



How to Start & Sustain a Program



What lights you & your office up?

- **Take inventory of the legal resources available in your office**
- **What are the legal issues and barriers that are of concern for you and your office for families**
 - **Housing**
 - **Custody**
 - **Educational issues**
- **Consider the time and resources required for various civil issues**
- **How do you practice anti-separation work?**

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 LSC offices addressing family civil legal needs via multidisciplinary teams where those offices don't usually represent parents in child welfare proceedings or where those services have historically been siloed.

Medical-Legal Partnerships (MLPs)

Programs partnered with hospitals or in-home nursing programs that refer pregnant or parenting families for partnered legal services. Some of these programs focus on substance exposed newborns while others may have a broader intake criteria.

Child Welfare Law-School Clinics

PLA Programs administered through Law Schools and Social Work Clinics, typically utilizing students to provide direct representation under the supervision of a clinic supervisor, may focus on Pre-Pet services or other civil matters

Pre-Pet. Extension Programs

Pilots for pre-pet appointment of traditional counsel (often IV-E Eligible), generally providing multidisciplinary representation during the CPS investigation and referring out for any other needed civil legal services.

Upstream
Advocacy

Traditional
Parent Rep.

COMMON LEGAL ISSUES IN PLA

General Civil

- Housing / Evictions
- Public Benefits
- Education Law
- Immigration
- Record Expungment

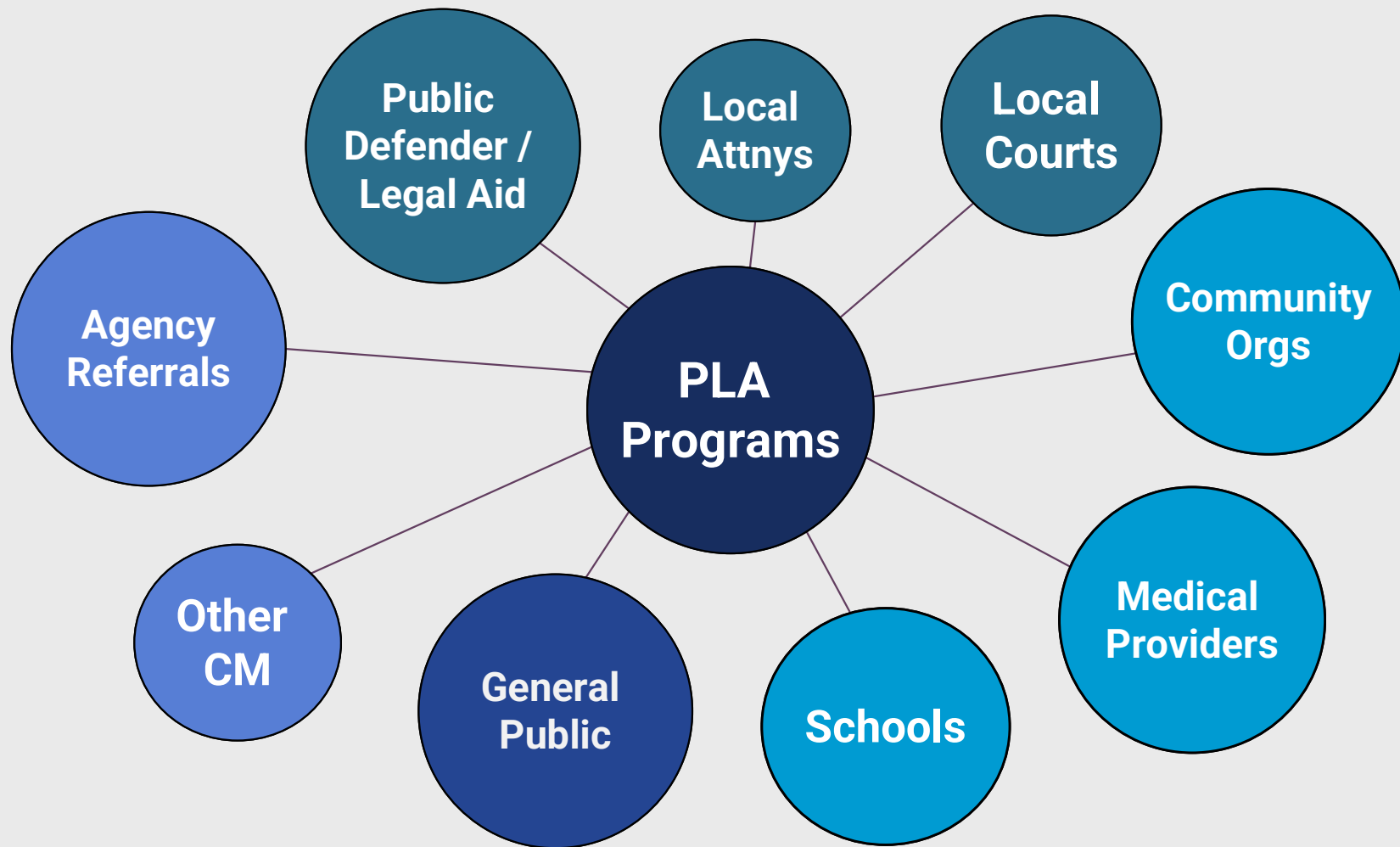
Domestic

- Divorce
- Custody
- Paternity
- Protective Orders
- Guardianships

Pre- Petition

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

Common Referral Sources



Effective Community Partnerships



Schools & Daycare Centers

Place based models + an opportunity to build community trust and confidence



FRC's & Community Centers

Place based models + serving families where they feel safe + opportunities for outreach



Service Providers

Partnering to understand the mechanisms through which services are available



Churches & Faith Based Orgs

Resources for basic needs and community driven supports + outreach opportunities

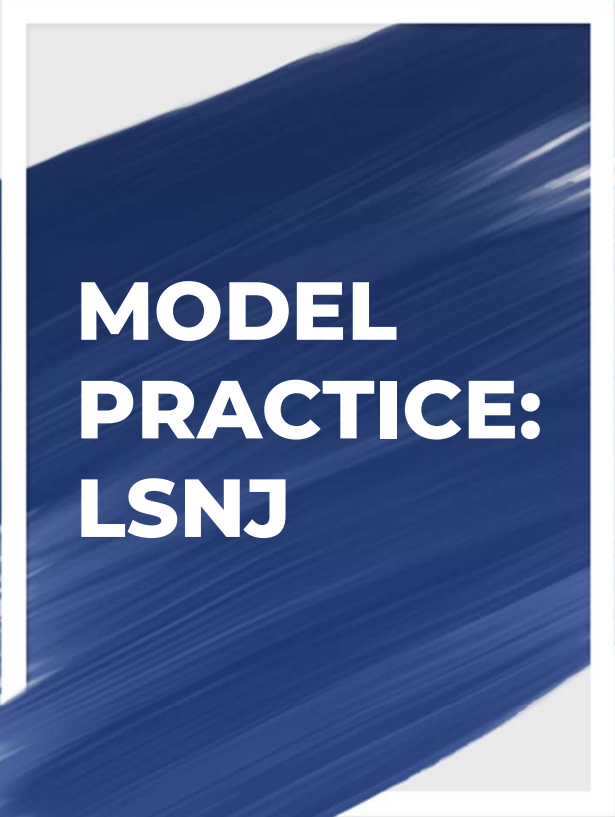
“Reasonable Efforts”

Reasonable efforts shall be made to preserve and unify families—

(i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child’s home; and

(ii) to make it possible for a child to safely return to the child’s home;

42 U.S.C. § 671 (a)(15)(B)



**MODEL
PRACTICE:
LSNJ**

- Referrals to LSNJ
- Supportive techniques
- Legal issues
 - Releases
 - Safety planning
- Referrals to legal advocates



**NJ's
ANTI-
SEPARATION
MODEL**

- Multidisciplinary model
- Social workers and peer allies
- Legal advocacy to support and strengthen families
- Trauma and grief informed
- Cultural competency

Lessons Learned: Cornerstones of Prevention Work

1. Find allies.
2. Build & support the interdisciplinary team.
 - Attorney-led interdisciplinary teams are crucial to client success.
 - Social workers and mentor parents receive support through clinical supervision.
 - Full team stays connected through regular staffings on cases.

Lessons Learned: Cornerstones of Prevention Work

3. Remain based in community.

- Physical presence in the community
- Know Your Rights presentations (shelters, jails, schools, hospitals)
- Strategic partnerships with other service providers (e.g., probation office, county ob/gyn clinic)
- Familiarity with local resources and service providers in order to make quick & accurate referrals

Lessons Learned: Cornerstones of Prevention Work

4. Keep the client at the center.
 - Honor client self-determination in identifying case goals and outcomes
 - Work with the client around both immediate investigation and longer-term, underlying challenges that could lead to
 - Investigations again in the future
5. Stay rooted in a vision of a different way.



**“NEW”
TITLE IV-E
FUNDING
OPPORTUNITY**

- On December 21, 2018, the U.S. HHS Children’s Bureau changed its policy regarding IV-E funding reimbursement for “administrative costs” of providing “independent legal representation by an attorney for a child who is a candidate for title IV-E foster care or in foster care and his/her parent.”
- Later amended to include tribal representation (7/28/19) and costs of paralegals, investigators, peer partners, social workers, support staff, and overhead for independent child and parent legal representation (4/21/2020)



May a title IV-E agency claim title IV-E administrative costs for attorneys to provide legal representation for the title IV-E agency, a candidate for title IV-E foster care or a title IV-E eligible child in foster care and the child's parents to prepare for and participate in all stages of foster care related legal proceedings?

Answer

Yes. The statute at section 474(a)(3) of the Act and regulations at 45 CFR 1356.60(c) specify that Federal financial participation (FFP) is available at the rate of 50% for administrative expenditures necessary for the proper and efficient administration of the title IV-E plan. The title IV-E agency's representation in judicial determinations continues to be an allowable administrative cost.

Previous policy prohibited the agency from claiming title IV-E administrative costs for legal services provided by an attorney representing a child or parent. This policy is revised to allow the title IV-E agency to claim title IV-E administrative costs of independent legal representation by an attorney for a child who is a candidate for title IV-E foster care or in foster care and his/her parent to prepare for and participate in all stages of foster care legal proceedings, such as court hearings related to a child's removal from the home. These administrative costs of legal representation must be paid through the title IV-E agency. This change in policy will ensure that, among other things: reasonable efforts are made to prevent removal and finalize the permanency plan; and parents and youth are engaged in and complying with case plans.

Source/Date

1/7/2019

Legal and Related References

45 CFR 1356.60(c), section 474(a)(3)

IM-17-02

High Quality Legal Representation for All Parties in Child Welfare Proceedings

Publication Date: January 17, 2017

This Information Memorandum (IM) encourages all child welfare agencies, courts, administrative offices of the courts, and Court Improvement Programs to work together to ensure parents, children and youth, and child welfare agencies, receive high quality legal representation at all stages of child welfare proceedings.

IM-19-03

Engaging, empowering, and utilizing family and youth voice in all aspects of child welfare to drive case planning and system improvement.

Publication Date: August 1, 2019

The purpose of this Information Memorandum (IM) is to demonstrate that family and youth voice are critical to a well-functioning child welfare system and to strongly encourage all public child welfare agencies, dependency courts, and Court Improvement Programs to work together to ensure that family and youth voice are central in child welfare program planning and improvement efforts.

Implementation Details

- 50% FFP for “administrative costs” necessary for the proper and efficient administration of the Title IV-E plan: $.50$ (Total cost of representation x state’s Title IV-E penetration rate)
- Must be paid through Title IV-E agency
- Cost Allocation Plan must be amended to describe procedures used to identify, measure, and allocate all costs is needed. Identify scope of the clients for whom legal representation costs are to be incurred.
 - Express goal is to ensure reasonable efforts to prevent removal and finalize permanency plan, and parent and youth engagement in and compliance with case plans

Question: What are some examples of *allowable administrative activities* for agency or independent attorneys to prepare for and participate in judicial determinations for all stages of foster care legal proceedings?

Answer: Examples include:

- independent investigation of the facts of the case, including interacting with law enforcement,
- meeting with clients or making home or school visits,
- attending case planning meetings,
- providing legal interpretations,
- preparing briefs, memos, and pleadings,
- obtaining transcripts,
- interviewing and preparing their client and witnesses for hearings,
- hearing presentation,
- maintaining files,
- supervising attorneys, paralegals, investigators, peer partners or social workers that support an attorney in providing independent legal representation to prepare for and participate in all stages of foster care legal proceedings,
- filing child abuse and neglect petitions for candidates for foster care,
- court fees to file a petition for a judicial determination required under title IV-E, and
- appellate work in reference to foster care legal proceedings.

Federal Funding Sources for Civil Legal Aid

Medicaid:

- MCO funding (“value-added services”) for Medical-Legal Partnerships as services that are designed to improve health outcomes
- Sec. 1115 waivers to support demonstration projects (e.g., LA County Dept. of Health partnership with Neighborhood Legal Services of LA County)

Temporary Assistance to Needy Families (TANF):

- block grants to reduce financial dependency, maintain families, prevent/reduce out-of-wedlock pregnancies, and encourage 2-parent families
- E.g., Legal help for families pursuing SSI benefits or resolve legal problems that threaten family stability or undermine employment

Federal Funding Sources for Civil Legal Aid

Title IV-B

- Kinship navigator funds can be used to provide brief legal services, including to support kinship caregivers to obtain benefits and services to improve caregiving
- Family Support Services (PSSF) funds can be used to support info and referral

Community Development Block Grant (CDBG)

- Legal representation of tenants facing eviction, landlord/client matters, foreclosure mitigation and prevention

DOJ's OVC 2016 VOCA Victim's Assistance federal rule allows more legal aid:

- Domestic violence
- Stalking and sexual assault
- Elder abuse
- Identity theft
- Wage theft
- Financial fraud and creditor scams
- Human trafficking
- Immigration help for victims of human trafficking and domestic violence
and...
- Child abuse and neglect

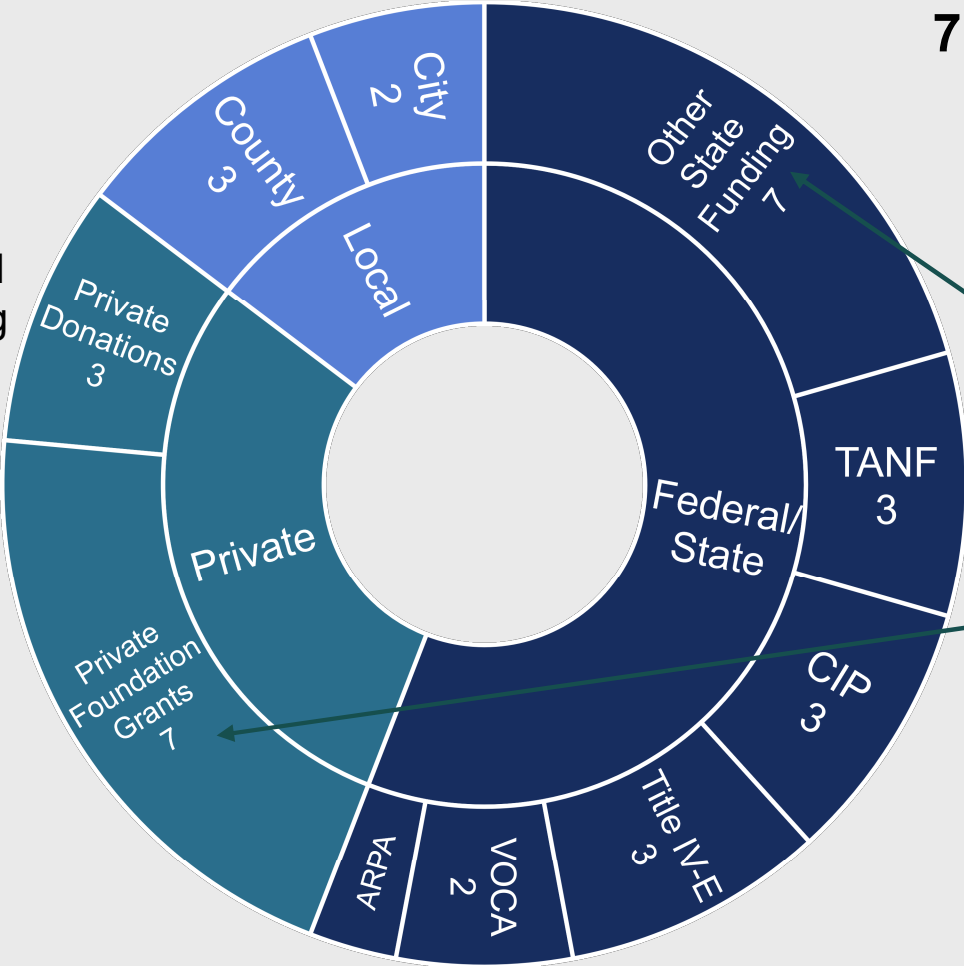
VOCA & Legal Aid FAQs: <https://www.american.edu/spa/jpo/toolkit/grant-faqs.cfm>

Other Funding and Resource Support for Legal Representation

- State and county general funds
 - Direct & Indirect
 - IV-E recapture
- Philanthropic support
- Interest on Lawyers Trust Accounts (IOLTA) and state bar grants
- Law school clinics

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.

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.