

The NACC envisions a justice system that protects the rights of children by ensuring their voices are heard through the assistance of well-trained, well-resourced, independent lawyers.

How Attorneys and Judges Help Strengthen Families

by Jerry Milner and David Kelly



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A few weeks ago, I had the opportunity to join a group of legal and judicial experts to participate in the Children's Bureau's first ever [Court Improvement Program \(CIP\) Talks event](#). I hope many of you viewed it live or have taken a look at the recording. It was a real pleasure to get to know the other presenters; each and every talk drove home the importance of the roles that judges and attorneys – for parents, children, and the child welfare agency – play in strengthening families. Although I entered my role in federal government with a deep appreciation of how important the legal and judicial community is to a well-functioning child welfare system, the CIP Talks experience and the messages delivered that day strengthen my conviction even more.

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It is clear to me that outcomes for children and families simply will not improve without active lawyering and truly informed judicial decision-making. Ensuring that the voices of parents and children are heard at all times, pre-, during and post-hearings and reviews has clear benefits for all involved. Those benefits include a more complete understanding of family strengths, needs, and resources; increased levels of engagement by parents, children and youth; and greater depth and breadth of useful information on which a judge may base her decision. To be clear, each of these benefits directly and positively affects the child welfare agency.

The work that attorneys do helps identify resources such as kinship or respite placements; it helps identify services and supports that parents actually need and may be more likely to benefit from; can help reduce the likelihood that removal is necessary;

and reduce the time that a child spends in out-of-home placement. These were goals that I sought to achieve as a former child welfare agency director, as a consultant working to help states improve outcomes for children and families, and those for →

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which I will do everything I can to support from the federal level. This commitment is reflected in and supported by the President's proposed budget.

In hearing the messages delivered during the CIP Talks from Carlyn Hicks, Don Duquette, Judge Michael Nash, Chief Judge Carrie Garrow, Melissa Carter and all others, there were unifying

themes that leapt out to me. Chief among the themes was that we cannot forget the "human" in "human services" – we must be humane, and the approaches we take and how we treat children and families matters. We must respect personal agency, we must respect the integrity of the parent-child relationship, and we must not forget that the parents and children we

serve are likely facing some of the most difficult moments of their lives. As a social worker these are principles that were woven into my education and professional training. I was struck by just how similar and powerful principle-driven legal representation can be, and I thank all who may read this for your commitment to the work.



Special Assistant Kelly

It's time for child welfare attorneys to recognize explicitly that we should be working toward the same outcome in the overwhelming majority of cases. We know that most children should remain in or return to their homes.

The law requires that we make reasonable efforts to prevent removal and research demonstrates the importance of keeping children with parents and relatives; basic justice demands it.

The Children's Bureau is rolling out a vision to reshape child welfare in the United States to prevent child maltreatment and reduce the unnecessary removal of children from their homes. Child welfare data tell us that some children enter care for very

short periods of time, sometimes a month or less. Data also tell us that many families are reunified after approximately a year of separation. In the former cases, attorneys and judges should be questioning whether removal is truly necessary, in the latter we should be asking why, specifically, a return home sooner is not possible.

As attorneys, it's critical that we recognize that what we do in the space before and between hearings is pivotal – engagement with our clients cannot be episodic and restricted to preparation for and participation in hearings. How we go about our work makes a difference. Let's give our clients the same level of respect and attention a high-paying private client would receive from a prestigious law firm. Let's ask our clients what they would like to achieve, what is important to them, what would be helpful, and how they'd like to get there. Let's

be proactive, and let's agree to work with urgent civility. Strong advocacy need not be adversarial when we stay connected to our common charge.

Attorneys and judges can have a profound impact on preventing maltreatment and reducing unnecessary removals, and can do so with a simple change of approach. Every conversation we have out of court and every opportunity we have to speak on the record is a chance to keep a family together or reunite them sooner. Let's recommit to asking if removal is truly necessary in the first place – and what we can do to ameliorate safety concerns; let's recommit to making sure kinship placement is always the placement of first resort and aggressively pursuing kinship care; let's commit to paying well-being the attention it deserves no matter what the circumstances or how inconvenient it may be to the professionals in the room.

The CIP Talks that were mentioned at the opening of this article are a reminder of just how common our commitments are and a call to action we can answer today. ■

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