



WE ASKED:

# **“What do attorneys representing families in court proceedings need to know to keep families together?”**

The Family Voices United campaign brings together the voices of young people, birth parents, and relative caregivers with lived experience in the child welfare system to drive change in foster care. Learn more at [familyvoicesunited.org](https://familyvoicesunited.org). We encourage readers to review the “how you can use this paper” outline on the final page.

## **Why Legal Representation?**

For the first time, states, tribes and jurisdictions can now claim federal funds to help pay the costs of attorneys representing certain children and their parents in child welfare legal proceedings. Before this change, federal funds were available to help pay for attorneys representing child welfare agencies, but not for children or parents’ attorneys. Although this is not currently available for kinship/relative caregivers, we are hopeful the voices of constituents will demonstrate that need.



**FAMILY VOICES UNITED**

A collaborative project of Children’s Trust Fund Alliance, FosterClub, and Generations United with support from Casey Family Programs.

Some key themes that came out of the responses we received to this question:

- Get to know the family
- Communicate in a way that families can understand
- Recognize when families may need outside support, especially from peers.

### Here is what young people, parents and kinship caregivers said...

“Before an attorney can map out a way to help families in court, they need to seek to **understand the family dynamic from a human level**. For instance, as an Alumni, I was represented in court by an attorney whom I never had a conversation with, outside of hello at court, and that lack of interaction outside of court played into the dehumanization that a lot of youth/young adults/families experience while going through legal proceedings, or the Child Welfare System as a whole. Attorneys need to look at a family with a human lens, just as much as a legal one, which would help the family feel comfortable with you representing them, and allow room for everyone involved to want to be open with one another.”

—*Latasha, Former Foster Youth from North Carolina*

Attorneys need to know not all families will get it together quickly. Don't take things personally if parents avoid the department or if a fall back happens. Parents need support outside of the Department; Parents need Parent Mentors. **Not every parent had or has a healthy natural support system. It's your job to call out discrimination and racism that touches our families.** You are our voice. You are knowledgeable and incredible and remember we are, too.

- *Alishia, Birth Parent & Social Worker from Washington*

“Attorneys should focus on the needs of the child/youth and attempt to find solutions that have positive outcomes. **The typical adversarial approach destroys trust between the adults who will need to work with each other in the future.** Focusing on the needs of the child/youth rather than the "rights" of the adults offers an opportunity to promote understanding and compromise and creates the potential for positive long term outcomes. Using a mediated process can be helpful in identifying the child/youth needs when adults are not able to reach agreements.”

— *Lisa, Kinship Caregiver from Colorado*

“Not all situations warrant removal of the children. **Attorneys need to understand that in some cases there are ways to keep the children at home and avoid traumatizing the children & adults. Think outside the normal and keep these families together if its possible.** Most of the time parents do not even understand what is happening with DHS and the court system. Please sit down and explain to these parents what is happening to their family and what their rights are in layman terms, without being condescending. Usually in these cases the attorney’s are the only one the parents feel are on their side. This is important because coming into a situation like this alone is traumatizing all by itself.”

— Melissa, Birth Parent from Iowa

What attorneys representing families in court proceedings need to know to keep families together is to consider the outcomes when families are kept together: children feel: a stronger sense of belonging, sense of safety, greater mental and emotional stability, better connection with siblings and family members; better continuous and sustainable parenting, and proven results of better outcomes academically and socially when families are together and receive the support and resources in caring for children. When attorneys **expand their awareness and what's at stake** - when they consider their efforts if this was their family being separated, - then they would find time to visit families' homes, schools, activities, counselors, and other involvements. Attorneys, with sensitivity and dogged determination, would pursue all options in working to keep families together.

Eugene, Kinship Caregiver from Georgia

“Children with backgrounds from traumatic events are often years younger than their peers in emotional development. There are children with neuron damage to their brains because of Adverse Childhood Experiences. It would be great if the attorney could understand that children need therapies to help them, not time spent in lock down facilities. This idea creates a system of justice but not a system created to help. Punishing children only makes things worse for the child and the family. **Let's change the courtroom atmosphere to help parents who are trying to help their children. Let's help rather than punish.**”

—Jenny, Adoptive Parent from Utah

“Attorneys working with cases involving Kinship caregivers need to understand that there are years of history among the different parties. **It would help to find skilled mediators that can bring birth parents and relative caregivers together and discuss the case from a strength based point of view.** Caregivers are aware of the birth parent’s mistakes, however they need to understand what improvements have been made and why they should support reunification with the birth parents.”

– Lynn, Kinship Caregiver from Washington

“Inform parents at beginning to gather all documentation of protective factors in their lives (school, doctor, daycare records; any services attempted or already engaged in; a list of positive community supports and ask them to step in an assist family). **Ask parents at beginning what they need and advocate to create a safety/services plan to keep family together while they receive help.**”

- Kimberly, Birth Parent and Kinship Caregiver from Washington

**“Ask families what they need, who they love, who loves them, and how THEY think they can stay safely together. Focus less on the placement and more on ENSURING that nobody - kids or adults - are ever left untethered, disconnected from those who make them feel safe and supported.** Bad outcomes happen when we are in isolation, left to fend, or feel as though we are fending for ourselves. Separating children from families causes harm. There are no data showing that foster youth are better after group home placement; it may be best to avoid this option altogether. Above all, advocate for the services, support, and loving response to a challenging situation that you would want for your own family.”

– Katie, Community partner from Minnesota

“Attorneys representing families in court proceedings need to know that families are often in need of basic necessities to raise their children and it's important for families to receive resources and services for their families. **It's important for the attorney to ask the family what they need to remain together and fight for those services throughout the proceedings.** Attorneys should also know that the entire family unit has something to offer that might be helpful to the court proceedings.”

- Sandra, Birth Parent from New York

“They need to understand the personalities of the family (at a high level) and how trauma may show up differently. They also need to understand that while, initially, a family member may not have everything in place to take in a child after a home assessment, they may be willing to procure or change things to make sure a child is placed with family first rather than foster care. It’s important that attorneys ask questions to ensure family members have time to address basic needs like getting regular transportation, etc.

Take a little time to meet a child before and during the time they represent them; **get to know more than what's on paper presented in court.** Grandparents and relative caregivers should be given a court appointed attorney if they are given temporary custody of a child while a case is active. In some counties in our county, grandparents can't speak during a hearing. Certain motions have to be done by an attorney and grandparents and relative caregivers can't afford an attorney.”

- Norma, Kinship Caregiver from Kentucky

“Communication is key. Too many parents are confused and frustrated by the process. Be direct let the know dates and time, as well as any challenges they need to work on. **Get a parent ally or partner or mentor to support.** By focusing on safety and where the family should be you can help everyone step forward.”

- Jeremiah, Birth Parent from Washington

“As a former youth in care who had no visitation with my family or biological parents because the courts had left it at my discretion, it is imperative that attorneys are pushing those issues, are trauma informed and are advocating for the rights of the youth. At no time was it explained to me that I was the factor regarding the lack of visits, and there was **no one having conversations to help me understand the circumstance.** As the agency makes critical decisions about families, attorneys must challenge those decisions if there is no appropriate basis behind them. I spent my entire time in care in 16 different homes because the state agency had decided that I could not live in a specific city, which all my family happened to live in. Often I see family attorneys getting into the routine of day to day and not asking those hard questions and challenging decisions that don't seem appropriate.”

— Ashley, Former Foster Youth from Illinois

"As you have stated, these funds are not available for kinship caregivers. While studies show children do better with kin than with foster families, kinship families are not recognized as the better choice. Kinship caregivers and most certainly grandparents are many times the ONLY people in the courtroom who have a historical and emotional relationship with the parents and the children. Our perspective is critical to the standard "In the best interest of the child". Yet we have no voice in the courtroom. This insight can be critical not only for reunification plans but also for dangers to reunification. **Kinship caregivers need to have a voice to help determine the best outcome for the families.**"

- Caroline, Kinship Caregiver from Ohio

They should inform each member they represent about the case in layman's terms. The attorneys should also **be aware that the families are human and have real emotions and overwhelming feelings that no one addresses or takes into consideration when dealing with these cases.** They should allow time for healing and make sure they are doing what's best for each client.

- Stephanie, Birth Parent from Florida

**"Attorneys need to know that there are very few resources for kinship families.**

Families that are providing care for their relatives children do not qualify for much of the services that foster or other families qualify for. If your income is above the guidelines then you do not qualify for daycare or financial assistance which puts a major strain on kinship families who are already barely making their bills. There needs to be something put in place that helps the families so that more kinship can provide care for their relatives.

- Ivy, Kinship Caregiver from Ohio

**"The lawyer needs to understand that he/she is representing a family and not a person. Simply put, a lawyer needs to know the person and the family.** Many times there is no relationship between the lawyer and the client, let alone the family. Relationship, respect and communication are key elements in answering the question."

—Felix, Community Partner from Arizona



“What attorneys need to know is that grandparents raising grandchildren have been through the mill - meaning that their children may have been involved with substance misuse or other challenges. When they take the child/ren in they are put through a process that is exhausting, stressful. **The attorneys need to listen to what they are saying and take into consideration their feelings.** Attorneys need to know that many do not have the financial resources to pay thousands of dollars in legal fees. When a grandparent gets a child they do not receive what a foster family gets.”

- *AdrianMary, Kinship Caregiver & Community Partner from Illinois*

Parents love their children; they probably feel like they were doing their best to make it through. **When their attorneys have empathy with the parents, the parents have a better chance to feel like the attorney is on their side.** Sometimes the parents don't feel like anyone is on their side, and really everyone in the case should have the same objective: helping the children have the best upbringing possible. Parents often feel attacked. People are rightfully strongly allied with children and should hold parents accountable, but it's still important to understand that the parents want the best for their kids.

- *Darin, Birth Parent & Community Partner from Iowa*

## Looking for more?



Listen to our Podcast Episodes featuring a young person, birth parent and kinship caregiver!

<https://familyvoicesunited.org/voices/family-voices-podcasts>

Legal Representation for Families Episode:

<https://familyvoicesunited.org/podcast-family-voices-legal-representation-families>



# FAMILY VOICES UNITED

## How to use this paper

Our hope is that young people, parents and relative caregivers with lived experience in the child welfare system, community organizations, state Family First implementation teams, child welfare agencies, policymakers and other stakeholders will use this document to inform discussions about how to maximize support to families. If you are interested in using the quotes or perspective contained in this document or if you would like to bring young people, parents and relative caregivers to your event or project, email the Family Voices United team at [info@familyvoicesunited.org](mailto:info@familyvoicesunited.org) or call 503.717.1552.

## About the Family Voices United campaign

The Campaign elevates the voices and perspectives of young people, parents, and kinship caregivers, collectively known as family voices or “constituent voices”. Individuals with lived experience in the child welfare system are currently sharing their stories and expertise to educate, inform and transform the systems that serve children, youth and families - both in policy and practice. With new federal legislation - the Family First Prevention Services Act - states, tribes, and territories have new opportunities to implement changes that many constituents have identified are needed to fully support keeping children safe in strong, supported families.

**Join the movement! Sign up at [FamilyVoicesUnited.org](https://FamilyVoicesUnited.org)**