



HIGH QUALITY
REPRESENTATION FOR

**Parents &
Children**

HIGH QUALITY LEGAL REPRESENTATION for CHILDREN and PARENTS

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Defender Association of Philadelphia

Children removed from the home...



Are twice as likely to have learning disabilities & developmental delays

6 times more likely to have behavioral problems

• Lowenstein 2008



Have lower earnings as adults

Have higher teen birth rates

• Doyle 2007



As adults, are more likely to have substance related and mental health disorders

• Côté et al. 2018



2-3 times higher delinquency rates

• Ryan & Testa 2005; Doyle 2007; Doyle 2008; Lowenstein 2018



As adults, have arrest rates 2-3 times higher, and are more likely to have criminal convictions for violent offenses

• Doyle 2008; Côté et al. 2018

**“Family Defense is the least understood
civil rights field in the country, and
vitally important”**

Professor Martin Guggenheim

2017 National Parent REPRESENTATION Conference

FAMILY JUSTICE INITIATIVE

MAKING THE LEGAL SYSTEM WORK FOR CHILDREN AND PARENTS

- Every parent and every child has high-quality multidisciplinary legal representation when child welfare courts make life-changing decisions about their families.
- Eliminate destruction of the family in the name of protecting children.
- Families and communities are strengthened to keep children safe with their families rather than from their families.



What Is High Quality Legal Representation?

Fundamentals

Right to Counsel

Prioritize Quality

Be a Lawyer

Attorney Attributes

- ◆ Legal Advocacy
- ◆ Out of Court Advocacy
- ◆ Cultural Humility
- ◆ Scope of Representation

System Attributes

- ◆ Caseload & Compensation
- ◆ Interdisciplinary Model
- ◆ Diversity/Cultural Humility
- ◆ Timing of Appointment
- ◆ Support and Oversight
- ◆ Accountability/Use of Data

What Does High Quality Legal Representation Look Like?

The Best Attorneys:

- ◆ Spend time getting to know their clients
- ◆ Know their work outside the courtroom is at least as important as in-court advocacy
- ◆ Are part of a legal team
- ◆ Know how to advise clients regarding how to collaborate and navigate within the child welfare system
- ◆ Are well-versed in law and burdens of proof
- ◆ Identify their clients' strengths
- ◆ Don't try to do it alone

Benefits of High Quality Legal Representation

Representation Benefits Children, Families, and Government

Benefits to Children and Families

High quality legal representation is integral in ensuring children do not languish in the foster care system and that parent/child bonds are protected through advocacy for frequent/increased visitation, expediency in completion of service agreements, and reunification when safe and appropriate. Mitigation of further trauma to the family.

Benefits to Child Welfare Agency

High quality legal representation increases agency accountability, decreases the time of separation between children and their families, advances more meaningful service plans for successful case management.

Benefits to the Court

Well-functioned proceedings with legal protections and the fair administration of justice.

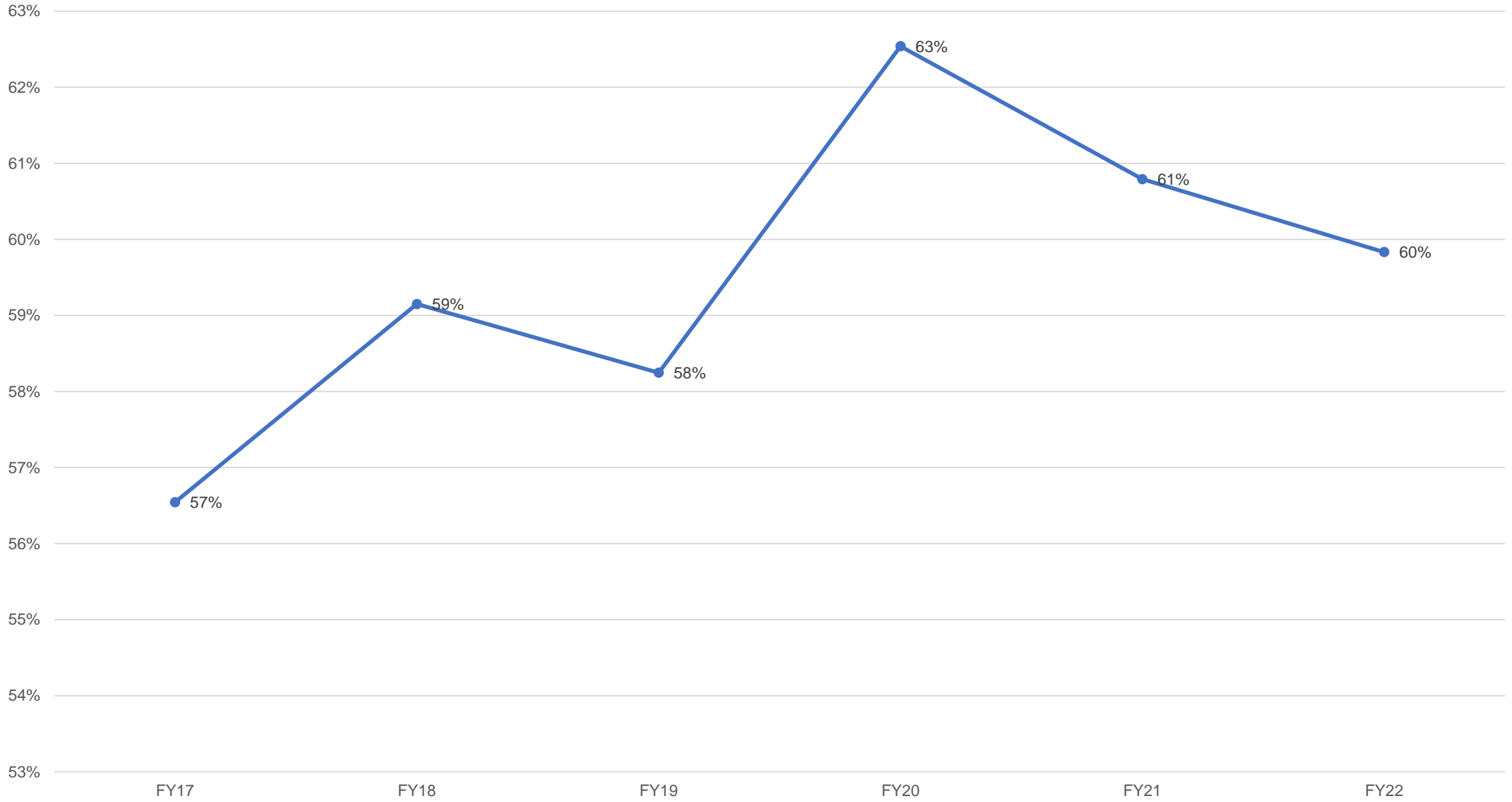
Benefits to the State

Stronger families and communities, cost-savings to the state.

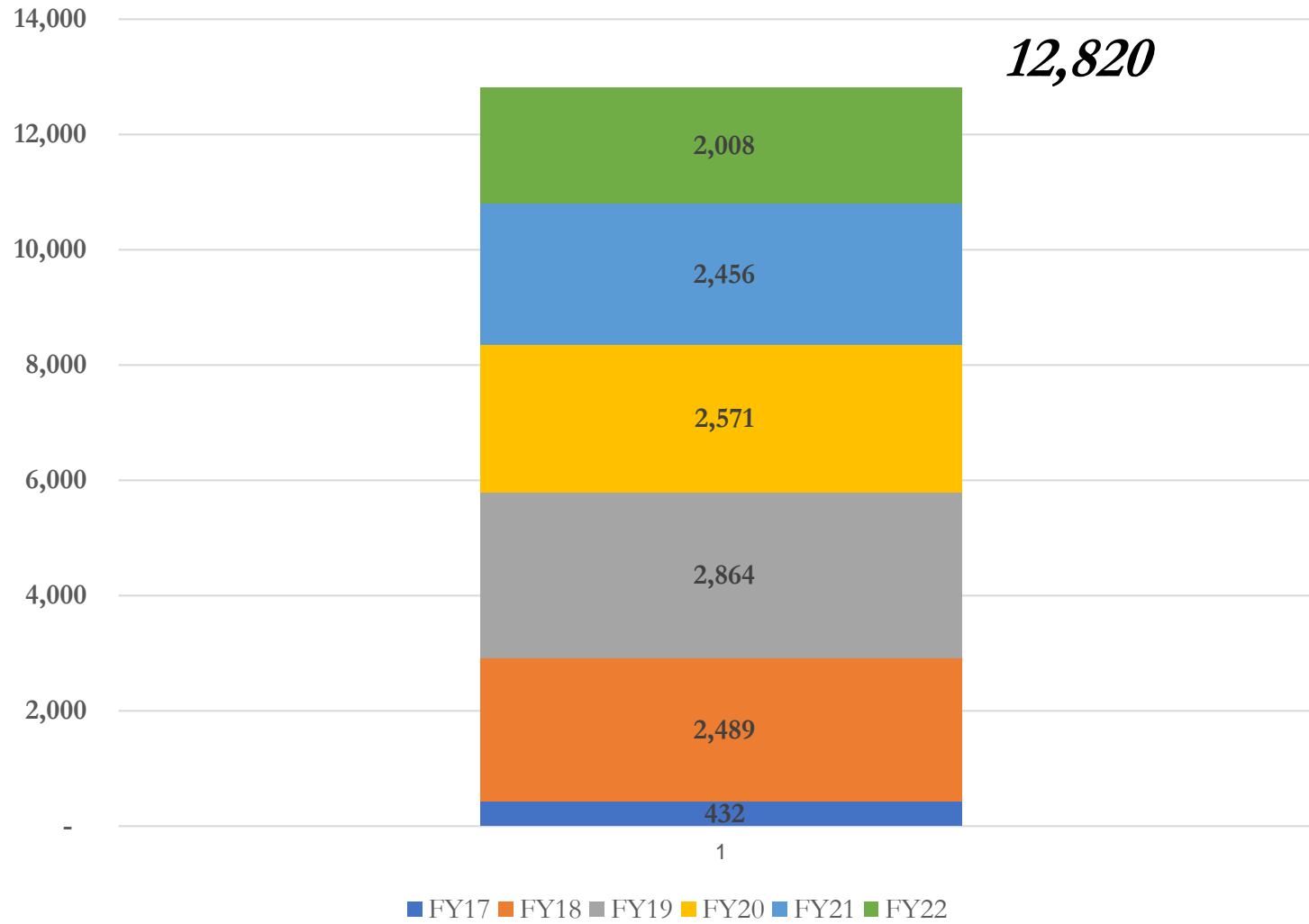
NY Study Results 2019

- ◆ **Reduced time in care:** Multidisciplinary representation reduced children's time in foster care by nearly 4 fewer months during the 48 months following the petition filing, through faster early reunification outcomes, compared to panel representation.
- ◆ **Cost Savings:** This amounts to up to nearly \$40 million annual savings in foster care board rates for New York City.
- ◆ **Child safety:** Children were just as safe with multidisciplinary representation.
- ◆ **First-Year Reunifications:** Giving parents the right kind of legal team means families are reunited significantly sooner than would otherwise happen. The multidisciplinary family defense offices secured the safe return of children to their families approximately 43% more often in the first year than the solo lawyers.
- ◆ **Higher Rates of Kin Placement:** The family defense offices allowed children to be permanently released to relatives more than twice as often in the first year of a case and 67% more often in the second year.
- ◆ **First-Month Reunifications:** 17 percent more children would be reunified within a month if their parents had multidisciplinary representation than if represented by panel lawyers.

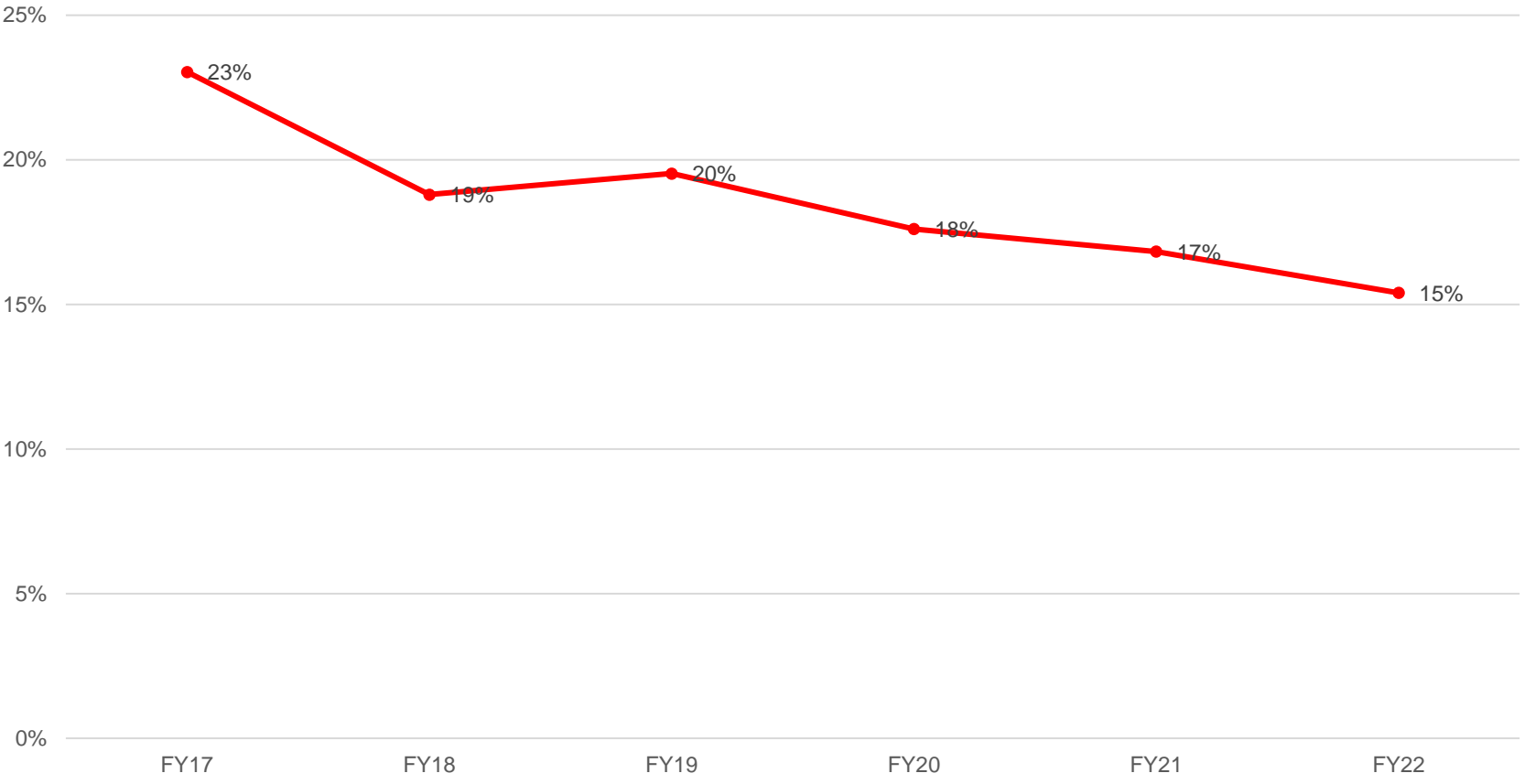
CO ORPC CHANGE IN REUNIFICATION RATES SINCE START OF AGENCY (through June 2022)



CO ORPC Number of Parents Reunified with Their Children

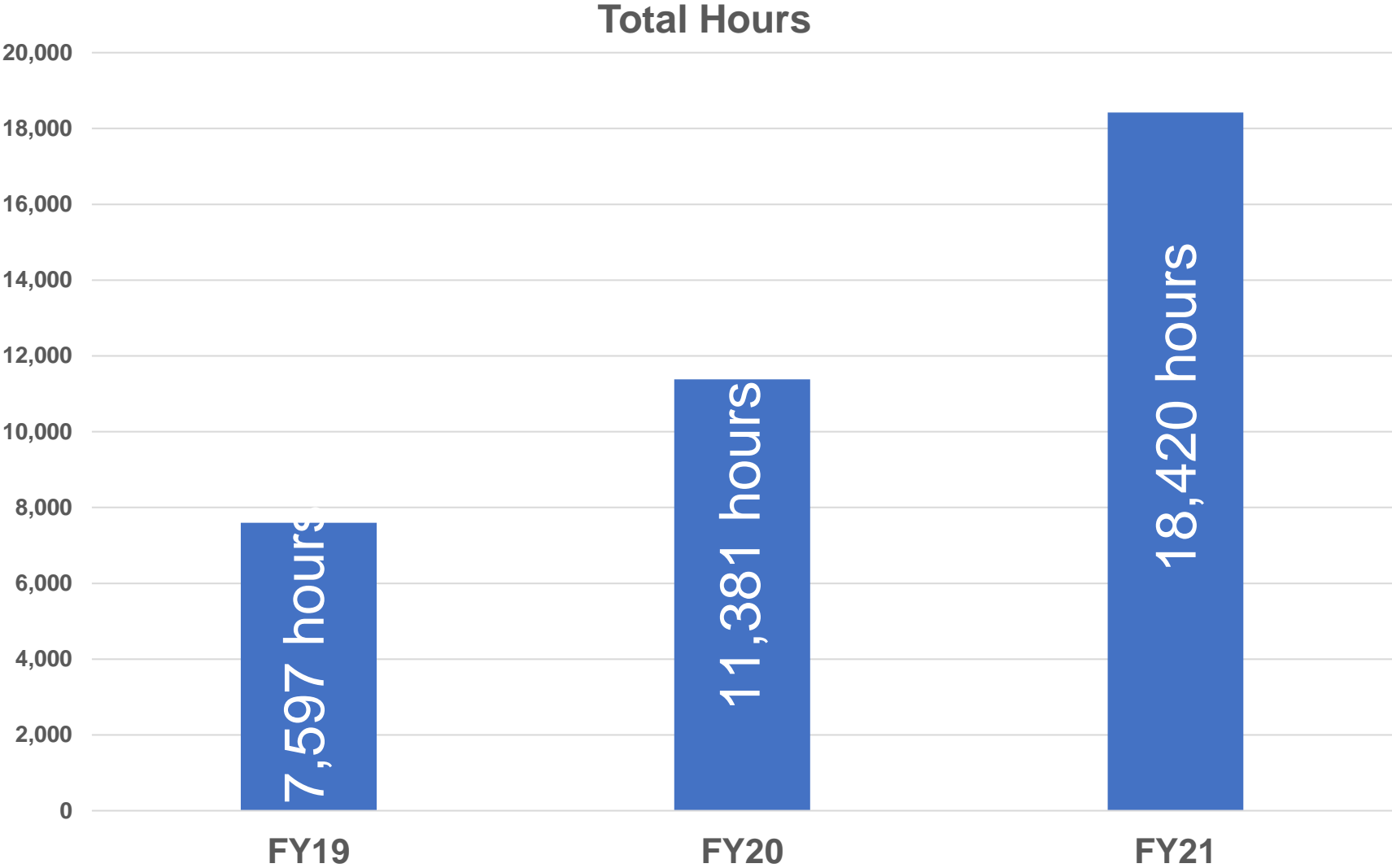


CO ORPC CHANGE IN TPR RATES SINCE START OF AGENCY (through June 30, 2022)



Increased Parent Participation in Family Engagement Meetings in Colorado

58.8% ↑



CLS Family Advocacy Unit Key Findings

Months to Reunification

FAU Children,
4.4

Philadelphia Children, 9

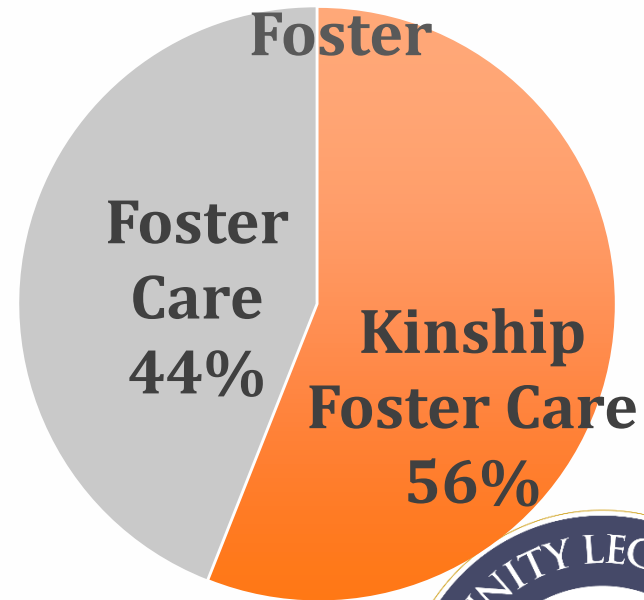
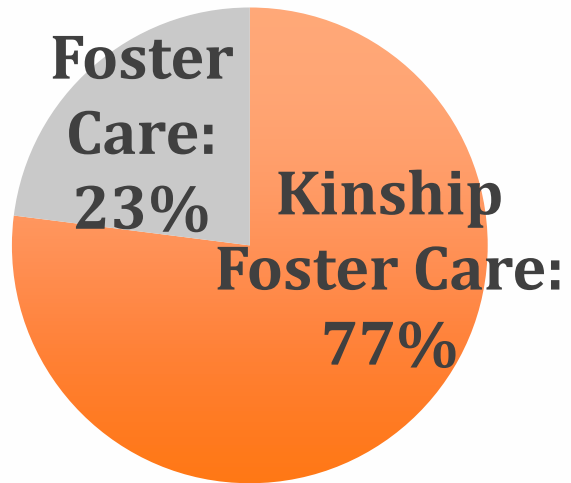
Pennsylvania
Children, 6.4



CLS Family Advocacy Unit Key Findings

**FAU:
Children in Kinship vs. Foster**

**Philadelphia:
Children in Kinship vs. Foster**



Child Advocate Unit Defender Association of Philadelphia

- Longstanding Interdisciplinary Model
- Represent over 3,000 – with a lawyer and social worker assigned to each case
- Appointed before initial hearing and remain on the case until court jurisdiction is terminated
- Focused on serving child clients in the context of their families and communities
- Hoping to add peer mentors within the year

Children's Law Center

- Founded in 1990, CLC is the largest children's legal services organization in the nation
- Serve as court-appointed counsel for children and youth (ages 0-21) under the jurisdiction of the Juvenile Dependency Court in Los Angeles, Sacramento, and Placer Counties
- Appointed at initial hearing and remain on the case until court jurisdiction is terminated

CLC by the Numbers



30,000+

Youth represented in Los Angeles, Sacramento,
and Placer Counties

13,000+

Children reunified with family or adopted each
year





Specialized Programs and Services

CLC provides multidisciplinary representation including a highly trained staff of attorneys, investigators, paralegals, case managers, peer advocates, subject matter specialists, and support staff.

CLC actively engages in legislative and policy advocacy and runs many specialized programs including teams focused on education, mental health, Commercial Sexual Exploitation of Children (CSEC), and crossover youth.

State Models That Work: *Washington State*

- ◆ Parent Representation Program (PRP) located in the Office of Public Defense – a legislatively funded agency
- ◆ Attorneys and social workers form the legal team
- ◆ Work closely with parent mentors
- ◆ Initially piloted in three counties with ongoing evaluation
- ◆ Time to permanency decreased
- ◆ State legislature has expanded funding
- ◆ PRP now in every county

State Models That Work: *Colorado*

- ◆ State has legislatively funded central offices for parent and children attorneys
- ◆ Interdisciplinary representation connects well-trained attorneys with “defense social workers”
- ◆ Model combines central office with staff that support contracted professionals

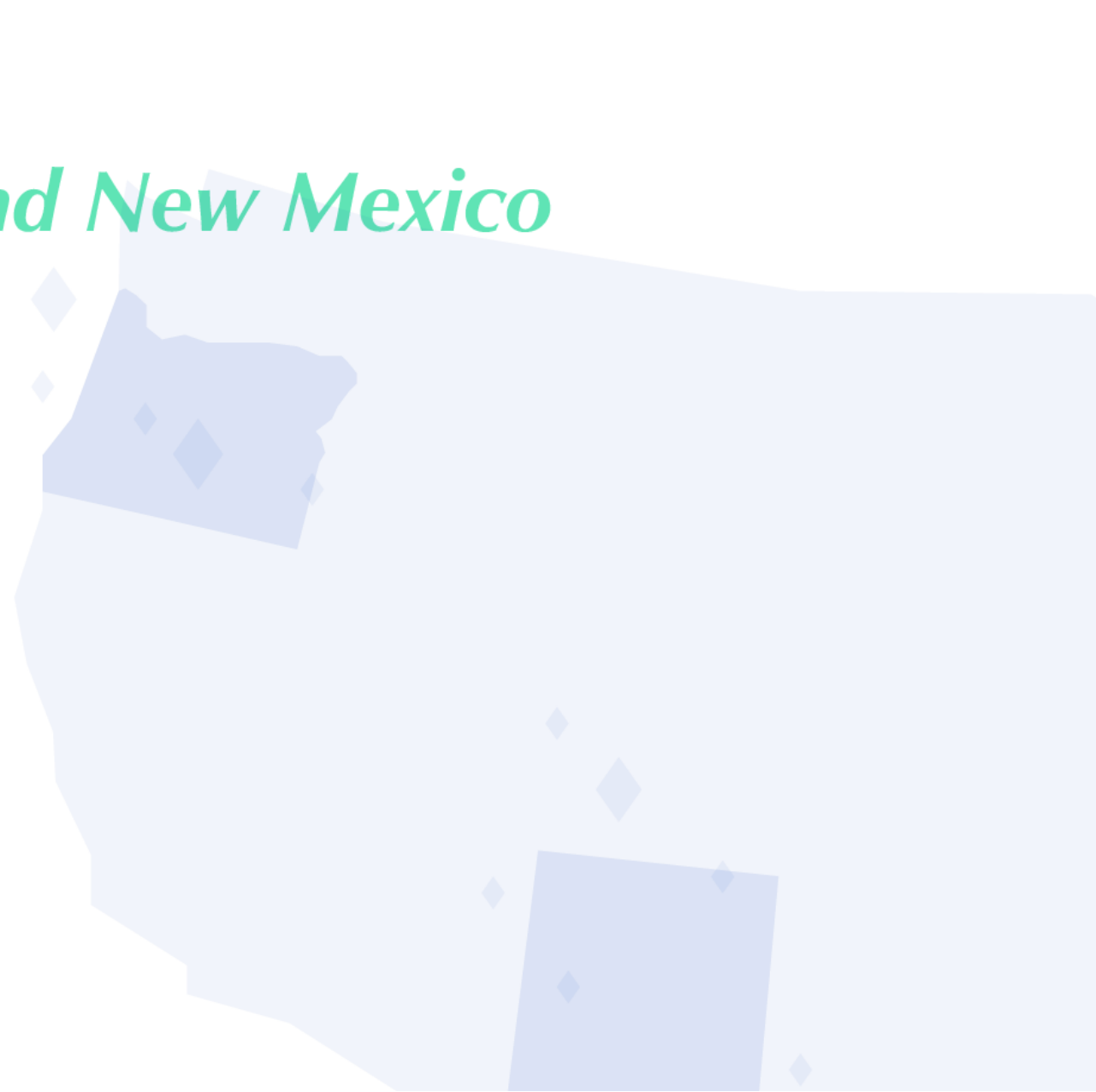
- ◆ Training for lawyers and social workers
- ◆ Higher reunification rates

State Models That Work: *Massachusetts*

- ◆ Children and Family Law Division located in Committee for Public Counsel Services
- ◆ Legislatively funded statewide office for child and parent representation
- ◆ Combination of staff, contract panel attorneys and social workers
- ◆ Strong Standards of Practice, training and mentoring
- ◆ Strong appellate unit

Progress in *Oregon and New Mexico*

- ◆ Three Branch State Legal Representation Task Forces charting course for statewide roll out of high-quality legal representation
- ◆ Consistent contracts across state for parent and children attorneys
- ◆ Goal: statewide agencies that are independent of judicial branch
- ◆ Phasing in multidisciplinary model of legal representation
- ◆ NM launching Office of Family Representation and Advocacy



Federal IV-E Reimbursement for Legal Representation for Parents and Children (2019)

HHS publicly affirms focus on high-quality legal representation for all parties.

For the first time, states can now claim federal funds through Title IV-E of the Social Security Act to pay the costs of attorneys and members of the interdisciplinary legal team representing children and their parents in child welfare proceedings

To receive the federal funds, the program providing representation for parents and children must enter into an agreement with the state agency administering the Title IV-E plan.

State and private donor funds can be used to leverage IV-E funds.

Q&A

Thank you!

