

Heartbroken

At 9, my daughter was allowed to choose adoption

BY SHARKKARAH HARRISON

IN 2013, I PLACED my oldest daughter in foster care because I didn't know how to help her. She was 6 when she started to say that she hated me and her siblings and didn't want to live with us anymore. One day, after I told her that she could have a piece of cake only after she did her homework, she said, "I hate you, Mommy," and "I want to kill myself," over and over.

I had an open child protective case at the time and was afraid of my agency knowing that something was wrong with my family. But I was so shocked and scared that I called my caseworker. She told me to take my daughter to the hospital.

Six days later, the hospital discharged her saying she was the best-behaved child there. But at home she pushed her siblings and hit them with a broom. When I tried to stop her, she hit me and tried to run out the door. I felt heartbroken. I wanted to help her but I didn't know why she was hurting.

GOOD AND BAD MOTHER

I'd spent much of my childhood in foster care, and my own children had already spent six months in care because I'd used excessive corporal punishment.

At the time, I was a good mother and a bad mother. I loved my children, who were 2, 3 and 6 when they came home from care the first time. I hugged and kissed them. I



PHOTO BY STEVEN ZESWITZ

Sharkkarah and her youngest child

took them to the movies and the pool. We had water balloon fights and played in the park.

But other times I'd be mad at the world because I didn't have enough money, mad at my kids for messing up their room, and I would curse and beat them if they got me really mad. After, I'd hug and kiss them and tell them I was sorry. Somehow they'd still love me. That's what surprised me.

When they came home from foster care, I promised them they wouldn't go in again. But when my daughter started acting up, I was afraid that child protection would take all my children. Three days after she came home from the hospital, I felt like I had no choice

but to place her in foster care.

HEARTBROKEN

A month later, my daughter told her new worker that she'd been molested and that I knew and did nothing to stop it. In truth, I was completely unaware.

After I found out, my heart felt like it was broken, literally. I felt like I'd had a stroke. I'd been molested and not protected when I was a child. I felt horrible that I'd been unable to protect my own child. I felt unworthy to be my children's mother even though I loved them so much.

When I visited, I wanted to hug my daughter and say, "I'm sorry that this horrible thing happened to you but I'm here for you and I will help you get help." But the agency said

that if I talked to my daughter about it, I would only upset her. They kept me from her like I was the one who violated her.

For several weeks after that, I stopped going to visits because it was too painful to face my daughter. Eventually I became so overwhelmed—I was also homeless—that I placed my other two children.

I reassured them that I would be back. But I felt so bad for failing them that I did not go to the planning conference at the agency and I was off track with services for the next two months.

GAMES AND TALK

What helped me start working to bring my children home was remembering being in foster care myself. I never wanted my children to feel as lonely as I'd felt. So I began talking to a therapist about my past and present problems. I found support groups, and anger management and parenting classes. Eventually, I began to have the space and the skills to be a calm and loving parent.

After six months, I gained unsupervised visits. The first half hour was supervised. But after that, my children and I had time together without anyone watching or judging. We'd play board games like Tic Tac Toe and Jumping

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IN THIS ISSUE

Adoption: Broken Bonds

Across the country, roughly 50,000 children are adopted from foster care each year. They are expected to let go of their families and start over with new ones. Their parents, stripped of parental rights, are told to move on, unsure of whether they will see their children again. In this issue of Rise, parents share stories of adoption while child welfare professionals examine policy, practice and the need for openness after adoption.

Rise trains parents to write about their experiences with the child welfare system and to become leaders in child welfare reform. Our mission is to support parents and parent advocacy and to guide child welfare practitioners and policymakers in becoming more responsive to the families and communities they serve.

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FIRST PERSON

Continued from page 1
Monkeys. I'd bring sandwiches and chips and we'd eat and talk. Then we'd go outside and play in the park. My younger two, in particular, would tell me how much they loved me, and when I didn't feel like I was doing my best for them, they'd show me otherwise.

Still, my case moved slowly. Part of it was my attitude. I was so angry at how the caseworkers treated me that I'd yell at them all the time. It gave me temporary relief, but if I had tried to build a positive relationship with them, I could have avoided a lot of pain.

Part of it was that I had to deal with two foster care agencies, five supervisors and eight different caseworkers during the course of my case. With all those changes, it was very hard to get them to see me as anything other than what was written on paper.

A DIFFICULT DISTANCE

Over the three years that my children were in foster care, I grew very close to my younger children. But my oldest daughter came into care with so much hurt that it was hard for us to heal that pain.

My oldest also lived with a different foster mother than her siblings, and they formed a strong attachment. This, too, made a distance in our relationship. One time at a visit, when I tried to discuss with my daughter whether she wanted to come home, she started crying. After that, the agency told me that I couldn't discuss the case with my daughter. But I know her foster mother did talk to her about whether she wanted to be adopted.

I KEPT TRYING

One thing I did to strengthen our bond was reach out to my daughter's therapist. At first I met with her alone. Then, when my daughter was ready, my daughter and I had therapy together.

In the beginning, I couldn't

understand why my daughter hadn't come to me when someone had hurt her. But the more I listened, the more I understood the effect that my anger had had on her. It felt horrible to realize that I had acted in ways that made it harder for her to talk to me when she was molested. I hated myself for a long time because of that.

After each session I cried. Even so, I took advantage of every session to get closer to my daughter. In the end, my daughter said that she forgave me and she loved me. But she also told me that she still didn't feel safe coming home.

CHOOSING NOT TO FIGHT

When my daughter told me she wanted to be adopted it broke my heart. She was 9 by then. Despite all the ways I'd changed, I felt like all she could see was the past.

At the time, the agency had already filed papers in court to terminate my parental rights to all three children, in compliance with federal law, because they had been in care for several years. But because I was making progress in my case, the agency agreed to a "suspended judgment," which would give me one year to reunify before my rights were terminated. But the agency said it would only agree to the suspended judgment if I agreed to let my oldest be adopted.

I wanted to fight. I grew up not being able to see my siblings because they were adopted. I didn't want that for my children. But I didn't want to risk losing all of my children.

Eventually I decided that my pain didn't need to stop me from loving my daughter. She didn't choose just to be with her new mother. She chose to have both of us in her life. I decided to continue to show her that I'm here when she needs me.

KEPT OUT

A year ago, my youngest children came home, and my oldest was adopted. When I agreed to let her be adopted, I was told that her siblings and I would be able to see her on weekends, holidays and birthdays, but in the last year we've only seen her twice.

In the beginning, my daughter would call me every morning and night from her cell phone. But when I'd contact her adoptive mom to set up a visit, she would always say either, "She's busy," or "I have to check her schedule."

Her brother and sister would cry because they missed their sister. Sometimes they'd take it out on me and I'd feel guilty. Other times they'd be angry with her. I'd tell them that they weren't allowed to blame her.

Then her adoptive mother surprised me on Mother's Day with a visit. But two hours later she took my daughter away again. My daughter cried all the way to the car and told me she didn't want to leave us yet.

I told the adoptive mother, "We have to make a way so she can see us more often." But she got angry. She said it was her day, and that my daughter should be happy that she'd taken the time to bring her at all.

Then last month, my daughter lost her cell phone privileges, and her calls have stopped.

WISHING SHE WERE HERE

I mourn the loss of my daughter. But I've decided not to go to court to fight for visits because I don't want to put her through court battles. I also don't want to risk the possibility of having the visits stop completely.

I hope my daughter knows that I'm here for her if she ever needs me. I hope one day my daughter will be back in my life. In the meantime, her siblings and I keep creating memories without her, wishing she were with us. ■

Fractured Families

It's time to rethink adoption out of foster care

INTERVIEWS BY SHARKKARAH HARRISON AND DOMINIQUE ARRINGTON

There was a time when all adoptions were closed, parents signed over their rights and rarely ever saw their children again. But time and research have shown that children who maintain connections to their biological families do better. While private adoption agencies have increasingly embraced openness, child welfare systems have not.

Meanwhile, over the past 20 years, adoptions have increased, from 38,000 in 1998 to over 50,000 last year. That's a result of the federal Adoption and Safe Families Act (ASFA) passed in 2007. While some children find permanent homes with supportive families, others experience instability, unaddressed grief, and even homelessness.

Rise spoke with April Dinwoodie, chief executive of the Donaldson Adoption Institute, Dawn J. Post, the co-borough director of the Children's Law Center, and China Darrington, who provides recovery support services to parents in Ohio struggling with addiction and is a member of the Birth Parent National Network. Darrington and her daughter maintain a connection with her birth son, who is adopted.

Q: Why have adoptions from foster care grown so much in the past 20 years?

Post: ASFA was passed during the crack epidemic, when hundreds of thousands of kids were growing up in foster care. There was a movement across the country that children should be growing up in “forever homes.” So there was a big push to get children adopted. ASFA gave states bonuses for every child adopted.



PHOTO BY STEVEN ZESWITZ

Often, adoption is in children's best interest. But I don't believe that it's in the best interest of all children. My argument is that there should be a bonus for every form of permanency.

And adoption isn't always permanent. We started the Broken Family Adoption Project because having worked in child welfare all of these years, we would see adopted children return to family court and go back into foster care. It was pretty common to see the parent introducing themselves to the judge as the adoptive parent and then saying, “I don't want the child back.”

In New York, Lawyers for Children recently found that approximately 20% of their caseload is adopted children who have been placed back into foster care. That's 150 to 200 children. Covenant House, a shelter for homeless youth, also calculates that they see about 120 children per year who were adopted and are now homeless.

Q: Are child welfare systems adequately invested in helping parents before systems ever get to the point of adoption?

Darrington: On paper, yes. But in practice that varies state by state, county by county, agency by agency. The child welfare system is incredibly easy to fail in and incredibly challenging to succeed in.

It would help if we had more in-home pre-removal care and services. Because once removals happen, we've got another layer of trauma. I don't think there's a magic wand that can make every situation perfect. But I think there are other options we could try: co-parenting, shared parenting. Right now the options we have are very black and white.

Q: What are the benefits of openness when adoptions do happen?

Dinwoodie: We see in our research that openness is better for everyone but it's most beneficial for the child, who will have access to their full identity via connections to their biological family. There are also federal funding guidelines that say you can't cut off siblings from each other. It's just unhealthy.

Adoption from foster care can make openness more challenging. You have that overlay of, “These parents are bad and these other

parents coming in, they're good.” You also have adults who are at odds in court. That just sets up so many challenges.

But private domestic agencies have resources to help parents and adoptive parents understand this open relationship. Right now I'm not sure any foster parent training hours are devoted to building relationships with the biological parents after adoption. The folks in the decision-making seats need to be better educated about how important it is for the child to keep family connections.

There also has to be more clinical support and clearer conversations leading up to adoption. At times parents are told, “If you surrender your rights, you'll definitely have contact.” And then the rug gets yanked out from under them. Agencies need someone committed to making sure that when visits are agreed to, they happen.

Darrington: I participate in groups to help those of us in closed adoptions, open adoptions and open adoptions that have closed. I watch human beings get a part of their soul carved out when they have unresolved issues. In working with Foster Club kids who age out of foster care, I see the same emotional wounds in them for not being able to have their questions answered.

Any time I see my birth son face to face or my two children together, any time I get even social media updates from the adoptive mom, those things are incredibly healing for my heart. Openness is less of an “us against them,” either-or. We're all in the same boat, going in the same direction. We love these kids.

Still ‘Mommy’

I’m signing over guardianship but I’m not giving up on my kids

BY ADISHA GARNER

MY KIDS WERE REMOVED

six years ago when they were 7, 6 and 2. That was the worst day of my life.

The problems started when my youngest’s father went to jail. I guess I was not ready to be a single mother, because I did not put my partying to the side. My kids came into care for emotional neglect and lack of me doing laundry, cleaning and taking my kids to school on time.

Three months later, I was evicted. It was so stressful that I developed a mild stroke. I also started drinking and that’s never good. It was because I was starting to believe I had no reason to live anymore. I had already lost my kids.

TAKING STEPS

I myself grew up without my mother. All my life I called my mother Malicia and my grandmother “Mommy.” I wasn’t being disrespectful. As a child, you call it like you see it. Growing up seeing your mother and just walking past her, wondering if she knows you are her child, feels crazy. I always felt alone.

Four months after my children were removed, my aunt and her husband agreed to take my kids and I was able to get unsupervised visits in their home. I saw my kids throughout the week and on the weekends. Two years ago, they moved upstate, but I still visit every weekend.

Over the years I’ve done a lot to get my kids home, from therapy to parenting classes to anger management. I learned about talking more than yelling and that you have to break the chain if you want your kids to be better than you. I really wanted my kids back home so my life could be complete.



PHOTO COURTESY OF ADISHA GARNER

Adisha and her son

Every Saturday, I get up at 4:30 a.m. and leave my house at 5:30 a.m. to go upstate for my weekend visit. I like to get the 7:15 bus. I get the 4:45 bus back to New York. I continue to call my kids often.

LIKE A VISITOR

My kids and I play, talk, do homework, eat and laugh together. Still, I only see them for a few hours once a week. And since the visits are at my aunt’s house, I feel like a visitor, not their mother.

Then, a few weeks ago, my case planner and the law guardian told me that my kids stated that they don’t want to be with me.

I just sat there. I felt like I did everything for nothing.

REELING

Since then, part of me wants to curse out the case planner. Part of me wants to give up on my kids. Part of me wants to fight harder to get them home. I just don’t know what do.

At the same time, I know that I still don’t have my life together. I live with my cousin, and it’s not a

place where my kids can live. And my kids are happy with my aunt. After a few days, I started telling myself, “That’s all that matters to me.” I even started thinking that, if staying with my aunt makes them happy, I could move closer to them.

AGREEING TO GUARDIANSHIP

Recently, I had a Family Team Conference to talk about “KinGap”. When the case planner first offered KinGap, I did not want to take it. I thought it was like signing over my rights.

But then my parent advocate explained that my rights would not be terminated. My aunt and uncle even agreed that I could have my kids on weekends, birthdays and every holiday. At that point, I agreed to sign the papers.

My hope is that I’ll see my children more. But I am also worried. Last weekend, my aunt was supposed to bring my kids to a family party, and they didn’t arrive until the last half hour.

My doors will always be open for my kids. I’m glad that, even though my kids have been in foster care, they still call me “Mommy.” ■

What Is KinGap?

Guardianship by family members—called KinGap in New York City—is an option instead of adoption. Here, Julie Farber, deputy commissioner of Family Permanency Services at NYC’s Administration for Children’s Services, explains KinGap:

The Kinship Guardianship Assistance Program, or KinGap, is designed to help a child in foster care achieve a permanent home with a relative. The key difference from adoption is that the biological parent’s rights aren’t terminated and the child isn’t adopted, but the relative still receives the same financial support as an adoptive parent.

KinGap works well when a birth parent and a relative have an understanding. Let’s say you and I are sisters and I have a drug problem, and we’ve acknowledged that while I’m working on my issues, what’s best for my child is to be with her aunt. KinGap keeps the child in her own family, and makes it easier for the child to maintain contact with her parent.

The flip side is that when parents are upset that their children can’t return home, that can strain the relationship with the relative.

It’s important to talk about what this is going to look like. The parent and guardian can request to have a formal visitation order put in place, or they can make a plan informally.

Most importantly, we want parents to understand that if reunification isn’t possible, adoption is not the only option.

—DOMINIQUE ARRINGTON

Too Hard a Choice

As a teen, I was asked to choose between my mother and a new family

BY ANONYMOUS

WHEN I WAS 14 my father broke the worst news to me and my siblings. He told us he had one year to live.

Almost immediately after he told us, he placed my sister and me in foster care, where we were separated, because they said I was always telling my sister what to do and trying to be her “mother.” My brother was locked up and my mother had been removed from our home when I was 11 because of drug use.

My father died 10 months later.

After he died, my mother said she would do whatever she had to do to get us in her custody. But as the years passed, my siblings and I didn’t even expect Mom to complete any programs.

A SUPPORT AND A BURDEN

Still, I saw my mother every day. She picked me up from school three or four times a week. She also had my back in many situations.

My mother loved to hear that the agency wasn’t doing something right, because she will speak her mind, even in front of a judge! When I needed money or clothes she would make sure the agency provided that to me.

One time, when girls in my high school tried to jump me, my mom fought them with me. That’s not what parents usually do but I felt good knowing I had someone to help me.

But it was also stressful having my mom in my life. My mother suffers from bipolar disorder and schizophrenia and she doesn’t take her meds. She thinks that smoking weed helps her.

Once, during a heart-to-heart, my mom told me how her mom never really cared about her and how her

siblings ended up in foster care after her brother was killed in a fire. After hearing her story, I felt so bad for her. I felt like I had no choice but to keep her by my side.

But often I felt empty around her. I didn’t want to always be with my

And a piece of me still wanted to believe my mom would get us back. I didn’t want a new mom.

When I was 17, though, I had a change of heart. I was always afraid of what the outside world would think if they knew I lived in a group

and nonsense. I don’t like that whenever I complain to my mother about how her smoking affects my daughter, who has asthma, she starts yelling and cursing at me in front of my daughter.



PHOTO BY STEVEN ZESWITZ

mom while she smoked weed and did nothing every day. I wanted to feel happy to be home.

FINDING OTHER SUPPORTS

A caseworker first introduced the idea of adoption to me when I was 14. After that, I went back and forth, unable to decide whether I wanted to be adopted.

That first caseworker said, “You know your mom isn’t going to do anything to get you back.” But her talking badly about my mother made me not want to even listen to what she was saying about adoption.

Besides, I was already separated from my siblings. I was afraid that if I were adopted, I might love a new family and forget about my family.

home. So at a moment when my mother and I had had an argument, I just said, “Hey, I’m gonna try adoption.” At the time, a close friend’s grandmother was willing to adopt me.

But when I broke it to my mom, she was upset, aggressive and controlling. She cried and told me she would not give up her rights to anyone (even though they were terminated). In the end, she convinced me not to be adopted.

LEFT WITH REGRETS

When I became a mom and realized how many sacrifices a mother has to make, I again began to wish that I had been adopted. I don’t like that my family gatherings always turn upside down because of arguing

I was afraid that if I were adopted, I might love a new family and forget about my family.

I love my mother. She calls me all the time, and when she doesn’t see me she tells me that she misses me. She invites me and my children over for dinner and she offers to have their birthday parties at her house. But sometimes the drama makes me wish I had another family to run to, another environment for my children.

ADOPTION AND OTHER OPTIONS

Now that I’m a youth advocate working with teens at the same child welfare agency I was in, I try to encourage adoption because I understand how hard it is if you don’t have enough support. I tell youth, “Please don’t let family tell you what to do. Make decisions that will be best for you.”

But I also know that many people don’t want to adopt teens and many teens don’t want to be adopted. They feel pulled in two directions, just like I did, and they love their families, just like I do.

I believe child welfare systems should keep looking for other ways to offer youth long-term support without making them choose between two families. ■

Signed, Sealed and Disregarded

My daughter's adoptive mother promised visits but she hasn't kept her word

BY SARA WERNER

THIS IS NOT ABOUT what's easy to write. This is about what people need to know. This is a pain and suffering that never goes away. I really miss my little girl every single day.

When I last saw my daughter she looked so beautiful and happy. She looked almost exactly like my son, Aaron. Her long curly brown hair. Her skin a little darker than mine. Short and cute. I'll never forget her smile.

SAFETY FOR MY DAUGHTER

Sharon went into foster care when she was only 2 ½ months old. I was in an abusive relationship. I felt that things could be—should be—better for her.

Deciding to let her go was traumatic. But when I realized that my boyfriend's abuse was not only affecting me, but her as well, I knew I had to get her somewhere safe.

One day, when I knew that my boyfriend would be gone for a while, I dressed Sharon and left her with my social worker, telling her some of my situation. I was hoping that someone from my family could come and get her. Things didn't work out and Sharon went into foster care.

A LOVING FOSTER FAMILY

During the time I was being abused, I could hardly go anywhere without my boyfriend, and I certainly couldn't visit Sharon. I didn't see Sharon again until they took Aaron away straight from the hospital, when Sharon was 2 years old. By then, I'd escaped from the relationship and I started visiting Aaron, who was placed with his sister.

When I met Sharon's foster family, they seemed to be taking really good care of her. Sharon has asthma and Vein of Galen

syndrome, a serious disease that requires constant care. Despite these conditions, she always looked and acted happy, and her foster parents made sure she had the best doctors. It was more than a full-time job. I didn't know if I could do it.

At the beginning of my relationship with the foster mother, she was really understanding, concerned and generous. We would sit and talk, eat together, play with the kids. She wanted to know my story. She was shocked by how my ex-boyfriend treated me. She talked about how my kids and I needed to see each other and have good relationships.

However, there were times when I waited for visits followed by disappointment when no one showed up, with really poor excuses later on about why.

KEPT APART

I saw Aaron a lot more than Sharon.

With Aaron, the goal was always reunification, and visits increased from once a week, to twice a week. We also spent time in mother-child therapy.

At first, I felt that I might not be doing right trying to get him back. But through therapy, I learned to calm him down. I learned to be there for him and to give him his independence. I learned so much about how to keep him happy.

With Sharon, the court said I had abandoned her, and because of that, I shouldn't get her back and didn't have the right to see her as often as Aaron. Sharon also had doctors' appointments and therapy, which her foster mother said kept her from visits.

When I did see Sharon, I loved to play with her, give her presents and be silly together. But she thought of me as a friend, not her mother.

Healing Through Art and Activism

BY SHARKKARAH HARRISON

The grief parents suffer when they lose children to foster care and adoption is "invisible and often goes unacknowledged," explains Toronto-based social worker Kathleen Kenny and parent advocate Sheryl Jarvis, who run a 15-week support group for women who use drugs and have experienced having one or more children removed or adopted.

Q: How would you compare the grief of a parent who loses a child to adoption to a parent whose child dies?

Jarvis: When a child is adopted, the isolation is devastating. The isolation is connected to stigma, because the loss is seen as a failure. People just do not understand and are not supportive. This makes women's suffering and distress all the harder.

There's also often very little acceptance on behalf of the parent about what has happened because the process that led to the child being taken and adopted feels unjust.

Finally, there's this state of

unknowing. Unlike a death, the child is not gone and the parents are in an in-between state of wondering when and how they will see their child again. There's also not knowing if the child is doing OK. This anxiety can be really debilitating.

Q: How does your group help parents heal?

Kenny: A lot of our group is focused on having a base to tell their story—the women talked about not having a space where

they felt comfortable to talk about what they experienced.

We also use art as a medium for women's self-expression, and engage in social activism. There aren't a lot of opportunities for women to share awareness of the system issues that contributed to their children being removed, so a lot of mothers shame and blame themselves. Part of the social activism piece is about identifying the barriers that women face that are not of their own making.

PROMISED THE WORLD

After Aaron had been in care for almost three years and Sharon for five, I was given a choice. The dreaded choice. Either fight for my little girl, which they said I was pretty much guaranteed to lose, or sign my rights over and have the opportunity to visit her even after she got adopted.

My heart breaks just thinking about making that decision. I feel like I failed my daughter. But I also knew she was very happy with her “Mommy and Daddy.” It was hard to think of taking her away from that.

The agency and court also told me that my ex-boyfriend was trying to gain custody of one or both of my kids and that signing over my rights would stop him from having any rights. I felt like they weren’t being honest with me. At the same time, I was concerned. What if they were telling the truth? Now I think they would have told me anything as long as I signed the papers.

The foster mom used to say, “Don’t feel like you won’t see your daughter just because you sign the papers. In fact, you’ll see her even more.” She talked about how we would hang out, go places. She promised I could be there for holidays and birthdays. The court agreement we signed said that I would still be allowed to see Sharon, talk to her and send her presents.

THE RELATIONSHIP FELL APART

But when I became determined that no matter what, I would keep fighting to reunify with Aaron, the foster mother started saying that the agency and court were making a mistake and that I couldn’t care for Aaron properly because I have a mental health diagnosis. At the time, I also didn’t have housing for Aaron. We would have to reunify to a shelter. “What kind of life would he have?” she said. She even got her own lawyer.

But I couldn’t give up on being

my son’s mother. I fell in love with him the second I laid my eyes on him. I was in Aaron’s life from the time he was brand new and I love him every second of every day. I am his mother.

I completed every program, and only got good reports from all my services. There was nothing his foster mother could do.

Soon, we stopped talking in a friendly way. We stopped eating

a chance that if we go to court and show that Sharon’s adoptive mother is not honoring the visiting agreement, a judge might order her to let Sharon see me and Aaron. I’m not sure I’ll win, but I want to try.

MY CHILDREN DESERVE EACH OTHER

I think about my daughter every day. I feel like a piece of me is missing.



PHOTO BY STEVEN ZESWITZ

Sara and her son

together. Eventually, the judge determined that it was best if we didn’t communicate anymore.

BROKEN BONDS

After my case closed, I saw Sharon a few times and then the excuses started and I saw her less and less and then not at all.

When I asked the agency to help, they said I had to work it out myself.

Since then, I have asked myself many times, “If I went to court, could a judge do anything to make sure that Aaron and I see Sharon?” But I am really scared. What if Sharon’s adoptive mother is still trying to get Aaron? What if she starts to call in false reports about me, just because she can?

Recently, though, I spoke to my lawyer and he told me that while there are no guarantees, there’s

I feel bad for Aaron. He and his sister deserve to have a relationship. They lived together for almost three years. They were so close to each other. For a few weeks after he came home, Aaron cried for his foster parents and his sister every day. Then he started asking about them less, until finally he stopped asking. Still, I think Aaron and Sharon would be happier if they could look forward to seeing each other.

I believe that no parent should have to make a decision to either sign over their rights and be promised the chance to see their children, or fight for them and take the risk that if they lose they’ll never see their children again. If there is an agreement made in court that visits should continue, that agreement should be enforced.

I also think that in situations like

Bill Proposes to Preserve Bonds

A coalition of NYC lawyers and advocates has proposed a new bill, *Preserving Family Bonds*, which would give New York City family court judges the power to order contact between adopted children and their biological families after the termination of parental rights (TPR). Right now, biological parents and children have no legal rights to see each other after a TPR if the adoptive parent doesn’t want it, even if a judge believes it’s in the best interest of the child.

Stevie Glaberson, an attorney with Brooklyn Defender Services Family Defense Practice, explains: “A termination of rights doesn’t mean there isn’t a meaningful connection between a parent and their children. Research also suggests that the adoption itself can be strengthened by ongoing contact between the child and birth family.” If the bill becomes law, a judge would have the power to order visits, explains Glaberson, “anything from in-person unsupervised visits to letters and emails and periodic updates, and anything in between.”

The bill is still in its early stages, but advocates are hopeful they can pass it. It is sponsored by Assembly Member Latoya Joyner and State Senator Diane Savino.

—JEANETTE VEGA

mine, someone has to tell foster parents: “Listen, this child has a mother who is fighting to get her baby home, so you should prepare emotionally and physically for that time.” Then both sides need help planning for how to have a relationship if that’s what’s in the best interest of the children. ■

The Devil's in the Details

What parents need to know about post-adoption contact

BY SARA WERNER

Almost three years ago, I signed a “conditional surrender,” giving up parental rights of my oldest child, who was eventually adopted. The agreement stated that I would continue to be able to visit my daughter. The adoptive parent broke the agreement and I have not seen my daughter in almost three years. Now I regret not fighting to keep my two children together.

Here, Margaret Burt, an attorney with 37 years of experience in child welfare law, explores what rights parents have to keep contact with their children after adoption.

Q: Can a parent have visits after the termination of parental rights?

A: Once a termination has happened, the court has no authority to order visitation. A parent can ask for visitation, and foster parents and the agency can

talk about it, but there's no ability for the judge to order it.

Q: If parents decide to sign a conditional surrender, what can they do to make sure that the visitation agreement is as strong as possible?

A: Be careful about the details. If the agreement says the birth mother is going to get three visits a year, what does that mean? Does that mean the adoptive parent gets to say your three visits are January 1, January 2, January 3? I bet the birth mother thought that meant one visit every four months. The order should say that.

Birth parents also need to make sure that they have a way to contact the lawyer that helped them after the case closes. So if it's two years later and it's not working, they can call and say, “You represented me

on this agreement and I'm having a problem.” The lawyer may or may not represent that parent. The court ultimately decides if the parent is entitled to counsel. But at least the lawyer should listen and help get that parent back into court.

Q: What rights do parents have if they do go back to court?

A: The birth parent can tell the judge in what way the agreement has been broken. The judge will also hear arguments from the adoptive parent.

The judge doesn't have to say, “Well, this was the agreement and you absolutely have to do it.” Some courts have said that the circumstances have changed and it's no longer in the child's best interest to have contact. Other courts have ruled that the adoptive parent doesn't have a good reason

to not be abiding by the terms, and have ordered that the adoptive parent must obey the terms.

The judge also has the power to enforce visitation orders. This can include fines and incarceration for contempt if the adoptive parent refuses to obey the judge's order.

Q: Connection between siblings has proven to be in the best interest of children. Are there laws that ensure that this connection is maintained after adoption?

A: In New York State, when parental rights are terminated, sibling rights are not terminated. The sibling can sue for ongoing contact. Whether the judge orders that ongoing contact is going to have to do with whether it's in the best interest of the children. ■

What You Need to Know If You Are Facing Termination

If you've been off track in bringing your children home, you may feel that you've already lost. But it's important to talk to your lawyer about exceptions to the Adoption and Safe Families Act that may allow you to continue working toward reunification. Each state has different rules. Below are some New York state exceptions you should talk to your lawyer about.

■ **Agencies can decide not to change the goal to adoption, even though a child has been in care for 12 months in a row or 15 out of 22 months.**

In New York, agencies aren't

required to file a termination of parental rights when a child is in care with a relative; is 14 or older and doesn't want to be adopted; when a parent is very close to bringing a child safely home; or is incarcerated or in in-patient drug treatment and is doing everything to maintain a positive relationship with the child.

This doesn't mean that an agency won't file to terminate parental rights, explains lawyer Margaret Burt. It just means that if they believe there are “compelling reasons” not to, they don't have to.

■ **Even when the goal has been changed to adoption, a judge can grant a “suspended judgment”—meaning they can give a parent more time.**

Judges can grant a suspended judgment when they think it's in the best interest of the child. But it's important to know that that time is limited, typically to one year.

If parents agree to a suspended judgment after a TPR is filed, they will have to sign a statement admitting that they permanently neglected their child. After that, they'll have a second chance to bring their child home. If they don't succeed in the time given,

though, their parental rights can be terminated without a trial.

■ **If the agency has filed to terminate parental rights, you can sign a “conditional surrender” instead or go to trial and fight. When you're deciding whether to fight “the most important thing,” says Burt, “is to make sure that you're having quality discussions with your attorney about the strength of your case.”**

In New York, if you lose, you also have a right to an appeal. Some parents win. But, notes Burt, it's important to know that the success rate of appeals is low. ■

Not Willing to Surrender

I don't want anyone to be able to tell my son I gave up on him

BY D'JUAN COLLINS

WHEN MY SON ISAIAH was born on January 3, 2007, I was unsure whether I was his father. Then I laid his small body against my chest with my head bowed down to his and felt an unmistakable bond. I knew he was mine.

PROVING MY FATHERHOOD

Unfortunately, because of his mother's actions, my son went into foster care. I was determined to get him back.

While I filed for paternity and waited for the court to grant custody, I had unsupervised visits with my son. I would take him to the park and let him see the sights. I would cradle him in my arms and sing "rock-a-bye baby." He would often smile. It tickled me to see that he enjoyed his father's terrible singing.

Finally, when my son was 5 months old, the judge granted me custody.

My son went everywhere I went—grocery shopping, physical therapy. Once I couldn't find a babysitter and had to take my son to my final exams.

LOCKED OUT OF HIS LIFE

Unfortunately, when Isaiah was almost 11 months old, I was arrested on old charges. That was the worst day of my life. Isaiah went back into foster care.

My mother came to NYC to care for my son. But on Nov. 21, 2007, he was removed from her care. I've never understood why. Isaiah was in foster care in August 2008 when I was sentenced to eight years.

At first, my son's agency brought him to visits with me once a month through a program called CHIPP. Then I moved upstate, and didn't



COURTESY OF D'JUAN COLLINS

D'Juan and his son.

see him for months. The first time Isaiah came to visit me at Fishkill, I was afraid he wouldn't recognize me. He was already 2 years old but came screaming, "Daddy!"

The end of the visit was painful. He grabbed me by my pinky and tried walking me out the door. I took baby steps to make the walk take longer. When we got to the door, he was crying, "Daddy! Daddy! Daddy!" all the way out the door.

During my six years of time served, I remained consistently in contact with the agency. Ultimately I was told by a caseworker that I had no rights in my son's case because of my sentence length. In 2011 the agency filed for termination of my parental rights.

BACK IN MY ARMS

I came out of prison in July 2013, two years early for good behavior. Isaiah was 7.

At my first visit with Isaiah, I picked him up, and cried to have my son back in my arms. He did not want to get down.

From then onward, I visited my

son every Friday at the agency.

But my case was also in the middle of the termination trial. My caseworker and attorney wanted me to surrender my parental rights so I could continue to see my son. Under New York state law, if you "surrender," you can sign a "post-adoption contact agreement." If your rights are terminated, however, you will have no legal right to see your child again.

But I kept saying, "I'm not giving up my baby." I never wanted my son to think that I had given up on him. I kept imagining his foster mother might tell him, "See, your family doesn't love you. Even your dad gave you up!" So I kept fighting.

But in February, my parental rights were terminated.

OUR LAST VISIT

The last time I saw my son, I didn't know it would be our last time together.

That day, we made a teepee. He held up the rods while I attached the pieces. While we worked, I gave him a little history lesson about Native Americans. Then he opened the zippers and we stood inside and took a picture together. I felt

proud. I wanted to inspire my son to be a builder, not a destroyer.

SHOCKED AND DEPRESSED

That was five months ago. Since then, I've been imagining my son asking, "Why can't I see my Daddy?"

For a few months, I was simply depressed. Then I reached out to the NYU Law Clinic for representation on my appeal. They told me that even though I don't have a legal right to visit Isaiah, his foster mother can allow it. But when I got in touch with her, she told me that her attorneys advised her not to let me see my son or talk to him. Filing my appeal is now the only path for me. Nobody can tell me that it's in my son's best interest that he never see me or speak to me again. ■

Visiting After TPR

After a termination of parental rights and before an adoption is finalized, foster parents are sometimes told that the adoption could be in jeopardy if they allow visits. However, this is not the law or policy in New York City.

Under the law, your agency cannot force foster parents to allow you to visit if they don't want you to. But if the foster parent is open to visits, if visits were considered in the child's best interest before the TPR, and if there are no safety concerns about visits after the TPR, there is no legal reason why they should not be allowed.

Torn

The child needed her mother, even though she couldn't go home

BY SANDRA ASHTON

I WAS FIGHTING TEARS at the last court date before I was taken off the case.

Ms. M, my client, stood and stated that she had neglected her child. The judge asked if she understood what was happening. With a smile, Ms. M said, "Yes." But I felt quite sure she didn't.

I think Ms. M believed that making the admission meant she was not going to lose her parental rights. But for over two years, Ms. M had refused anyone access to her home and had been unwilling or unable to clean the mess that filled it. No amount of love was going to save her from losing her daughter if she didn't clean up her home.

HELPLESS IN COURT

I tried to explain to her that if she went to trial and lost, she would have no right to see her daughter and that it was possible that she would lose all contact with her.

I informed her that a "conditional surrender" was an option. If she surrendered her rights, she could sign an agreement to visit her daughter and participate in special events like holidays. But Ms. M said she was planning to fight. In her mind she was getting her daughter back.

I felt a wave of sadness wash over me. I was sure she would lose and I knew this child needed contact with her mother.

A CLOSED DOOR

For the two years I worked with Ms. M, she was always pleasant and friendly. She loved to wear jewelry to match her outfit and her hair was styled tastefully. That is why I was shocked to view pictures of her home.

The quality of the copies was



PHOTO BY STEVEN ZESWITZ

poor but the state of the home was clear. The floors were almost completely covered by clothes and bags. It was these conditions that led her daughter to be placed when

We need to ensure that children have contact with their parents when that is in the child's best interest.

she was 6 years old.

Still, when I first started working with Ms. M, I thought it would be easy to have Mom clean her home. Whenever I spoke to her about it, she would smile and say, "I know, Ms. Ashton."

But my hope turned to disappointment the first time I stood in front of her red door and realized she was not going to open it. After that, whenever I brought up the seriousness of her situation, she would speak about the weather or something on the news.

At the time there was no mental

health diagnosis for hoarding, and though I found therapists who specialized in the problem, I couldn't find one who accepted Medicaid. The most I could do was send Ms. M to therapy for depression. One month turned to a year and then two and I did not gain access to her home.

STILL A FAMILY

Still, during that time, Ms. M maintained a joyful relationship with her daughter.

Twice a week for two hours each, I supervised their visits.

L was such a bright child. She would ask me to print out coloring pages from the computer to color with her mother. L was very artistic and Ms. M encouraged her creativity.

At almost every visit, Mom would bring L new clothes and they'd have a fashion show. At these times, L appeared to be a flower opening her petals toward the sun. The visits ended with warm goodbyes.

L was lucky to be placed with a foster mother that embraced her like her own child. Still, for a long time, I thought L needed to be with

her mother because I saw their bond. I was completely taken aback the day L told me she was afraid of going home because of the conditions there.

Despite this, L was clear that she wanted to see her mother. Her mother was not perfect but she loved her deeply.

HEARTBREAKING

L had been in foster care for three years when Ms. M lost her parental rights, a few days before L's birthday in 2014. L was used to spending her birthday with her mother so to lose her so abruptly without the opportunity to say goodbye must have felt like her heart was ripped out.

It has been almost two years since then. Because Ms. M contested the termination of her rights, L has still not been adopted. She has also not seen her mother.

L says that she is fine, but I learned from her previous therapist that she was very sad about losing her mother, but she was trying to be brave and not talk about it for her new mother.

I am no longer on the case, but the few times I have seen L at the agency, her eyes look like diamonds that have lost their sparkle. She answers questions, but she isn't as engaging. Her smile feels forced. I learned that she has been diagnosed with depression.

It's heartbreaking to separate a child from a parent in this manner. I believe that the system failed this child. We need to ensure that children have contact with their parents in cases of TPR when that is in the child's best interest. I will never forget the beautiful bond between this daughter and her mother. ■

Making Openness Work

BY DOMINIQUE ARRINGTON

Thirteen years ago, China Darrington decided to give her infant son up for adoption rather than let him go into foster care. Today, Darrington provides recovery support services to parents in Ohio struggling with addiction and is a member of the Birth Parent National Network. Here she describes how she managed to stay in her son's life after adoption.

Q: What was your experience with adoption?

A: When I was 32, I was at the end of 16 years of chronically relapsing substance addiction and I lost custody of my 4-year-old daughter for seven months. I ended up with a second crisis pregnancy. Despite the love I had for my son, I was not in any shape to expand my household for him. I had failed at

drug treatment six times, and I was not convinced I was going to make it this time. I also had no money, no insurance, no resources.

In 2004, I delivered a baby boy and went from being mother to birth mother.

Q: How did adoption impact you?

A: I felt like I understood my choice intellectually but emotionally that was very different. There was nothing I could do to prepare for that.

The first twelve months there was a lot of openness; several visits. But right after my birth son's 1st birthday, the adoptive family pulled back and I did not see him for two and a half years. I freaked out because I knew I had no power.

I started writing postcards once a month. I sent a copy to the family.

I felt that I was maintaining that relationship, just to let my son know what was going on in my life and his half-sister's life and that anything that he needs we're always present for.

Eventually the adoptive family resumed contact with me and I learned that my son got those communications and loved them.

Today I see my son face to face one or two times a year and I receive more regular updates and photos through Facebook.

But it's not easy being that part of the family that doesn't have any legal rights. That's been the biggest struggle. I have this immense bond and feeling for both my children and yet I have very different roles in their lives.

Q: How has openness in your adoption impacted your children's relationship?

A: My daughter is 18, and my birth son also has a sister through adoption.

My daughter and my son's adoptive sister have become really good friends. They feel as close as sisters. My birth son feels like the little brother.

One of the most healing things I ever saw was on my birth son's 10th birthday. He pointed to his adoptive sister and said, "This is my sister who I'm not related to by blood, but I live with." He then pointed to my daughter and said, "This is my sister who I am related to by blood but I don't live with." That simple.

These three kids who have grown up with the love, resources and openness to have their questions answered, they have processed this and made it very simple. ■

How Parents Can Work Together After Adoption

Once it's clear that a child is going to be adopted, it can be extremely hard for biological and adoptive parents to maintain a relationship with each other. But without it, children can be forced to choose between two families.

Sarah Gerstenzang, an adoptive parent and co-founder of the Adoption Foster Care Therapist Network, says there are steps both sides can take.

■ **Adoptive parents can speak to a therapist with the child about what kind of relationship the child wants with the biological family after adoption. Then, as much as possible, adoptive parents should follow the child's lead.**

■ **Biological parents can ask foster parents to discuss what kinds of visits they would be comfortable with. For instance, an adoptive parent may not feel comfortable allowing unsupervised visits if there have been concerns about a parent's drug use, but may allow supervised visits. These conversations can be hard, but if adoptive parents have safety unaddressed concerns, visits are unlikely to happen.**

■ **Biological parents can ask if there are other ways to keep in touch, such as phone, mail, email or Facebook.**

■ **Both parents can agree to update each other with contact information. Even if children don't want contact with a biological parent now, it's likely that at some point, they will.**

■ **Adoptive parents should know that contact may be good for them, too. That's because adopted children often bring pain and anger with them and often, those feelings get directed at the adoptive parent. Encouraging adopted children to have contact with their biological family can help them work out their confusing feelings.**

■ **If contact may not be allowed, biological parents can write a letter, give it to the adoptive parent and say, "I hope you can share this with my child." You can also give pictures or keepsakes.**

■ **Biological parents can introduce adoptive parents to extended family, who can help keep a family connection and serve as a bridge.**

■ **If there are conflicts, biological parents can ask to meet with the adoptive parent without the child to try to resolve the conflicts. It might be helpful to bring along someone both parents trust.** ■

'Grammy, Not Mommy'

Co-parenting with my daughter was rocky but worth it

BY BEVANJAE KELLEY

I WILL NEVER FORGET the night I received a call from my daughter, frantic and crying, "They took my kids, Ma. I don't know where they took them."

"Who?"

"ACS and the police."

My granddaughters were 14 months and 3 at the time. I imagined the police and the worker snatching the girls from their mother. I imagined my daughter frantic, not wanting to let go. Then, off into the night they went.

NOT JUST GRAMMY

At that moment I got angry, not only at ACS but also at my daughter. A few days later, an ACS worker contacted me and said I could become a kinship foster parent.

Soon the girls came to live with me. After two years, the permanency goal was changed to adoption. I felt as if I were in mourning. I just wanted to be Grammy, not their mommy.

WORK TO DO

Still, my daughter and I agreed to try to parent the girls together.

Over time, my daughter stabilized her life. She also had two more children. When my girls were in elementary school, they went to live with their mother and half-sisters. But my daughter made some wrong choices. After six months, the girls came back to me.

Then my daughter worked even harder. She obtained a better job, a better home. She got married. "My daughter finally has grown up," I said to myself.

Unfortunately, tragedy struck. My daughter's husband became ill and died two years after they were married. My daughter could not raise all four children on her own.



PHOTO BY STEPHEN REISS

Bevanjae and her granddaughters

BACK TO MOM

After that, my daughter and I continued to try to raise the girls as a team.

When my oldest granddaughter was in 8th grade, she went to live with her mother. At first, she was happy, I was happy and my daughter was happy.

But my granddaughter had been diagnosed bipolar the year before. Halfway through the school year, she started to have trouble controlling her behavior and my daughter sent her home to me.

My granddaughter said, "I don't care. Mommy is annoying," but I could see her sadness. So I hugged her and told her, "You will always have a home with me."

SWITCHING PLACES

Then my younger granddaughter began to act out. I tried talking to her, grounding her, but she was determined.

During that time, my daughter moved to Arizona. She felt that I could not handle my younger granddaughter, and I agreed.

So we decided to send her to Arizona, but my granddaughter did not want to go. Once there, her calls kept coming. She'd beg to come back, exclaiming, "I will be good! I

hate it here. And it's too hot."

When they all came to New York for Christmas break, boy was my granddaughter happy. When it came time to go back to Arizona, she stayed out late, hoping she would miss the plane. When she finally showed up, she and her mother went at it. I got in between them and was literally knocked down on the floor. After that, my daughter just left and my granddaughter stayed.

HOME FOR GOOD

Now my granddaughters are in their 20s and live with me. It has been a roller coaster co-parenting with my daughter. There were times when I felt like I was her ex-husband, or that she was my third teenager. And it has been painful for my granddaughters every time they've tried to reunify and it hasn't worked out.

Still, I believe it will have a long-lasting positive effect on my granddaughters that we've co-parented. My daughter and I have agreed on many things big and little, and especially on the importance of education.

Most importantly, the girls know that their mother is in their life. I am glad that they have always been able to see her and talk to her when they want to. ■

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