Reunification Heroes

Katherine Gomez

Kathy is the Managing Attorney at the Family Advocacy Unit (FAU) at Community Legal Services in Philadelphia. She has devoted her career to advocating for the support, preservation and reunification of low-income families. Kathy’s contribution to the FAU has made CLS a national leader in the representation of parents. Kathy has a unique ability to see the interrelationship between parents and children’s rights. She is a zealous advocate for her clients, but is also able to collaborate with others to reform the child welfare system for kids and families. Kathy is also known for her amazing sense of humor, which reportedly makes working with her a pleasure, and helps her break down barriers and win allies.

To get a better idea why Kathy was nominated as a Hero of Reunification please read her inspiring interview below.

By Kathryn Byers, J.D. Candidate 2016

Tell me something interesting about yourself

My mother was raised in India and my father in Colombia. They met in New York City and that’s where I was born. Being raised by parents of diverse religions and backgrounds was an enriching experience that has shaped my view on the importance of respecting and considering a variety of perspectives on issues.

What made you interested in child welfare?

I was always really interested in social justice issues and I knew I wanted to provide legal services for people with low incomes, but I didn’t think child welfare was my calling. Unfortunately, I also had some negative preconceived notions about these parents. It was working with my first clients that radically changed my perspective about who these parents and children are and the critical importance of the work. While no one wants to lose their housing or job, those losses pale in comparison with the possibility of permanently losing your children and family. I soon realized that most of my clients were single parents who deeply love their children, but were struggling with issues that affect their ability to raise their children safely and were further compounded by crushing poverty. Many were victims of abuse and trauma themselves and needed compassionate help. Most could parent if provided with meaningful support. I also came
to understand how traumatic it is for children to be removed when unnecessary and how important it is for children to be raised by their families where possible. Lawyers can make a tremendous difference in the future for these families and I became passionate about it.

*How long have you worked in child welfare?*

I have worked in child welfare for fifteen years.

*What types of positions or roles have you had during that time?*

I started out as an Equal Justice Fellow for two years. Then I rose through the ranks at Community Legal Services as a staff attorney, a supervising attorney, and now I am a managing attorney at the Family Advocacy Unit where we represent several hundred parents a year.

*What was one experience that had a big impact on the way you think about reunification?*

There are two similar moments that have really stuck with me. The first was interviewing a parent who was deaf and finding out that he was struggling to understand parenting classes being taught by an instructor who couldn't sign and he wasn't provided an interpreter. The other was representing a mother who was undocumented, had limited English proficiency, her immigration status was raised both in the petition and in her mental health evaluations and she was having trouble accessing services. In both cases, I felt the children should not have been removed and the children desperately wanted to go home. I learned how important it was to understand your client’s particular situation and needs, to advocate zealously that they be provided the right type of help in a truly accessible way, and to ensure issues unrelated to child safety are not inappropriately influencing the case. Too often the parent or family has been mismatched to a service intended to help with the process. The parents of course receive the blame when the services fail.

*What are some of the strengths of the child welfare system in your area?*

One of the strengths I see is the communication between stakeholders, the child welfare agency, and court leadership. At several types of meetings, including our local children’s roundtable meetings, issues are discussed and there is a focus on problem solving. There is an acknowledgement that we have to collaborate transparently to improve practices and outcomes for families.

We also have adjudication hearings early in the case and then 90 day review hearings thereafter which help ensure that issues are addressed in individual cases without delay.

I would also like to highlight the Achieving Reunification Center (ARC) which assists parents in receiving the services they need be it parenting classes, a place for supervised visits, a treatment facility, or employment assistance.
**What are some of the weaknesses?**

There are too many children in placement and the reunification rate has hovered in the 50% range. The removal rate should be lower and the reunification rate really should be much higher. Poverty plays too large a role in all aspects of child welfare cases, including as a barrier to reunification.

For example, many families receive Temporary Assistance to Needy Families (TANF) cash assistance to help support their families and when their children are removed, the TANF ends as well. The sudden loss of TANF impedes parents’ ability to reunify with their children because it predictably leads to a loss of basic needs like housing, utilities, and transportation. The result is that families have the economic rug pulled out from under them at an extremely vulnerable time when they must prioritize remedying the safety concerns that triggered removal of their children and achieve the goals set by the child welfare agency and courts within short ASFA time frames. In situations where the parent is able to find employment, the parent is then sometimes sued by the government for child support. Here and across the country, I believe TANF should continue while parents work on reunification and other economic supports should be provided, rather than taken away, to help families reunify.

**Describe some efforts you have made to improve child welfare practice in your area?**

I have worked to continue the move of my office’s practice towards a holistic model, where most cases have a lawyer and social worker or paralegal team who represents clients at all stages, especially between hearings. I have also helped to create and provide input on numerous policies to improve local and state-wide child welfare practices, including a policy about interpretation issues for families where a parent or child is deaf or hard of hearing (in response to the type of cases I described earlier). Most recently, I helped to draft standards of practice for parent and child attorneys in Pennsylvania that have now been approved by the PA Children’s Roundtable and I will be part of presenting it at an upcoming Continuing Legal Education program. I have done numerous trainings on child welfare topics, most recently on visitation across the state. None of these accomplishments were mine alone nor would they be possible without joint efforts by talented colleagues in my own office and in other agencies who believe in systemic advocacy and community education as a vehicle for change.

**What is one thing you recommend in working with parents to increase the likelihood of reunification?**

Visitation is a powerful predictor of successful reunification, so parents should do everything they can to maximize the time they spend with their children and make that time as meaningful as possible. Their child needs them emotionally and maintaining and strengthening the parent–child bond is critical to reunification.

**What advice would you give to other professionals who work in child welfare? Or to individuals considering working in child welfare?**

I have four pieces of advice to child welfare professionals or those considering this work:
1) Please recognize and resist the urge to practice in a defensive and reactionary way. It doesn’t help children, it harms children. It’s understandable to be worried that the media or some watchdog group will single out your actions as imprudent in hindsight if something should go wrong. However, removal of a child when it’s not clearly necessary is harmful and delays in reunification are harmful to children.

2) We have to move away from the idea that parents must be able to parent completely by themselves forever without supports from family and community services. All too often we see children removed where in-home or family supports would have allowed them to stay safely with their family. This is especially troubling when such rigid thinking harms a family with a loving parent who has some cognitive limitations or other issues that require some periodic or ongoing support.

3) Visitation is a child’s right, a child’s need, it is not just a parent’s right. Visitation research also shows it helps children in a variety of ways. Child welfare professionals and lawyers for children should be advocating for more visitation in most cases. Those working in child welfare should routinely question policies or actions that treat the parents and children in the child welfare system differently than we would our own families when it comes to visitation and other issues. How often would your 3 year old child need to see you if they were placed with strangers in foster care? In the state of Pennsylvania, visitation is supposed to be as frequently as possible, but no less than every two weeks absent grave threats – can you imagine the anxiety of your child if they could only see you every two weeks? How would you feel as a parent? Are we not prejudging the case, weakening the parent-child bond and negatively impacting reunification by providing so little visitation? Are the reasons for limiting these visits legitimate and consistent with best practices and research? I am excited to see that the practice in Philadelphia is changing and we are seeing progress in increasing visitation here.

4) Resist doing harm by approaching this as a parent v. child case. We do not help children when we vilify their parents and provide their parents with less than active help to become healthy, safe parents without delay. Even in cases where a child does not reunify, we know from experience that many of these children seek out their biological families at some point in the future for connection, so efforts to help parents are important, even when reunification is not achieved.

**What advice would you give to judges, agency directors, legislators, governors or the president about how to improve the system?**

If I could change federal and state policies to improve outcomes for families, I would suggest the following:

1) Change the Permanency hierarchy to reflect the reality that children seek a connection to their biological families even when raised in other loving permanent homes, and that biological parents are more likely to agree to permanency arrangements that do not require the devastating permanent severing of their relationship to their children. The
permanency hierarchy should be: Reunification, Permanent Guardianship, Open Adoption and so on. Closed adoption should be a last resort, not the second option as it is now.

2) Offer further guidance and definition of “reasonable efforts.” The lack of clarity too often translates into the bare minimum and judges are reluctant to enter a finding of no reasonable efforts because of the financial penalty. Rather than allowing for creativity, I believe the lack of definition has had the opposite effect.

3) All parents in child welfare proceedings should have the right to counsel at all stages, if they cannot afford counsel, and there should be adequate funding for parent representation. The gravity of the consequences, the constitutional issues and the vulnerability of most parents affected call for this.

4) Maintain TANF benefits after removal while a family is working towards reunification and in cases where benefits have ended, restart the benefits 60 days prior to reunification. Washington State is a great example of where a similar plan is working; it should be in every state. Similarly, don’t pursue child support if it would make reunification more difficult.

What programs/practices are most effective in helping parents reunify?

Some of the most effective practices involve concrete, hands-on parenting classes where a parent can develop their skills with their own child and receive coaching. I am also a huge fan of trauma informed therapy with a therapist who can work with the parent regularly with ideally no turnover. Inpatient substance abuse and mental health treatment programs that allow the parent to bring their children with them are also on the top of my list. Practices that schedule meetings between parents and foster parents regularly and build that relationship and practices that allow for frequent, least restrictive visitation between parents and children are effective.

Are there programs/practices that are not effective and need to be changed? If so why?

Many families struggle with substance abuse, yet the child welfare and drug and alcohol treatment systems don’t always work together well in service to these families. Some areas lack programs or funding to offer the depth and length of treatment that is really required to improve the likelihood of recovery. There is great opportunity here to help families if cross training, collaboration, and gaps in services are improved.

Parent capacity evaluations need to be scrutinized by advocates and judges to ensure they are consistent with research and sound to evaluate a parent’s ability for parenting. I’ve been troubled to read parenting capacity assessments that rely on IQ, involve a parent with limited literacy filling out tons of multiple choice questions, or simply observe the parent only without observing them with her child.

What preventative actions do you think would be most effective in avoiding the conditions that may lead to foster care?
I think the following preventative actions would be effective in avoiding conditions that may lead to foster care:

1) Investing in prevention services especially for young children in specific geographic areas where there is a concentration in reports and removals. Services like visiting nurses, parenting classes and support groups, mobile family therapy, respite care, emergency funds to prevent evictions or housing related issues. Essentially, we need to ensure the right services in the right locations.

2) Outpatient substance abuse treatment and mental health treatment with free on-site childcare during treatment sessions.

3) Adequate emergency shelter beds for families.

_Do you think there are any public misconceptions about the child welfare system? If so what are they?

Yes, here are some negative, unhelpful and harmful beliefs I have sensed from the public over the years: these parents are bad; children need to be rescued and are better off in foster care; good parents would immediately rise to the occasion and take action; parents must prove themselves deserving of their children; these parents are hopeless and can't make long term changes needed; to offer them compassionate and meaningful help is enabling; they need time away from the children to focus on resolving their addiction or other issues...

These attitudes are punitive and out of touch with the reality of what is possible and what is needed. Shaming parents, scaring them and talking down is not going to help and in fact makes it more difficult for these parents to engage and overcome barriers in short ASFA time frames. If someone fell into a deep hole, you wouldn’t yell at them to get out, chastise them for not finding a way out on their own, nor throw dental floss for them to climb out on. We would send down a real ladder, hold it for stability and coach them up.

_Is there anything else about you or your experiences that we should highlight?

A core part of the work my team does is to empower the clients by providing them information and counseling to enable informed decision making and we also provide the court with a fuller and more comprehensive picture from which to make decisions. We are always thinking about how to improve the future for each particular family and others in the system, and how to increase the likelihood of reunification. There is a tremendous opportunity to help families and it’s inspiring to watch clients overcome serious issues against all odds to reunify. I feel lucky to be part of this important work. I feel honored to be recognized by this nomination, thank you.