

Rise magazine is written by and for parents involved in the child welfare system. Its mission is to help parents advocate for themselves and their children.

# Rise

ISSUE NUMBER 15, SPRING 2010

BY AND FOR  
PARENTS IN THE  
CHILD WELFARE SYSTEM

## Facing Termination Of Parental Rights

While most children placed in foster care return home to family, many children do not. Federal law requires that child welfare agencies file in court to terminate parents' rights if children have been in foster care for 15 out of 22 months.

In some cases, children and parents may not see each other again. Other times, families stay connected despite termination. In this issue, parents write about how they have handled termination.

PHOTO COURTESY OF ANNA JONES



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## Searching for Answers

*I don't understand why my rights were terminated.*

BY ANNA JONES

In April of 2002, my daughter's father left her home alone. Child Protective Services of Fresno California, got involved and placed Erica in foster care.

At the time, Erica was living with her father because I had been released from jail only a few months before and was renting a room from a friend. I had served six months for a felony DUI.

I believed Erica was safe with her father. He was clean and sober and had always been a good dad. What I didn't know was that Erica's father had relapsed.

### 'What Is Going On?'

When Erica was placed in care, I was terrified. I had lived in foster care from age 6 until I ran away at 15. I feared for my daughter's safety.

I immediately contacted CPS and the caseworker informed me that Erica's father had been using crack cocaine. One night after Erica was asleep, he went to score drugs. Erica woke up crying. When she saw that her dad wasn't in the apartment, she ran out screaming, "Daddy, Daddy!" The building manager took my daughter until the cops arrived.

### Kept Without Cause

I was honest with the caseworker. I told her that I was on probation and pregnant. She said that CPS could not discharge Erica to me immediately. The agency would do a criminal background check, and she asked me to take a drug test, which came out negative. Even so, my daughter was not returned to me. Instead, CPS told me that I had to take a parenting class and attend an outpatient drug program. My CPS case had begun.

I was angry. I had already been testing clean through probation for months. There was no cause for CPS to keep my daughter.

Even so, I cooperated from the beginning. I went to all my appointments and court hearings. I got drug tested. I went to parenting classes and completed a drug program in July, 2003. I also visited my daughter regularly. Finally, my case was about to be closed.

### Almost Home

Then one night, a month later, I messed up. I smoked weed. I tested dirty. To this day I am not sure why I did that. I think I felt like rewarding myself, because my ordeal was almost over. I also felt under so much pressure. My daughter's father was still using, so I knew I would be raising our two children on my own. I was

afraid of being a single mother and I felt abandoned and alone.

After I tested dirty, a social worker enrolled me in another outpatient program. I was depressed that week-end and drank alcohol and played loud music. The cops were called.

The cops also were concerned because I had my 9-month-old son, Isaiah, home with me. I called my mom to come pick up Isaiah. I left a message and my mom called back within 10 minutes. But the officer told her it was too late. He had already called CPS.

**'What Happened to You?'**

I was put in jail for a month for parole violation. That month felt like an eternity. My daughter was very upset when she visited me in jail. She cried and asked me, "When are you getting out? Why are you here?"

The one good thing was that I met my son's foster mother and she was a really nice lady. I let her know that I was concerned about my daughter and son being separated. She ended up getting Erica placed in her home.

When I was released, I went to WestCare, a treatment facility, where I stayed for a year. I was told that reunification with my children was still the goal.

**Asking for Help**

Soon I was back on track. I had visits with my children twice a week for four to six hours. Our visits were great. We would eat together and go outside. We would lie in a grassy area together and talk. I would tell them, "Mommy did mess up, but everything is going good and you will be coming home soon."

I was relieved to see that, even though our time apart was hard on my children, my baby still knew me as his mother and my daughter and I still had our bond.

Still, I knew how scary it is for a child to be taken away and to live with strangers. I requested therapy for my children and myself.

**Request Denied**

As a kid, therapy helped me let out the longing. It was a safe place to say how much I missed my mother and wanted to go back home. My therapist also became an advocate for me.

I believed that my children also needed help understanding the changes they were going through. I wanted them to have someone they could feel safe with and trust, especially because their father and I had let them down. Plus, a therapist who sees a child week-by-week can help the court understand the child's needs.

But my request for therapy was denied. I was told that my children's mental health evaluations were fine, so they did not need therapy.

**Going Backwards**

After I graduated from the program, I showed my certificate to my worker. I had completed all of my services a second time and I felt that things were looking bright. But I will never forget when I was told that our case was being moved to the Crocker Building. That's where the adoption unit was.

I was very confused. Everything changed. My visits went from twice a week to twice a month. CPS revoked my bus pass. They wouldn't let me take any drug tests. I thought, "Wow, why is everything going backwards when we should be moving forward? Something is not right."

Finally, the worker told me that CPS wanted to terminate my parental rights.

"Why?" I asked. "I was told the goal was reunification."

My worker would only say, "Your kids have been in care too long. Your kids are at an adoptable age. This case has reached the time limit."

**On Trial**

In court, all my attorney did was agree with everything said. He also told me not to say anything. So we both just sat there. I told him that I

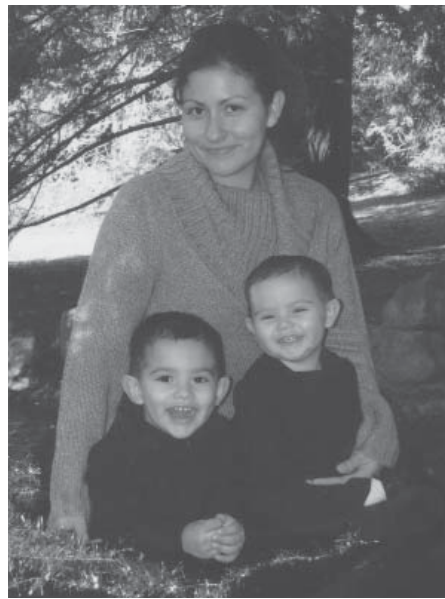


PHOTO COURTESY OF ANNA JONES

Anna Jones and her younger sons, Ryan and Benji

wanted another public defender. He said, "Go ahead, find yourself one." But I didn't know how to do that.

During the termination trial, the workers testified that, since my children had been in care for two years, they needed a permanent home.

The judge requested a bonding study to determine whether my children and I had a bond. It was 20 minutes long and done by someone that my children and I had never met before.

The lady who did the study took the stand and told the court that my children and I didn't have a bond. I remember weeping. I couldn't believe the court would allow such a thing.

If I didn't have a bond with my children, why would I have spent two years doing services to reunite with them? And why hadn't the system given us therapy to strengthen our connection? Nothing made sense.

**'What Can I Do?'**

On the final day, a judge I'd never met terminated my rights. My family was torn apart. I asked my attorney, "What can I do?"

"This is it," he told me. He gave me a card that said, "Stay sober, stay clean, have a good future."

I went downstairs and tried to explain to someone who worked in the court that I wanted to appeal my case. I didn't even know how to explain what I wanted. She said, "Write down what you want," so I wrote on a piece of paper that I wanted a new lawyer. The court ended up giving me a stamped paper that read, "Denied. You no longer have standing." I thought that meant I

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couldn't file an appeal.

### **Sad Visits**

As we got toward the end, my visits with my children became very sad. We only saw each other two hours each month. My daughter started to seem like a sick, depressed little girl. My son started to seem like he was forgetting who I was.

At the end of each visit, Erica would cry and cry. I remember that the young girl supervising our visits warned me that if my daughter kept crying, our visits would stop. I felt awful telling my daughter that she had to stop crying.

One day my daughter told me, "Mom! The worker said they're going to adopt us and we're never going to see you again!" Tears swelled up in my eyes. I told Erica, "Don't listen to them."

### **Saying Goodbye**

Soon after the termination was final, the visit supervisor told me, in front of the kids, "The next visit will be your last visit."

I looked at her and said, "That's it? Just like that?"

At our last visit, I left my children with a children's Bible, gave them a big hug, and told them, "I love you. Don't worry. God will let us see each other again."

### **Trying to Keep in Touch**

After that, my children were moved to an adoptive family I never met. One day I saw on the news that there had been a party for kids who were adopted from foster care. I called my children's adoption social worker and asked, "Were my children at that party?"

"Yes, they were," he said.

I could not believe that I'd found out about my children's adoption from watching television.

I was hoping that the family would consider open adoption, so that I could continue visiting. But a year after the termination, I got a letter

saying that they would not. Even so, I've kept in touch with the social worker. I give him birthday cards and pictures to send to my children, although I don't know if they've gotten them.

### **Searching for Answers**

Now it's been five years since I last saw Erica and Isaiah. I'm proud of what I've accomplished. I've stayed clean and started attending Life Tabernacle Church, my source of comfort and support.

Today, I have two more children, little boys. They are not replacements, but they have been a blessing in my life. Still, when people ask me how many children I have, I tell them, "Four."

I keep searching for ways to see Isaiah and Erica again. I did research at the law library and found out that the system is supposed to offer all services that children and parents need to reunify before saying to the court, "We tried everything." I believe my rights were violated, because my children and I were not offered therapy, and because the court used the bonding study against us without offering services to help build our bond.

I also found out that I could've appealed the termination. I wish I had known my rights years ago.

### **'I Carry You in My Heart'**

I have my good days and my very painful days when I wake up thinking about Erica and Isaiah at 3 a.m. I get a sick feeling way deep in my gut, thinking that my children must have their painful days too.

I don't know if I'll be able to reconnect with my children, but I will keep trying. I would like Erica and Isaiah to know that their brothers are waiting for them to come home, and that their grandma, cousins, uncles and aunts miss them and love them. I would like to tell my children, "I am so sorry that your dad and I let this happen to our family. I miss you and I love you. I carry you in my heart everywhere I go."

## What Is TPR?

BY CARMEN CABAN

*Retired Virginia judge Stephen Rideout explains the legal process for termination of parental rights (TPR) proceedings:*

There's a federal law about how states should handle child welfare cases, called ASFA, which requires that child welfare agencies file for termination if the child has been in foster care for 15 of the past 22 months, unless the agency can provide the court with a valid reason not to do that.

However, each state has its own law that gives the court direction on what it can and cannot do, so what a court in Iowa might do can be different from what a court in California might do. In addition, different states or counties have different practices, and, judges have different views about their roles and so do lawyers. So decisions will be different state-by-state, lawyer-by-lawyer and judge-by-judge.

That said, states or local agencies normally file to terminate the parents' rights because the agency feels that the parents have failed to do what the court has ordered them to do to get their lives in order and get their children back. If the parent—because of substance abuse, mental health issues, family violence, or other reasons—cannot safely raise the child after 15 months, the agency is forced by law in many cases to seek termination.

### **The Parent on Trial**

The TPR process takes place in court. It's a trial. The parent is entitled to a lawyer, the child is entitled to a lawyer and the agency usually has a lawyer. Evidence is presented, and the judge makes a decision about whether the agency has proved its case.

The judge hearing the TPR trial can be the same judge the family has been with all along, or some states require that a different judge make the TPR decision. If a parent feels that the judge

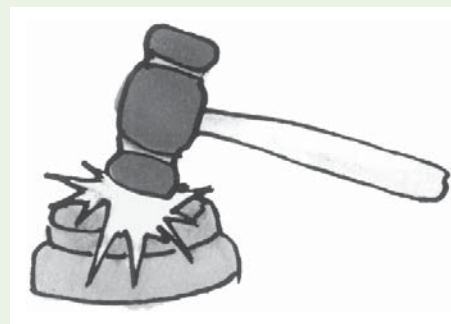


ILLUSTRATION BY LENNOX HAYE AND JESSICA DEING

is prejudiced, she may ask for a different judge to hear the termination case.

The fact that an agency files for termination does not mean that the judge will terminate rights. There are a number of reasons that a judge would choose not to terminate: if the parent has made progress; if the child is living with a family member; if the child is older and does not want termination or adoption; if the termination is not in the child's best interest because of a bond with the parent; if the parent will complete drug treatment or a prison sentence in a reasonable amount of time; or if the agency has not made reasonable efforts to provide needed services to support reunification.

The judge can also make a finding that the agency has proved its case but give the parent more time. In that case, the judge won't terminate immediately but will give the parent a limited amount of time to complete services. The agency can also choose to withdraw the termination petition.

### **'You'd Better Get Busy'**

But in most cases I heard when I was a full time judge in Virginia, the agency filed for termination because the parent was not doing much of anything to reunite with the child. If termination was filed, I would tell parents, "The agency is not kidding. They have brought this case because they think they can prove that you have not done what you were supposed to do. If you're ever going to do something, now is the time to do it. You'd better get busy."



# Powerless and Alone

*How could I stay sober when I felt like my child would never come home?*

BY CHRYSTAL REDDICK

One day last fall I went to an anger management class. It was in a neighborhood where I used to get high. It didn't even go through my mind that this could be a trigger for me. I believed I was strong but I was not.

At the time, I was consumed by feeling powerless and alone. My son, Brandon, had been in foster care for about a year. ACS took him when I was jailed for credit card fraud. Months before that, ACS had investigated me for neglect but had closed the case. When I was released from jail after four months, I was told that I needed to prove myself capable of raising Brandon.

## **I Expected Recognition**

Once I completed my service plan and secured housing in a program designed to support me in reunifying with Brandon, I started to feel that the efforts I put forth had gone unnoticed. I expected recognition. But when my accomplishments were presented in court, it seemed like the foster care agency just kept bringing up my long history of addiction and incarceration instead of focusing on the five years I'd been clean before I had Brandon and the progress I was making.

After court, my attorney would make lame statements like, "I'm very sorry, Ms. Reddick. If it was up to me I would give him back now." I'd think to myself, "If, if, if! That word is empty to my son and me."

## **Feeling Abused Again**

The worst was hearing about my history over and over again in court. I had to endure fancy people not caring about my story, people misjudging me and categorizing me and making decisions for me. I had to answer to people who seemed to loathe me. That was hard. I struggled to smile in the enemy's face.



*Chrystal Reddick with her son, Brandon.*

As time passed, all of my experiences of being powerless—being abused and gang raped and going to prison—came together in my mind. I was reminded of being told when to eat and sleep, of not getting to make a phone call for days, of having someone scream in my face and not be able to knock their teeth out. Being told when I could and couldn't see my child and what I should and

agency are treating you. You should have your son right now. You deserve to feel good for a day or night. You have a few dollars in your pocket. Who will know if I get one bag of dope? F- it!"

Vulnerable and alone, I convinced myself that escaping just one time wouldn't hurt. So I bought heroin and then jumped in a cab, not wanting to

**Drugs have a way of clouding what's inevitable. 'They'll never know,' I told myself. 'I deserve not to hurt.'**

shouldn't do during visits came to feel like another kind of abuse.

The pain in my chest got tighter as the days passed me by. I felt completely alone.

## **Pain, Time and a Few Dollars**

Pain, time and a few dollars don't mix. As I stepped off the train to catch the bus to my anger management class, my stinking thinking told me, "It's f-ed up how ACS and the

be late to my class.

Heroin gave me the feeling that I could handle anything that came at me.

I didn't have any intention to continue to use. But two or three days later, once again alone, that craving came up again and then again.

Drugs have a way of clouding what's inevitable. Once I had used more

than four or five days in a row, I became convinced my secret was safe with me. "They'll never know," I told myself. "I deserve not to hurt." Before I knew it I was addicted again.

## **On the Sneak Tip**

At first, I manipulated the system so that I wouldn't get caught. I knew who was testing me and when. I still attended all meetings, visits and classes. I stayed sober briefly to do these things.

I kept planning to stop, looking for ways out. Could I not use as much? I even tried "cold turkey." That was a joke. As soon as I opened my eyes and realized that my life was where it was, I flipped out and went and got high.

During the three months that I was using, I spent quite a bit of my family's money under false pretenses. I told them I had rent where I lived when I did not. That's where drugs had taken me. I lived to use and used to live daily. I did some really irresponsible things that were unsafe for me.

Somehow, I had reality turned around in my mind. I thought that by using, I was hurting the people who had taken my baby from me. Boy, was I wrong.

## **Under Pressure**

The first tox that came out dirty was at my residence. I convinced them not to divulge that info to the agency right away, but they said I had to go to an outpatient drug treatment to regain my clean time.

But I didn't attend the treatment, so my program disclosed the dirty tox to the agency. Probation also found out that I was getting high. Soon I was under pressure from all sides. My lawyer was the last to find out and she was furious. She threatened to drop my case if I ever withheld vital

# A Good Ending

*Saying goodbye when you hope to reconnect.*

*Toni Heineman is the director of A Home Within, which connects foster youth with experienced volunteer therapists in communities across the country, in order to help children in care heal from chronic losses. Here she explains how parents and children who have been permanently separated can heal:*

information from her. I felt threatened and even more alone.

Everyone on my case kept asking me, "Do you want to go to jail? Do you want to screw up your service plan altogether so that ACS will terminate your rights? Or do you want to get sober and fight for Brandan?"

## Afraid to Surrender

I knew that if I didn't get it together, I would never get Brandan back, my greatest fear. I might even go to prison, my next biggest fear. Still, I was not thinking rationally. I just felt controlled, backed up against a wall. I knew that I needed to fight for Brandan, but I didn't want to stop getting high. I kept looking for a way out.

I always said, "Just one more time." Finally, I realized that I had no more chances. I felt trapped and scared. But at last I surrendered to the disease of addiction. I found an inpatient program and I stuck with it.

I have been clean for a year now. I think my recovery is going well. The urge to use when I get upset has subsided. I'm not in as vulnerable a place anymore. I have obtained gainful employment and have lived in my own apartment for four months. I pray nightly and take life one day at a time.

## Fighting Termination

But my months of drug use took their toll on my case. While I was in treatment, the agency filed to terminate my parental rights. The trial has not yet started, but I am scared that I will lose my son. I am angry and overwhelmed every day.

The hardest part is controlling my anger. Everyone says, "Be

nice, don't show your frustration." That's very stressful.

Trying to fight back in a positive way, I spend hours overloading my brain with information about the system. I make phone calls and send letters. I am searching for someone powerful to care about my case and intervene. I never stop planning in my head, thinking, "What else can I do? Who can help me?"

## One More Chance?

What scares me most is to imagine Brandan, who is now 7, growing up without me. I want to nurture, love and educate him. I feel that he's already forgetting who I am. He has been in care three years now. We only have visits every two weeks. Our relationship is so rocky. He calls his foster mother, "Mommy." That really bothers me.

During visits, I get to kiss all over him. Brandan clings to me at times. He also gets defiant. I truly understand why. I do all I can to show patience to my little boy.

I am angry at myself for putting our relationship in jeopardy. When I look back at the past 19 months, I think, "If I had just stayed clean a little longer, Brandan would be with me."

Still, I'm angry that the agency is pushing to terminate my rights when I'm clean again and working to reunify with my son. I know I made this bed I'm lying in. But should I have to sleep in it forever? I just keep begging the agency, "Give me one more chance to prove myself. Have faith in who I've become."

When their rights are terminated, parents may feel a whole range of feelings—despair, overwhelming sadness, guilt that they let this happen, anger at themselves, anger at the system.

It can be really hard if the parent only knows that the child is in foster care somewhere. It's easier for parents if they have confidence that the child is living with people who will take good care of the child. Usually, the more we know, the better we feel.

## The Power of Hope

Parents can cope by trying, as much as possible, to understand why this happened, and by using coping mechanisms, like writing or helping other people, to feel better. The real question is: How can you fill this void? Are you going to fill it with drugs or alcohol, or can you fill it up with good, healthy relationships, volunteering, and a better future for yourself?

If you cannot stay in contact after termination, you can help your child by explaining the termination of your rights in final visits. It requires extraordinary maturity, but you'll want to try to say something like: "You're going into a different life now. I will always be the person who gave birth to you. But you're going to have different parents who will take care of you every day."

You want to give your child hope. You can say, "This is sad. Probably you're mad at me, and I understand that you're mad that I couldn't take care of you. But I am glad there are people who can take care of you. Things are going to be OK. I am going to be OK and you will be OK."

## Wishing to Reconnect

Kids who have been separated from parents feel sadness, grief and confusion. As children grow up, they go through these feelings over and over. Some children will think about their birth family often; others deal with pain and separation by trying not to think about it. For some, the absent parent will come to mind on occasions. For instance, I worked with a girl who was adopted, and every year on her own birthday she called her birth mother.

Many children really want to find their birth parents. Some piece of their story is missing. We're all storytellers and can't live without stories, so for both a child and a parent, the work of recovery is really the work of creating a story that makes sense.

Many parents also hope to reconnect. Parents and children are saying that, despite termination, "Our story hasn't ended. The ending could be that we meet. We haven't written the last chapter yet."



ILLUSTRATION BY PAULINA KORCIZ

# How to Prevent Termination

BY JEANETTE VEGA AND ROBIN WILEY

We interviewed Kathy Gomez, managing attorney of the Family Advocacy Unit at Community Legal Services of Philadelphia, and Michael Wagner, director of permanency at the Children's Aid Society, a foster care agency in New York City, about how parents can prevent termination. Here is their advice:

## 1. Get Started Right Away

**Michael Wagner:** Someone wise once said to me that permanency planning is like a horse race—all the horses have to start out running and have to run the whole time. Remember, federal law requires that agencies file for termination if the child has been in care for 15 months, so families need to make big changes in a short time. Some parents don't start running right away because they say to themselves, "I didn't do anything wrong." And, each time a parent says, "I don't want to go to that program," the parent has stopped running.

If it takes a parent a while to get started on the service plan, or if their first effort (common in substance abuse cases) isn't successful, we can be 9-12 months down the road before that parent is really working on the issues that led the kids to be placed in care. That doesn't mean the parent can't catch up and pass, but it's difficult. It's important to start running from day one and keep running the whole time.

## 2. Think Strategically

**Kathy Gomez:** Just as I tell lawyers, "You have to put yourself in a parent's shoes," I tell parents, "You have to put yourself in the agency's shoes and view your case from their perspective. They see families with major problems every day. How can we really show the progress you've made? What will be persuasive?"

The best thing is to have evidence—documentation and good witnesses. For instance, if you need to overcome addiction, it is helpful to show the court clean drug screens and

good progress notes from your treatment program, and to have someone as a witness to testify about you.

A good lawyer will think, "What if this goes to TPR?" from the very beginning of the case and try to build a case that will help the client. The number one thing I argue is to get the child placed with a relative or family friend because termination is less likely if the child is living with kin. Then, at each hearing, I get as much visitation as possible. I also urge parents to attend their child's doctor or therapy appointments and school meetings. This helps show your understanding of your child's needs.

**Michael Wagner:** A parent should also really try to make a back-up plan for the child in case she can't make big changes in her life fast enough. If a parent is really putting the needs of her child first, she will make a plan that ensures that her child will be safe and that they can stay connected even if they don't reunify.

## 3. Ask for What You Need

**Michael Wagner:** One of the most important things a parent can do is make sure that the services in the service plan will really help her solve the problem that led a child into care.

Honesty is the key. Many times, service plans don't help the family solve the real problem, either because the workers don't listen well, or because parents are dealing with issues they are embarrassed or afraid to talk about. The parents may go through the whole service plan but keep it a secret that they're dealing with domestic violence, for instance. Often, the secret comes out once children begin to spend more time at home. Children are sensitive, and they show in their words or behavior that something is not right. The agen-



Visiting and going to family therapy or parenting programs where the staff watch you interact with your child can support your case. The staff person might become a good witness to say that you're interacting appropriately and in a loving way with your child.

**Michael Wagner:** We see that families that get their kids home are constantly moving forward on a continuum of increased contact. Most parents start out seeing their child once or twice a week for two hours each time. After about four weeks, if everything has been going well, you shouldn't need to have a worker supervise

cy finds out what the parents tried to hide, and the case is set back.

**Kathy Gomez:** Agencies are required to provide reasonable efforts to help families reunify. The parent and lawyer must make clear to the agency what is needed to help this particular family. If an agency doesn't provide the services, the lawyer should see if the judge will order the service, and the lawyer should tell the judge at every hearing if the agency is not making reasonable efforts.

you every minute. Ask to have the worker come in and out of your visit so you can begin to have privacy with your kids (that's called moving from "supervised" to "monitored" visits). Then, after another month, ask for unsupervised visits. You should make progress every four weeks. If not, ask your caseworker or lawyer why not and work out a plan to resolve the problem that's holding up your progress.

One of the most important things a parent can do is make sure that the services in the service plan will really help her solve the problem that led a child into care.

## 5. Visit Often

**Kathy Gomez:** If there's one thing I want to say to parents, it's: "Please go to your visits!" Your children need you and you need show that you love your child and are maintaining a parent-child bond.

Some states also require that the agency prove that termination would best serve the needs of your child.

## 6. Expect to Feel Afraid

**Michael Wagner:** It's not unusual that parents will jeopardize their case when reunification seems likely. Often, when the parent really looks at the reality of her children coming home, she becomes terrified. She wants the child home right now, but she's also afraid that won't be able to raise her child on her own, so part of her wants the child to stay in care.



We call that “ambivalence”—having two conflicting feelings at the same time.

When parents feel ambivalence, they often try to pretend that they feel 100% ready for the child to come home. The parent says to herself, “If I tell my worker that I’m afraid, my child won’t come home.” But secretly feeling unsure can lead parents to jeopardize their case. For example, a parent who is struggling really hard to get an apartment will somehow just forget to go to an important housing appointment, so discharge will be delayed.

Families beat themselves up when that happens, and social workers will beat up on families, but we have to recognize those mistakes as part of being ambivalent about reunification.

It’s normal for a parent to have a strong feeling of worry. Reunification is scary for everyone—the worker and foster parent are scared that the parent may not be ready, kids are scared that they’ll end up back in care, and parents are afraid because everything will be different and they don’t know what will happen next.

The worker should say to a parent, “It’s expected that you’ll feel unsure of whether you can handle your child. It’s OK to feel that way.” If the worker and parent don’t have that conversation, then the parent can’t really prepare and everything can fall apart.

### 7. Don’t Give Up!

*Michael Wagner:* Parents also jeopardize their cases when they relapse. Lots of folks that have been struggling

with sobriety say to themselves, “My kids need me. I’m going to work really hard to get sober and get my kids home.” They do the program, work with their mentors, see their kids and then the agency starts to plan for the kids to come home.

But as the parent starts to feel she will succeed, that driven feeling stops feeling so powerful and addiction’s “stinking thinking” can kick in. She says to herself, “I’m almost there. I don’t have to try so hard anymore. I can afford to have a drink or get high. I can reward myself.” That turns into a relapse.

*Kathy Gomez:* The reality is that a lot of parents have a long history of trauma and losing their children is so painful and horrible. Some issues are difficult to resolve in a short period

of time. For example, addiction is very powerful and people relapse all the time. It’s amazing that so many parents stay sober through all of the painful things they have to go through in child welfare.

It’s so important to reach out to supportive people who can help you cope with stress, and to tell your lawyer immediately if there’s a problem. If you relapsed, if there are problems with the visits, or if you started a program but stopped going, call your lawyer. You don’t want to come back to court and say, “I stopped going to that program three months ago.” You don’t get many opportunities to go before the judge, so you want to present the best possible case every time.

## Family Ties

*I hope that all 11 of my children will someday know each other.*

BY TRACEY CARTER

I have 11 children. Seven are in my life. The two youngest live with me, the oldest five are grown and on their own. But the remaining four I haven’t seen since they were little.

For many years, I was addicted to drugs. My sister took custody of my five oldest children and the rest entered foster care. I got clean and was able to reunify with my youngest daughter and son, who are now 11 and 9.

Later on, I was also able to reunite with my five oldest children through a family reunion. Now, two of them live near me in the Bronx, two are in college, and one lives in Florida with his wife. Our relationships are not perfection, but we talk. Since my oldest daughter moved nearby, we talk more and laugh more. I am starting to know when something is bother-

ing her and we talk it through.

### I Have Not Forgotten

But I think often of my four middle children. When they were little, I had visits with them and I still have a photo of them from that time. I last saw them in 2002, when I was at the agency visiting my youngest two, not long before they came home. I asked about visiting my older children, but my rights had been terminated and I was told that they had been transferred to the adoption unit. My family did not adopt them, so I do not know where they are.

This year, David will be 19, Nicole just turned 17, Jason will be 16, and Antoné will be 15. On Christmas, New Year’s, the first day of school and the first day of summer vacation, I always say a prayer. I ask God to watch over them and protect them.

I wonder, “Are they OK? Are they safe? Are they doing well in school?” In my mind and my heart, I have never forgotten them.

I wonder if they think of me or ask questions about me. I want to talk to them and apologize for not being in their lives.

### Hoping to Reconnect

A few years back, I learned about a state registry for parents whose children have been adopted. I registered as being interested in hearing from my children and gave my contact information. Adopted children can access the registry at 18 if they want to search for their

birth parents. David is old enough to search for me, but I haven’t heard from my children yet.

Before I leave this earth, I would love to be together with all 11 children. I imagine everyone getting along, getting to know each other, laughing, dancing. Most of all, I want all of my children to know each other and to know that, in addition to their adoptive families, they have brothers and sisters, nieces and nephews and cousins who would like to meet them and a mother who still thinks about them.



ILLUSTRATION BY JESSICA BRADY

# Mission Impossible

*CPS is helping to reconnect my son and me even though I lost my rights.*

BY CARLA BURKS

Three years ago, my son was removed from my home because he had serious behavioral problems and I had become too sick and exhausted to care for him.

I raised my son on my own until he was 9 years old. For five years, he was in and out of psychiatric hospitals because of his impulsive, destructive behavior. He was diagnosed with ADHD and bipolar disorder.

I found services to support my son: daycares and camps for mentally ill children, case management, mentoring and in-home counseling. Still, I felt I needed someone capable of keeping him for a weekend, just so I could rest. I looked for respite and even explored placing my son temporarily in therapeutic foster care.

## **I Lost My Son**

Then, in the winter of 2006, I developed pneumonia and ended up in the emergency room. While there, I made statements I deeply regret. I told the nurses, "I have a special needs son who is causing me a lot of stress. I feel like I'm going to choke him or seriously harm him if I go back home!" I was just physically and mentally exhausted and wanted help.

Within days, CPS in Virginia, where I lived, had arranged for my son's father in Texas to take full custody.

Six months later, my son went to school in Texas with bruises because his father had become overwhelmed by his behavior and hit him. My son went into residential treatment in Texas and his father gave up his rights.

## **What Could I Do?**

At that time, I could not afford to move to Texas. I asked CPS in Texas

to return my son to Virginia so that I could get services while visiting my son in foster care. But the CPS worker told me, "You will have to move to Texas to get services." I didn't

have a lawyer and didn't understand my rights, so I believed there was nothing I could do.



CARLA BURKS  
PHOTO COURTESY OF CARLA BURKS

Then, on June 6, 2006, I got an order to come to court in Texas, which I could not do. Soon after, I got a court order in the mail, saying that my rights

had been terminated. The court order said that I had knowingly placed my son with someone who endangered his well being.

I was so angry and hurt. Why was I held accountable for what happened between my son and his father when I was more than 1,000 miles away and Virginia CPS had placed my son in his father's care?

## **Apart for Three Years**

Now it has been three years since I last saw my son. Since my rights were terminated, my son has not been allowed to talk to me, but he has occasionally called his grandmother, my mother. We both cry not knowing how he is being treated. I ask myself, "Why couldn't anybody see my side of this—being a single parent, overwhelmed but doing the best that I could?"

But I believe that change is on its way. After a period when I wasn't in touch with anyone at CPS, I was contacted by a Texas child protective caseworker. He wanted to know if I was interested in reuniting with my son. "Yes, of course," I said. He advised me that if I moved to Texas,

the system could offer me services. I did not understand why he was contacting me, but I didn't ask. I was just grateful that he wanted to help me.

At the time, I still could not move to Texas. But the caseworker and I stayed in touch. He would ask me, "Do you ever plan on moving? What are your plans for your son?" Finally, with help from my son's father and from my job, I moved to Texas in April, 2009.

## **Working with CPS**

When I arrived in Austin, Texas, the first thing I did was call the caseworker.



ILLUSTRATION BY YC

involved parents.

My counselor was surprised by my case. She asked me, "How did CPS get involved with your case after your parental rights were terminated?" I also talked with a lawyer in Texas, who said, "It's a miracle that CPS is communicating with you."

I did research and learned that, under normal circumstances, once your rights are taken away in Texas, that is the end. But the CPS worker told me there is a pilot program to reconnect children in residential treatment with family. I am hopeful that, this time, my son and I will get the support we need to reconnect.

## **'What Is Going On?'**

On Sept. 2, 2009, I went to a court date for my son. When I got there, I was nervous. The judge said, "I hear the biological mother is here."

"Yes, I am Mrs. Burks," I said. The judge said hello and that he was glad to see me. He asked the department, "What is going on here? Why are you communicating with Mrs. Burks?"

They didn't seem to have an answer at first. Then the CASA, who is there to support the child's point of view, stood up and said, "Yes, we are working with Ms. Burks."

## **'I Miss My Son'**

The judge asked me, "What do you want to see happen?"

"I miss my son," I said. "I want the chance to see him again."

He said, "So you do not want CPS to have legal rights over him any longer?"

"No," I said. "I want my rights back as a parent. Even though my son and I



# 'You're Still Our Mother'

*My sons' adoptive parents helped us have a relationship.*

BY ANONYMOUS

had rough times, I miss him and I am hoping we can have a fresh start."

The judge asked CPS, "What do you think?" They agreed to start the communication process. I was so excited. Even though it was just a first step, I felt like I had accomplished my mission in moving to Texas, like I could do the impossible.

## Facing Setbacks

Soon I got a call from my son's caseworker, who said he was trying to schedule family therapy. I couldn't wait! I would actually see my son and be able to tell him, "I am still fighting for you. I care about you and love you."

But later on, my son's caseworker told me that my son was having a hard time dealing with the fact that I want to be back in his life. My son was confused because he'd been told that he would not be able to see me until he was 18. I was surprised to hear that my son didn't feel ready to see me.

On January 6, 2010 I went to court again and the judge told me that my son did not want to see me. He said my son he had been told that I did not want anything to do with him and didn't care about him.

When I heard this, I felt so bad for my son that I started crying. My son must have been so sad thinking that I did not want to see him. I also felt sad because I learned in court that his foster parents had requested

that he be removed from their home due to behavior problems. My son was back in a crisis hospital.

## Still Hopeful

Now it has been almost a year since I moved to Texas. I am still in therapy and communicate regularly with my son's workers, but I have not been allowed to see my son or speak with him. I was told that I could write my son a letter. My son's therapist would determine if my son should read it.

In the letter, I told my son, "I am sorry about how things turned out here in Texas for you. I moved back to Texas to see you again and I miss you. I know you have been going through a lot, but I have been through a lot also. I am not leaving Texas until I see you again. I hope you are doing OK and I love you." I pray that my son will be able to read it.

Recently, my son's worker gave me a picture of him. I also spoke with a program director at CPS and we seem to be on the same page. She said that my son's behavior is so challenging that, in reality, he may not be able to live with me, but we can work toward weekend visits.

Any kind of visit would be nice. I can't wait for the day to come when I can see my son again. I feel that I need to see that my son is alive and well, and I want to be able to offer him my support and love.

When I was a young mom, I felt lost. I never wanted my children to feel unloved, like I did when I was a child. But I couldn't take care of them with nothing inside. When my oldest son was 8, I became addicted to PCP and then crack. Eventually, my rights to my seven sons were terminated.

My solace was that I knew my boys were in good hands. Six of my boys were with foster mothers who treated me with kindness and loved my sons. The foster mothers told me, "Whatever happens, you're still their mother. As long as you're not high, you can visit."

## 'Thank God'

Two years later, I went to treatment. I began talking about my addiction and losing my children. My groups helped me with my pain.

By then, I did not know what to say to my children. My counselor said, "What do you want to tell them?"

"I want to say I love you," I said. He told me, "Go make your call."

First I called Ms. Perez, who had adopted my younger sons. When I said hello, she said, "Thank God."

"Is everything OK?" I asked. "Are you OK?" she asked, and I said yes. Then she put the boys on the phone. I told them that I loved them and that I would ask if they could come see me.

Next I called Ms. Smith, who adopted my two oldest. She said, "I knew it would happen one day."

## A Wonderful Visit

On Sunday, Ms. Perez came through the door with my six children. They'd brought me cards that they'd made and some roses. I cried so much that my oldest son, Kevin, said, "Look at you, you're wetting up your clothes. Why are you crying like that,

Mommy? You are still our mother and it's going to be all right."

That was wonderful to hear. I knew that was what the foster mothers had taught them. I hugged Ms. Perez and said, "I love you very much."

After that, I had two visits with my children at my program and then I was able to visit my children at their homes. The circle was coming together again.

## Coming Clean

The only dark spot in the circle was my third son James. James had been placed by himself with a foster parent who told him that I did not love him.

When James was 10, he said terrible things to me on the phone: that he was better than me and he did not want me in his life. Then he hung up and never talked to me again.

Amazingly, my other children did not know that I used drugs. Ms. Perez and Ms. Smith said that I was sick. They said that it was up to me to tell my children the truth.

After my treatment, I told my boys about my addiction. "I could not take care of my family, but I always loved you," I said. "Please never make the mistakes I did. You have people in your life who love you and will help you through anything."

## Rebuilding a Family

After I got clean, I had two more children, who are now teenagers. It felt good to take care of my two children and not have child welfare in my life. But my youngest children know their brothers. We see my sons come on Mother's Day and holidays.

I am so happy to have my sons in my life. I am only sad that James still won't speak to me. I pray and I'm hopeful that one day we will all be together again.



ILLUSTRATION BY ROSANGEL DAGNESSES

# A Way Out of No Way

*My daughter and I keep trying to connect despite termination.*

BY CARMEN CABAN

Fifteen years ago, when my youngest daughter, Destiny, was 3 and her sister Desiree was 7, my parental rights to them were terminated.

I just could not understand why. I had been addicted to drugs for many years but completed drug treatment, parenting classes and anger management classes. I also had two older children in foster care, and my rights to these children were not terminated. In fact, a year later, my teenage son was returned to me.

## **God Would Make a Way**

In family court, my nerves always became reckless. I would look up at that huge sign behind judge, "In God We Trust," and repeat the words.

Then the final court date came. The judge decided to terminate. In shock, I looked up at those words above the judge for some sign. I had believed with all my heart that God was going to make a way.

The judge asked if I had any last words. "Yes, Your Honor," I replied. I looked straight at him, a confrontational look. "Your Honor, as long as I live, I will have parental rights. They will end the day I die."

The judge asked me to be removed from his presence. Outside, I crumbled, breaking down in tears of pain. How could a God I trusted allow this to happen to me? How would I tell my children that Mommy was not able to visit them anymore?

## **'I Will Always Be Mommy'**

I only had three weeks more to visit my little girls. I told them, "I will always be your Mommy. No one can take my place." Desiree and Destiny were sad and later became very angry.

But I remained in contact with my girls. The foster mother let me come around the house. During visits I

told them, "No matter what comes between us, we will always remain a family." It turned out that they were attentive to my teaching.

Now, 15 years later, all of my children have come home to me from foster care except Destiny. My oldest signed herself out 10 years ago, at 18. My son was discharged to me at 15. Desiree signed herself out of care last year and came home.

But the hardest relationship to repair has been with Destiny, who at 18 is still in foster care.

**I will never give up hope and faith. Faith is what has kept my family together. Destiny and I are struggling because we were blessed not to be cut off from one another.**

## **A Painful Mirror**

Destiny has become a teenager who reminds me too much of myself. My daughter is filled with hatred, anger, envy. She is very rebellious. Destiny gets involved with people twice her age. She's reckless. Her attitude really stinks.

Many times I have asked myself: Why has Destiny turned out to be who she is today? Bottom line is that she has gone through a lot with me and experienced terrible things in care. She feels devastated and rejected.

As a teenager, I felt the same. My father was an alcoholic. My mother, caught up in her frustration, was not very attentive to my siblings and me. I turned to the streets for comfort. I had it set in my mind that no one could help me. I can remember times when help was offered but my scars were too deep. I felt alone and scared and trusted no one. My addiction and recklessness almost took me to my death.

I've tried to tell Destiny that running the streets won't help her. She throws the past in my face. Her response is, "Well, you did it too."

## **Wishing I Could Save Her**

When Destiny flips, I just want to hurt her physically. But I do not want to repeat my mother's discipline. So I walk away or run away and stay angry, or I cry in the fetal position.

I wonder what will become of Destiny. I fear that she will get hurt and go through the same painful experiences as I did. It makes me

cringe that I cannot find the right bandages. I feel weak because I cannot save Destiny from herself.

I want to give to Destiny what my mother could not give to me. But seeing my daughter do what I used to do rekindles the hurt little girl inside of me who I thought I'd laid to rest. In the last few years, our visits have become overwhelming to me.

## **Moments of Connection**

I have tried to help Destiny. I have taken her to church because I believe she needs to find God. We also tried therapy, but she got very angry when I told the therapist about her behavior.

I would still like to try intensive family therapy with Destiny. I believe it could help. But Destiny is very resistant to the idea. She says, "It won't work." I get angry because I feel like she's not trying.

## **'I'll Help You, Mom'**

But one day recently, I saw that Destiny does reach out. She arrived at my apartment unexpectedly. Her two sisters whispered, "Ask her." Destiny humbly bowed her head and asked, "Mom, can I stay for a while?"

"Yes, you may stay for the weekend," I said. I wanted our relationship to develop and for us to feel like family.

I was putting up some Christmas lights, so I asked for help untangling them. Destiny jumped off the couch saying, "I'll help you, Mom." As Destiny and my granddaughters helped with the lights, I observed her good qualities. She can be helpful and nice.

I realized for the first time that my Destiny desires a bond with her mother. Despite her disrespectful ways, Destiny wants and seeks Mommy's love and attention.

I also realized that I have to see Destiny as my daughter, not a young me. She is more than a mirror of my past. Destiny is who she is and I am who I am.

## **'Don't Make Me Cry'**

Soon after, on Destiny's 18<sup>th</sup> birthday, I felt that I should apologize to Destiny because I was not there through her growing years. I took her to my church and asked her to come to the front.

With my fellow church members as my witnesses, I said, "My child, I have something that I'd like to tell you." With tears in her eyes, Destiny said, "Mom, don't make me cry."

"Destiny, I know that I have not been there for you," I said. "And we share a strange relationship, loving and then disliking one another. I would love for us to start anew. Forgive me for not being there when you needed me."

We embraced and cried. Then she said, "Of course, Ma, I will forgive you." It felt like a load came off my shoulders.

### 'What Next?'

A few days later, we spent the day together, just the two of us. We picked up samples from Sephora, shopped and ate Mexican food. Destiny was so sweet, walking with me and holding on to me like we were best friends. It was a hopeful moment for both of us.

But at dinner, there was a moment where I held silence. She asked me, "What's wrong?" I had to change the subject. I really did not want her to know what was on my mind: "When will she strike again?"

After that day, my daughter didn't call me for weeks. When I did reach her, it felt like she had slipped back to her old self again.

### Excuses and Attitude

A few months later, someone rang my bell at 2:30 a.m. I ignored it. But the person rang, rang and rang steady for 20 minutes. I got kind of edgy. I turned out my lights and looked out my window. I saw only a shadow of waving arms.

Finally, I was able to make out that it was Destiny. I was shocked and angry. I yelled out, "Destiny!"

With attitude and anger, she yelled, "Ma, open the door!" I told myself, "Girl, brace yourself."

When I let her in, Destiny had dark circles under her eyes and looked like she was under the influence. Her clothes and hair were not intact.

Once again, I felt I was looking in the mirror and became very angry. I asked, "Where are you coming from?"



In an annoyed tone of voice she responded, "From a friend's house."

"What are you doing at my house at this time of the morning?"

"I got locked out, Mom," she said. "I need your help. I am being harassed and threatened at that foster home."

### 'This Is Why I Hate You!'

Because of her many previous lies and betrayals, my suspicions were on high alert. I needed time to think, so I went into my office space.

A few minutes later, she came in with an attitude, asking, "Well, are you going to help me?"

"Yes, I will," I said. "Let's go to the precinct so you can report this."

Destiny put a dumbfounded look on her face. "That's not necessary," she said.

"But there is an allegation," I responded, and we exchanged words.

Becoming angry and frustrated, Destiny stormed out.

About 15 minutes went by before Destiny returned. This time, her anger was more explosive. When I opened the door, she was standing with her hand on her hip. I just kept asking for her new foster mother's number, which she claimed to have forgotten.

Soon she stormed out of the house once again, yelling out as she hurried down the stairs, "This is why I hate you, b-tch! I hope a car runs over you in the street!"

I yelled back, "I love you, too."

### She Was Gone

Destiny soon returned, trying another avenue. "All right, Mom, I remembered the foster mother's number," she said, adding, "Mom, I just want to stay here until tomorrow."

By now it was 4 a.m. I called the foster home and spoke to the foster

sister, asking, "Why is Destiny in my home at this wee hour?"

"Ms. Carmen, no one has done anything to your daughter," the foster sister said. "My mother gave her \$200 and she has been missing for two days since then. And your daughter has a nasty attitude. We are tired of her."

I got off the phone feeling furious. I looked straight at Destiny and said, "Oh, so you were hanging out with your so-called friends, they spent your money and then they turned their back on you."

Destiny was silent. "You have played yourself," I told her. "Give up on your games."

I went to put my clothes on, saying, "I will do you a big favor. I will put you on the train." But when I reached downstairs, I did not see Destiny. I called out for her and she was gone.

### I'll Keep Trying

After Destiny left for good, I was upset. I tried to calm myself by saying, "She did me a huge favor. She had to go. I needed her to leave."

But I felt devastated. Will my daughter and I ever be able to trust each other? I love Destiny but right now I don't like her.

I do not like to hold on to my anger. I want us to feel like family. With the holidays approaching, I will call and invite her to spend time with her siblings and with me. I will never give up hope and faith. Faith is what has kept my family together.

Destiny and I are struggling because we were blessed not to be cut off from one another. God made a way out of no way. I believe that if Destiny and I keep trying, we will find a way out of our anger and separation.



# ABOUT Rise

Rise trains parents to write about their experiences with the child welfare system in order 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.

Our tri-annual print magazine and monthly stories on our website, [www.risemagazine.org](http://www.risemagazine.org), help parents advocate for themselves and their children. We work with family support and child welfare agencies to use Rise stories in support groups and parenting education classes. We partner with parent advocacy organizations to use Rise stories in child welfare reform.

Contact Rise Director Nora McCarthy at (718) 260-8818 or

[nora@risemagazine.org](mailto:nora@risemagazine.org) for information about reprinting Rise stories or using Rise in your work.

Stories in this issue were written by parents working independently by email, by participants in a Rise writing workshop for parents and foster parents, and by participants in the Child Welfare Organizing Project (CWOP), a parent advocacy and self-help program. For more information about CWOP, call (212) 348-3000.

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## Missed Connection

BY DENISE OUTLAW

For the past three years I have been a parent advocate at a foster care agency. One parent I worked with from the beginning was a mom whose five children were in care because she had not protected them from abuse. Mom loved her children but her visits were not going well.

### Blaming Each Other

Mom always had a mean look on her face. One day I stopped and said, "What is wrong?"

"I am so upset with the foster parent," Mom said. "My boys are calling me names."

We set up a meeting with the foster mother and it didn't go well. Mom claimed that the foster parent was trying to keep her children. The foster mother went on and on about how badly the children acted after visits. I had to tell her, "The children are missing their mother. They're angry when the visits are over."

Still, I did not feel the mother was blameless. Her children distrusted her and she did not know how to manage their behavior. I told Mom, "Sit and listen. What part do you play?"

### I Felt Her Pain

I felt her pain. My mother raised my children and I would always blame her for anything they did wrong

At the time, I was a mess. Drugs put me in a world all by myself where my children didn't matter. A part of me wanted to be a mom and another part didn't. Time went by fast.

One day I was walking down the street and saw my mother. She said, "Do you know that I adopted your children? I couldn't find you for so many years."

Knowing that I had lost my children was very painful for me. I didn't know how I would face them. But my mother wouldn't let me turn my back. She said, "Call me. I will let you

see your children."

Finally I was ready to change my life. My mother supported me and slowly my children let me back in.

I was hoping for the same happy ending for this mom. I approached her compassionately. "Being a mother is a very hard job," I told her. "Now each day I am learning to be a mom."

### Something Missing

As time passed, Mom finished her services and I thought I saw things changing for her. But by then, the children were mad because it took Mom so long to get herself together.

The three boys would run in and out of the visit. They'd tell the worker that their mom was mean and tell the foster mother that they didn't want to visit. They'd say, "Our mom doesn't act like a mother." Something was missing—a real connection.

### There's Still Time

One day the foster mother surprised us by asking if she could talk privately with Mom. They sat together for hours. The foster mother said, "No matter what, I will work with you to help you with your children." Mom walked out of the room crying.

I hoped this would be a real turning point for Mom, like it had been for me. But then Mom went to court and learned that the court was getting ready to terminate her rights.

The lawyers and judge tried to convince Mom to accept a "conditional surrender," which would allow her to keep visiting despite adoption. But Mom refused. She told the foster mother, "I hope you are happy now." We were back to square one.

Still, I am hopeful. I didn't reconnect with my own children until after my mother adopted them. I hope that for these children and their mother, there's still time.

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