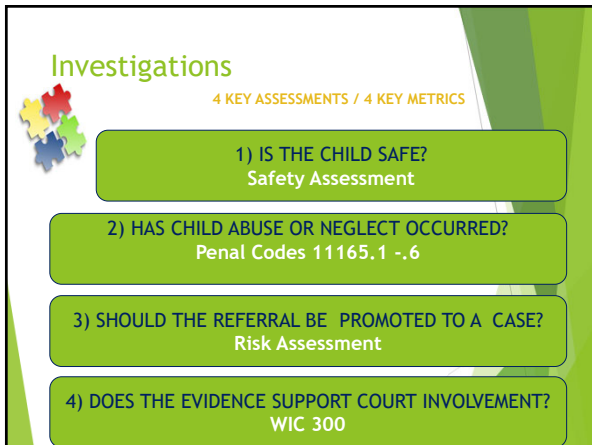


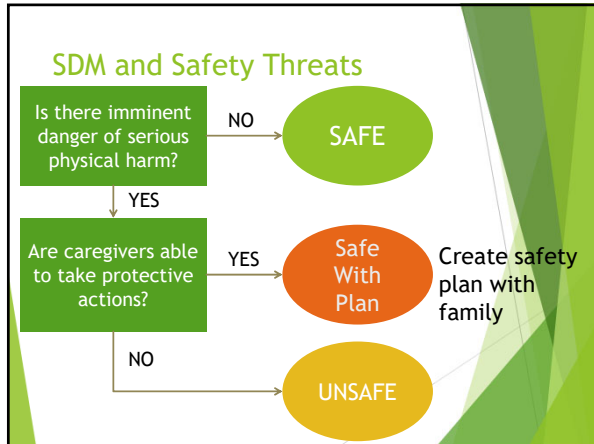
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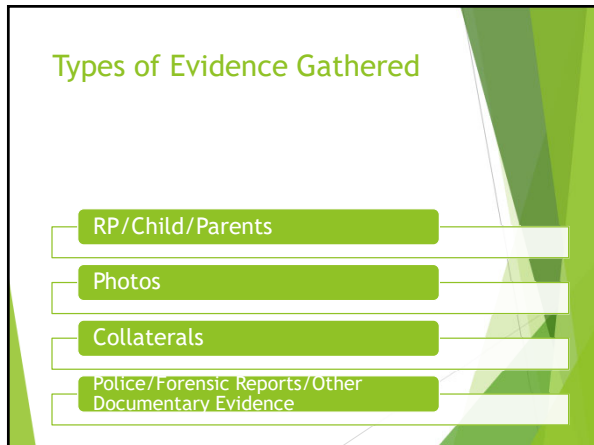
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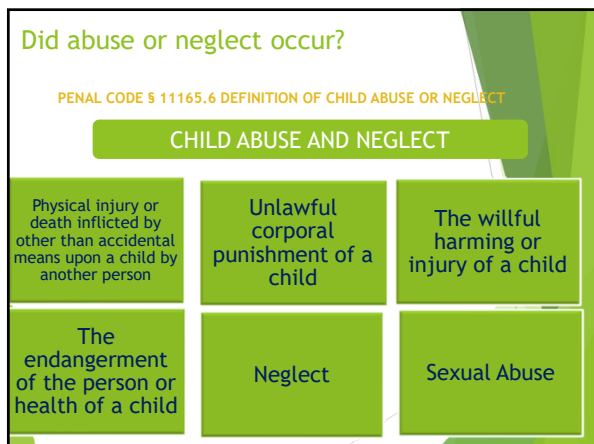
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Did Abuse or Neglect occur?

THE PENAL CODES DEFINE ABUSE AND NEGLECT

Sexual Abuse PC § 11165.1	General/Severe Neglect PC § 11165.2
Emotional Abuse PC § 11165.3 and 11166.05	Physical Abuse/ Willful Harming of a Child PC § 11165.3 and .4

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What does the evidence tell us?

PENAL CODE 11165.12

Substantiated	• Credible evidence that makes it more likely than not that child abuse, neglect or exploitation occurred.
Inconclusive	• Not "unfounded" but findings are inconclusive and without enough info to determine if abuse, neglect or exploitation occurred.
Unfounded	• Determined to be false, an accidental injury or not constituting child abuse.

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Should the referral be promoted to a case?

RISK ASSESSMENT

Factors of Prior Investigations
Factors of Current Investigation
Family Characteristics

Likelihood of Future Harm

LOW	MEDIUM	HIGH	VERY HIGH
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CLOSE REFERRAL

OPEN A CASE (VOLUNTARY OR PETITION)

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Does the evidence support court involvement?
WIC 300

- Is the Child described by WIC 300a-j?
- Is Court Intervention needed?
- Is there sufficient evidence to support risk of future harm?

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Pre-Petition Advocacy

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Every year, an average of nearly 17,000 children are removed from their families' custody and placed in foster care only to be reunited within 10 days.

- Marshall Project analysis of 10 years of federal Department of Health and Human Services records data

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PURPOSE: To encourage all child welfare agencies, courts, administrative offices of the courts, and Court Improvement Programs to work together to ensure parents, children and child welfare agencies, receive high quality legal representation at all stages of child welfare proceedings.

ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families
	1. Long No. ACYF-CRM-20-047 2. Issuance Date: January 17, 2021 3. Organizing Office: Children's Bureau
4. Key Words: Legal Representation and Child Welfare; Parent Agency; Children's Advocacy Agency Attorney; Quality Legal Representation	

TO: State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E, and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs.

SUBJECT: High Quality Legal Representation for All Parties in Child Welfare Proceedings

PURPOSE: To encourage all child welfare agencies, courts, administrative offices of the courts, and Court Improvement Programs to work together to ensure parents, children and youth, and child welfare agencies, receive high quality legal representation at all stages of child welfare proceedings.

LEGAL AND RELATED REFERENCES: Title IV-E and IV-B of the Social Security Act; the Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C. 5106a et seq.); the Indian Child Welfare Act of 1978 (ICWA) (25 U.S.C. 1901-1915)

INFORMATION

The purpose of this information memorandum is to emphasize the importance of high quality legal representation in helping ensure a well-functioning child welfare system. This memorandum also highlights important research and identifies best practices and strategies to ensure and sustain high quality legal representation for all parties, children and youth, and child welfare agencies in all stages of child welfare proceedings.

The Children's Bureau (CB) strongly encourages all child welfare agencies and jurisdictions (including state and county courts, administrative offices of the court, and Court Improvement Programs) to work together to ensure that high quality legal representation is provided to all parties in all stages of child welfare proceedings.

I. Background

Courts play an integral role in the child welfare system. A court order is required to involuntarily remove a child or youth from the home and to find that child or youth dependent.

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Components of procedural justice

- Client voice
- Neutrality
- Respectful treatment
- Trustworthy authorities

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Legal representation for children, parents and youth contributes to or is associated with:

- × Increases in party perceptions of fairness;
- × Increases in party engagement in case planning, services and court hearings;
- × More personally tailored and specific case plans and services;
- × Increases in visitation and parenting time;
- × Expedited permanency; and
- × Cost savings to state government due to reductions of time children and youth spend in care.

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Pre-petition Advocacy Myths

- The agency social worker's job will be more difficult.
- Early legal representation for parents will have a negative impact on children and child safety.
- There is no funding for this. It's too expensive.

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Examples of Pre-Petition Advocacy

- × The Bronx Defenders
- × Detroit Center for Family Advocacy
- × Legal Services of New Jersey
- × Dependency Advocacy Center (Santa Clara County)

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Thank you for your time. Questions?

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