

THE JOSEPH A.
CONSENT DECREE
1980-2025

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THE TIMELINE *THIRD TIME'S A CHARM*

1980 Case filed: claims of failure to create permanency

1983 Consent Decree: requirements in 8 areas

1988 Sought dismissal; denied 1991: “defendants did not institutionalize reforms”

1993 Dismissed

1994 Appealed & reversed decision: “failed to make specific and clear findings”

1998 Stipulated exit plan entered – set exit criteria and milestones

2002 Dismissed

2002 Appealed & reversed decision; vacated parts; directed revised stipulated exit plan

2003 Revised stipulated exit plan focused on system change initiatives

2005 Dismissed

WHAT HAPPENED?

Substantial compliance in first two decrees was virtually impossible

CYFD & partners demonstrated improvements in areas in & out of decree

- **Family preservation & in-home services**
- **Children's Court Attorneys**
- **Court Improvement Project – Children's Law Institute, Children's Law Center, legal representation, Children's Code changes, court performance measures, engaged justices & judges, overall system focus**

WHAT HAPPENED?

Local counsel took more of the lead – relationships shifted

Successfully argued that decree had served its purpose & was a resource drain

Successfully argued that problem solving & system change were needed

Successfully argued that focus be on the most challenging cases – adoptions, older youth, long term cases with special needs

WHAT HAPPENED?

Revised Stipulated Exit Plan - 2003

- **Created Adoption Resource Teams**
- **Outside expert partnered with CYFD worker to create plans**
- **Workers implemented the plans w/ no second guessing**
- **CYFD institutionalized the practice in policy (NMAC), procedure, training, record keeping & evaluation, monitoring & reporting**
- **By 2005, the decree was dismissed forevermore**

LESSONS LEARNED

This worked because:

- **There was laser focus on purpose (permanency) & root causes & no longer a long list of individual requirements**
- **Parties moved to problem solving & system change based on promising practices**
- **Relationships and engagement shifted from adversarial to collaborative**
- **CYFD demonstrated perseverance & success, creating good will & trust**