



How is preventive legal advocacy critical to the continuum of legal advocacy?

Preventive legal advocacy involves supporting families and promoting the social determinants of health by addressing upstream legal issues that, if left unresolved, can lead to unnecessary reports to the child protection hotline. This meaningful and comprehensive legal advocacy can help to address food, income, and housing insecurity; ensure protection from wrongful denial of government entitlements and benefits; advocate for special education eligibility and other educational needs; and secure protection from intimate partner violence. While advocacy can be on behalf of individual families to address specific issues, it should also include system-level approaches to addressing poverty, systemic racism, and other forms of discrimination and oppression that harm children and families.

The unmet legal needs of families directly impact the [social and structural determinants of health](#), defined as the environmental conditions in the places where families live, learn, work, and play. Social determinants of health are societal creations: public policies and private choices have influenced, if not directly caused, the adverse community environments in which some children and families live. Chronic poverty, systemic racism, community disruption, violence, and lack of economic mobility have combined to deprive communities of needed resources, giving rise to [Adverse Childhood Experiences](#) (ACEs).

While ACEs may trigger reports to and intervention from the child protection agency, these punitive responses consistently fail to consider the community conditions at the root of the concerns and, as a result, do not result in services and supports to address a family's need for concrete supports. In contrast, preventive legal advocacy addresses the social and structural determinants of health directly, and builds community resilience in a way that minimizes unnecessary reports to the child protection hotline.

Early legal interventions can make a significant difference in the health and well-being of families. Studies show that:

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- Tenants with legal assistance are [more likely to remain in their homes](#), receive more days to move when moving is necessary, receive lower amounts of rent judgments, and have a higher settlement rate and lower trial rate.
- Providing preventive legal help in divorce, custody, and protective order proceedings can [improve outcomes significantly for survivors of domestic and intimate partner violence](#), and their children.
- Legal help securing expungement of an old criminal record leads to [increased rates of employment, higher wages, and decreased recidivism](#).

Ideally, preventive legal advocacy should embrace a multi-disciplinary approach and include the support of both a social worker and someone with lived expertise. Legal support should be available to families in multiple ways, including support that is easily accessible and available for families to connect with directly, as well as referrals by mandatory reporters and other community members (such as teachers or doctors) who may identify families with unmet preventive legal needs.

Federal funding streams such as Medicaid, Temporary Assistance for Needy Families (TANF), and [Title IV-E reimbursement from legal representation](#) have been

used to fund preventive legal advocacy programs. In addition, foundations looking to innovate, demonstrate, and disseminate information about how legal advocacy promotes health and reduces unnecessary reports of suspected maltreatment are important resources for financial support.

The establishment of partnerships, including those with hospitals or educational organizations, is a key strategy for funding and sustainability. Health and education partners are aware of the growing evidence demonstrating how legal advocacy that promotes the social determinants of health can result in improved children's health, cost savings to hospitals, and improved satisfaction from both providers and families. Perhaps the most common programs are pediatric medical-legal partnerships — including [Healthy Together](#) in Washington, D.C., [HeLP](#) in Atlanta, and [CHAMPS](#) in Columbia, S.C. — that use preventive legal aid to promote the social determinants of health for families through partnerships with children's hospitals. In addition, there is a growing number of programs where schools are partnering with lawyers to provide preventive legal aid to support families, including the [Standing With our Neighbors](#) initiative in Atlanta and the [School- Based Civil Legal Clinic](#) in Chicago.

1 Content of this brief was informed by consultation with members of the KM Lived Experience Advisory Team on 5/11/21 and 5/25/21. This team includes youth, parents, kinship caregivers, and foster parents with lived experience of the child welfare system who serve as strategic partners with [Family Voices United](#), a collaboration between FosterClub, Generations United, the Children's Trust Fund Alliance, and Casey Family Programs. Members who contributed to this brief include Keith Lowhorne, Marquetta King, Roberto Partida, and Aliyah Zeien.

This brief was developed by the National Preventive Legal Advocacy Partnership (NPLAP) – a multidisciplinary group of experts in child welfare practice, access to justice, and the legal system – convened by Casey Family Programs. The goal of the NPLAP is improving preventive legal advocacy efforts and contributing to an overall population-based, public health approach to community well-being. Visit [Preventive Legal Advocacy](#) for additional resources and information.

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