investigation?
- Who has legal custody?
- What do I do if the parent comes to pick-up the child?
- Can I allow the parent visits?
- What “rights” do I have as a grandparent, aunt, etc. ?

## Navigating Multiple Complex Systems

### Criminal Justice

- Is the accused on the run? Is accused related to child or caregiver? Is accused a decision maker for the child?
- Did proposed caregiver have prior knowledge of issue/offer help? Can proposed caregiver put child safety first?
- Is a No Contact Order needed?
- Common for process to take longer than a year
- Emotional - brings up old wounds
- Victim family often surprised and hurt by criminal defense process- feels like placing the victim on trial
- Important to orient caregiving family to criminal justice process
- Help system understand impact of trauma/grief on family

### Public Benefits/Education, etc.

- Financial considerations (kinship, child support, trusts, insurance, Crime Victim Compensation, SSI, Social Security, taxes, settlements related to harm, etc.)
- Health/dental, mental health, recovery & health insurance
- Education, special education, IEP
- Disabilities, developmental needs, trauma- specific impacts
- Legal guardianship, family law, custody, grandparent visitation and rights of both sides of family

## How Do We Help?

### Specialized Care Coordination and Advocacy

- Caregiver support and education
- Accompaniment at court proceedings
- Emergency support with school placements
- Assistance with Crime Victim Compensation
- Collaboration with other service providers and law enforcement
- Collaboration with community partners
- Home visiting
- Emergency clothing and personal items
- Provide ongoing support throughout caregiving journey
- Managing expectations
- Effectively communicating with systems
- Maintaining ongoing relationship with the parents and balancing the child's safety with the parents' right to visitation
- Navigating services and financial benefits for the caregiver and child

### Legal Services

- Tiered approach to legal advocacy
- Guardianship clinic
- Pro bono attorneys
- Cases of first impression

## Arrangements for Assuming Responsibility for Children Outside of the Child Welfare System

- Informal Family Arranged Plan
  - No court involvement or written agreement
  - Caregiver typically unable to consent for medical, educational, and other decisions
- Power of Attorney Delegating Parental Power
  - Written agreement between parents and caregiver for up to one year though a parent may revoke at anytime (authorized by Wis. Stat. Sec. 48.979)
  - No court involvement
  - Allows the caregiver to consent for medical, educational, and other day to day decisions
- Temporary and Permanent Minor Guardianships (currently under Wis. Stat. Ch. 54)
  - Court involvement and order entered transferring certain parental rights and responsibilities to the person appointed guardian
- Private Adoption/ TPR
  - Parents rights are terminated

## Types of Minor Guardianships

### Temporary Guardianship

- Up to 60 days with one 60-day extension for good cause as long as the first temporary guardianship hasn't expired
- Can re-petition, but only available if more than 90 days after the expiration of the previous temporary guardianship

### Permanent Guardianship

- Until age 18 but a parent may petition to reverse the guardianship if suitable and willing and in the child's best interest

### Standby Guardianship

- Appointment becomes effective immediately upon the death, unwillingness, inability to act or resignation of the initial guardian; standby guardian named in guardianship petition and order

### Successor Guardianship

- Appointed after the guardian dies, is removed by the court, or resigns

## Overview of Guardianship process

- Statewide Required Forms – Petition for Temporary and/or Permanent Guardianship; Uniform Child Custody Jurisdiction and Enforcement Act Affidavit; Statement of Acts by Proposed Guardian
- Under current law, must be heard within 90 days of filing
- Anyone can petition to become the guardian of a minor (do not need to be a relative)
- Minors 14 and older can nominate their own guardians
- Jurisdiction falls under the circuit court and venue is either where the child resides or is physically present
- Petitioner (proposed guardian) has the burden of proof and must show: 1) that the parent is unfit, unable, or that there are other compelling reasons; and 2) that guardianship is in the minor's best interest
- Rights and duties – guardian assumes care and custody of the minor and is responsible for decisions regarding medical care, education, food, clothing and shelter; parent retains right to visit and duty to support

## Barstad Standard (*Barstad v. Frazier*, 119 Wis. 2d 549 (1984))

- If the guardianship is contested, both parents must be found unfit by the court. Only when there is a finding of unfitness may the court then review whether the guardianship is in the child's best interest
- Unfitness standard is not provided by statute but by case law under
  - ...A parent is untitled to custody of his or her children unless the parent is either unfit or unable to care for the children or there are other compelling reasons. Compelling reasons include abandonment, persistent neglect of parental responsibilities, extended disruption of parental custody, or other similar extraordinary circumstances that would drastically affect the welfare of the child. If the court finds such compelling reasons, it may award custody to a third party if the best interest of the children would be promoted. *Barstad v. Frazier*, 118 Wis. 2d 549, 569.
- *Barstad* standard was intended to preserve the constitutionally protected rights of parents:
  - "Not within the court's power to displace fit and willing parent simply because someone else could do a better job"
  - "If best interest were the standard, in most cases parents cannot compete on an equal level with established older relatives"

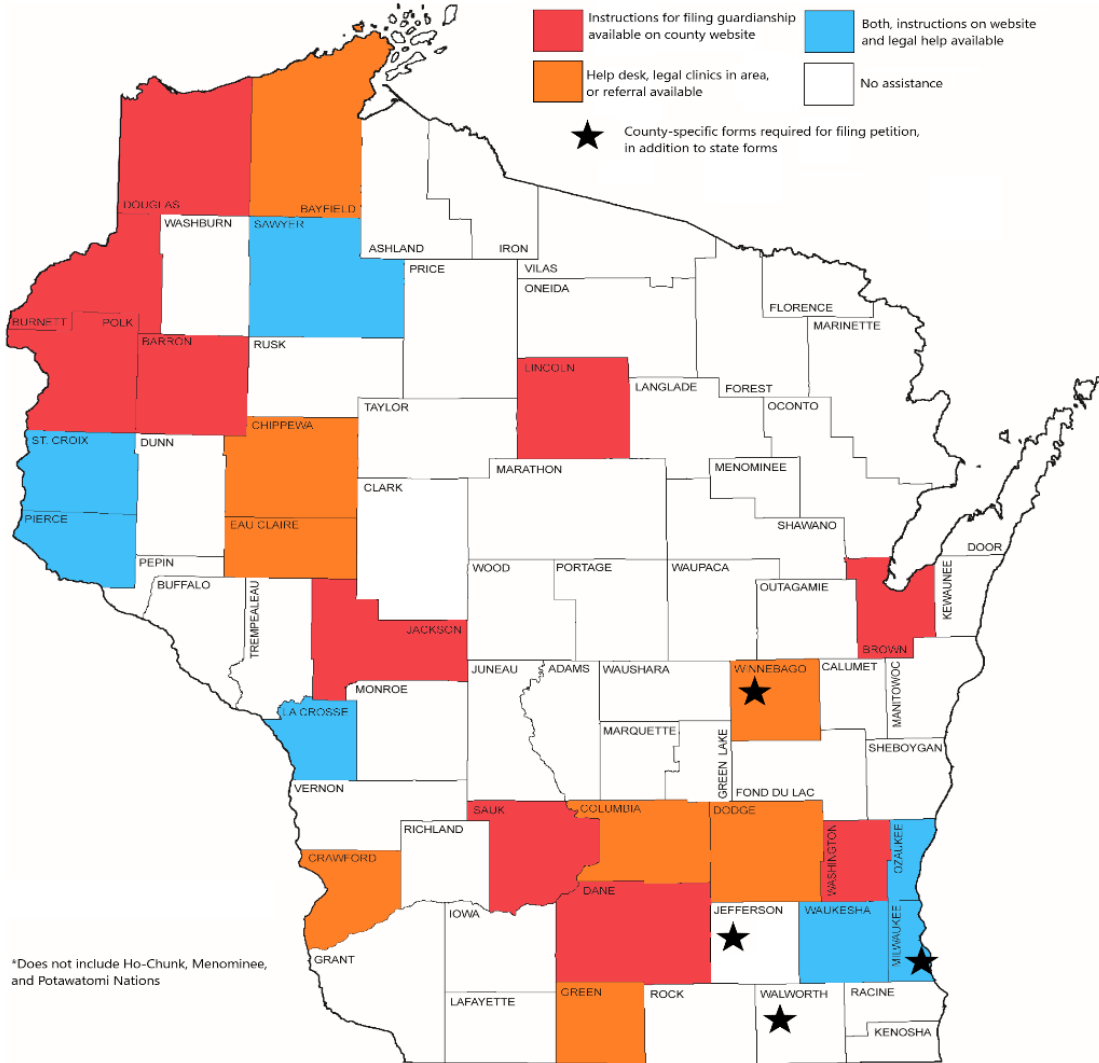
## Post-Petition Hearings

- Court has continuing jurisdiction
- Petition to Review Guardian's Conduct
- Often related to visitation disputes
- Petition to Terminate Guardianship
- May be initiated by parent or guardian if parent is now suitable and willing and terminating the guardianship is in the minor's best interest
  - Current statute and case law is unclear on whether the parent or guardian has the burden of proof

Fees, additional forms, legal assistance, and service process vary widely across the 72 counties in Wisconsin

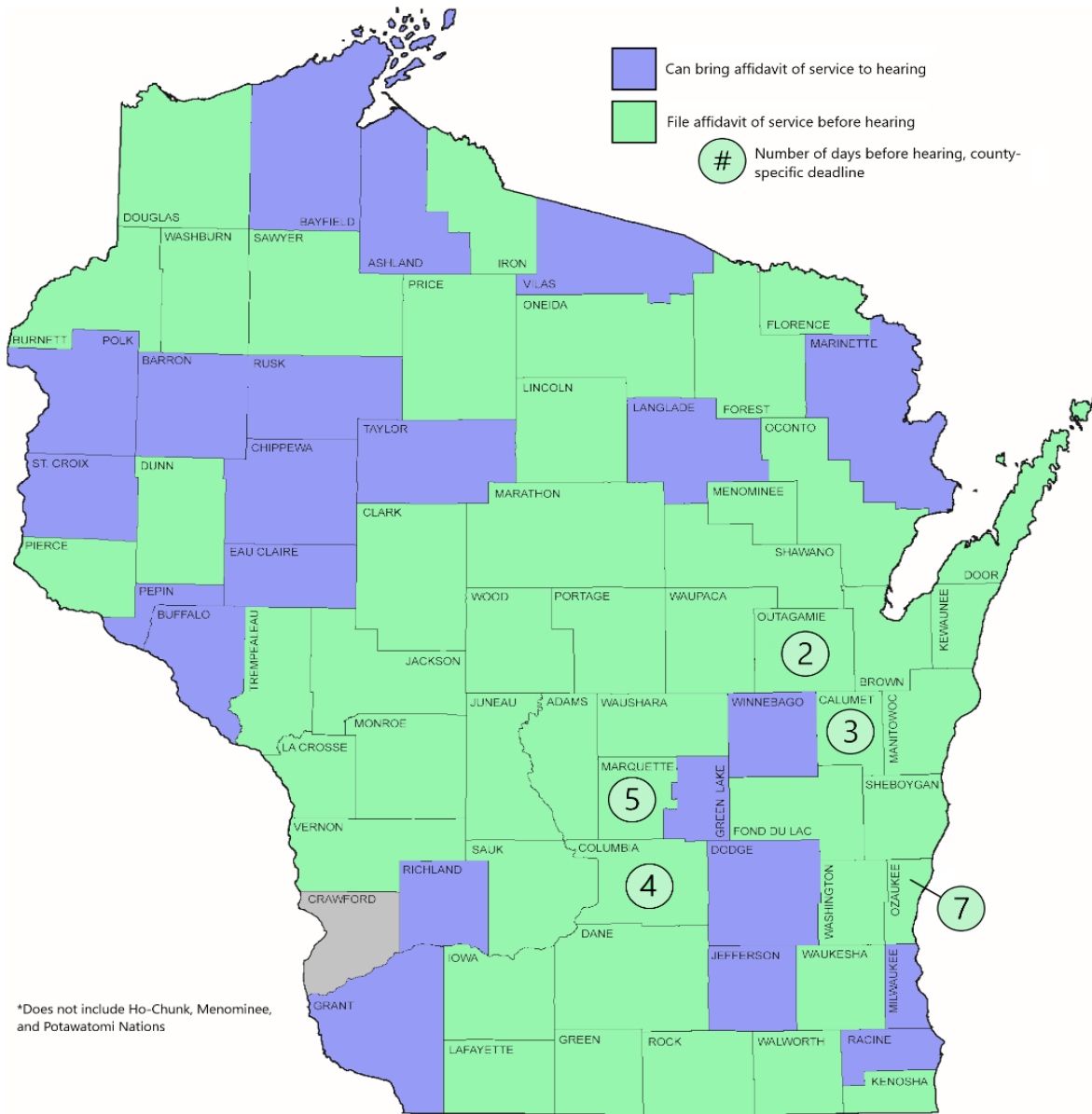


# Legal Assistance and Required Forms by County



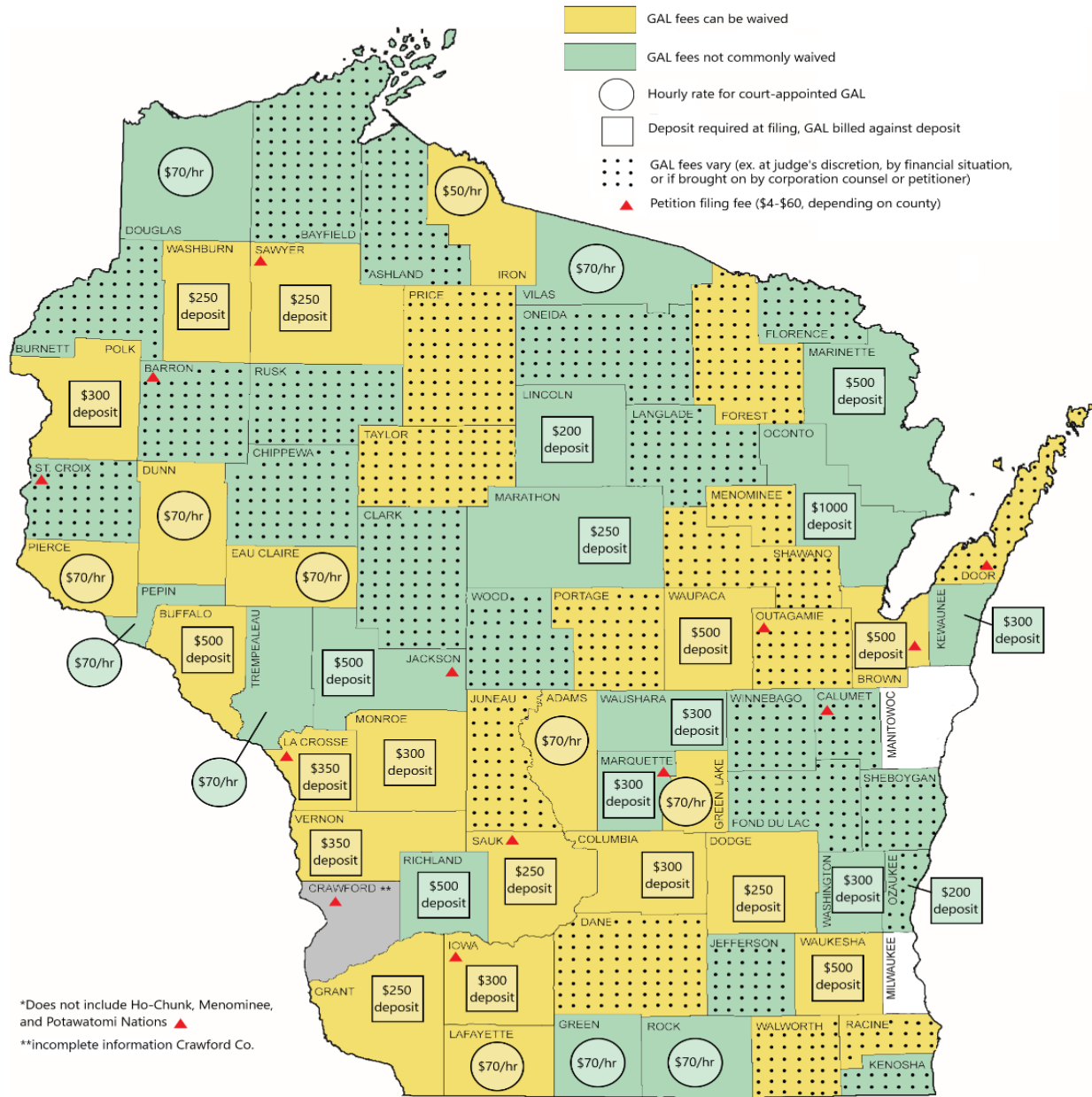
\*Does not include Ho-Chunk, Menominee, and Potawatomi Nations

# Service Requirements by County



\*Does not include Ho-Chunk, Menominee, and Potawatomi Nations

# Fees by County



\*Does not include Ho-Chunk, Menominee, and Potawatomi Nations ▲  
 \*\*incomplete information Crawford Co.

## Pending changes (AB 47)

- AB 47 presented by the Joint Legislative Council for approval on 2/13/19 – moves guardianship of the person for minors to the Children’s Code
- Expands from two types of guardianship (temporary and permanent guardianship) to four types of guardianships:
  - **Full guardianship** – requires petitioner to prove that a child’s parents are unfit, unwilling, or unable to provide care for the child or other compelling reasons exist (Barstad standard). Full guardianship is in place until the child turns 18 though the parent may petition to reverse the full guardianship if he or she can show a substantial change in circumstances.
  - **Limited guardianship** – does not require showing the Barstad standard, but petitioner must show that a parent needs assistance in providing for the care, custody, and control of a child. The parent may retain certain decision-making powers and may also allow for shared physical custody between the parent and guardian.
  - **Temporary guardianship** – parent is unfit, unwilling, or unable to care for a child for a defined period of time. Temporary guardianship may be granted for up to 180 days and may be extended for an additional 180 days if good cause is shown.
  - **Emergency guardianship** – limited to 60 days and the guardian’s authority is limited to the required acts to resolve the emergency situation (i.e. consenting for a medical procedure and the parent is unavailable).

## Grandparent visitation

- Grandparent visitation covered under Wis. Stat. Sec. 767.43 Visitation Rights of Certain Persons
- Exception is if one or both of the parents is deceased – falls under Wis. Stat. Sec. 54.56 (same Chapter as guardianships)
  - Many of the parents of the families seeking grandparent visitation are victims of homicide
  - Visitation with the grandparent of the deceased parent allows the child to maintain a relationship with that side of the family, which helps children heal
  - Petition can be heard as part of the guardianship or temporary guardianship hearing or as an independent action
  - Reasonable visitation will be granted if in the child’s best interest
  - The court may issue any necessary order to enforce a visitation order that is granted under this section and may from time to time modify the visitation privileges or enforcement for good cause shown

## Therapeutic Services

- Crisis and brief counseling
- Support Group
- Therapy

## Support Group & Brief Counseling Topics

### Adjusting to New Family Dynamics

- Primary caregiver vs. “Fun Grandma”
- Attention devoted to one set of grandchildren is out of proportion to others
- Split loyalty and difficulty of being an advocate for the parent and the child in most situations
- Complexity of family systems. Frequently there are decades of family drama and dysfunction. **The courtroom is not a substitute for family therapy.**
- Therapy is not a substitute for legal advice and advocacy.
- Self-Care
  - Can’t pour from an empty cup
  - Oxygen mask” analogy
- Ambiguous Loss
- The Impact of Trauma on the Developing Brain
  - “How to Calm a Traumatized Child”

## The child Trauma Project

### Background

- Kids Matter recently developed a formal mental health treatment service component and integrated it within the existing multidisciplinary structure that was already in place
- Created as a response to an identified need in the community
- Specifically targets children being raised by someone other than a parent
- Removes many of the commonly identified barriers (transportation, cost/insurance, language, lack of guardianship/ability to consent)
- In-home, free of charge. We do not bill insurance.
- Therapy is provided by licensed clinicians with the goal of reducing trauma symptoms and increasing stability and well-being

### Child Trauma and Behavior

- Behavioral and emotional challenges are often the result of separation and abandonment, exposure to a parent’s violence, or criminal behavior.
- Children who have experienced maltreatment or witnessed violence, as a number of those in kinship care have, are at increased risk of behavioral and emotional problems than their peers in the general population (Courtney, et al., 2010).
- In spite of the challenges relative caregivers face, research suggests that when parents are not able to raise their children, relatives are typically the best option.
- Children living with relatives experience greater stability, are less likely to report having tried to leave or run away, report feeling loved more often, and have fewer behavioral problems when compared to those in non-relative foster care

## Trauma Focused Cognitive Behavioral Therapy (TF-CBT)

- TF-CBT was designed with a parent/caregiver component that addresses inappropriate parenting practices and parental trauma-related emotional distress (Cohen, Deblinger, Mannarino, & Steer, 2004).
- TF-CBT targets children ages 3-18 who are experiencing significant Post-Traumatic Stress Disorder (PTSD) symptoms, whether or not they meet full diagnostic criteria.
- In addition, children experiencing Childhood Traumatic Grief, depression, anxiety, and/or shame related to their traumatic exposure can also benefit from the treatment.
- Treatment generally consists of 12 to 24 treatment sessions.
- Maltreated children and their non-abusing family members learn stress-management skills; and they practice these techniques during graduated exposure to abuse-constructed trauma narrative.
- The parents/caregivers learn how to address their own emotional reactions.
- Several joint parent/caregiver-child sessions are also included to enhance family communication about sexual abuse, trauma, and other related issues.
- This model emphasizes psychoeducation of the child and the caregiver.
- Children who participate in TF-CBT show significant improvement in their fear reactions, depressive symptoms, inappropriate sexualized behaviors, and self-worth (Cohen, Mannarino & Knudsen, 2005).

## Case Examples

*"My heart hurts, my ribs hurt, my muscles hurt, my bones hurt. Everything hurts."*—Tasha, 9 years old. Tasha lives with her grandma now. Last year, the 9-year-old lost her mother to a drug overdose that is still being investigated as a homicide. After her mom died, she was acting out, unable to focus in school, and always sad. This is how she drew herself—with everything hurting inside and a smile that she shows on the outside. Today she is back in school and is gaining more coping skills through a peer therapy program. Her grandmother recently sent us an update, including her gratitude for Tasha's progress: "She's come so far that she even was able to have a sleepover at a classmate's home."

**"Jury Rejects Suicide Story, Convicts Milwaukee Man In Wife's Death"** – Anita Brooks was shot and killed in an apartment near 35th and Highland on Milwaukee's west side early on Sunday, January 27th. Police say the incident was a result of domestic violence.

**“Abducted 2-year-old Wisc. Girl Is Found Dead 2 Days After Mom's Killing, and Father Is Arrested – Noelani Robinson's body was found wrapped in a blanket in a Minnesota Ditch”** – By Christine Pelisek , PEOPLE Magazine. The body of a missing 2-year-old Wisconsin girl was found over the weekend, two days after her mother was fatally shot – and the girl’s father is under arrest. The body of Noelani Robinson, who’d been the subject of an AMBER Alert, was found wrapped in a blanket in a ditch March 15, around 6 p.m. about a mile north of Blooming Prairie, Minnesota. The Minnesota Department of Public Safety Bureau of Criminal Apprehension, which is investigating the child’s death, said the preliminary cause of her death was blunt force trauma to the head, according to a press release. Noelani was found dead two days after her mother 24-year-old Sierra Robinson was found fatally shot outside her home in Milwaukee. Authorities believe that Noelani’s father, Dariaz Higgins, fatally shot Robinson. “A mom had to identify her daughter and a couple of days later her granddaughter,” Milwaukee police Lt. Eric Gulbrandson tells PEOPLE.

**Nearly Two Months After Her Death, the Body Of 14-year-old Girl Remains At Milwaukee County's Morgue** – Crocker Stephenson, Milwaukee Journal Sentinel, Published 7:00 a.m. CT Feb. 5, 2018 | Updated 1:27 p.m. CT Feb. 5, 2018. Amina Krouser, a 14-year-old girl who authorities say was horribly abused and neglected, died in early December. Almost two months later, her body remains at the Milwaukee County morgue. Her father, Michael Krouser, says he wants his daughter's body to be cremated and for the remains to be sent to him in San Antonio, Texas. But Amina's mother, who is charged with her death and in jail, says the procedure violates her personal and religious beliefs. She refuses to allow the procedure to go forward. So Amina's body, which arrived at the medical examiner's office with nothing but a couple of blankets, a stuffed animal and a drawing, remains in a kind of legal limbo. At blame, in part, is a Wisconsin law that fails to extend its protections to children such as Amina. "This case presents a hole in the law," said Matthew Torbenson, who is prosecuting Amina's mother, Azlyza Ababneh.

“Thank you for being so kind and helping me achieve the desired result in my case. I am so grateful that you listened to me and cared about my situation when no one else did. I cannot thank you enough and I am so appreciative that experts like you guys decided to take my case.”- Sara, 17 years old

## Questions?

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www.kidsmatterinc.org