



FJI Updates and New Resources

Cathy Krebs and Kathleen Creamer, Co-Chairs, FJI Communications Committee

We are excited this spring to bring you the relaunch of the Family Justice Initiative newsletter. The past year has brought much change and exciting progress in our work. First, we were thrilled to welcome Jey Rajaraman as the Associate Director of Legal Representation Projects at the ABA Center on Children and the Law. As a parent attorney and leader in the child welfare legal community, Jey brings her trademark wisdom, compassion, and tenacity to the work to ensure that every child and every parent has high-quality legal representation when child welfare courts make life-changing decisions about their families.

The fall also brought a welcome new [Notice of Proposed Rule-making](#) to support federal investment in access to counsel for children and parents and clarify that this support ought to be available for representation to support the myriad collateral legal issues that can lead to unnecessary family separation. The Family Justice Initiative responded to this opportunity by [hosting a webinar and disseminating materials](#) to support those seeking to understand and comment on the proposed rules. On May 10, 2024, the [final rule supporting legal representation](#) was published. The new rule takes effect July 9, 2024. FJI and partners will be issuing guidance on how to incorporate and utilize these funds to support legal representation for parent, children, Native Indian families, tribes, and kin.

The FJI [Appellate Practice Guide](#), created for use by trial and appellate counsel representing parents or children in the child welfare system is now live on the FJI website. The appellate process is an important part of child welfare litigation. Appeals can bring about systemic changes by addressing racial disparity. Appellate decisions often disproportionately impact Black, Brown, and Indigenous communities. It is essential that lawyers have a good understanding of the appellate process, know how to identify and preserve issues at the trial level, and how trial and appellate lawyers should work together.

To help, FJI has created an [Appellate Practice Guide](#) to assist trial and appellate counsel for parents and children in the child welfare system. Resources in this new guide include "[What Every Child Welfare Trial Attorney Needs to Know about Appeals](#)," which is full of information and practical tips focused on issues like creating a good trial record for appeal, how to appeal a final order, how to initiate an appeal, working with appellate counsel, reviewing an interlocutory order, and using appeals to address systemic issues. There is also a [guide](#) specifically for appellate lawyers which includes information and tips focused on types of appeals, key appellate principles, standards of review, procedural issues for appeals, and trial proceedings while the appeal is pending. There is also a [resource](#) for parent and/or youth clients, which provides a thorough description of the appeal process.

These helpful and practical resources are intended to support your practice. Please feel free to use and share these guides with your networks.

[Cathy Krebs](#), Committee Director
Children's Rights Litigation Committee
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For Your Practice

New Resources

[10 Reasons Client-Directed Legal Representation for Children is Best Practice.](#)

The National Association of Counsel for Children has a new resource that outlines the ten reasons that client-directed legal representation is the best practice for children.

[Children's Law Office Guidebook: Best Practice Guidelines for Organizational Legal Representation of Children in Neglect, Abuse, and Dependency Cases.](#)

The National Association of Counsel for Children has recently published an updated edition of its guidebook, which focuses on advancing best practices in the organizational representation of children and youth in neglect, abuse, and dependency proceedings.

[Family Justice Journal | The Family Justice Group](#)

The Family Justice Journal issued a special fall edition of their newsletter: "[On Belonging](#)."

Podcasts:

[The Potential of Pre-Petition Counsel with Jey Rajaraman, The Imprint News Podcast](#)

On this podcast Jey Rajaraman, associate director of litigation at the ABA Center on Children and the Law, discusses a proposed new rule that would permit the use of federal funding to support attorneys for tribal governments, relatives and other kin, and parents and children at risk of experiencing a family separation and the potential of earlier provision of legal counsel for families.

[Can Singing in the Car Make You a Better Children's Lawyer?](#)

Cathy Krebs, FJI Communications Committee Co-Chair, is a guest on the True North Child Advocates podcast to discuss workforce issues and burnout.

[The Proximity Process](#) podcast had a three-part series focused on the Adoption and Safe Families Act:

- [Father and Son Reunion with Corey Best - Part 1](#)
- [Father and Son Reunion with Corey Best - Part.2](#)
- [Termination of Parental Rights with Kathleen Creamer](#)

[Does Justice Happen in the Courtroom with Adam Ballout](#)

Adam Ballout of ABC Law Group and the First Clinic was a guest on the Proximity Process to discuss lessons he has learned about justice for families throughout his career, how they have shaped his law practice, and what role he thinks attorneys play in speaking the truth.

[Seen, Heard and Represented \(imprintnews.org\)](#)

Natalece Washington, policy counsel for the National Association of Counsel for Children, is a guest on the Imprint Weekly podcast to talk about the Counsel for Kids Campaign.

Articles:

[Most States Now Access Federal Funds for Family Court Lawyers, Imprint News](#)

This Imprint article describes some of the progress states have made in utilizing Title IV-E funds to provide legal services to parents and children either involved in or at risk of being involved in the child welfare system.

[Mother Suing NYC Child Welfare Agency for Its Warrantless Searches of Her Home and Son — ProPublica](#)

This article details a ground-breaking [complaint](#) filed on behalf of families experiencing warrantless home searches by child welfare agencies, detailing at length the harm that families experience from over-surveillance and over-investigation.

[The Child Welfare System Is Failing Children, Separating Black and Brown Families. | Teen Vogue](#)

In this article, a children's attorney reflects on her experiences representing foster youth in New York City, noting that "many cases in family court that allege certain types of abuse and neglect are actually byproducts of poverty and community disinvestment that cause tremendous amounts of family displacement."

[Featured FJI Demonstration Sites](#)

Cuyahoga County Public Defender Office launched its FIRST (Family Intervention Representation and Services Team)

In March 2021, the Cuyahoga County Public Defender Office launched its FIRST (Family Intervention Representation and Services Team) program, and our team works closely with the Cuyahoga County Division of Children and Family Services (CCDCFS). The FIRST program was developed to offer pre-petition services to help keep families intact without the need for formal court intervention or the unnecessary use of foster care. The team utilizes a multidisciplinary approach with attorneys, social workers, and parent advocates to help families facing crisis. CCDCFS helps identify families in danger of formal court filings requesting the removal of a child from the home, and if there is an agreement that the family would be a good fit for the FIRST program and the family agrees – services begin with all parties. The FIRST team meets regularly with the parents, monitors progress, assesses the need for outside referrals for services, and helps continually assess the need for ongoing CCDCFS involvement. The FIRST team can also receive referrals from any outside agency regarding a family in need. The FIRST team has fostered relationships with many outside agencies, including Legal Aid, EDEN, many service providers, and Case Western Reserve University's Begun Center for Violence Prevention Research and Education.

Summit County Juvenile Court in Ohio created MRT – Multidisciplinary Representation Teams.

In February 2021, the Summit County Juvenile Court in Ohio created MRT - Multidisciplinary Representation Teams to represent parents against whom child protective services have filed a dependency, abuse, or neglect case. The program's practice model has several aspects: All parents are offered the services of an attorney, a case coordinator, and a parent advocate. Lawyers volunteer to be appointed as part of MRT, and they agree to work on objectives likely to be on the case plan from the time of the shelter care hearing.



The case coordinator connects parents with resources to remove barriers to reunification. They also provide clinical case management. The criteria for an MRT case is that the MRT is assigned to the parent from whom the child is removed. Cases are screened out if they involve a criminal charge of abuse against a parent. The parent might have previous cases or this might be their first case. The parent advocate is someone with lived child welfare experience and who helps the parent understand the court process, guides them in their interaction with CPS and often accompanies them to service meetings and appointments or visits. MRT in Summit has had a beneficial impact on cases once they are filed but is now pivoting to include pre-petition representation so that more families can benefit from the Multidisciplinary approach including the relationships the MRT staff have with many community partners who intersect with families.

New Mexico is a long time member of the FJI community and we want to celebrate and congratulate the newly opened Office of Family Representation and Advocacy (OFRA). The Office is implementing high quality interdisciplinary legal representation and practice infrastructure that promise to improve child and family outcomes. OFRA's work is driven by a fundamental respect for each family it serves, and its model uplifts the strengths, voices, and goals of its clients.

The Office of Family Representation and Advocacy Opens in New Mexico

Created as a new executive agency in the 2022 legislative session, OFRA opened its doors on July 1, 2023 under the leadership of Executive Director, Beth Gillia with the support of a legislatively mandated Oversight Commission. New Mexico stakeholders and FJI partners had spent decades in various efforts to improve the quality of representation that is statutorily required for children and parents. Incremental improvements were realized but ultimately it was clear that a centralized office with independence and authority to create policy and budgets was needed to provide the practice infrastructure that would support high-quality representation and advocacy. As in other jurisdictions, securing adequate funding is an ongoing challenge for OFRA.

Interdisciplinary practice built on cornerstone advocacy is the core of the practice model. OFRA Interdisciplinary Legal Teams include the attorney, a social worker and/or a family peer support navigator. The family peer support navigator is critical as this is a person with lived experience who has the dual role of peer support and system navigator. Their navigation is focused on non-clinical domains to secure the concrete supports and services that address housing, food insecurity, and employment that families need to stay together.

OFRA's commitment to operational excellence and infrastructure includes emerging systems for case management, research and evaluation, quality monitoring, and budget management. OFRA's strategic plan incorporates a logic model; standards for training and professional development as well as coaching and mentoring; performance standards with clear expectations for attorneys, social workers, and navigators; policies and a detailed practice manual; and a wide range of supports for legal teams.

We at FJI look forward to following OFRA as it steps up for New Mexico's families.

Visit the OFRA website at <https://www.ofra.nm.gov/>

To learn more about the demonstration site commitment, or if you are interested in becoming a demonstration site, please contact FJI Executive Member, Prudence Beidler Carr: prudence.beidlercarr@americanbar.org

<https://familyjusticeinitiative.org/>

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The Family Justice Initiative is a national collaborative of children's attorneys, parents' attorneys, educators, researchers, and national policy advocates who share a common goal: to increase access to high-quality legal representation for children and parents in child welfare cases.