

Parent Representation in Child Welfare

Colin Witt - Friday Sept 8, 2017 at Drake
Legal Clinic from 11:10 to 11:45 a.m.

Your thoughts from the video?

- ▶ Mississippi
- ▶ Washington (36% increased reunification)
- ▶ Where are we at in Iowa?
- ▶ Do you believe that if you give a parent you represent a voice, we will improve outcomes for kids?
- ▶ Do you try to understand what your clients are going through? Do you get their perspective?

Handouts

- ▶ Advice from attorney Scott Strait (1 pager)
- ▶ Supreme Court Order, Rule 8.36, Standards of Practice for Attorneys Representing Parents in Juvenile Court
- ▶ Article on Trauma: What Child Welfare Attorneys Should Know

Contact with your client

- › Your goal: Do everything in your power to see your client differently than the ACA or GAL would upon reading CPA or removal request or CINA petition?
- › Before you meet her or him.
- › When you first meet her or him.
- › As you get to know her or him and build rapport.

Out of Court work

- › Invaluable.
- › FTM, staffings, meetings with clients.
- › In the first 90 days of a case, why wouldn't your goal be to communicate with your client at least once every 2 weeks?
- › What have you done to surprise your client or build rapport or make clear to them that they can trust you when you provide them with legal advice?

Out of Court work

- › Don't let the Social Worker be your enemy or your client's enemy
- › Find a way to make as many allies for yourself and your client as possible
- › Help your client understand the perspective of others (SW, GAL, ACA, CASA, Judge)
- › Help others understand your client's perspective, attitude, demeanor, and what we can all do to help her or him experience less trauma and build trust

Written Advocacy

- ▶ The gentle way (JUDO) where you can express a degree of agitation or disquiet with your client and her or his circumstances
- ▶ The gentle way (JUDO) where you can be imaginative and creative and make requests for services reasonable efforts (esp. re visitation), placement with a relative, extensions of time
- ▶ Completely underutilized

Courtroom

- ▶ Consider letting the judge, or encouraging the judge, to talk to your client and let your client's voice be heard
- ▶ Don't be afraid to make creative requests especially prior to permanency or at the end of cases
- ▶ Try to talk with other lawyers / SW in advance of your creative requests so they are aware of what you are doing and they can form a position

Courtroom

- ▶ Do more thinking about what you need to be doing to preserve your client's appeal rights and don't expect juvenile judges to care about whether you do your job in that regard or not
- ▶ Even if your client is not present in court, think long and hard and explore the depths of your mind, heart, and creative side of your brain before you stand there and say "No position"

Courtroom

- › Do everything in your power to make sure everyone in the courtroom gives the appropriate degree of attention and respect to the matter at hand.
- › Keep everyone progressive, forward looking, as little looking back as possible.
- › Close your eyes, think back to when you were a child. If you were removed from your parents, wouldn't you have wanted your parents represented by the most devoted, committed attorney in town who is on a crusade?
