



# OFFICE OF RESPONDENT PARENTS' COUNSEL

Protecting the Fundamental Right to Parent



## THE POSITIVE IMPACT OF INTERDISCIPLINARY PARENT REPRESENTATION

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# Introductions and Objectives



- Who am I?
- Who are you?
- Today's agenda:
  - How Colorado is integrating interdisciplinary representation into its 64 counties – replicating nationwide successes
  - Why is this model a best practice?
  - Who? How? When?
  - Practical tips for making this work for you

# ORPC Mission



*The Office of the Respondent Parent Counsel's (ORPC) mission is to protect the fundamental right to parent by providing effective legal advocates for indigent parents in child welfare proceedings.*

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- Vested with the oversight and administration of Respondent Parents' Counsel representation in Colorado since **July 1, 2016**.
- Colorado Children's Code affords parents who are respondents in a dependency and neglect case the right to counsel. § 19-3-202(1), C.R.S. 2014. The Children's Code also affords indigent respondent parents appointment of counsel at state expense. § 19-3-202(1).
- Independent governmental agency within the State of Colorado Judicial Branch.
- Funded by the State Legislature.
- Independent Contractor Model
- Oversight of Attorney Contractors, Contractor Observations & Evaluations, Grievances, Billing, Training, Case Consultations, Expert and Social Work Resources, Collaborations & Pilot Projects.

# ORPC Current Staffing and Contractors



Director

Deputy Director

Appellate Director

Case Strategy Director

Training Director

Social Work Director

CFO, Accountant,  
Payments  
Coordinator,  
Administrative  
Assistant, IT

Program Analyst

**300 Attorney  
Contractors**

**30 Social Worker  
Contractors**

**Forensic Experts -  
Contracted**

**Investigators &  
Interpreters -  
Contracted**

# Colorado and Mississippi Demographics



## Colorado

- 5.690 million people
- 5,200 children in foster care
  
- FY '18: 6300+ RPC assignments
- 48% of RPCs < 3 years of child welfare exp.

## Mississippi

- 2.987 million people
- 4,500 children in foster care

# Interdisciplinary Team Model



- Lawyers pair with Social Workers or other clinical professionals\* to represent a parent facing charges of abuse and neglect in court
  - In Mississippi, there are three types of licensure available to potential social workers: Licensed Social Worker (LSW), Licensed Master Social Worker (LMSW), Licensed Clinical Social Worker (LCSW)
- Parent advocates – parents with lived experience
- Social Worker is an agent of the attorney: extension of attorney-client privilege and client confidentiality to both team members
  - Miss. Code Ann § 43-21-353 Mississippi attorneys and social workers are mandatory reporters so share ethical requirements/duty to report
- Shared responsibilities and division of tasks
- **Ongoing team communication**
- Team members don't testify or put themselves in a position to be a potential witness
- Social Workers don't replace the agency caseworker

# How do we know this model works? 1



- **American Bar Association, Standards of Practice for Attorneys Representing Parents in Abuse and Neglect cases, August 2006. (Adopted in Colorado, 2016)**
- **Administration on Children, Youth, and Families, High quality legal representation for all parties in child welfare proceedings (ACYF-CB-IM-17-02). Washington, DC: US Department of Health and Human Services, 2017. AND, 2018 Rule Change re 4E\$**
- Elizabeth Thornton & Betsy Gwin, *High Quality Legal Representation for Parents in Child-Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings*, Family Law Quarterly, Vol. 46 No. 1 (Spring 2012).
- National Council of Juvenile and Family Court Judges, *Effects of parental and attorney involvement on reunification in juvenile dependency cases*, PPCD Research Snapshot August 2011 (August 2011).
- Pilnik, Lisa, *Parents' Social Workers Help Parents Succeed*, ABA Child Law Practice Vol. 27 No 9.
- Courtney, Mark, Jennifer L. Hook, and Matt Orme: *Washington Partners for Our Children, Washington's Parents Representation Program helping children in child welfare systems reach permanency*, Partners for Our Children Issue Brief (February 2011).
- Marcenko, Newby, Mienko, and Courtney. *Family reunification in Washington State: which children go home and how long does it take?*, Partners for our children (August 2011).
- Guggenheim, Martin and Susan Jacobs. *A New National Movement in Parent Representation*. Clearinghouse Review: Journal of Poverty Law and Policy. Vol. 47, Issue 1-2., June 2013.

# How do we know this model works? 2



- **2011 WA study**
  - Their interdisciplinary model cut the time it takes for children to reach permanency: reunification occurs 1 month sooner (average) and adoptions/guardianship occur 1 year soon (average)
- **2019 NYC research study**
  - Examined 28,000 child welfare cases in NYC between 2007 -2014. ILOs returned children to their families 43% more often in their first year than solo practitioners, and 25% more often in the second year. ILOs released children to relatives more than twice as often in the first year of a case and 67% more often in the second year. Studied recidivism – kids remained home safely at higher rate than non ILO.
- **2019 CO program evaluation**
  - Parents represented by interdisciplinary team had average of 141 days in out of home care compared to the same county's average of 172 days (returned home 1 mo sooner); reunification rates were nearly 22% higher. In El Paso County, children reunified at twice the state rate in 2017 and 2018 in pilot cases.

# National Association of Counsel of Children



**NACC**

[www.NACCchildlaw.org](http://www.NACCchildlaw.org)

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*The NACC has recognized the use of social workers as a **best practice** in child welfare cases.*

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*NACC's Vision is that every child and family involved with the court system is well-represented by a lawyer who works to ensure that every child is raised by a nurturing family and has positive life opportunities.*

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*The child welfare court system works best when all parties – children, parents, and social service agencies – are represented by high-quality, well-trained lawyers who advocate for their client's interests, working together to find appropriate solutions. NACC is committed to ensuring that all parties have access to high-quality, well-resourced legal counsel.*

NB: AR – Colo Supreme Court case  
2019 – Amicus filed

# Where else?



NY	WA	VT	FL	CA
NM	OR	NC	CT	IL
MA	MI	NJ	PA	TX
CO	MS?!			

And  
growing!

# What does a team social worker do?

## ASSESS

Client needs & goals  
Psychosocial status & current functioning  
Need for further evaluations  
**Intellectual capacity**  
Parenting skills/limitations

## EDUCATE

Who are the players  
**How does the process work**  
Client responsibilities & expectations  
DHS responsibilities & mandates  
Education on treatment issues

## SUPPORT

**Attend family engagement meetings**  
Observe parent-child visits  
Accompany to important appointments  
Crisis intervention  
Identify obstacles & help resolve

## ADVOCATE

Help parents use their voice effectively  
Make recommendations to visiting quality & frequency  
**Explore family supports & alternative placements**  
Participate in return home & safety planning  
Help parents advocate for their child's needs & participate in their child's services

## COMMUNICATE

Introduce the role to all involved  
Research & share resources  
Solicit other perspectives  
Keep client up to date on the court process  
**Assist attorney with effective client communication & engagement**

## STRATEGIZE

Facilitate a parent's involvement in their representation  
**Identify ways to move case forward**  
Recommend alternative treatment plans  
Consult social science research

# The Cornerstone Advocacy Approach



## Placement

Should support a child's connections to family and the people and institutions that the child was connected to before placement. Should facilitate reunification.

## Services

Should address a parent and child's strengths and needs. Should address the issues that brought the family to court. Should be practical.

## Four Cornerstones

## Out of Court – Conferences

Should provide opportunities for parents to meaningfully participate in their case planning. Should connect with court planning.

## Visiting

Should be as frequent and as least restrictive as possible. Should move the case forward.

# Placement



- Can the child be home?
- Is there a client-identified kinship home?
- What does the parent want?
- What are the obstacles?
- Does this stay on the agency's radar as the family's needs change?

Advocacy example: Child initially placed in foster care; parent identifies a relative for placement but they have child welfare history so the caseworker defers exploring their home for the child.

# Visits



- Links to better case outcomes (Hess, 2003)
- Predictor of reunification (Davis, 1996)
- Challenge the status quo
  - Georgia statute example
  - New York Visit Host example

Advocacy Example: Parent has been having weekly supervised visits for 4 months. Supervision is contracted out to a third party. Court reports do not address the quality of visits. CW/child's attorney are open to an additional supervised visit each week.

# Services



- Boilerplate services: 35% of parents get services for problems they do not have (D'Andrade & Chambers, 2012)
- On average, parents are asked to complete 7.5 different services on reunification plans (D'Andrade & Chambers, 2012)
- Do you have 22-26 hours per week to complete a service plan? (Brook & McDonald, 2007)

Advocacy Example: (1) ADA accommodations. (2) Parent has services through probation and child welfare.

# How Colorado assigns Social Workers



- ORPC contracts with independent Social Workers and Family Advocates throughout the state
- Contract attorneys consult with the ORPC to request a Social Worker
- Some counties have an automated assignment based on eligibility/funding – our pilot program
- Contract attorneys may directly contract or hire staff Social Workers - must be ORPC pre-approved to bill
- Colorado goal: include the parent voice on interdisciplinary teams
- Social Workers have access to training, consultation and resource sharing
- In Co: OCR and ADC share social work goals/advocacy with the legislature

# Social Worker Dos and Don'ts

## DO

- Observe visits and make recommendations to the attorney concerning level of supervision, visit hosts, frequency, additional supports, motion practice input
- Ensure services are timely, client specific, doable, not redundant. Related to the safety issues? Get ROIs!
- Assess placements and make recommendations re level of care, including remaining home, exploring relatives, plan A, B and C ready
- Advocate for clients in out of court meetings, prep and debrief, communicate quickly with attorney, works with court's orders?
- Work behind the scenes
- Make everyone else look good

## DON'T

- Supervise visits
- Provide treatment
- Substitute for the department social worker/caseworker or provide "reasonable efforts"
- Put yourself in a position to be a witness
- Submit reports
- Testify
- Take credit!

# Scenario 1



An attorney and a social worker represent a mother who is making steady progress in her treatment plan. Her two daughters are placed with their maternal grandmother. The goal is reunification. The client invites the team social worker to make a home visit since the DHS caseworker has been promising to visit but has never followed through. The social worker arrives and sees clearly that the client's boyfriend resides in the home. He even shows up briefly during the home visit. In the child welfare case, there is court order of protection between the client and her boyfriend that prohibits contact between the two of them and between the boyfriend and the two girls. They are not his children. The other parties have made it very clear that they won't support reunification in her household if he is or plans to be a part of it.

- What should the social worker do?
- What are ideas for how the team can handle this together?
- Who does what?

# Scenario 2



An attorney and a social worker represent a father whose son is in non-kinship foster care. The mother is unsuccessful in her treatment plan. This father is engaged in his services early on. He is in constant contact with the social worker with daily text updates, long emails, and frequent phone calls where he often ends up sobbing about wanting to be with his son and complaining about the lack of progress by the DHS caseworker and the quality of his court assigned attorney.

- How should the social worker handle his complaints?

This same client has twice weekly professionally supervised visits. He is desperate for more time and calls the social worker daily to ask for more visits. He calls the DHS caseworker so often she has basically stopped answering his calls. The team social worker raises this with the attorney who sees his behavior as inappropriate and overwhelming all of the professionals to the point where she doesn't think asking the court for more visit would be successful at this time.

- How can the team resolve the issue?
- Even if they disagree, what are some next steps each could take to address the client's concerns?
- What happens when one team member has a different 'sense of urgency' on a matter?

# Jill's Top Tips for Best Teamwork



- Be explicit about expectations
- Keep the team up to date on the ever-changing sense of urgency on issues
- Appreciate how difficult some clients will be to engage and share the burden
- Acknowledge misunderstandings, miscommunication and conflict
- Keep each other informed
- Strategize together – use court dates as deadlines
- Offer to take on a task or ask your team member to do something
- Disagree - you may get to a better outcome



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