

A Cut Above: What Makes a Parent Attorney Great

by Mimi Laver

What does high quality legal representation for parents look like? The *ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases* outline duties for attorneys. These include guidance about working with the client, preparation, involvement in case planning, courtroom activities, and post-hearing obligations. Following these standards would improve representation for parents across the country.

Effective advocacy, though, is about more than setting standards and trying to enforce them. The best parents' attorneys:

Spend time getting to know their clients. They meet with the clients regularly, and if their clients are out of contact, the attorney makes efforts to find and communicate with them. These attorneys form relationships with their clients so they can give the client hard-to-hear but necessary information like "if you don't participate in services you really could lose your child forever." These attorneys then promise their clients assistance in accessing services and advocating for the client with the agency and the judge. The attorney understands that as a parent, the client generally wants what is best for the child and the attorney works to empower the client to make good decisions for the child. This may mean, for example, obtaining the child's medical and school records and discussing the records so the client can play an active part in decision-making about the child.

Know their work outside the courtroom is at least as important as in-court advocacy. They attend case planning meetings with their clients and help the client decide which services they can realistically participate in. They work with the agency to

make the case plan workable for the parent. These attorneys emphasize the importance of frequent visitation in child-friendly places to the client and agency and ensure the agency schedules these visits, helping with transportation and supporting the parent during the visits. The attorney reminds the agency about reasonable efforts when necessary (enlisting the court when needed) and works with the client to comply with the efforts. The attorney may provide the client with a pocket calendar and help the client fill in important dates or map out directions to ensure the client knows how to get to meetings and appointments.

Know it is often best for the client to collaborate with the child welfare agency. The attorney still goes to court and seeks a judge's assistance when the parent is not receiving the help she needs. In addition, the attorney participates in alternative dispute resolution, but will only agree to something if the client agrees. The client must be given the information and opportunity to make decisions in all aspects of the case, and the attorney must advocate the client's wishes. Counseling and open communication are key for this to work.

Know delay tactics rarely help the client because the "ASFA clock" is ticking. In some cases, asking for a continuance benefits the client, so the attorney asks. On top of everything else, the best attorneys are strong courtroom advocates. They know the case, they know what the client wants, and they put on effective cases to persuade the court to make specific orders that benefit their clients.

Don't try to do it alone. Some attorneys work with paralegals, social workers, investigators, interpreters, and parent advocates. This

multidisciplinary approach allows the attorney to focus on the truly legal aspects of the case. These attorneys also network with each other. If they have supervisors or other parents' attorneys in their office, they discuss case strategy and ask for help identifying resources. If they are sole practitioners, they find colleagues in the courthouse to share ideas with, mentor newer attorneys, attend brown bag lunches or trainings and ask for assistance from attorneys around the country. (To sign up for the ABA parent attorney listserv send a message to listserv@mail.abanet.org with "SUBscribe child-parentsattorneys YOUR NAME" in the body of the message.) It is important for attorneys to have access to resources and other people who understand the challenges of representing parents.

Identify their clients' parenting strengths. They work with those involved in the case to build on parents' strengths to support the client in reaching a positive outcome. It takes a lot of work, but the results in cases in which the parent has an effective attorney are good for the parent and child.

Mimi Laver, JD, directs a project to improve parent representation in child welfare cases at the ABA Center on Children and the Law.

Parent Attorney Resource:

Visit the ABA Parent Attorney Project website (www.abanet.org/child/parentrepresentation/home.html) for standards of practice, resources, articles and links to effective parent attorney law offices.