

THE CHILD PROTECTION PROGRAM AT WILLIAM MITCHELL COLLEGE OF LAW

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Child Protection Program at William Mitchell College of Law Comments to State Task Force on Protection of Children

The Child Protection Clinic at William Mitchell presents the following report to the task force on the issue of positive engagement of parents in the child protection system. It is our hope that the Task Force will consider this information and the recommendations contained in the report as it makes its own recommendations to the Governor's Office, the Legislature, and the public regarding adequacy of and adherence to pre-court protection protocols, screening decisions and family assessment process, child protection system capacity and resources to address maltreatment reports and serve families, as well as adequacy of supervisory oversight of local agency practices.

Since most cases that enter the child protection system ultimately result in the reunification of children with their parents, programs that help parents build confidence, parenting capacity, and self-efficacy are critical to the long term success of these reunified families. In Minnesota, parents who are at risk of entering the system are not provided attorneys. Those parents whose children are ultimately removed from their care have a statutory right to counsel – but the quality and consistency of that counsel varies dramatically around the state.¹

Positive engagement of parents in the child protection system, through enhanced legal representation and parent mentoring programs has profound effects on outcomes in child protection cases. The impact of such programs and engagement strategies reduces the length of time children spend in foster care, leads to more successful family reunifications, leads to quicker permanency outcomes, and reduces the “human costs” inherent in the system such as teen pregnancy, homelessness, and incarceration.²

Enhanced Models of Parent Representation

Several key national studies have identified components of enhanced parent representation models that lead to better permanency outcomes for children and save money. Washington

¹ Since 2009, attorneys who represent parents in Minnesota are contracted and hired by individual counties (with the exception of Hennepin County where the Public Defender's Office continues this representation). Contracts are varied around the state, including some that compensate attorneys \$500 total for the handling of a child protection case. Most counties in the state contract with attorneys on a part time basis, and these attorneys often have competing (and higher paying) private practices.

² This paragraph reports findings as reported in Elizabeth Thornton and 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*, 46(1), 137-152 (2012).

State's Public Defender's Office and the Center for Family Representation in New York provide examples of what a different enhanced parent advocacy model can achieve in the lives of families impacted by the child protection system.

The State of Washington has made the most strides in the nation towards leading the reform on parent representation.³ Washington's Parent Representation Program uses state and county funding to provide attorneys for indigenous parents in dependency cases. The program was started with legislation appropriating \$500,000 for pilot funding.⁴ Key program elements include caseload limits for attorneys allowing a maximum of eighty open cases per attorney; attorney standards; attorney training and support; Office of Public Defense oversight of attorneys; and attorney access to social workers and expert services. This model of parent representation has been successful. Research findings show that in a sample of approximately 12,000 children in foster care in Washington from 2004 to 2007, children whose parents were represented by attorney's participating in Parent Representation Program had eleven percent higher reunification rate, and spent twenty-seven fewer days in foster care.⁵ These children also had a 104 percent higher adoption rate, and 83 percent higher guardianship rate. In addition, adoption and guardianship rates were accelerated by about a year. Research of the program also documents major financial benefits to the state as reduction of time in foster care, yields major savings.⁶

The Center for Family Representation⁷ in New York is a non-profit organization, providing free legal assistance and social work services to families in crisis. This program utilizes a multidisciplinary approach to serving parents involved in the child protection system. Parents participating in the program are represented by an advocacy team of a social worker, attorney, and a parent advocate who has been successfully reunified with their children. The Center for Family Representation has shown great success with this model. In 2011, seventy-three percent

³ In 1999 upon completion of a study, Washington State Office of Public Defense found great disparities between funding available to the counties for representation of parents in dependency cases, and to the state for prosecution of those cases. As a result of these findings, a recommendation was made for the state to assume funding parent representation. In 2000, the legislature tasked Office of Public Defense to develop a state-funded enhanced parent representation pilot program. The legislature specified the following program goals: set maximum caseload requirements; reduce the number of continuances; set practice standards; increase expert services and support services; and implement indigency screenings. Since the program's debut in 2000, it has been continuously funded by the legislature. Patrick Dowd, *Parent Representation in Child Welfare Proceedings*, p. 6 (2011).

⁴ Parent Representation Program as reported in Elizabeth Thornton, *Court-Based Child Welfare Reforms: Improved Child/Family Outcomes and Potential Cost Savings*, Center for Children and the Law (2012)

⁵ Research findings compiled from Mark Courtney & Jennifer Hook, *Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing of Permanency Outcomes for Children in Foster Care*, CHILDREN AND YOUTH SERVICES REVIEW, 34(7), 1337-1343 (2012).

⁶ For example, children whose parents were participating in the Parent Representation Program on average spent twenty-seven days less in foster care, and twenty-seven days of foster care costs approximately \$374 per child in foster care maintenance. If every one of the 8,231 children in the study cohort had reunified a month sooner, the state would have saved three million in foster care maintenance costs alone.

⁷ CFR Program description and research findings as reported in Elizabeth Thornton, *Court-Based Child Welfare Reforms: Improved Child/Family Outcomes and Potential Cost Savings*, Center for Children and the Law (2012); and 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, 46(1), 137-152 (2012).

of children whose parents were clients of CFR stayed out of foster care. For children who did enter foster care, median length of stay was 2.2 months, as compared to New York state median of 19.9 months and New York City median of 6.4 months. Three times as many cases were dismissed as compared to prior to CFR's involvement. Also, CFR's client foster care reentry rate was one percent, as compared to statewide re-entry rate of fifteen percent. CFR also has financial benefits. Cost of CFR services is approximately \$6,000 per family, as compared to \$29,000 to \$66,000 foster care costs per year per child. Other financial cost reductions were seen in reduced court expenses due to fewer continuances, and higher dismissal rates.

The Child Protection Program at William Mitchell College of Law also has an enhanced parent representation model for some parents involved in the child protection system in Ramsey and Hennepin counties. Representation is provided by student attorneys under supervision of a practicing attorney, and includes social work services as well as parent mentors. This model is similar to the one used by the Center for Family Representation. Initial research by the University of Minnesota School of Social Work under the direction of Professor Wendy Haight has shown improved outcomes for families using the Program's enhanced parent representation model including less time spent in foster care, and fewer system reentries after reunification.⁸

Both, the Washington and Center for Family Representation, models for enhanced parent representation could be implemented in Minnesota. Although Minnesota does not have a statewide parent representation model, a program such as the Washington Parent Representation Program could still be implemented here with success. A first step would include appropriating funding for a pilot program of reduced cases for parent attorneys, providing these attorneys with enhanced access to supportive services (such as parent mentors, social workers, and experts), and more robust statewide training and oversight of these attorneys.

Much of the funding for the Center for Family Representation comes from New York City and the state of New York. While the center is an independent non-profit corporation, it contracts with the city of New York to provide direct legal services for parents in the child protection system. In Minnesota, a similar non-profit could emerge, with funding coming from counties, the state, and private donors.

Parent Mentoring

Parent mentors are individuals who have successfully navigated the child protection system and who seek to help and empower parents with open cases. Parent mentoring programs have many benefits. They increase parent engagement in services, decrease distrust in the child protection system, increase family support structures, alleviate stressors between parents and child welfare agencies, and thus may have secondary effect of reducing child protection worker burnout, and they improve child outcomes including reunification rates.⁹

Research from Iowa provides a great snapshot of benefits of parent mentors on child protection

⁸ Professors Wendy Haight and Jane Marshall, University of Minnesota School of Social Work, initial research finding, December 1, 2014.

⁹ Tyler Corwin, Strategies to Increase Birth Parent Engagement, Partnership, and Leadership in the Child Welfare System: A Review, Casey Family Programs, p. 17 (July 2012).

cases.¹⁰ Families who participated in Parent Partner Program reported being able to better advocate for themselves with the Department of Human Services and other service providers. Families also reported feeling more comfortable with their social worker and other service providers. There was a positive increase of almost fifty percent of the view of parent's relationship with their social worker at the time of the exit out of services as compared to entering into services. Other areas of improvement reported by families included the ability to find community resources to help keep children safe, the ability to take necessary steps to get needed community services, the ability to effectively manage their situation to keep their children safe when times are stressful, and the ability to make appropriate decisions. Other positive increases were reported in levels of communication between parents and their social workers, knowledge of what needs to be done, willingness to make change, personal responsibility for actions, and ability to advocate appropriately for themselves and their needs.

In Minnesota, thanks in large part to the support and persistence of Casey Family Services, parent mentoring is beginning to grow and to have positive effects on families and children. The William Mitchell College of Law Child Protection Program utilizes parent mentors in providing representation services to parents involved in the child protection system. Initial research from the University of Minnesota School of Social Work indicates that having parent mentors serves many benefits to the parents involved.¹¹ Parent mentors provide parents with the type of emotional and material support that they need. Clients trust parent mentors. Parent mentors help with tasks such as getting to visitation by providing transportation. Parent mentors are also more attuned to racial biases in the system, are more culturally sensitive and aware; as a result parent mentors serve a crucial role in working with adversaries in interpreting parent's interpersonal behavior, family dynamics, or parenting styles that may seem offensive or troubling. Parent mentors are also helpful in demystifying the system and helping parents understand the complex processes. Unlike attorneys or other professionals, parent mentors can explain these processes or expectations using understandable language. Researchers at the University of Minnesota say the following, "by offering emotional support and empathy, parents who are vulnerable, angry, fearful, and anxious are better able and willing to engage in services promptly and improve chances for timely reunification."¹²

In 2006, through the Minnesota Children's Justice Initiative - Alcohol and Other Drugs (AOD) Project, a collaborative venture between the MN Supreme Court and MN Department of Human Services, a best practice toolkit was developed to address overlap concerns of child maltreatment and parental alcohol and other drug addiction. The parent mentor model is identified and recommended as one of these best practices to achieve child safety and address parental alcohol and other issues.

In January, parent mentoring in Minnesota will expand with pilot programs in Carver County and the Indian Child Welfare Act Law Center in Minneapolis, which serves American Indian families. Minnesota Communities Caring for Children will spearhead this expansion under the newly formed Minnesota Parent Network. The funding for this expansion comes from Casey

¹⁰ Children and Families of Iowa, *Parent Partner Annual Report. 2013-2014*.

¹¹ Professors Wendy Haight and Jane Marshall, University of Minnesota School of Social Work, initial research finding, December 1, 2014.

¹² Id.

Family Services and others.

Recommendations to the Task Force

1. Legislative funding in the amount of \$500,000 for a pilot program of enhanced parent representation in two pilot counties. This would include an evaluation component.
2. Creation of statewide oversight and regulation of contracting practices of parent representation in Minnesota, through an independent board.
3. Legislation providing access to parent mentors for all parents in the child protection system prior to and during court involvement in Minnesota.