Family Justice Initiative

Making the Legal System Work for Children and Parents

What Have We Learned

Family Justice Initiative Demonstration Sites

What's Inside

This paper highlights FJI demonstration site experiences in the following categories:

1. FJI Model and Attributes
2. Data Collection Tool
3. Benefits of Peer-to-Peer Support and Technical Assistance
4. Recommendations for FJI Next Steps

The Family Justice Initiative (FJI) seeks to ensure all children and all parents receive high-quality legal representation when their family is involved in the child welfare system. As part of that goal, the FJI has identified six fundamental attributes of high-quality legal representation:[1]

1. Caseload and Compensation
2. Interdisciplinary/Multidisciplinary Practice Model
3. Diversity/Cultural Humility
4. Timing of Appointment
5. Support and Oversight
6. Accountability/Use of Data.

These attributes are divided into individual attorney attributes and system attributes needed to ensure parents' and children's attorneys are properly supported to meet their individual obligations to clients.

To implement these attributes in practice, in addition to the ongoing work in Washington State and Los Angeles, Sacramento and Placer Counties, the FJI has partnered with demonstration sites throughout the country—California, Colorado, Louisiana, and New Mexico. FJI demonstration sites are jurisdictions that

- work to improve legal representation for both parents and children,
- use an interdisciplinary representation model, and
- focus on lowering attorney caseloads consistent with the FJI recommendations.

What Have We Learned?

From 2019 to present, demonstration sites have implemented the FJI attributes, collected data, engaged in peer-to-peer support, and received technical assistance to assess how well they provide high-quality legal representation for children and parents.

This paper captures feedback from the FJI demonstration sites about their experience in the following categories:

1. FJI Model and Attributes
2. Data Collection Tool
3. Benefits of Peer-to-Peer Support and Technical

Assistance

4. Recommendations for FJI Next Steps

1. FJI Model and Attributes

The sites affirmed the importance of investing in and evaluating interdisciplinary models of representation as part of FJI's focus.

Multidisciplinary representation

Sites repeatedly explained the important role of social workers on legal teams by describing how they had successfully helped clients obtain concrete supports such as housing and food, as well as service supports to meet mental health and educational needs. Social workers on the legal team were also commended for their work in court supporting and mediating for clients, attending Child and Family Team or similar meetings, providing independent assessments of client progress, observing parent and child visits, and helping attorneys understand clinical diagnoses, client needs, and when and how to provide expert testimony.

Early investment in multidisciplinary support

Every site agreed that the earlier a multidisciplinary social worker becomes involved in the case the better. As expressed by one site participant, "attorneys are not clinicians and clinicians are not attorneys." Having both on a case is meaningful for the client and helps ensure high-quality legal representation from beginning to end of the legal matter.

Funding

Sites still working to launch an interdisciplinary model as part of their organizational structure have reported funding and recruitment are challenges. Other sites described alternatives to having social workers on staff using models that allow for engagement of external contracted social workers when necessary. Specifically, sites would like more funding for parent and youth mentors, training for staff, and help with hiring and retention.

> . . . make sure to train interdisciplinary team members to be champions and cheerleaders for the model internally and externally.

> Another recommendation when setting up a multidisciplinary model is to make sure that each site hires more than one peer or parent advocate. This is so employees with lived experience are not tokenized, have peer-to-peer support, share workplace experiences and are afforded a sense of belonging and inclusion in the organization.

Role clarity

When asked what they would do differently if they were launching a multidisciplinary practice now, one site explained that it would "make extra sure to have clarity of our model and expectations." For example, they started with one model and later transitioned to a different model of attorney and social worker partnership. Through that process they found that defining and communicating role distinctions and expectations is essential to a successful partnership.

Supportive, well-trained supervisors

The social worker on another team explained that it is critical to have consistent, supportive supervision and mentorship for peer advocates. Specifically, she explained that sites should "invest heavily in peer advocates by matching them with very experienced social workers or advocates who are patient, experienced, and comfortable helping people whose ongoing personal struggles may impact their abilities to get their job done." Another recommendation from an FJI demonstration site was to make sure to train interdisciplinary team members to be champions and cheerleaders for the model internally and externally. Even after a multidisciplinary model has become well established it remains critical to explain the purpose of the model and the roles of each member on the team to build broader support for the approach.

Sites have expressed that FJI has provided a venue for all family defenders to share their varied experiences in both representing parents and children inside and outside the courtroom. The shared space permitted advocates to voice concerns and issues in a safe listening space. FJI has helped attorneys who supervise a dual-representation model in their jurisdictions. These sites found FJI information especially effective when designing supportive and supervisory policies and tools for the multidisciplinary staff engaged in dual representation.

Numbers matter

Another recommendation when setting up a multidisciplinary model is to make sure that each site hires more than one peer or parent advocate. This is so employees with lived experience are not tokenized, have peer-to-peer support, share workplace experiences and are afforded a sense of belonging and inclusion in the organization.

2. Data Collection Tool

Each FJI demonstration site is equipped with a data collection tool that uses a data template derived from the FJI attributes of high-quality legal representation to assess their performance on implementing those attributes. The FJI Data Collection Tool divides data into the following categories: Best-Practice Advocacy (e.g., out-of-court advocacy), Process and Lawyering (e.g., time from case filing to closure), and Well-Being Outcomes (e.g., number of placement moves while in care).

FJI demonstration sites have used the Data Collection Tool for two main purposes:

- **Internal assessment and accountability—** Gathering data that assists with continuous quality improvement. This use allows each jurisdiction to improve and strengthen existing and proposed representation models.
- **External reporting—**measuring qualitative and quantitative client outcomes that arise from implementing FJI's high quality attributes. This second use helps to build up advocacy for greater investments in existing and future models by making the case for how high-quality legal representation can improve results for parents and children.

> Sites confirmed that FJI data collection helped them identify trends, gaps, growth areas, and areas for improvement that would benefit staff and clients.

Significantly, the implementation of this FJI tool does not and was not intended to define a "good outcome" or show that the outcome is causally related to the availability of high-quality representation. It is a data collection tool—not an evaluation tool. However, demonstration sites universally are anxious to learn more from the data they are collecting. This requires additional investment and inquiry. In the coming year, FJI will consider adding additional data collection categories such as "Were the client's goals met?" and "Was permanency achieved?" If so, did the permanency outcome align with the client's expressed wishes?

Internal Assessment

Legal representation trends

Data allows agencies, organizations, and law offices to establish baselines, benchmarks, and goals to keep moving forward and implement effective change. Demonstration sites have shared examples of how data informs them about what they are doing and directions in the provision of legal representation. Sites confirmed that FJI data collection helped them identify trends, gaps, growth areas, and areas for improvement that would benefit staff and clients. For example, one site used the FJI Data Collection Tool to examine trends in caseload numbers (which have decreased since 2019) versus the responsibilities each legal team has to evaluate and reflect on what an ideal caseload would be to meet client needs. Another site used the tool and learned they were underusing the multidisciplinary team approach. Specifically, despite widespread enthusiasm for this model, multidisciplinary teams make up only about 20% of the state's parent representation practice. By investing in new contractors, case consultations, training, recruitment, and community building they anticipate increasing capacity in 2023 and beyond.

Data-driven change

The ongoing message sites shared about the data collection tool is that "data is used to drive innovation, best practices, training and program funding." Sites that regularly used the FJI data tool expressed that it was helpful to collect data they had not previously collected such as the number of written motions filed to promote a case plan (e.g., to increase or alter visitation with parent or siblings, move children to in-home placements, or placements with relatives, neighbors, or fictive in/close family friends). Other examples where data collection helped improve practice included tracking pre-hearing client engagement, use of social workers, parent mentors and youth advocates with lived expertise, and implementation of Diversity, Equity and Inclusion trainings.

Without data and evaluation, advocacy groups are severely limited in their ability to secure funding needed to support innovation, retain staff and where needed expand offerings.

Interdisciplinary team roles

Many sites noted the value of data in helping them understand how to define the role of different members of the interdisciplinary team, and what best practices are for attorney engagement and advocacy. Using the data collection tool as an internal assessment resource helped inform opportunities for implementing practice change as organizations expand and refine their representation model.

Access to professionals

Data collected on interdisciplinary models showed that access to other professionals, such as social workers, investigators, administrative support staff, peer advocates and parent mentors, impacted the time attorneys had available for a case and improved the quality of client representation overall in several jurisdictions. The data collection tool helped sites assess how often attorneys had access to interdisciplinary teams as part of their representation and helped quantify the number of social workers, peer advocates, and parent mentors that participated on cases for clients. Sites recommended that the tool capture the types of tasks, engagement, and team meetings being conducted.

External Reporting

Data-driven funding

All sites noted the importance of tracking data to build the case for additional funding by documenting the many tasks and activities, staffing, and other resources necessary to provide quality representation. Without data and evaluation, advocacy groups are severely limited in their ability to secure funding needed to support innovation, retain staff and where needed expand offerings. Demonstration sites also noted that data collection informed by the FJI Data Collection Tool allowed them to identify trends, gaps in practices, and changes over time from year to year.

Expertise and support access

Not surprisingly, as sites recognized the benefits of increased access to data they also expressed a desire for further support and access to the expertise of researchers to provide individualized review and analysis of their data. The sites would like assistance to improve data collection and to influence child welfare decision-making and policy development.

Gauging impact

Sites uniformly expressed concern about how to adequately interpret data in order to connect legal representation to outcomes and impact. For example, some site data shows a decrease in cases over time but without a deeper understanding of what variables caused that decrease it is difficult to attribute it to implementation of FJI models of practice such as the use of social workers who can assist with more cases. Likewise, sites want to be able to explore layers of data that examine whether a decrease in cases can be attributed to pre-petition work being done at the beginning of a case or whether there have been changes in agency filing practices, or both at once. Related to this, one site noted the importance of tying data collection to new requirements for Title IV-E draw down.

Future data collection

Sites also noted that future data exploration and evaluation would include layered data based on client attributes such as race, gender, culture, identity, language, etc. Notably, very few of the demonstration sites or attorney groups in general currently collect this type of data. Most organizations rely on the child welfare agency demographic data which is typically based on observation or assumption and not on client inquiry. Significant training and education is needed to collect self-reported demographic data. Other areas of interest for data collection and evaluation are intersection between child welfare outcomes and housing, poverty, transportation, domestic violence, childcare, social service and mental health resources, geographical distance and separation from siblings and parents, employment, and education.

Language and definitions

Finally, several sites noted the importance of being able to weigh in on future developments and

adjustments in the data collection tool where language and definitions will be clarified to ensure consistency across sites. For example, client contact is not just a one box checked to say that it was accomplished, it can take on several forms and mean something different for each jurisdiction and state. This is also seen in how courts, proceedings, and processes are named.

Data Collection

Staff and time costs

Each site incurred significant costs of personnel and time during the process of implementing the FJI Data Collection Tool. This varied considerably because some sites already had a system in place for data collection before becoming an FJI site while others did not. Sites with existing systems successfully collected data and analyzed and reported their successes or challenges based on the data to their group. In this respect, they became a support not only to the entire group but also to individual sites that struggled with collecting data. Sites that were newer to data collection had longer ramp-up periods in their use of the Data Collection Tool.

Staff and resource challenges

For sites where staff members are supervising attorneys who regularly represent clients and must keep up with the administrative obligations of their roles, adding data collection to their responsibilities was often a challenge. This was especially true in sites where FJI data categories in the Data Collection Tool differed from the site's collection of data before becoming a demonstration site. For example, some sites didn't find it as valuable to track written motions if they couldn't tie that information to the case progression and outcome.

Due to staff shortages, turnover, and limited personnel, a few sites reported a need to dedicate one staff member to focus on FJI data. Others noted that lack of resources (i.e., time) combined with competing priorities impeded robust data collection. One manager noted "Getting used to collecting data in a consistent way takes growing pains and there needs to be a more efficient and realistic way of tracking FJI data on a daily basis."

. . . data showed the pandemic contributed to attorney and other staff turnover and burnout for staff covering for absent coworkers while also managing the impact of the pandemic on their families.

New site recruitment

Concerns about the data collection requirements have impacted efforts to recruit new sites. In much of the country attorneys still rely on paper files and do not use digital case management systems. To address this barrier FJI will explore less onerous options for interested sites who lack the resources to fully implement the required data collection process.

Impact of the Pandemic

All sites identified the COVID-19 pandemic as a significant factor in the data they tracked over the last three years. For example, sites reported an increase in client engagement based on technology and resources available to foster engagement in new ways. There also appeared to be an increase in client participation for remote court and meetings.

The use of social workers also increased due to use of technology to assist with visits, referrals, and facilitating clients' participation. Conversely, data showed the pandemic contributed to attorney and other staff turnover and burnout for staff covering for absent coworkers while also managing the impact of the pandemic on their families. Delayed reunification, delayed permanency, interrupted or suspended visitation between children separated from parents, siblings and extended family, a lack of support for educational needs, reduced access to services needed to comply with case plans and residential programs going on "lockdown" until COVID-19 protocols and permissions were in place all placed tremendous additional stressors on children and parents.

In addition to understanding how the pandemic impacted data collection and analysis, it is important to highlight how the pandemic interfered with or complicated client circumstances, which contributed to health issues and concerns, lack of food, loss of life, employment, educational attainment, socio-emotional well-being, financial instability and reduced mobility.

Since the workgroup was launched, sites noted a deeper mutual respect for each other's roles across parent and child counsel and rewarding discussions.

3. Benefits of Peer-to-Peer Support and Technical Assistance

Positive developments

With a united voice, the demonstration sites value and appreciate FJI for its mission and goal to support high-quality legal representation for children and parents. Within the child welfare system, demonstration sites report that in the last several years they have participated in and seen the following positive developments:

- more efforts to keep families together,
- improved collaborations across counsel, including agency counsel,
- an increase in support from judges,
- greater focus on parent and youth mental health considerations,
- increased legal representation funding,
- improvements in humanizing parents who are involved in child welfare cases, and
- a positive decrease of filings within most of their jurisdictions.

Key components & benefits

Key components that FJI sites found valuable included:

- data collection tools and feedback,
- the mission and commitment to high-quality representation, and
- the support received during peer-to-peer demonstration site monthly meetings.

Sites reported that it was beneficial to participate in the FJI demonstration site interdisciplinary team because it created a productive space for parent and child counsel to understand practice differences, learn from each other, and identify common goals and opportunities for collaboration. The demonstration site workgroup provides a community where peer-to-peer learning and support takes place.

Since the workgroup was launched, sites noted a deeper mutual respect for each other's roles across parent and child counsel and rewarding discussions. Sites reported the structure in place for meeting calls and the technical assistance provided by the leadership team as well as substantive presentations have aided in their organizational growth. Topics have included:

- use of an interdisciplinary practice model,
- pre-filing advocacy;
- use of parent mentors and youth advocates;
- client satisfaction surveys/measurements;
- recruitment, hiring, retention;
- post-family reunification and access to legal services;
- how to measure and define contested hearings and demographic data collection.

Sites look forward to growing the workgroup, engaging in more discussions, participating in training, getting assistance to quantify data, and improving high-legal representation for their clients.

4. Recommendations for FJI Next Steps

Future Sites

- Engage future FJI demonstration sites that have an express interest in working across child and parent counsel in the jurisdiction.
- Ensure future sites understand the goals and are committed to developing capacity to implement both practice changes and data collection.

Current Sites

- Provide demonstration sites with additional and ongoing opportunities to influence best practices for implementing the FJI goals.
- Create opportunities to discuss differences in legal representation provided by children's counsel and parent counsel as well as shared goals.
- As new tools are created through the FJI Quality Representation Work Group, bring those tools to the demonstration sites for review and input in the final design stages before launch.

FJI Model

- Continue to invest time in peer-to-peer exchange opportunities to help demonstration sites learn how different jurisdictions implement an

interdisciplinary model and other FJI Attributes.

- Bring in additional topics for exchange and community of practice learning, including piloting use of the FJI Appellate and Anti-Racist toolkits with the demonstration sites.
- Provide greater opportunities to explore in peer-to-peer exchanges how multidisciplinary representation is different or similar for child and parent teams.

FJI Data Tool

- Work with sites that have successfully implemented the data collection tool and data collection processes to provide additional guidance and technical assistance to newer sites.
- Identify funding to build data systems and allow for additional short and long-term information technology (IT), administrative or support staff, or consultant hours where needed.
- Identify how funding from IV-E sources improved data collection and quality legal representation.
- Consider expanding on interdisciplinary data collection by focusing on the types of tasks provided by each team member.
- Obtain support from researchers or statisticians who can help quantify data collected and further revise the tool to allow a deeper examination of the connection between quality representation and client outcomes.
- Continue to seek input from demonstration sites about how to adjust language and definitions within the Data Collection Tool.
- Examine potential adjustments to the Data Collection Tool based on changes in practice that arose from the pandemic, including those that improved or diminished access to high-quality legal representation.
- Explore less onerous options for interested future sites who lack the resources to fully implement the required data collection.

Endnotes

[1] These system attributes build on and support Standards of Practice for attorneys representing children and parents in child welfare proceedings, and findings and recommendations from the National Quality Improvement Center on the Representation of Children in the Child Welfare System and the U.S. Department of Health and Human Services, Administration for Children and Families.

FJI Family Justice Initiative

The FJI unites professionals from around the country to ensure every child and every parent has high-quality legal representation when child welfare courts make life-changing decisions about their families. Through the FJI's work, child welfare lawyers, researchers, judges, social workers, policymakers, families impacted by abuse and neglect, and others are reenvisioning how to best protect children, strengthen families and support communities.