



Making the Legal System Work for Children and Parents

In collaboration with a diverse team of partner organizations, the ABA Center on Children and the Law, the Children's Law Center of California, the Center for Family Representation, and Casey Family Programs launched the Family Justice Initiative (FJI) in 2016 with one unified goal:

To ensure every child and every parent has high-quality legal representation when child welfare courts make life-changing decisions about their families.

Background:

In the United States, every day approximately 740 children are removed from their families with the goal of keeping them safe. A system of federal and state laws exists to support reunification between children and parents. However, the tragic result is that many families do not reach that outcome. Over 400,000 children are in foster care at any time and nearly half never return to their parents.

Rather than finding safety and stability, many children suffer significant trauma when they are removed from their parents and placed in the care of others. They often are cut off from existing support networks, separated from siblings, battle emotional and mental health problems, fall behind in school and run away. Experiences in foster care can also serve as a pipeline to incarceration, homelessness, sex trafficking and long-term institutionalization.

Despite the rights at stake in child welfare cases, many children and parents lack any, or adequate, legal representation. Children typically do not appear in their own court hearings and those who have a lawyer may never meet or talk with her. As a result, **youth express feeling isolated** by the very legal system designed to support them. Similarly, **parents feel terrified and disregarded** in a legal process that separates them from their children and can permanently sever their parental rights, sometimes in hearings as short as ten minutes.

Families deserve better and we know we can do better. Research shows high-quality legal representation for children and parents helps families achieve positive long-term outcomes, including higher reunification rates. In addition, high-quality legal representation provides a necessary check on well-intentioned, but often overreaching, government intrusion into families' lives.

Changing the Status Quo:

The existing system often pits children and parents against one another as unnecessary adversaries. Since its inception in 2016, the FJI has worked to change this status quo by unifying a national collaborative of children's attorneys, parents' attorneys, educators, researchers, and national policy advocates who share a goal of expanding access to high quality legal representation for all children and all parents in child welfare cases.

FJI's Three Main Goals Are:

1. **To replicate successful models of child and parent representation**, including examples where attorneys have reasonable caseloads, are trained to work with clients who have suffered trauma, and work as part of an interdisciplinary team with social workers and peer advocates.
2. **To evaluate models of representation** in practice and expand the body of existing evidence on legal representation and its impact on child and family outcomes.
3. **To build understanding and public support** for the essential role high-quality legal representation has in ensuring all families are treated fairly under the law.

Since its Launch in 2016, the FJI has:

- Built a national collaborative with representatives from twenty-three states who advocate for children and parents' right to counsel in child welfare proceedings.
- Developed consensus around replicable FJI models of high quality legal representation for children and parents among a diverse range of child welfare and legal stakeholders.
- Collected existing research on the impact of legal representation on child welfare outcomes.
- Selected five demonstration sites throughout the country where the FJI models of representation can be implemented and evaluated in practice.
- Begun to design a national communication campaign targeting key audiences within and outside the child welfare field to build public support for the essential role of high quality child and parent legal representation in ensuring families are treated fairly under the law.
- Submitted policy statements to state legislatures and courts across the country analyzing increases in support for child and parent legal representation in child welfare proceedings.

More Work is Needed:

Building on these initial successes, much work remains. In the future, the FJI seeks to support more model representation projects in individual jurisdictions, launch a national communications strategy, advocate for increased state and federal child welfare legal representation resources, and fill gaps in research on the impact of legal representation in child welfare cases.

To learn more about how to support or join this initiative please contact the **FJI Executive Team**:

- Prudence Beidler Carr, ABA Center on Children and the Law, prudence.beidlercarr@americanbar.org
- Mimi Laver, ABA Center on Children and the Law, mimi.laver@americanbar.org
- Leslie Starr Heimov, Children's Law Center of California, heimovl@clcla.org
- Sue Jacobs, Center for Family Representation, sjacobs@cfrny.org
- Elizabeth Thornton, FJI Attorney, eliz.thornton.sf@gmail.com