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Amid Protest, L.A. County Looks to Early Legal Representation for Parents to Avoid Foster Care Removals

BY JEREMY LOUDENBACK



Protestor Tauheedah Shakur in Los Angeles. Photo by Jeremy Loudenback.

Hoisting signs that read “Fund Families, Not Systems” and “Poverty Is Not Neglect,” protesters in downtown Los Angeles today chanted “Black Families Matter!” and shared their wrenching experiences of family separation through the foster care system.

“If you are outraged that the Supreme Court may soon allow the government to reach into your womb and control whether you have children, you should be deeply outraged that every day the government reaches into the living rooms of Black, brown and Indigenous families and separates children from their parents and guardians,” coalition member Tauheedah Shakur told the audience.

Hours later, the county Board of Supervisors, the nation’s largest local government, voted to pursue an approach to preventing some child removals that is gaining strength nationwide — providing parents with free legal counsel well before a child welfare agency files accusations against them in court.

Supervisor Janice Hahn, who co-authored the motion for “pre-petition” representation with Supervisor Hilda Solis, said the change would allow social workers to focus on the most serious child maltreatment cases, not those involving parents in need of food bank referrals, stable housing or mental health treatment.



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“Far too many times parents are charged with neglect when the problem is really one related to poverty,” Hahn said at today’s public meeting. “It could be a social worker investigating the family that is about to be evicted, or a family with little or no food and the general neglect box is checked because there’s no alternative.”

Hahn said countless families could be helped by legal advocacy earlier on, while their cases are still being investigated but have not yet landed in dependency courts.

“Our goal with this model is to decrease the number of families that enter the child welfare system by half in the next five years,” she said.

Prior to today’s Board of Supervisors meeting, about three dozen activists, attorneys, system-impacted parents and children gathered outside the county’s Hall of Administration. Attendees convened by the county-based Reimagine Child Safety Coalition gathered to protest racial disparities in foster care and the child welfare system’s treatment of poverty-related neglect as a condition warranting the removal of children.

Los Angeles County Supervisor
Janice Hahn.

The coalition is made up of 42 advocacy groups and led by Black Lives Matter — Los Angeles. The rally highlighted the group’s [11 demands](#), which were first presented to the Board of Supervisors six months ago. They include a moratorium on removing children for poverty-related reasons, greater rights for parents during social worker investigations, civilian oversight of the county’s Department of Children and Family Services and improved legal advocacy for families.

This week, the group followed those demands with a [45-page list of policy recommendations](#) aimed at reforming a system members say has caused “irreparable harm and trauma by needlessly ripping apart thousands of families annually.”

Today, Los Angeles County supervisors advanced one of those recommendations, by unanimously approving a proposal that explores what it would take to provide parents with legal counsel before the child welfare agency files a petition in dependency court. Currently, low-income parents — the vast majority of those who lose children to foster care — do not receive a court-appointed attorney until after a social worker with the Department of Children and Family Services has investigated and opened a case.

Under a pre-petition model, parents receive legal representation as soon as they come to the attention of a child welfare agency. Lawyers and their support staff receive referrals from social workers and community-based agencies, and steer parents toward services that will deter the need for CPS involvement and keep children safely at home.

States including [New Jersey](#), [Iowa](#), New York, Oklahoma and Washington have experimented with the use of the pre-petition programs. In California, a similar model is now being used by the Children’s Law Center of California, whose [pilot program](#) provides early legal advocacy to parenting foster youth at risk of losing their own kids to the system. Attorneys for parents in Los Angeles and Santa Clara counties are also launching legal programs that offer advice and resource referrals to parents earlier in the process.

The movement to provide legal advocacy before the filing of a court petition was pioneered by the Detroit Center for Family Advocacy between 2009 and 2016 at the Michigan Law School Child Advocacy Clinic. Three attorneys, a social worker, a parent advocate and a legal assistant helped parents in Detroit resolve issues related to domestic violence, housing, public benefits, child

care, moving expenses, medical insurance and educational needs. A [2013 evaluation](#) of the program examined the cases of 110 children served by the model with a preventative approach: None entered foster care.

Advocates say this approach may be one way to address California's staggering racial disparities in its child welfare system. A [2021 study](#) in the American Journal of Public Health found that about half of all Black and Indigenous children in the state are investigated by a child welfare agency before their 18th birthday. Black children in California are overrepresented in foster care at a rate three times their general population, the most disproportionate share in the country, according to the [National Center of Juvenile Justice](#).

Shakur, an organizer with the Youth Justice Coalition who is working with the child welfare reform group, told protesters today that early legal advocacy could have made a big difference in her life. In the aftermath of a violent altercation at her grandmother's house, she said, Los Angeles County social workers separated her from her mother at age 6, citing her mom's impoverished circumstances and the fact that the family slept on the floor.

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While her mother fought to reunify with her children, Shakur told protesters that she endured abuse in foster homes. Ultimately, social workers with the Department of Children and Family Services helped her mother obtain a housing voucher and her children were returned.

Shakur, now 26, said she is grateful she was able to return to her mother after three years apart. She and her siblings are now "healthy and thriving and happy adults" she added, but those years of disconnection still linger. What would have happened if her mother received housing help before a case was filed on her, and she had been able to avert her trauma-filled time in the county's foster care system, she wondered aloud?

"You might be outraged by the things you hear," she told the audience of such governmental missteps. "But it happens all the time."

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ABOUT THE AUTHOR

Jeremy Loudenback

Jeremy Loudenback is a senior reporter for The Imprint.

 jloud@imprintnews.org

 [jremylback](#)

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