

The Importance of High Quality Legal Representation for California's Foster Youth

The Story of Chris and Marina

Chris, an eight-year-old boy, is called to the office one day at school. A social worker he has never met asks him a series of questions about his mother. After the interview, she takes Chris to his house. Chris stays in the car, but can hear screaming from inside. The social worker comes out with Chris' sister, 4 year-old Marina. Both children are terrified and crying. They go to an office and are put in the car with a different social worker, who drops them off at the home of a stranger. They are distraught. They miss their mom and keep asking when they will see her. The foster caregiver does not know the answer. A few days later, they meet their attorney.

The Significant Role of Dependency Counsel

Every day, we meet children like Chris and Marina who have suffered severe abuse and neglect in their family homes, only to be retraumatized by their entrance into foster care. They come to us sad, scared and confused. They want to understand what is happening, why they cannot return home, and when they can see their family. They want to share their side of the story and to have a say in their future.

As their attorneys, it is our job to give these children a voice and to help them navigate a complex and overwhelming system. We must take the time to explain why they have been removed from their parents and what is happening in their court case. We must build their trust to learn from them what they went through in their past and what they need in the present. We must conduct our own independent investigation of the facts of each case and be prepared to zealously advocate at each hearing.

In addition, attorneys for children are mandated to determine and bring to the court's attention all issues regarding the child's well-being. A child's attorney is the one to secure court orders for sibling visitation, placement in a relative's home, counseling when a child has emotional problems, tutoring for a child struggling in school, or review of psychotropic medications when there is concern of overmedication.

The Devastating Impact of Unmanageable Caseloads

Undoubtedly, the role of a child's attorney is critical. Yet, we remain severely underfunded throughout the state. On average, each attorney at Children's Law Center of California represents 300 children. With such overwhelming caseloads, there is simply no way to provide the kind of advocacy that our clients need. The following examples represent the "on the ground" impact of unreasonable caseloads:

- Attorneys are forced to adopt a triage approach to representing children – responding to crisis after crisis rather than taking a proactive approach to representation.
- Without time for meaningful contact with clients and supportive adults, attorneys are not able to identify educational, mental health, and other needs to advocate for appropriate intervention services.
- Long hours and the frustration of not being able to do more lead to high turnover, which results in less stability for children and less experienced attorneys.

Child welfare advocates and lawmakers have worked hard to improve outcomes for foster youth. Issues such as the overuse of psychotropic medications, placement of children with relatives and siblings, and prevention of child sex trafficking have been championed by the Legislature and supported by Governor Brown and his predecessors. However, unless dependency attorneys have the time to enforce these statutes, these important new laws and all the hard work that preceded the bill signings will have been for naught. California's foster children deserve better.