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ARTICLE

Preserving Families Through High-Quality Pre-Petition Representation

Iowa Legal Aid's Parent Representation Project has provided extended representation and services to nearly 300 clients, keeping a total of 468 children out of the juvenile court system.

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When families become involved with the child welfare system, they often experience negative outcomes. Perhaps the most devastating outcome is the removal of children from their parent's home. The long-term effects of removal on a child's emotional and psychological development are often very detrimental, and the scope of the problem is huge. Researchers at Washington University and Cornell University estimate that 34.7 percent of children in the United States are involved with Child Protective Services (CPS) at least once before they turn 18. According to the 2019 census, there were some 73 million children under the age of 18 in the United States, and in that year, nearly 72,000 children were removed from their parents' homes and placed in foster care, according to the Adoption and Foster Care Analysis and Reporting System.

Iowa Legal Aid's Parent Representation Project (PRP) is an invaluable program seeking to avoid or mitigate the effects of removal and other adverse outcomes for children and families involved in CPS investigations. We do so by actively advocating for those families, providing civil legal assistance, connecting them with stabilizing services, and helping them navigate the child welfare system.

Our Team

The cornerstone of the project is the staffing model. Our program uses an interdisciplinary team approach that consists of an attorney, a case manager, and a parent advocate with experiences similar to the experiences of the parents we assist. All three members of the team are employees of Iowa Legal Aid. This is essential because at the outset of the initial meeting with clients, the

team members make it clear that any and all conversations are covered by attorney-client privilege. Insofar as one objective of the PRP is to reduce the chances that a family will come to the attention of the child welfare system, ensuring attorney-client privilege reassures clients that any and all concerns discussed with the team will remain confidential. Confidentiality allows the team to gain trust so we can uncover and address any issues the clients have. By using this three-part team dynamic and establishing confidentiality with our clients, we can tackle cases from a variety of angles.

The attorney is essential in identifying the specific civil legal issues affecting the family and addressing those legal issues. The attorney also makes an initial determination of the family's social, emotional, economic, and other related needs. Then the team as a whole discusses the attorney's initial evaluation and the various issues involved. Where appropriate, the attorney refers parents to the project case manager or parent advocate or both.

The case manager focuses on the underlying issues affecting the families, including the social, emotional, economic, and other needs identified initially. The case manager can refer clients to community resources that address those issues, thereby supporting the attorney's legal work on behalf of the client. Such community resources may include mental health or substance abuse counseling, income maintenance, affordable housing, and domestic violence advocacy. In addition, some case managers have experience working for or with social service and community resource organizations, giving them special expertise and skills that deepen their ability to help families resolve the underlying issues they're facing. Such specific experience on the part of case managers also establishes valuable connections with the community's social service organizations, connections that are often invaluable for the PRP to meet the needs of its clients.

The parent advocate is an individual who has been through the child welfare system with her own children and successfully exited the system. The parent advocate can understand the client's issues through the client's eyes. The parent advocate can develop a closer relationship with parents than the attorneys and case manager can by sidestepping the more formal nature of a client-advocate relationship. The parent advocate may know more about the community from a personal perspective and can speak from her own lived experience. The parent advocate helps parents understand what is expected of them and guides them through the process.

Iowa Legal Aid's PRP team works together to address the range of issues that families face, providing them with legal counseling and connecting them with various resources to deal with

underlying issues. Our approach is thus holistic: We endeavor not only to address legal concerns but also to help families find the assistance they need to create a safe and stable environment for their families, thereby eliminating the need for Department of Human Services (DHS) or juvenile court involvement.

Our Community Reach

Involving the community in our efforts, especially area agencies that provide resources, has given our program support from the outside. This support has fostered a partnership with the community that has been vital to the success of our program. We have built strong relationships with other community agencies, so our clients get access to their services quickly and confidentially. This includes maintaining a good relationship with DHS while still zealously advocating for our clients' needs and interests. Agencies know they can refer their clients to us for legal services, and we know we can connect our clients to them for their services. In pre-petition cases, these agency connections can keep the family together and avoid juvenile court intervention. In post-petition cases, these agency connections help speed up the reunification process. Overall, our partnerships have created a wider net of support for low-income and vulnerable Iowans in our community and set families up for success even after their case with us is complete.

The Difference We Make

Since its start in 2013, the PRP has been implemented in three Iowa Legal Aid regional offices and serves four Iowa counties. Our program has inspired community organizations to take a different, more compassionate perspective on families involved with DHS or CPS and has benefited families and the community both personally and financially. In the last three years alone, the PRP has received more than 450 referrals. PRP staff provided extended representation and services to nearly 300 clients, keeping a total of 468 children out of the juvenile court system. For those children already involved in juvenile court, our program reunified their families in half the time of our district average.

Connecting with Parents and Caretakers in Need

The PRP began as a collaboration between the Iowa Children's Justice Initiative, the Office of the State Public Defender, the First Judicial District in Iowa, the Department of Human Services, and

Iowa Legal Aid. Parents are referred for our services no matter what stage of the process they are in, both pre-petition and post-petition. (Even where the PRP is not representing a parent in a child in need of assistance case, a referral can be made to the PRP for a civil legal issue that would allow the case to close.) In addition to representing parents in juvenile court for child in need of assistance actions, the PRP accepts referrals for parents or caretakers who need legal representation and advocacy to prevent the juvenile court from getting involved. These issues include child custody and guardianship matters, domestic or sexual abuse protective orders, expungements, and unlawful evictions and substandard housing. Though we work closely with DHS and we receive the majority of our referrals from DHS, our project provides independent legal counsel and advocacy so that parents and caretakers are provided confidential support and assistance without repercussions.

Funding

The PRP would not be possible without special funding. Our project started with a grant from the Children's Justice Initiative, Iowa's court improvement project, which also funded travel to trainings in New York and Washington, D.C. Every state has a court improvement project, and this is a great place to start when implementing a pre-petition program. Our project started in one county with that seed money. The success of our pre-petition work made it possible for us to apply for funding through private foundations and an anonymous donor. As funding increased, the PRP attained more visibility, which in turn brought more success with client outreach and meeting program goals. Private funding for the PRP has allowed us to expand the program even further by accepting self-referrals. Our success in obtaining these particular forms of community-based funding is the direct result of targeting programs and organizations that focus on child welfare and family stability.

Another significant form of funding for the PRP's work representing clients in juvenile court cases is through a contract with the Iowa State Public Defender's Office. With the changes in [Title IV-E funding](#), the State of Iowa sought funding to expand pre-petition work to six counties. A legislative change was made to allow the State Public Defender to establish pilot projects to assist families in up to six counties throughout the state. *See* Iowa Code § 13B.13 (2020). The purpose of these projects is to identify and measure the outcomes of the pilot program in order to determine the most beneficial model for representing families, reducing trauma, and achieving positive outcomes. *See id.* The Iowa State Public Defender is currently working on the implementation of those projects around Iowa. An essential initial step in procuring Title IV-E funding is obtaining

backing or approval from the state DHS because typically in each state, the DHS is the agency that must request the funding.

Iowa Legal Aid's PRP began with a very small budget; however, a comprehensive approach to securing funding that did not overlook even very small dollar amounts led to noticeably increased funding. Securing even the smallest amount of funding not only financially supports the program, it also, and perhaps even more significantly, legitimizes the program both within the community and to potential outside sources of funding by demonstrating that the program has broad "grass roots" community support. In short, the PRP, in its funding efforts, has shown that all types of individuals, groups, and even government agencies value and financially support the work that the PRP is doing, thereby prompting even more individuals, groups, and agencies to support the PRP.

Moving Forward: Taking Action

Iowa Legal Aid's PRP started because there was a clear gap in civil legal representation and broader interdisciplinary advocacy for parents before their cases went to juvenile court. Often, if civil legal needs and other underlying issues are addressed proactively and holistically, families can avoid, or exit, the child welfare system without an adverse outcome. By making civil legal representation and broader interdisciplinary advocacy available to all families who cannot afford a lawyer, the PRP helps fill the gap in representation and advocacy.

By stepping up and taking action, you can start your own program to help change the lives of families in your community. This starts with a great team, funding, community support, and your own drive to make a difference.

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