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**SPECIAL ISSUE — RETHINKING FOSTER CARE**

**FOREWORD**

The Child Advocacy Law Clinic (CALC), at the University of Michigan Law School, marked its 40<sup>th</sup> year in 2016. In 1976, CALC became the first law school clinic specializing in child abuse and neglect and the lawyer’s role in representing the child, parent and the state agency. Over these decades, CALC has participated in many efforts to improve the lives of children who need protection because their parents or families are unable to care for and protect them.

Over 400,000 children are in the foster care system at any given time. Regardless of ideology, most agree that the system, which is ever changing, continues to be in need of a significant overhaul to better meet the needs of children and their families. Across the country, foster care systems have been the subject of federal lawsuits, have repeatedly failed federal audits, and have been vilified by the media and commentators. In many instances, the foster care system has failed children and the goal of permanency. As a result, many have called for the creation of new systems to help children in foster care.

In observation of its 40<sup>th</sup> anniversary, CALC hosted the “Rethinking Foster Care Conference” at the University of Michigan Law School in May 2016. Over 100 professionals, including practitioners, advocates, and national leaders from the child welfare community, gathered to answer 2 questions — (1) If America’s foster care system was built from scratch today, would it look like the system currently in place? and (2) What should be the place of foster care in America’s child protection system?” The hope was that this conversation, with a diverse group of leaders, could identify areas of agreement and identify an agenda for action that could improve the experience of children in the child welfare system.

The primary focus of this conference was rethinking the role of law and the courts. Any involuntary child welfare intervention implicates fundamental liberties and the interests of the child and the parents. No child enters or exits foster care without a court order, but because the

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legal system should not be the principal response to child maltreatment in America, our conversation began by addressing what voluntary, preventive, and supportive services should be available. Enhanced public health practices for children and families hold the promise of protecting and nurturing children so that fewer of them end up on the courthouse steps. Focusing our coercive, court-supervised, interventions in the most severe cases, frees the courts to be more effective in handling the cases that need intensive intervention.

CALC partnered with the National Council of Juvenile and Family Court Judges (NCJFCJ) to share the outcomes of the conference in this special issue of the *Juvenile and Family Court Journal*. The seven articles published in this “Rethinking Foster Care” issue present new ideas, challenge previously held beliefs, and discuss opportunities for improvement and reform. The NCJFCJ is in a position to continue this critical work to achieve justice for children and families in the child welfare system. Special thanks to Josh Kay, Clinical Assistant Professor of Law at the University of Michigan; Vivek Sankaran, Clinical Professor of Law at CALC; and the staff of the *Juvenile and Family Court Journal* for editing the articles appearing in this special issue.

Michael Wald, the keynote speaker at this conference and Professor of Law at Stanford University, said that we cannot change foster care without changing the whole system. His article, “New Directions for Foster Care Reform,” is a skillful summary of the data about how the current system is working and a must read for any judge, child welfare professional, or scholar.

The need for more precise legal standards, to impose additional predictability and even-handedness to court decisions, was another issue discussed at this conference. Josh Gupta-Kagan addresses some of these issues in “Finally Time for Realistic and Determinate Standards in Family Court.” Clearer court standards are essential to distinguishing between cases that belong in court and those which should be handled some other way.

In Kara Finck’s “Extra-Judicial Conferences in Child Welfare Cases: Reassessing their Role and Implications for Practice and Policy,” the collaborative decision-making processes often used in child welfare are reevaluated.

“In Search of a New Silver Bullet: Child Welfare’s Embrace of Predictive Analytics,” by Christopher Church and Amanda J. Fairchild, gives insight into the use of predictive analytics,

the process of applying statistical algorithms to data to make informed decisions about future events.

The theme of fairness and accountability in establishing the factual and legal foundation for child dependency is addressed by Alicia LeVezu in “The Illusion of Appellate Review in Dependency Proceedings.”

Rob Wyman urges all to embrace the opportunity to build resilience in themselves, in relationships, and in court systems in “Building a Resilience-Oriented Child Welfare Court System.”

Amy Harfeld and Kendall Marlowe identify the surprisingly broad consensus, revealed at this conference and elsewhere, on how the child protection system can better achieve its goals in “Making America’s Children Safe Again: Advocating for CAPTA Reform and Beyond.”

The hope is that the readers of this special issue of the *Juvenile and Family Court Journal* finds these articles useful and that they contribute to rethinking the place of foster care in America’s child welfare system.

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