Bringing the Data to Life: Data as a Tool for Parent Representation

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State of Washington Parents Representation Program Overview

- Created in 2005 following 3-county pilot. Program is statewide and operating in all 39 Washington Counties
- Contract with attorneys directly
- Limit of 80 open cases per full time attorney
- Practice Standards and Training
- Support and technical assistance
- Oversee contract attorney performance with court visits, regular evaluations
- Representation support through program social workers and expert funding
Massachusetts Parent and Child Representation Overview

- Attorneys are certified upon successful completion of the Children and Family Law (CAFL) training program administered by the Committee for Public Counsel Services (CPCS), the state public defender office

- Hybrid model of representation:
  - Child Welfare attorneys are appointed to represent indigent parents and children in all phases of the state intervention court proceedings

- 20% of cases are assigned to CAFL staff offices, while

- 80% of cases are assigned to private practitioners who work as Independent Contractors for the state

- CPCS oversees and supports both staff and private panels
Why Use Data As a Tool in Child Welfare?

• Data provides facts that CANNOT be ignored

• Data generally supports our goals in parent representation

• While best interests typically haunts child welfare proceedings, it is NOT generally supported by data

• Knowing about data trends can help craft novel arguments or strategies in child welfare cases
Where to Find Child Welfare Data and Research

• Adoption and Foster Care Analysis and Reporting System (AFCARS)

• Child Welfare Information Gateway

• Local Practitioner Listservs

• State Child Welfare Agency (and oversight agency)

• Google Scholar/Open Source Research (ex: ResearchGate)
Bringing the Data to Life

Racial and Ethnic Disparities

Service Planning

Visitation

Harm of Removal
Racial and Ethnic Disparities
“Spend a day in the courts that decide child maltreatment cases in these cities and you very well may see only black or Latino parents and children. If you came with no preconceptions about the purpose of the child welfare system, you would have to conclude that it is an institution designed to monitor, regulate, and punish poor families of color.”

- Dorothy Roberts, *Colorlines Magazine*, 5.3 (Fall 2002);
Racial and Ethnic Disparities: Notable Child Welfare Research (1)

• Research has documented racial disparities at each stage along the child welfare pathway (Dettlaff et al., 2011)
  - Acceptance for investigation (Zuravin et al., 2005)
  - Substantiation of alleged maltreatment (Ards, et al., 2003)
  - Placement in out of home care (Rivaux, et al., 2008)
  - Length of time in placement
  - Longer time to reunification (Hill, 2005)

• Racial disparities in the CW system are not due to poverty alone, but are related to caseworker assessment of risk (Dettlaff et al., 2011)
  - Race was not an explanatory factor in substantiation decisions when only poverty (family income) was analyzed (Dettlaff et al., 2011)
  - BUT when caseworker assessment of risk was added to the model, race emerged as a significant explanatory factor in substantiation decisions. (Dettlaff et al., 2011)
Racial and Ethnic Disparities: Notable Child Welfare Research (2)

- Racial disparities in the courtroom began at the very door to the courthouse (Lens, 2019)
  - Demographic divide of clients vs. legal professionals
  - Separation by space, color, and clothing

- Clients in child welfare cases were marginalized in court, both through the rules of the adversarial process and through the construction of stereotypical narratives (Lens, 2019)
  - Key interactions tinged with racial stereotypical bias
  - The silence of parent voice in the courtroom
  - The narrative of blame, shame and helplessness
  - Brief courtroom interactions are synergistic for use of stereotypes/bias
How Do We Leverage the Research?

• Work with local attorneys/bar associations to implement Judicial Benchcards (available from NCJFCJ)

• Change the narrative: address structural barriers, emphasize the positive, and ensure everyone has a name and a voice

• Work diligently to locate family/kinship resources if the child cannot be immediately returned to the parent (AND advocate for equal service provision as if child was in foster care)
  - Consider hiring investigator, reach out to local community organizations to become kinship or foster care resources

• File motions specifically identifying the racial disparity issue and linking that disparity to reasonable efforts
Evidence-Based Service Planning
“It’s part of the nature of the system. They set up hoops for people to jump though, just to see how badly you want it and what you’re willing to do for it. I suspect its partly just to test people and their commitment...In a lot of cases, I think that I really want to see what somebody’s willing to do to get their kids back.”

-Anonymous social worker interviewee,
Smith and Donovan (2003)
Evidence-Based Service Planning: Notable Child Welfare Research (1)

• On average, parents are asked to complete 7.5 different services on their reunification service plans (D’Andrade and Chambers, 2012)

• Completing tasks on a service plan requires 22 to 26 hours per week (Brook and McDonald, 2007)
  - Substance abuse treatment: 9 hours per week for 6 months
  - Employment counseling/services: 5 hours per week for 6 months
  - Case management/meetings: 5 hours per week
  - Parenting classes/training: 2 hours per week
  - Other services (ie: therapy, DV counseling, etc.): 1-4 hours per week
Evidence-Based Service Planning: Notable Child Welfare Research (2)

- Poorer families possess fewer material resources and social supports, experience lower quality health, education, and housing (Zilberstein, 2016)
  - Must invest more time and resources in meeting basic needs
  - Require more coping ability and diligence to overcome these additional barriers

- A substantial portion of services are boilerplate services resulting in 35% of parents getting services for problems they don’t have (D’Andrade and Chambers, 2012)
  - 17% had SA tasks but no SA issues
  - 26% had DV tasks but no DV issues
  - 20% had MH tasks but no identified MH issues
Evidence-Based Service Planning: Notable Child Welfare Research (3)

- Intensive or higher number of services does not consistently correlate with quicker reunification or lower re-entry (Brook and McDonald, 2007)

- Service plan tasks are not a proxy for change (Smith and Donovan (2003))

- Evidence based service planning (Berliner et al., 2015)
  - Prioritizes efficacy and efficiency: short-term, planned discontinuation
  - Focus and parsimony: smallest number of services needed to accomplish goal, focus on skill building
  - Triage and sequencing: meet basic needs first, stepped care
How Do We Leverage the Research?

• Change the narrative (hours) and create visuals (calendar)
• Hire your own social work expert (finding services, client empowerment, attorney consultation, etc.)
• Be involved in the drafting of service plans, advocate for:
  - Efficacy and efficiency: short-term, planned discontinuation
  - Focus and parsimony: smallest number of services needed to accomplish goal, focus on skill building (in person, hands on)
  - Triage and sequencing: meet basic needs first, stepped care
• Reasonable efforts (≠ “everything and the kitchen sink” service plan tasks) + nexus
• Abuse of discretion motions/motions to compel
Visitation
Parent-Child Contact for Youth in Foster Care- Research to Inform Best Practices

- Visitation is essential for a child’s well-being
- Visitation is fundamental to timely reunification and permanency
- Visitation is vital to maintaining family relationships and cultural connections
- Family contact should never be used as a reward or punishment, BUT should always be considered a fundamental right of parents and children

• Children in foster care who were visited frequently (once a week or once every two weeks) exhibited fewer behavioral problems than children who were visited infrequently (once a month or less), or not at all. Overall, children who had frequent contact with their parent(s) showed less anxiety and depression than children whose parents’ visits were either infrequent or nonexistent. (Cantos & Gries, 1997)

• Children in foster care who were visited frequently by their parent(s) were more likely to have higher well-being ratings, and adjusted better to placement, were more likely to be reunified with family, and experienced shorter stays in foster care. (Hess, 2003)

• Researchers have also demonstrated that children who continue to visit their biological parents tend to form new relationships with fewer relationship difficulties (Egeland & Sroufe, 1981; Finzi et al., 2001; McCarthy & Taylor, 1999; Wekerle & Wolfe; 1998).
Further, consistent contact with biological mothers is a predictor of reunification (Davis, Landsverk, Newton, & Granger, 1996).

Not only has the value of continued parent-child contact been supported, but it has also been proposed that disruption of the parent-child attachment could be detrimental to the well-being of children in foster care (Grigsby, 1994).

Children in foster care who saw their parent(s) less than once a month felt they suffered as a result of not maintaining contact with their birth parent(s). (Kufeldt & Armstrong, 1995)
Examples of States using DATA to develop Parent Child Contact Best Practices

• Texas

• Pennsylvania

• New Jersey

• Washington
How do we leverage the Research?

• Draft Motions for Parenting Time include Proposed Orders

• Challenge standard visitation practices- unsupervised should be starting point (see Georgia statute, O.C.G.A.§15-11-112 2013)

• Utilize your State’s Family Court (divorce) parenting time guidelines, broken down by age group, as a framework for requests and orders

• Make Reasonable Efforts Arguments at each stage of the proceeding- raise this issue early and often

• Hire a SW/clinical expert to assist as part of your legal defense team
Harm of Removal
Child after child after child told me I would have rather stayed at home and dealt with the issues in that home than gone into a foster care system where I was moved from home to home and school to school.”

The Honorable George Sheldon, Former Assistant Secretary of the Federal Administration for Child Former Secretary Florida Department of Children and Families
Harm of Removal
Notable Child Welfare Research (1)

- Children in foster care are seven times as likely to experience depression and five times as likely to experience anxiety (Turney & Wildeman, 2016)

- Children in foster care are six times as likely to exhibit behavioral problems (Turney & Wildeman, 2016)

- The average number of ACEs reported by adults formerly in foster care was 6. 1/3 reported 8 or more ACEs (Bruskas, 2013)

- Former foster youth experience literal homelessness eight times more than the general population (Fowler, et al., 2006)
Harm of Removal
Notable Child Welfare Research (2)

• Youth aged 16-24 have an unemployment rate of about 10%, but those in foster care have an unemployment rate between 47% and 69% depending on race and gender (The Annie E. Casey Foundation, 2017)

• Placement in foster care leads to “a disproportionate likelihood of chronic offending” in emerging adults (Yang, McCuish, & Corrado, 2017)

• Youth placed in foster care have a higher average BMI (Body Mass Index) than non-foster care youth (Winter, Combs and Ward, 2018)
Children in “marginal” homes versus being placed in foster care, have better employment, delinquency and teen motherhood outcomes when they remain at home (Doyle, 2007)

About half of former foster youth complete high school compared to 93% of the general population (National Foster Youth Institute, 2005)

About 3% of foster care alumni graduate with a four year college degree compared to 33% of the general population. Of those foster care alumni that do graduate from college, they were behind general population graduates on factors such as self reported job security, household earnings, health, mental health, financial satisfaction, home ownership and happiness (Salazar, 2013)
How Do We Leverage the Research?

- Hire your own social work expert (finding services, client empowerment, attorney consultation, etc.)
- Don’t let child emotional/behavioral, educational or physical health concerns that manifest after placement reflect on parents
- Be involved in the drafting of service plans
- Utilize forensic experts
- Change the narrative of the foster care system by participating in non court system reforms
- File motions specifically identifying the harm of removal and linking that disparity to reasonable efforts
- Support parent ally and former foster youth movements in your community
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Racial and Ethnic Disparities Data Bibliography


Reducing Services on the Service Plan/Evidence-Based Service Planning Bibliography


Parent-Child Contact For Youth in Foster Care Bibliography


Harm of Removal Bibliography


Patrick J. Fowler, Paul A. Toro, and Bart W. Miles, Pathways to and from homelessness and associated psychosocial outcomes among adolescents leaving the foster care system, American Journal of Public Health, Vol 99, No. 8 (August 2009), 1453-1458.


