



# PERMANENCY

## PARENT REPRESENTATION PROGRAMS



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### WHY IT MATTERS

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Legal representation and support to parents whose children are involved in the child welfare system lead to better outcomes for children and families. Effective parent representation can shorten the length of time it takes for children to successfully reunify with their families<sup>1</sup>. In the event that reunification is not possible, effective parent representation is supportive in reducing the time children spend in foster care awaiting a permanent placement.<sup>2</sup> Unfortunately, not all states require that indigent parents involved in abuse and neglect and parental rights termination proceedings have the right to a public defense attorney. Yet when adequate legal representation and support for parents is provided in child welfare proceedings, it results in better outcomes for children and families that can also lead to substantial savings of government funds.

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There have been several evaluations of parent representation programs in the past decade that highlight why a quality parent representation program is good for children and families. In Washington State for example, a parent representation program was created when a study found that parents in Washington were provided with inadequate legal representation which resulted in significant consequences to parents and children including lengthy foster care stays.<sup>3</sup> The program created, called the *Parent Representation Program* (PRP) reduced caseloads, provided adequate compensation for parent attorneys and provided regular access to social worker staff by assigning social workers to attorneys using a ratio of one social worker per four attorneys. Results revealed that where PRP was implemented, it sped up reunification with parents and for those children

who did not reunify with their parents, the rate of permanency through adoption and guardianship was faster.

PRP is one example of a parent representation program that made a significant difference in helping children in Washington reunify with their parents and achieve permanency faster. Other programs in the United States have focused on providing parent and family representation in order to prevent children from entering into the foster care. The *Center for Family Representation* (CFR) in New York City was able to

demonstrate that smaller attorney caseloads resulted in fewer children entering foster care and increased rates of reunification. The *Detroit Center for Family Advocacy* (CFA) provide attorneys to represent families during the child protection investigation with the goal of allowing parents or their family members to provide for their children without the need for court intervention. The PRP and the results from the efforts of CFR and CFA reveal how critical parent representation can be to impacting reunification rates, speeding up permanency and reducing entries.

## ADVOCATES IN ACTION

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*Parent representation programs have been shown to speed up reunification with parents and for those children who did not reunify, the rate of permanency through adoption and guardianship is faster than for those children whose parents do not have representation.*

## ACTIONS

- **Learn if your state requires parent representation** for families involved in dependency and termination hearings (see below for link to map that shows requirements for representation).
- **Inquire how parents are supported and represented** if there are not parent representatives available to the parents of the children you serve. Research tells us that when parents are supported and represented, the child's outcomes improve.
- **Spend time learning about the parent representation program** if your state or local jurisdiction has one. Parent attorneys are important partners who ideally represent the best interests of the entire family, not just the parent. Find out how parent attorneys are making a difference in reunification, permanency and entries? Is there data that can highlight these outcomes? Think about how you can work with parent attorneys to improve these outcomes.

- **Spend time getting to know the individual parent attorneys.** There may be times when there appears to be conflict between the parent attorneys and child advocates. Having a respectful relationship

before conflicts arise, will help when it is necessary to collaborate when parties seem to be at odds with one another.

## BRIGHT SPOT

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### DETROIT CENTER FOR FAMILY ADVOCACY DETROIT, MICHIGAN

The *Detroit Center for Family Advocacy* (CFA) provides attorneys to represent families during the child protection investigation with the goal of allowing parents or their family members to provide for their children without the need for court intervention. The families that CFA represents are 84% African-American, 9% White and 4.2% Asian. Most of the families live in poverty and 30% are headed by a single parent. CFA represents families during the child protection investigation and helps them access legal tools to protect their own children. A CFA team of a lawyer, social worker and advocate use legal mechanisms – such as guardianships, child custody or personal protection orders, education and landlord-tenant advocacy – to allow parents or their family members to provide for their children without the need for foster care or dependency court interventions.



A study conducted in 2012 found that 100% of the cases served by CFA were closed with children residing with a permanent family outside of the child welfare system. This program as well as several others reveal how critical parent representation can be to impacting reunification rates, speeding up permanency and reducing entries.

To learn more: <http://detroit.umich.edu/centers-initiatives/highlights/promoting-safe-and-stable-families-detroit-center-for-family-advocacy/><sup>4</sup>

## SELECTED RESOURCES

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Below are tools and resources for learning more parent representation.

Name	Description
<a href="#"><u>American Bar Association, <i>National Project to Improve Representation for Parents: Investment that Makes Sense</i><sup>5</sup></u></a>	This document produced by the <i>American Bar Association</i> is the best go to resource on the benefits of parent representation, examples of different state models and tips for states looking to improve parent representation.
<a href="#"><u>National Coalition for Civil Right to Council, <i>Interactive Map</i><sup>6</sup></u></a>	This interactive map shows what each state's status is regarding parent representation for dependency/neglect and termination cases. There are three categories: 1) Categorical right to counsel (right to counsel without qualification); 2) Discretionary appointment of counsel (courts are permitted but not required to appoint counsel); and, 3) Right or appointment is qualified.

## ENDNOTES

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- 1 Thorton, E. and Gwin, B. (Spring 2012). *High quality legal representation for parents in child welfare cases results in improved outcomes for families and potential cost savings*. Family Law Quarterly, Vol. 46, No 1, p.139–154.
- 2 Ibid
- 3 Courtney, M., Hook, J., & Orme, M (Feb 2011). *Evaluation of the impact of enhanced parental legal representation on the timing of permanency outcomes for children in foster care*. Partners for Our Children, Issue Brief, Vol. 1.
- 4 <http://detroit.umich.edu/centers-initiatives/highlights/promoting-safe-and-stable-families-detroit-center-for-family-advocacy/>
- 5 See [https://www.americanbar.org/content/dam/aba/administrative/child\\_law/ParentRep/At-a-glance%20final.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/At-a-glance%20final.authcheckdam.pdf)
- 6 See <http://civilrighttocounsel.org/map>