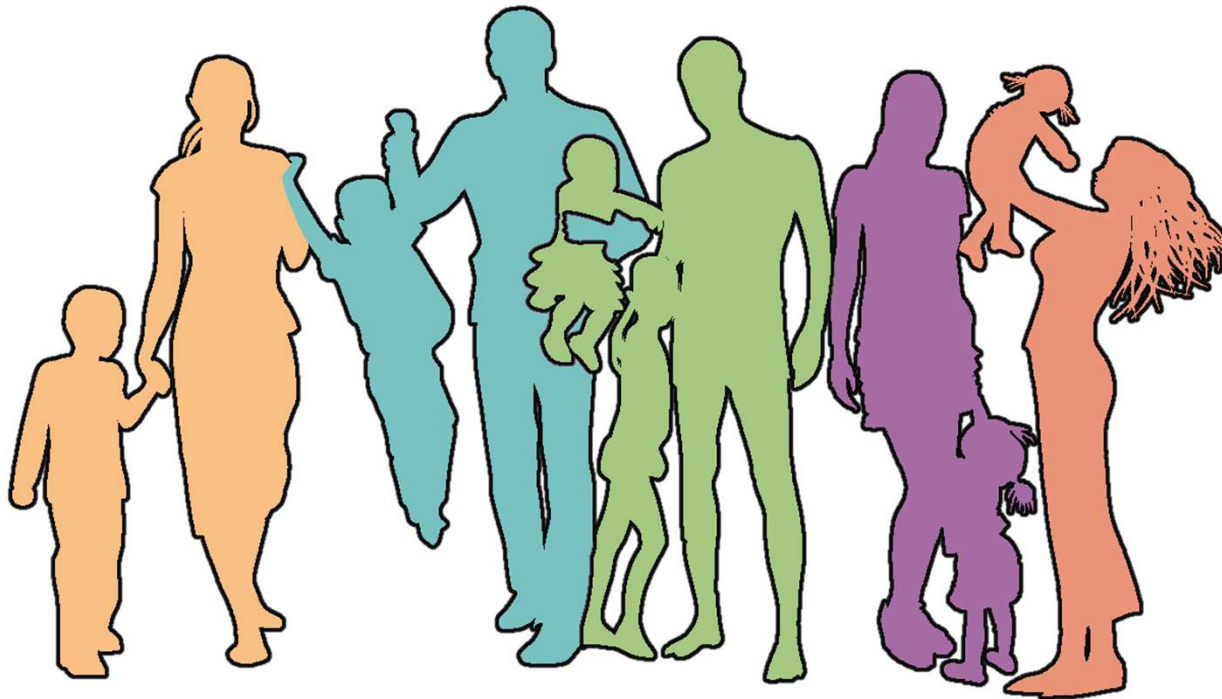


Preventive Legal Advocacy: Family-Focused Advocacy to Reduce Child Welfare Involvement



EMORY
LAW

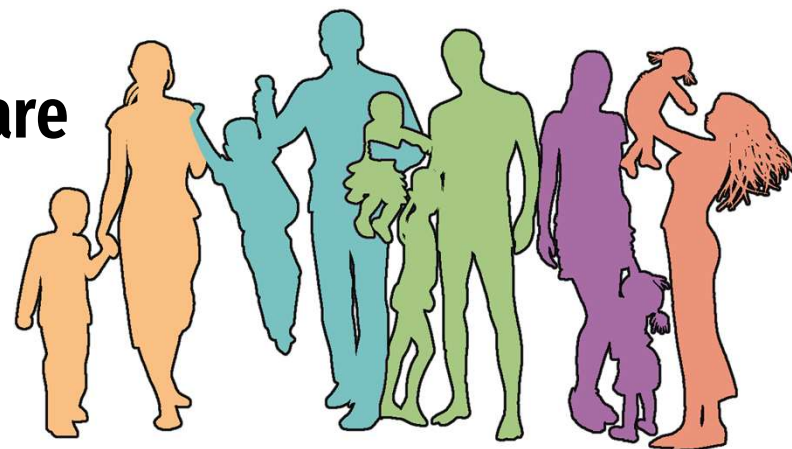
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avlf standing
with our
neighbors®

First thing's first: Why are we talking about PLA?

1. **The child welfare system consistently conflates poverty with neglect.**
2. **As a result, too many families are subjected to unnecessary child welfare system involvement.**
3. **Contact with CPS and the child welfare system at large is an inherently traumatic experience for our families.**





Preventive Legal Advocacy (PLA)

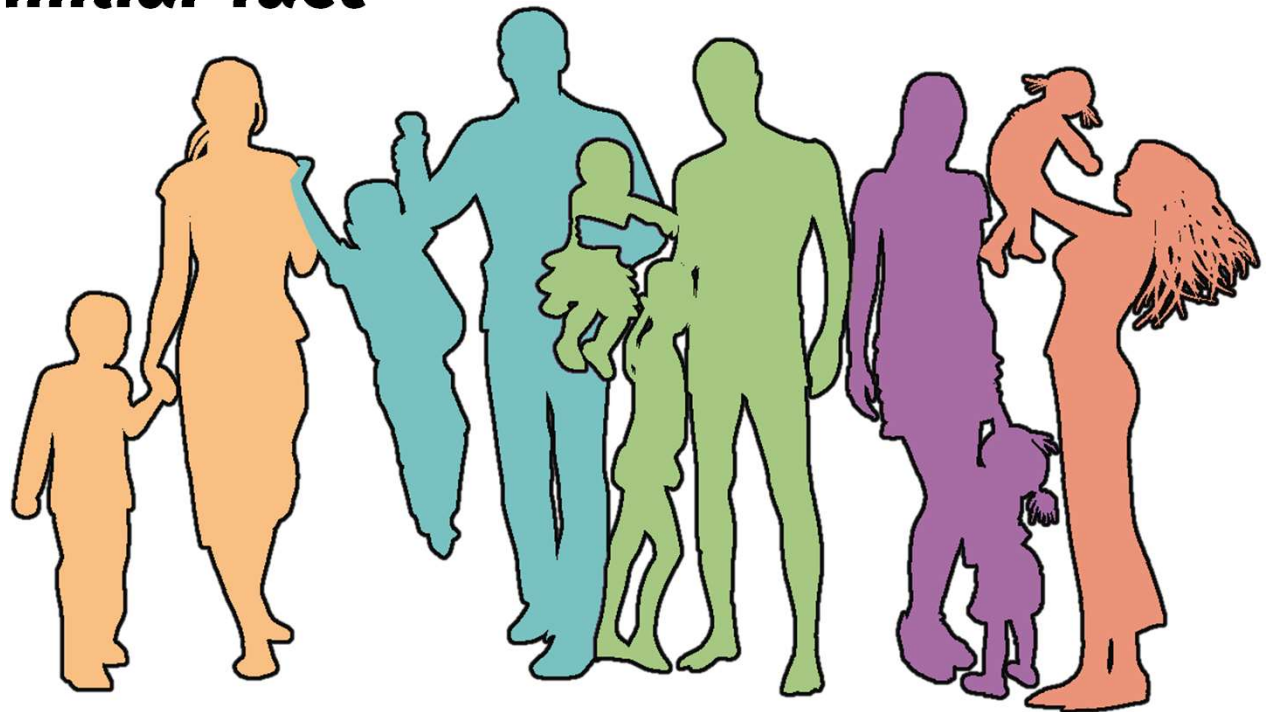
supporting families and promoting the
social determinants of health by
addressing upstream civil legal issues
that, if left unresolved, can result in
unnecessary child welfare system
involvement



CONTINUUM OF HIGH QUALITY LEGAL ADVOCACY TO SUPPORT CHILD AND FAMILY WELL-BEING

**That all sounds good, but
what does it really mean?**

**Let's look at a familiar fact
pattern . . .**





Civil Legal Issue: Family wrongfully evicted

Ms Smith and her 3 children are wrongfully evicted from their home and the landlord keeps the deposit.

PLA

PLA Attny could have stepped in and represented Ms. Smith to prevent eviction.



Inability to Obtain Housing Leads to Relapse

Ms Smith is unable to obtain housing and moves to an extended stay motel where stress leads to relapse.

PLA

PLA team could have applied for public housing and referred Ms. Smith for treatment and children for counseling.



CPS Report is Substantiated for Neglect

CPS report is made and investigator substantiates neglect stemming from inadequate housing & substance abuse.

PP

PLA team could have counseled Ms. Smith through investigation to prevent substantiation and removal



Removal Order Signed & Children in Care

Following removal, Ms. Smith is summoned to appear and for the first time she's assigned legal counsel.

PP

Pre Pet Attny could have prepared a defense prior to PPH and secured a return

5 Common PLA Program Models

Community-Partnered Programs

Independent programs with contract or full-time attorneys working in a multidisciplinary model to provide holistic advocacy to clients referred by community partners and/or the agency

Family Civil Legal Aid Programs

Existing legal aid and services offices addressing family civil legal needs in multidisciplinary teams where those offices generally do not represent parents in child welfare proceedings

Medical-Legal Partnerships (MLPs)

Programs partnered with hospitals or in-home nursing programs that refer pregnant or parenting families for partnered legal services

Child Welfare Law-School Clinics

PLA Programs administered through Law Schools and Social Work Clinics

Pre-Pet. Extension Programs

Pilots for pre-pet appointment of traditional counsel (IV-E Eligible)

Upstream Advocacy

Traditional Parent Rep.

Common Legal Issues Addressed by PLA Programs

General Civil

- Housing
- Public Benefits
- Education Issues
- Immigration
- Record Expungment

Domestic

- Divorce
- Custody
- Legitimation
- Protective Orders
- Guardianships

Pre-Petition

- KYR Advocacy
- Warmlines
- CPS Investigations
- Pre-Petition Rep
- Registry Appeals

Core Elements of Preventive Legal Advocacy

Upstream Referrals

Families are referred for services before there is a removal

Holistic Representation

Teams examine the full scope of family need with a prevention focus



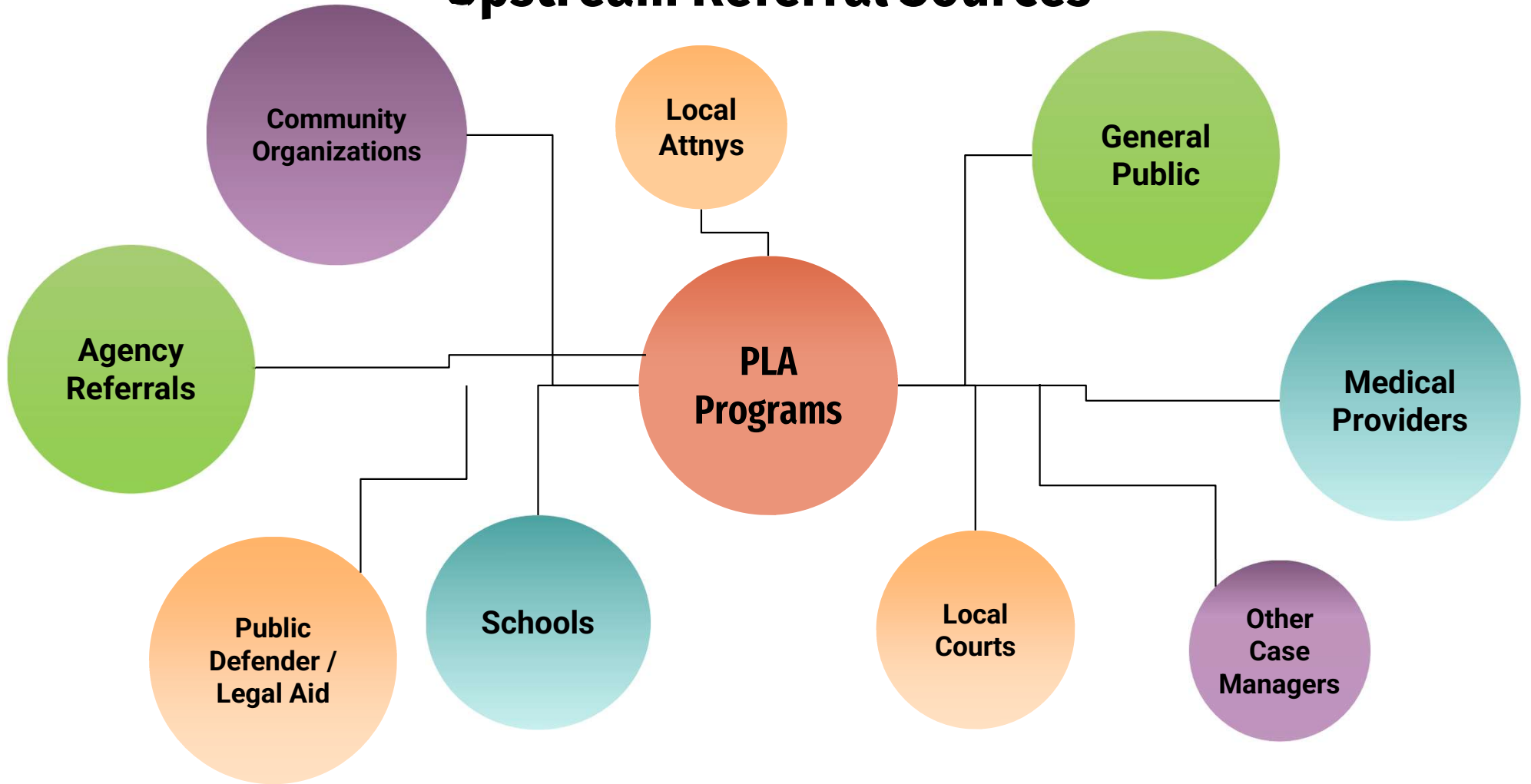
Multidisciplinary Legal Teams

Attorney
Social Worker
Parent Partner (LE)

Effective Community Partnerships

Rapid response & warm handoffs for any needed services

Upstream Referral Sources



Multidisciplinary Legal Teams

CPS Investigator



Attorney

Provides legal counsel to the clients, as well as limited legal services when appropriate

Social Worker

Prepares assessments & safety plans, builds clients' self-advocacy skills, provides referrals, case mgmt, and system navigation



Parent Partner (LE)

Brings personal experience and grounding in the community to provide support + intimate understanding of what parents are experiencing

Landlord



Entire team works under the supervision of the attorney, allowing attorney-client confidentiality to extend to the rest of the team and often relieving all team members of any mandated reporting requirements.

Holistic Representation

CPS Investigations, homelessness, addiction, consumer abuse: due to poverty, our clients rarely experience traumatic challenges one at a time—they experience many, all at once or in rapid succession.

Housing Need

Ms. Smith needs help securing safe, stable housing for her family.

Counseling

Ms. Smith desires counseling for herself and her children.



SA Treatment

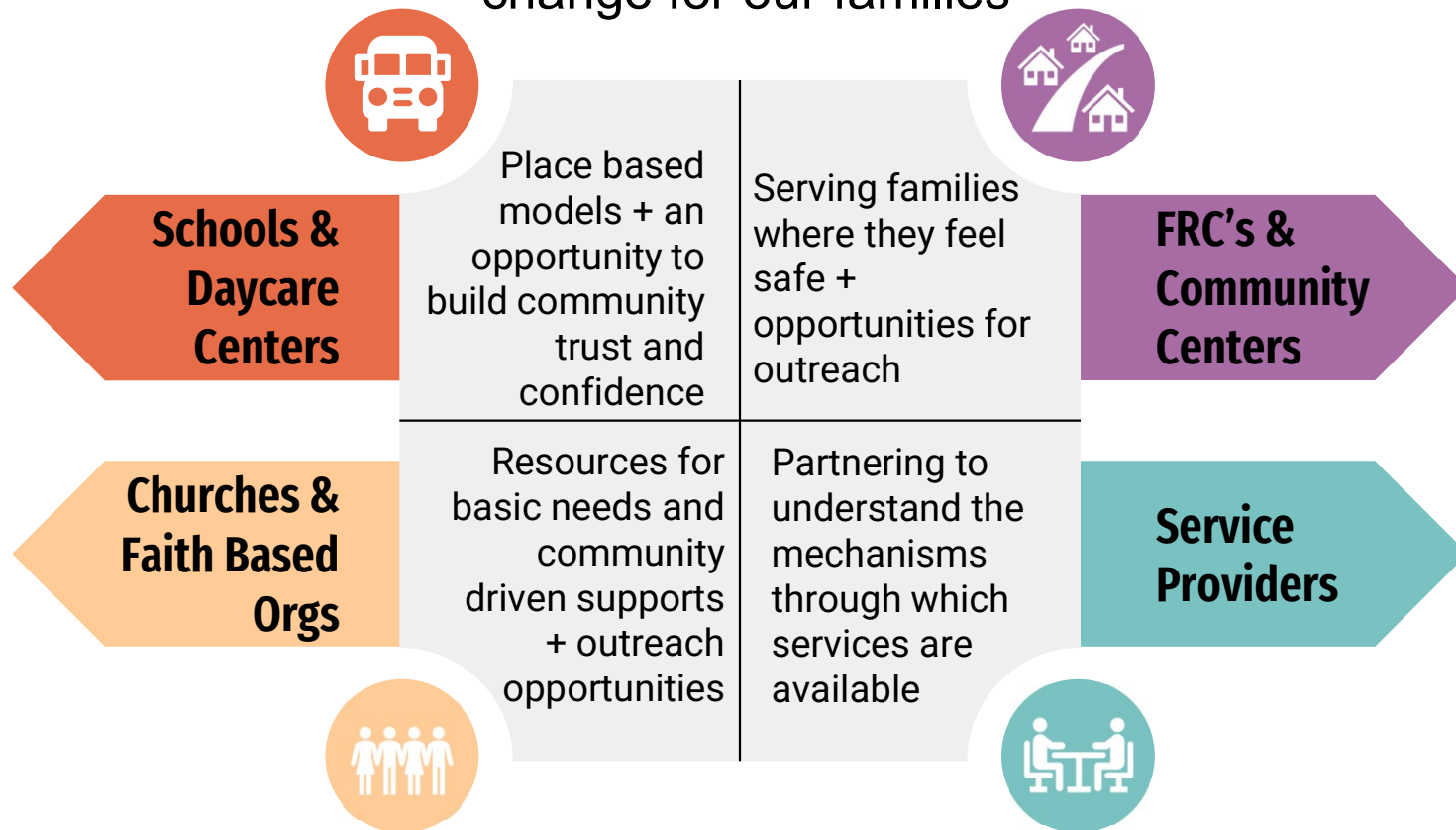
Ms. Smith is asking for help getting into SA treatment.

CPS Investigation

Ms. Smith needs legal rep to advise her in the CPS investigation.

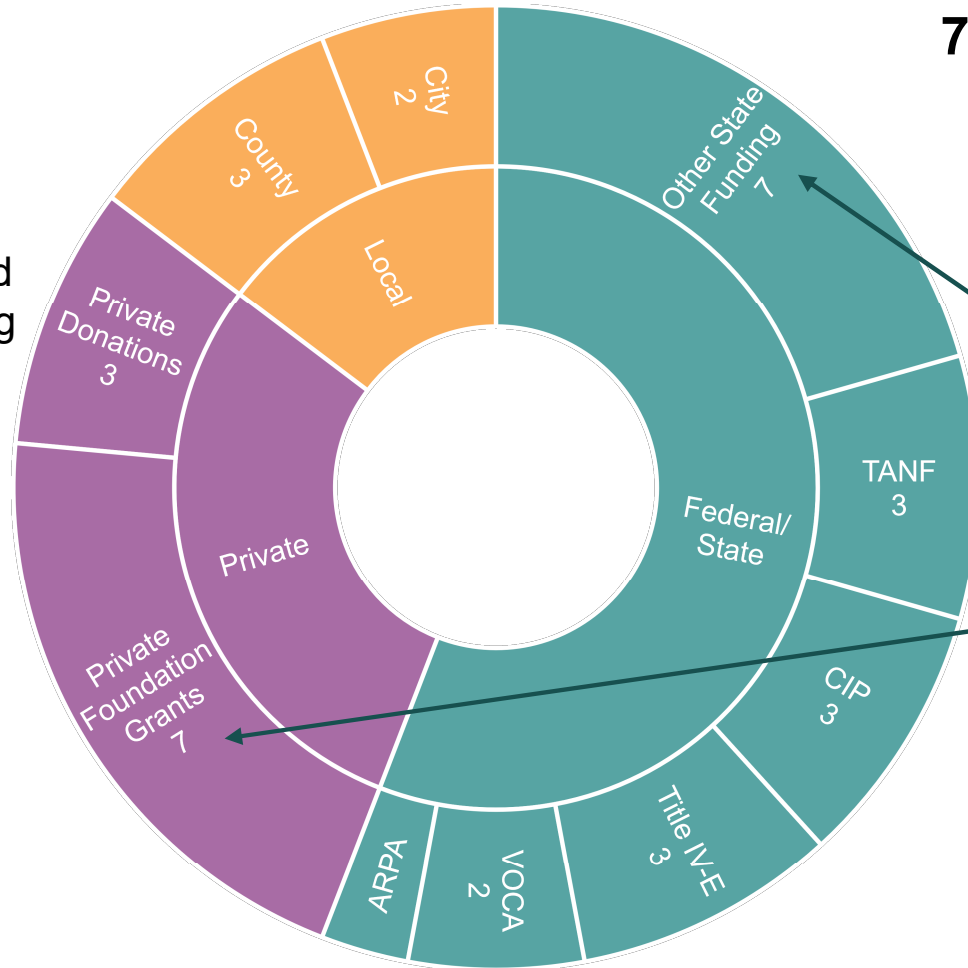
Effective Community Partnerships

It Takes a Village: organized Community is the only means of effecting long-term change for our families



Common Funding Sources

In October of 2022, we surveyed 30 existing and emerging PLA programs participating in the national PLA Cohort. These programs reported funding from the following sources:

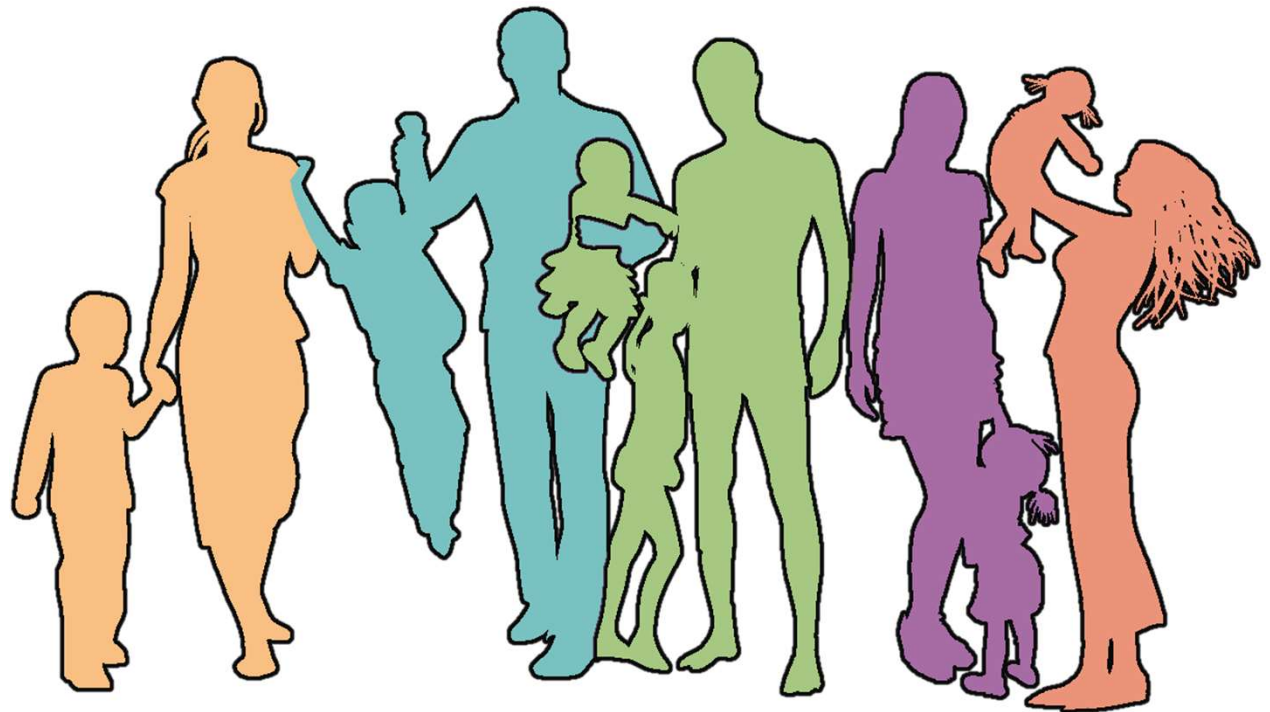


70% of these programs rely on more than 1 funding source.

Based on this survey, State funding and private foundation grants remain the most common funding sources for PLA services.

We've covered the fundamentals.

**But what does Preventive Legal
Advocacy look like in practice?**





40 YEARS OF STANDING WITH ATLANTA

1979 - 2019

atlanta
volunteer
lawyers
foundation

Creating safe and stable
homes and families by
inspiring attorneys to fight
for equal justice.

CPS Referral Statistics

1/3

of children will be subjected to a CPS investigation by age 18



83%

of CPS investigations are **unsubstantiated**



50%

of black children will be subjected to CPS investigation by age 18



1 out of 3

Children living in neighborhoods with a poverty rate of greater than 20% will experience a CPS investigation



Fong, K. (2017). Child Welfare Involvement and Contexts of Poverty: The Role of Parental Adversities, Social Networks, and Social Services. Children and Youth Services Review.

The Harm of Unstable and Unsafe Housing

Education

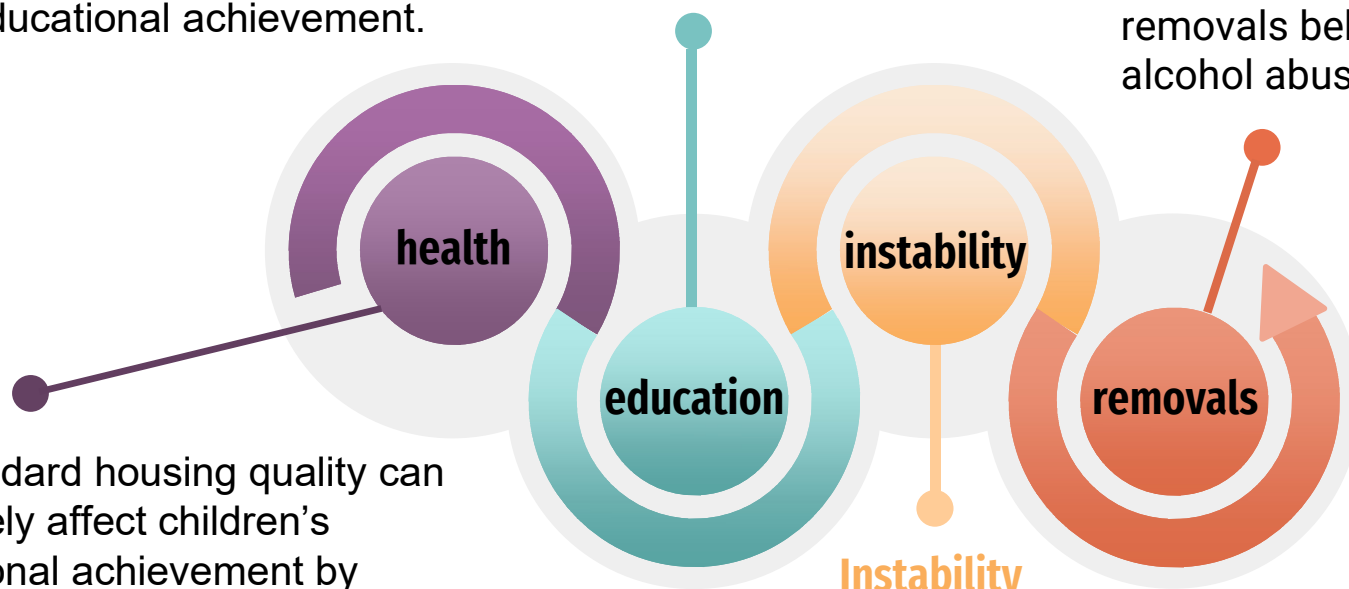
Children who change schools, particularly if they change schools often or at critical points in their education, experience declines in educational achievement.

Removals

In Georgia, inadequate housing is the third most common basis for removals behind caretaker drug or alcohol abuse and neglect.

Health

Substandard housing quality can negatively affect children's educational achievement by contributing to physical illness that impairs academic performance.



Instability

The negative health and educational impacts of unmet housing needs can lead to chronic instability and CPS reports.

Our Upstream Solution: Standing With Our Neighbors®

This program partners Atlanta Volunteer Lawyers Foundation with schools and other community allies to focus AVLF's volunteer resources on improving living conditions and housing stability in low-income neighborhoods – all to improve resident health, reduce school enrollment turnover, and enhance student attendance and performance.

Program staff are **embedded** within neighborhoods to stop housing instability early and work as a first responder when problems do arise.

By managing the immediate housing needs of students, we are able to stabilize a family. And when you stabilize a family, you stabilize a school, not to mention the whole community.

Standing With Our Neighbors®



Carver Cluster : Two-Year Report September 2016 - August 2018

Enrollment

20% average reduction in annual enrollment turnover across all 4 SWON schools in the APS cluster

Advocacy

198 families, including **569 children**, were provided with advocacy and legal assistance

Stability

Over 70 families avoided displacement as a result of AVLF's advocacy.

Health

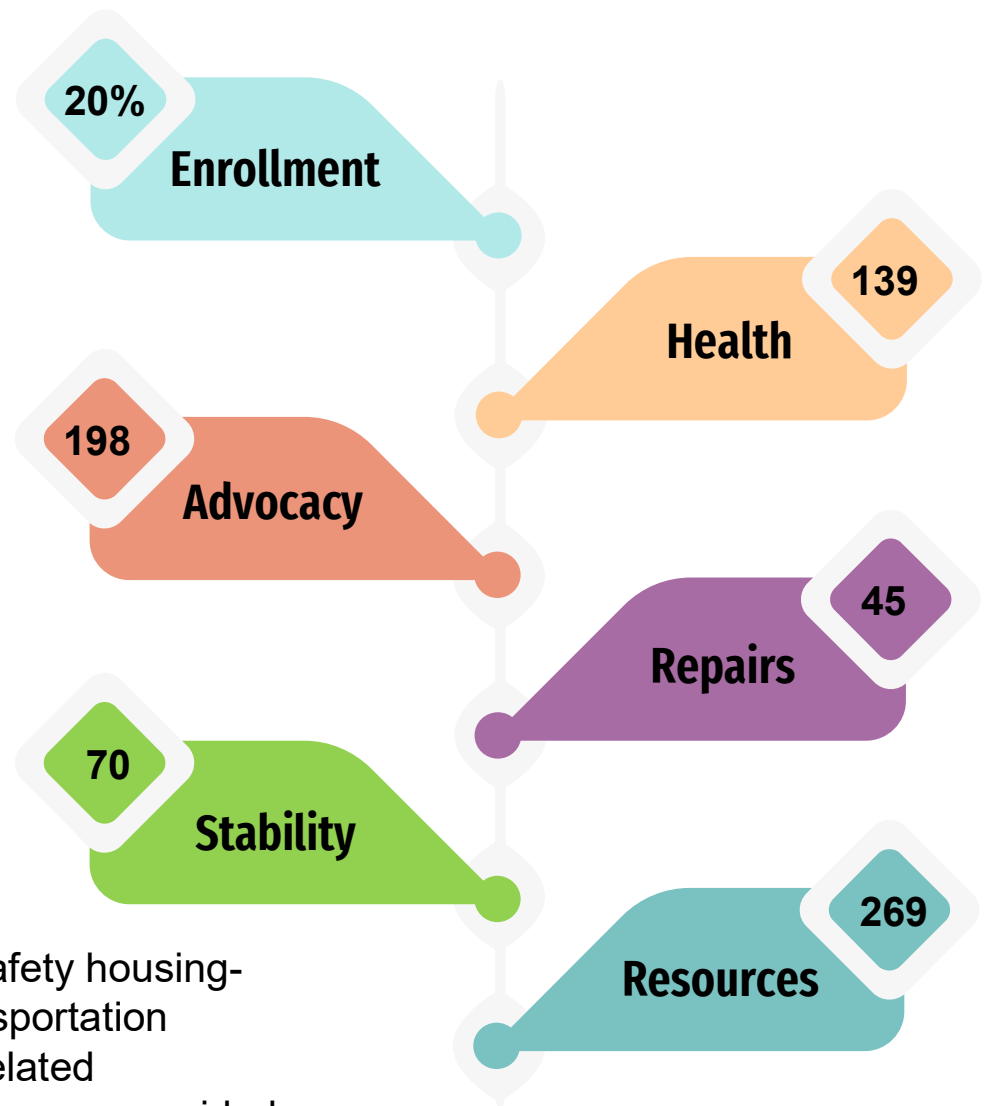
139 families were identified as having asthma-related housing issues.

Repairs

Over 45 families obtained necessary repairs as a result of AVLF advocacy

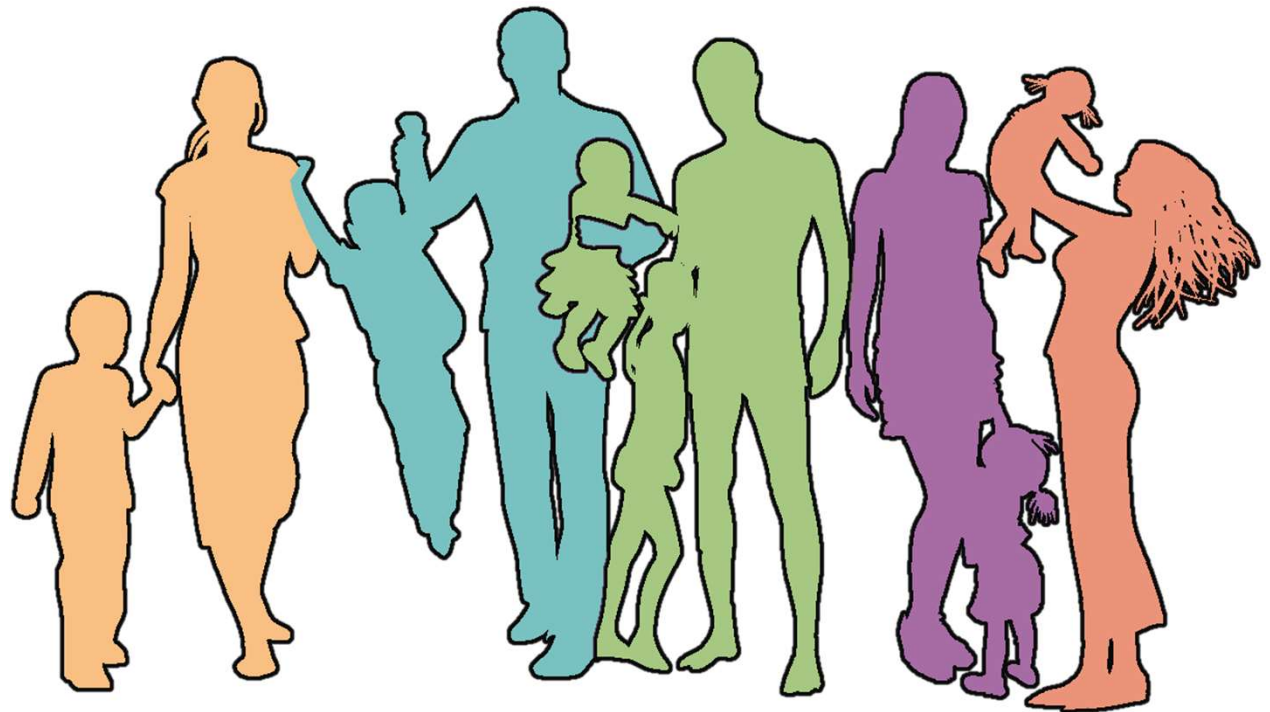
Resources

269 free health and safety housing-related products, transportation assistance, or other related emergency assistance were provided.



Now it's your turn . . .

How can Preventive Legal Advocacy be implemented to benefit families in your community?



What is one specific unmet legal need that commonly affects the families you work with?

Thinking about the specific legal issue you've selected, consider the following questions:

- 1. Would resolving this legal issue for families in your jurisdiction help to prevent removals, and if so, why?**

2. Based on what we've discussed today, do you think this legal issue could be addressed through preventive legal advocacy?

3. What might a PLA program to address this legal issue look like?

Consider:

- Program Model**
- Referral Sources**
- Team Members**
- Issues for holistic staffing**
- Community Partners**

4. If a program like the one we've envisioned existed in your jurisdiction, how might you personally support or interact with that program given your current role?

Discussion

- 1. What challenges come to mind in trying to envision what this program might look like?**
- 2. What questions has this presentation raised for you?**

PLA Takeaways

1.

When families have the resources they need to thrive and the ability to receive natural support within their community, children are the ultimate beneficiaries as they can remain safely with their family and community.

2.

The primary legal objective is to avert court involvement and the removal of a child, but a family's entanglement with the child welfare system often stems from a myriad of underlying causes; preventing such entanglement necessarily requires engagement with the underlying causes.

3.

Preventing child welfare involvement looks different for every family, thus PLA programs must be open to a broad definition of client engagement and define success beyond preventing a removal or the filing of a petition.

4.

Staying rooted in community means meeting clients in the spaces where their lives happen—their homes, their neighborhoods, their workplaces, their schools, their meetings with their probation officers and social workers.

5.

Prevention and pre-petition programs are committed to fighting poverty and racial inequity, the most significant predictors of child welfare involvement. Our programs must aim to support families as they navigate the challenges of poverty.

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National Endorsements for PLA

Children's Bureau

- *“Access to an attorney or multidisciplinary legal team that provides civil legal advocacy can empower, support, and restore agency to parents, caregivers, young people, and individuals to help them maintain well-being, preserve family integrity, and promote economic mobility. Civil legal advocacy can also be preventive, especially in the child welfare context, serving as a tool to stop unnecessary family separation.”*

Family Justice Initiative

- *“FJI recommends jurisdictions consider creating systems of representation that promote attorney involvement pre-removal when appropriate.”*

ABA Standards & NCJCFJ Enhanced Resource Guidelines

- *Include pre-petition representation (if permitted by jurisdiction) in general duties of parents' attorneys*

Casey Family Programs

- *Preventive legal advocacy resource page: <https://www.casey.org/preventive-legal-advocacy-topic-page/>*