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# Children and Youth Services Review

journal homepage: [www.elsevier.com/locate/childyouth](http://www.elsevier.com/locate/childyouth)

## Understanding the effects of an interdisciplinary approach to parental representation in child welfare

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### ARTICLE INFO

#### Keywords:

Juvenile court  
Parents' right to counsel  
Family reunification  
Family preservation

### ABSTRACT

Prior research demonstrates that the interdisciplinary law office approach to parental representation in child welfare, used in the New York City Family Court, speeds up the time to permanency for children in foster care with no effect on child safety. Interrogating these findings further, this study utilizes a qualitative interview-based design to understand how the model works in practice to impact the outcomes of families' cases. We interviewed 42 practitioners in the New York City Family Court and 17 parents who had had a recent child protection case in the New York City Family Court. Practitioners included judges, court attorneys, attorneys who represent parents in these cases, attorneys who represent children in these cases, and attorneys for the child welfare agency. Based on our analysis of these interviews, we identify three elements critical to the success of the interdisciplinary law office case practice approach: [1] uniform high-quality representation, [2] interdisciplinary practice, and [3] paying attention to the client's well-being. These results shed light on why interdisciplinary law office parental representation effectively hastens reunification for children in foster care as compared to a solo practitioner attorney.

### 1. Introduction

With the paradigm in child welfare policy in the U.S. shifting to one of prevention of foster care through the Family First Prevention Services Act of 2018, calls for high quality parental representation in child welfare cases have risen to the national policy agenda. At the end of 2018, the U.S. DHHS amended the Child Welfare Policy Manual to allow state child welfare agencies operating pursuant to Title IV-E of the Social Security Act to seek reimbursement from the federal government for administrative costs for attorneys to provide legal representation to parents and children in child welfare cases. A year earlier, the same agency released a memo encouraging child welfare agencies and courts to ensure all parties within child welfare proceedings receive high quality legal representation ([Administration on Children, Youth, and Families, 2017](#)). The American Bar Association, in particular, has led the movement for high quality legal representation for parents in child welfare cases through the National Alliance for Parent Representation and the Family Justice Initiative ([ABA National](#)

[Project to Improve Representation for Parents, 2017](#); Heimov, Laver, & Carr, 2017).

With the renewed urgency to provide improved parental representation in child welfare cases, stakeholders and researchers have increasingly asked: what *kind* of representation should be provided to parents? Two landmark studies completed in Washington and New York have identified elements of improved parental representation that sped up children's time to permanency ([Courtney & Hook, 2012](#); [Gerber et al., 2019](#)). This study focuses on the model of parental representation studied in New York called "Interdisciplinary Law Offices" (ILOs) or "multidisciplinary offices". The New York study compared the outcomes of child welfare cases in which parents were represented by lawyers who are members of the court-assigned panel and work as solo practitioners on their cases, with cases in which parents were represented by lawyers from the ILOs. Using a quasi-experimental design, the study concluded that ILOs hastened reunification for children in foster care, with no changes in child maltreatment rates.

This article follows up on the original New York study to provide

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<https://doi.org/10.1016/j.childyouth.2020.105163>

Received 24 March 2020; Received in revised form 8 June 2020; Accepted 9 June 2020

Available online 12 June 2020

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deeper qualitative insight into how the ILO model works and why the ILO model improves reunification outcomes. We conducted nearly 60 interviews with key actors in the New York City Family Court child welfare system, including parents, lawyers, and judges, among others. In doing so, we sought to explain how ILOs speed up reunification for children in foster care. Understanding these mechanisms will provide policymakers with the tools to assess what core components may make the ILOs successful and whether ILOs would have similar impacts in a particular jurisdiction.

## 2. The ILO model in context

Starting in 2007, the New York City Mayor's Office of Criminal Justice, the office responsible for payment of legal services for indigent parents in Family Court proceedings, entered into contracts with three nonprofit organizations to provide interdisciplinary legal defense for parents in Family Court. These organizations are the Center for Family Representation, the Family Defense Practice of Brooklyn Defender Services (formerly of Legal Services New York City), and the Bronx Defenders. We refer to these offices collectively as "interdisciplinary Law Offices" (ILOs), or "multidisciplinary offices" or, simply, "offices." By the end of 2019, these offices, and a fourth office that was not part of this study, provide a substantial majority of the legal representation for parents facing child maltreatment petitions in the New York City Family Court. Panel attorneys, also known as "18-B attorneys" after the section of New York County Law that describes their function, represent the remaining parents. Panel attorneys are highly experienced private practitioners who successfully applied and were appointed to the panel. In contrast to the ILOs, panel attorneys manage their own practices individually and do not have interdisciplinary teams by default. The description of the ILO model below draws heavily on the original outcome evaluation of the model (Gerber et al., 2019).

These offices employ an interdisciplinary and holistic case practice approach when representing parents, in contrast with the panel attorney model it replaced. In addition to staff attorneys who appear in court and only represent parents in child welfare cases, these three offices employ social workers, parent advocates, lawyers who specialize in particular aspects of child welfare law, supervisors, and other in-house personnel. With this interdisciplinary case practice model, most parents are represented by a lawyer along with a social worker and/or parent advocate. Parent advocates are individuals who have faced proceedings in the Family Court as parents charged with maltreating their children. Some providers have additional experts on staff, as well: attorneys to represent clients in criminal, housing, and immigration court; experts who focus on troubleshooting public assistance, educational issues, and other government systems; paralegals; and investigators.

While staff attorneys address in-court representation, social work staff address issues outside the courtroom to support the family, including advocating for parents at agency conferences, assisting parents to enroll in court-ordered programs, and otherwise attending to their needs. The offices pay particular focus to shortening the time children spend in foster care as well as on visiting arrangements for children and their parents that are as frequent and long as possible and in natural settings; placement arrangements that support a child's connection to family; services that address a parent and child's strengths and needs and which are tailored to the specific family; and, conferences and meetings that occur out of court and provide opportunities for parents and older youth to participate in their case planning (Cohen & Cortese, 2009; Stone-Levine, 2012).

A growing body of literature describes quantitatively how models of improved parental representation benefit case outcomes for children and families, particularly speeding up the time to permanency outcomes (see a review in Gerber et al., 2019). More recent studies have explored qualitatively what the mechanisms are that may influence these outcomes. A mixed method evaluation of a child protection law

clinic in a Midwestern state utilizing a somewhat similar model to the ILO model found that, *first*, clients appreciated the "strong, holistic and humanistic" legal defense they received (Haight, Marshall, & Woolman, 2015). Additional research describes how the breadth of discussion at the initial hearings in child protective cases increases the likelihood of case closure and reunification (Summers, Gatowski, & Gueller, 2017). *Second*, in the Midwestern law clinic, maintaining a positive attorney-client relationship—identified as a challenge—was believed to be a critical element in successful representation. The study notes that "many recognized the challenges faced by [law] student [attorneys] in developing and sustaining relationships with distressed parents whose life experiences were very different from their own" (Haight et al., 2015, p. 16). Furthermore, "some parents were concerned about the apparent friendliness of their attorney with opposing counsel" which "reflected their lack of familiarity with legal norms" (Haight et al., 2015, p. 15). *Third*, research suggests that parent mentor programs situated outside of the formal child welfare system and which employ parents from a community are better equipped to serve and develop relationships with parents in that community who are involved with the child welfare system. A study of the Minnesota One-Stop for Communities Parent Mentor Program, started by and employing African-American parents from the local community, found that they were more able to build trusting relationships with and address the needs of African-American parents from nearby communities (Soffer-Elnekave, Haight, & Jader, 2020).

Drawing on the insights from these studies, here we continue to explore how the quality and scope of representation provided, the interdisciplinary team members including parent mentors, and the attorney-client relationship are linked to one another and the outcomes of cases.

## 3. Research methods

### 3.1. Overview

We designed this study to help explain differences in case outcomes established in a quasi-experimental study which, through a propensity score matching design, concluded that ILOs in NYC hastened reunification for children in foster care, with no changes in child maltreatment rates as compared to panel attorneys (Gerber et al., 2019). In order to understand ILO case practice, parents' experiences and court functioning, we interviewed a range of key actors in the NYC Family Court, including parents who had experienced a family court case and representatives from every party in child protection cases. Interviewing stakeholders from all the parties involved in child protection court cases allowed us to compare responses on important topics from many vantage points. We conducted the qualitative interviews with the following research question in mind: *How do any differences between the ILO model and the panel attorney model account for the variation in outcomes between the two models?* In answering this question, we explored three guiding questions listed below:

- How does the ILO model differ from the panel attorney model in practice?
- How do parents' experiences differ with the ILO model than with the panel attorney model?
- What effects has the ILO model had on overall court functioning and other court stakeholders?

Ultimately, we synthesized our answers to these three sub-questions to help explain the differences seen in the outcome data, and we discuss the implications for policy and practice.

### 3.2. Sample

We interviewed a range of key actors in the NYC Family Court: [1]

**Table 1**  
Practitioner Sample Characteristics (N = 42).

Practitioner Type	No.	%
ILO Attorney	19	45%
FCLS (ACS Attorney)	8	19%
Judge	6	14%
Legal Aid	4	10%
Court Attorney	3	7%
Panel Attorney	2	5%

**Table 2**  
Parent Sample Characteristics (N = 17).

Sample Characteristics	No.	%
Attorney Type		
<i>ILO</i>	7	41%
<i>Panel</i>	7	41%
<i>Both</i>	1	6%
<i>Private</i>	1	6%
<i>Unidentified</i>	1	6%
First Petition Filing Year		
2003	1	6%
2010	2	12%
2011	1	6%
2012	2	12%
2013	1	6%
2014	2	12%
2015	3	18%
2016	4	24%
2017	1	6%
Court Borough		
<i>Brooklyn</i>	4	24%
<i>Bronx</i>	7	41%
<i>Manhattan</i>	5	29%
<i>Queens</i>	1	6%
English as Primary Language		
<i>Yes</i>	15	88%
<i>No</i>	2	12%
Race/Ethnicity		
<i>Black or African-American</i>	10	59%
<i>Hispanic/Latinx</i>	5	29%
<i>Native-American</i>	1	6%
<i>Unidentified</i>	1	6%
Highest Education Obtained		
<i>High school/GED</i>	8	47%
<i>Some College</i>	5	29%
<i>College Degree</i>	3	18%
<i>Graduate Education or Degree</i>	1	6%
Age Group		
22–30	7	41%
31–40	5	29%
41–50	4	24%
51–60	1	6%

parents who had experienced a child protection case, [2] attorneys from both models of representation—ILO and 18-B panel, [3] judges and court attorneys, [4] attorneys that prosecute cases for the child welfare agency (known as “FCLS” attorneys as these staff are part of the Family Court Legal Services division of the NYC Administration for Children’s Services), and [5] attorneys who represent children in child protection cases.

Our interview respondents are described in Tables 1 and 2. Our analysis sample comprises 42 legal practitioners, and 17 parents who had a recent child protection case in the NYC Family Court and met the study’s criteria. We interviewed 7 additional parents who were excluded because they had cases only prior to 2007, or only had family court cases that were not child protection cases.

Table 2 shows the demographic information we gathered about parents who participated in the study. Of the 17 parents who met the

criteria, seven were represented by panel attorneys, seven by ILO attorneys, one parent by both types of attorneys, one parent by a privately hired attorney, and one parent by an attorney we could not identify. The most common final case outcome for parents we interviewed was reunification (14 parents), followed by some children reunified and some released to a relative (2 parents), and some children reunified and some adopted (1). Case outcomes happened to distribute evenly across attorney types and so are unlikely to bias our results across attorney type. Of the parents who had children released to a relative, one was represented by an ILO attorney and one by a panel attorney; and the parent who had children who were adopted was represented by both types of attorneys. Demographic characteristics seem to be representative of parents who have children removed to NYC’s foster care system. Of parents who identified their racial and ethnic identities, 100% were people of color, and of all parents, 69% identified as Black or African-American—reflecting the reality of entrenched systemic racism in NYC’s foster care system.

For each practitioner group, we interviewed at least one professional from every court borough. Practitioners we interviewed had extensive experience practicing in the NYC Family Court, with most having over ten years of experience.

### 3.3. Procedures

Two researchers conducted most of the interviews, and three trained law students conducted the remaining interviews. Most interviews were conducted in-person, and some were conducted over the phone (3 practitioners and 7 parents) depending on the individual’s preference. For most interviews, individuals did not consent to be audio recorded, so we relied on notes taken during and after the interview; some interviews were recorded and transcribed verbatim (4 practitioners and 7 parents). Practitioner interviews were conducted in the individual’s office or at the courthouse. Parent interviews were conducted at a variety of locations with the individual’s convenience and comfort determining the location, oftentimes at a coffee shop or restaurant near the person’s home or work. Interviews lasted approximately 40 min on average. We received approval from the Casey Family Programs Human Subjects Review Committee, the New York University IRB, and Solutions IRB to conduct this study. Recruitment materials, interview questionnaires, consent forms, and telephone scripts may be obtained from the authors upon request.

### 3.4. Recruitment protocol

Regarding recruitment, parents needed to meet the following criteria to be eligible: they must have been a parent respondent in a child protection proceeding in the NYC Family Court that began after 2007, and they could not have an open case with the ACS or the NYC Family Court as of the screening date. By recommendation from our advisory board group, we did not interview any parents with an active ACS or family court case. We were advised that parents with any active involvement in any child welfare court proceeding might feel coerced into participating or that their participation might impact the outcome of their case. To recruit parents, we set up a phone line and email address where parents could contact the research team. Each parent who contacted us was screened for eligibility and, if eligible, interviewed in-person or over the phone. Each parent received a \$100 gift card for participation in the study.

With the phone and email in place, we conducted outreach to solicit responses from parents using three strategies: [1] outreach to local service agencies and community organizations, [2] partnering with parent advocacy organizations, and [3] referrals from interview participants. *First*, the research team identified a list of hundreds of local services agencies and community organizations, such as foster care agencies, preventive service agencies, churches, community centers, libraries, food pantries, homeless shelters, medical providers, and

welfare offices. We emailed information about the study and brochures to each provider for the provider to share. The team also presented at a few local service provider meetings. **Second**, the research team contacted organizations that advocate on behalf of parents who have experienced child welfare cases, such as the Child Welfare Organizing Project (CWOP) and RISE magazine. These organizations shared information about the study with parents involved in their organizations, and more broadly to other parents. **Third**, at the end of each interview with a parent, we shared our contact information with them so that they could pass it along to anyone they may know who could then contact us directly, if interested.

During the interviews, we asked parents for information about their family court case, how their attorney and other staff represented them and prepared them for court hearings and conferences, services they received during their case, and the overall impact of their attorney and team on their court case. We learned about parent perceptions of due process and fairness, effective and ineffective characteristics of representation, challenges and frustrations parents faced when working with their attorneys, and the ideal role of parent representation based on their own experiences.

In sampling court practitioners, we wanted to interview at least one professional from every relevant court borough for each practitioner group, in order to understand the differences across courts. We also intended only to interview professionals with five or more years of experience in the NYC Family Court to get a more knowledgeable group. To achieve an unbiased array of perspectives, we attempted to get a random sample of legal practitioner participants by randomly selecting them from a list (using the above criteria) and inviting them to participate by email. When we needed additional participants due to low response rates, we sought recommendations from our advisory board group—which included judges, representatives from the child welfare agency and foster care providers, an active panel attorney, and a representative from an ILO, among others.

Each practitioner group required a slightly different manner of selection described below. **Judges and court attorneys** were initially selected randomly from a list of active judges and invited to participate. Several of these individuals either did not respond or declined to be interviewed. To ensure that we gathered the views of judges, we interviewed some jurists who were recommended by our advisory board. Executive staff from the Administration for Children's Services Family Court Legal Services Division selected **FCLS attorneys** for interviews, and executive staff from the Legal Aid Society recommended supervising **child attorneys** for interviews. Both FCLS and the Legal Aid Society used the criteria above in making these recommendations. We don't believe that either group skewed the perspective we received from our interview participants. Neither group had a vested financial or other interest in giving us a more or less favorable view of the ILO model, and FCLS staff told us explicitly that they wanted us to speak to some attorneys who had unfavorable views of the ILO model and some who had favorable views so that both would be represented. **Parent attorneys** from each representation model were randomly selected to participate in the study. Based on staff rosters, we developed lists of currently practicing attorneys from each panel and provider who had been practicing for at least five years. We achieved a 100% response rate from the ILO attorneys. We sent out multiple emails to individual panel attorneys but received no responses that led to interviews. We then spoke to panel attorneys at the courthouses to request interviews and were able to recruit some attorneys to participate in interviews.

### 3.5. Analytic approach

In analyzing our interview data, we began by reading through the interview data which comprised interview notes and transcripts. Then, we developed a codebook of themes and sub-themes, each with a description and keywords, drawing our initial list of codebook items from the questions in our interview instruments. These topics comprised

parent attorney case practice, court functioning and the system-wide impact of parent representation, parents' experiences and satisfaction, and overall assessments of the two models of parent representation. Once the research team agreed on an initial codebook, three researchers coded a small subset of the interviews and compared responses. The research team then revised the codebook to include additional themes and collapse similar themes. After consensus was reached on the meaning of each theme, the three researchers double-coded 6 interviews of multiple participant types in order to assess the reliability of the coding and align their coding schemes. The researchers discussed and manually reviewed the 6 double-coded interviews, and there was high agreement in coding across the interviews though we did not use a statistical measure of inter-rater reliability. The three researchers then divided up the remaining interviews and coded line-by-line in NVivo with the finalized codebook.

After the interviews were coded, we summarized insights from each group and compared instances of each theme and sub-theme across the interview participant groups listed above to answer the three guiding questions. We focused on what interview participants frequently said about each theme, what insights we could find that were relevant to our questions, and how statements from one group compared to what other groups of interview participants said. In analyzing the transcripts, we most importantly intended to compare experiences with the ILO and panel attorney models of parent representation. We were additionally mindful of several dichotomies among our interview participants: [1] ILO attorneys versus panel attorneys, [2] parents represented by ILOs versus parents represented by panel attorneys, [3] parents versus parent attorneys, [4] parent attorneys versus other court actors, and [5] court practitioners who worked in the NYC Family Court before and after ILOs were implemented versus court practitioners who worked in the NYC Family Court only after ILOs were implemented. Through matching quotations across themes and comparison groups, we wove together the stories and perspectives that parents and practitioners shared in order to answer our research question.

## 4. Findings

### 4.1. Overview

As we discussed earlier, this study investigates the ILO model with the research question: how do any differences between the ILO model and the panel attorney model account for the outcome data? Prior findings showed that the ILO model in New York City significantly shortened foster care stays when parents were represented by ILOs as compared with representation provided by solo practitioner attorneys. In this study, we gather what can be learned about *why* outcomes differed. What are the mechanisms through which ILOs are able to secure the safe return of children from foster care to their families more quickly?

Through our analysis of our interviews, we identified three core components that appear to make the ILO model successful: [1] *uniform high-quality representation*, [2] *interdisciplinary practice*, and [3] *paying attention to the client's well-being*. The following sections describe each component.

### 4.2. Uniform high-quality representation

From our analysis of our interviews, the first key factor in the ILO model shortening time in foster care is uniform high-quality representation. The ILO case practice approach focuses on well-executed creative and aggressive court hearing practice in a standardized way across attorneys trained within each organization. We use the term "high-quality" referencing the definition for high-quality legal advocacy for parent attorneys created by the Family Justice Initiative (FJI). According to FJI, high-quality legal advocacy comprises the following four elements:

*Develop a case theory and legal strategy for adjudication, and advance other client objectives and issues that support reunification (e.g., litigation to increase visitation).*

*Engage in proactive case planning, develop and propose a case plan, identify service providers, and set a visitation schedule (if family maintenance or immediate family reunification is not possible).*

*Litigate issues and use experts, as needed, to achieve clients' case goals, including through active motion practice throughout proceedings, not only at statutorily set periodic review dates.*

*Explain to clients their right to attend court hearings and advocate for clients who want to attend court proceedings to attend in person. (Family Justice Initiative, 2019)*

Below we highlight the major ways that the ILO offices, according to one judge, “changed the culture at court” through uniform high-quality representation and how that leads to faster reunification for families.

#### 4.2.1. Client contact

Most parents who were represented by ILO lawyers were very satisfied with how their attorney contacted and prepared them for court hearings: “when I called her, she always called me back right after on the same day.” We found in analyzing our interviews that the presence of social workers and parent advocates in the ILO representation model appeared to increase the amount of communication between court appearances. As one parent who was represented by an ILO lawyer said, “I [saw] the social worker more because she made herself” available to me. Attorneys from both models reported spending a majority of their day in court, going from hearing to hearing with little downtime. ILO attorneys, however, relied on other team members, particularly the social workers and parent advocates, to stay in touch with the client and respond promptly to their inquiries. Other practitioner groups also found that ILO teams responded faster to their communications, facilitating the interaction between the parties to move the case forward more quickly. For example, one Legal Aid lawyer explained that lawyers from the ILOs responded to out-of-court communications much faster than panel lawyers did, something this lawyer believed is an important reason that they achieve better results for their clients.

In contrast, among the parents we spoke to, parents represented by panel lawyers were much more likely to complain about the lack of communication between court appearances. “I always felt like I was doing the work opposed to him. Like I would just call him and tell him, hey, I found out this, hey, I found out that.” Another parent who had a panel lawyer said, “I understand that lawyers have a lot of cases, but when you tell me to call you and I call you, then answer.” Panel attorneys, according to our interview respondents, while being well-meaning, passionate, and skilled practitioners, lack the resources to maintain close contact with clients. Shuffled from hearing to hearing during the workday, panel attorneys often cannot respond to client inquiries within a reasonable time.

ILO attorneys had social workers and other team members to support maintaining close contact with clients. On the other hand, panel attorneys did not have those resources and, therefore, were “pretty much never off [work].” One panel attorney described herculean efforts to stay in contact with clients: I “talk to my clients, meet my clients, read every document they give me, answer every single text they send me at 7:00 am in the morning, at 1:00 am on Saturdays, on Sundays.” But, the voices from parents and other stakeholders told a different story – one where panel attorneys often could not live up to this standard, because of the lack of team member support. In addition to improving client satisfaction, the capability to maintain frequent client contact—buoyed by the interdisciplinary team—facilitates better court preparation within the ILO model, and other advantages, as we describe below.

#### 4.2.2. Court preparation

The consensus among court practitioners was that “ILOs were better

prepared on average” for hearings. One FCLS attorney described that the ILOs are “more aggressive in requesting that children be returned to their families quicker, more aggressive getting discovery at [conferences], advocating [for clients'] next visitation ... generally more prepared in hearings than panel lawyers.” One judge stated that “the offices really do high quality work; they are better prepared” than the panel lawyers. Practitioners stressed that ILO attorneys strategically prepared to leverage each court hearing to resolve their client’s case, recognizing that months may disappear between hearings and their client may continue to be separated from their children. In a deeper way than panel lawyers, the ILOs prepare to use each court appearance to advance their client’s cause, often accelerating the time cases can be resolved. By actively preparing how to use each court appearance as a potentially significant one, the ILOs help secure children’s return to their families more quickly through advancing the parent’s interests and providing the judge a more holistic picture of the case.

Judges told us that better court preparation from the parent’s attorney led to quicker decisions on their part. One judge stressed that “whether or not we [judges] are presented with the evidence that we need” impacts the judge’s ability to decide the case correctly and timely. In her words, “if all you hear from is ACS and we don’t hear from the parents’ attorneys who haven’t gone and subpoenaed witnesses or uncovered records or brought in whatever other pieces... then I’m simply missing that information. My job is made more complicated if you feel like the attorney representing the parent is not actually bringing out information that might be out there that they haven’t actually tapped into.” When the attorney has adequately prepared for the hearing and planned how to leverage that hearing to move the case forward, judges have all the information they need to make quicker decisions and the parents’ interests are advanced to a greater degree.

Because of better court preparation, one Legal Aid lawyer said that lawyers from the ILOs “hold the system accountable in a way that the panel attorneys cannot.” This lawyer explained that the ILO lawyers “are very concrete in making sure everyone knows where the failings are, if it’s a failing by an agency.” This lawyer also explained that the ILOs approached court proceedings more formally than the panel attorneys, insisting that everyone follow the law; the lawyer believed that, by doing so, children stayed in care for shorter periods of time. Ultimately, one Legal Aid attorney expressed that “ILOs have made us do our jobs better and contributed to this court being more of a real trial court. It used to be that instead of putting a witness on, attorneys would just tell the court [what is going on]. Now we have more real hearings, more demanding hearings. We are all more skilled trial attorneys because of it.”

In addition to supervision and training for attorneys, part of what allows the ILO attorneys to prepare better for hearings is that the legal team maintains close contact with the parent and thus has more complete evidence to share and a more developed case theory and legal strategy.

#### 4.2.3. Legal motions

Respondents reported that ILO lawyers file many more motions and requests for court hearings than panel lawyers. As one FCLS lawyer expressed it, “Before [the ILO office] came onto the scene, there was very little motion practice in the courts. The panel lawyers took the position that it would be good enough to discuss the case next time in court.” A second FCLS lawyer said the ILO offices “changed the practice from one in which motions were rare to where they are a regular feature of practice.” One judge explained how the new ILO offices raised the level of practice in Family Court considerably when they began in 2007. “When the lawyers from the offices came in and started making motions and filing appeals and doing zealous practice, everybody started – the panel lawyers took notice.” Like other legal practitioners, Legal Aid lawyers emphasized the extent to which the ILOs changed the culture of the court by practicing at a level unseen before. One Legal Aid lawyer explained that the ILOs utilize superior motion practice –

part of “a whole team to step up the game.”

The kind of motions mentioned most frequently were requests for evidentiary hearings pursuant to sections 1027 or 1028 of the New York Family Court Act (known as 1027 or 1028 hearings) at the very beginning of the case challenging the recommendation of the child welfare agency that the child or children be placed in foster care. Parents have the option to oppose the placement of a child into foster care at any time during the pendency of the case. Once requested, the hearing must begin within 72 hours of the request. The issue to be decided is either whether there was a lawful basis for the child’s removal or, even if there was, whether changes in conditions since the child’s placement make it safe to return the child.

Before the ILO offices opened, very few contested hearings were held challenging a child’s foster care placement. Court practitioners unanimously described an uptick in these hearings following the implementation of ILOs. According to one judge, because panel lawyers “also have other caseloads at the same time,” they would not bother seeking these hearings. But with the coverage made available to the staff lawyers in the ILO offices, “they are able to insist upon these hearings.” Today, these hearings are commonplace in the NYC Family Court. By using each court appearance to advance their client’s cause, as one Legal Aid lawyer put it, the new offices greatly accelerated the return of children to their families and the court’s oversight of placement decisions when children were removed from their parents.

According to the court actors we interviewed, the ILOs frequently file other motions previously unknown in the court system, ranging from seeking more frequent visitation and under the least restrictive conditions when children are in foster care to more complete discovery (sharing of documents and information relating to the case) so that they are better prepared to defend their clients. One Legal Aid attorney who had practiced before the ILOs began mentioned that “previously, ACS’s not responding to discovery demands was a problem, now it’s routine to get discovery early in a case” because of frequent motions from ILO attorneys. According to one FCLS attorney who had been practicing prior to ILOs, “panel attorneys didn’t usually file motions too much ... they never put a motion on paper but might verbally argue it for the court.” The motions can speed up the court process by pressuring other parties to respond to the respondent parents’ requests within statutorily defined timeframes.

Certain features of the ILO model make filing motions easier and more consistent with best legal practice than for panel attorneys. One judge pointed to the excellent supervision provided by the offices as maintaining a high level of practice consistently, whereas panel attorneys have no supervisor and more variation in practice. The judge explained further that “it’s more than just an individual’s supervision. It’s an agency that has the ability to look on a broader scale at policy and outcomes and what needs to happen to improve the level of practice.” As a single nonprofit entity, each ILO shares motions across cases, conducts regular trainings to develop practice, and disseminates recent rulings or updates to law. Each provider retains a digital database of all motions filed by topic of law. Over time, an institutional knowledge base has developed where an ILO attorney can easily find a readily usable template for complex motions that a panel attorney would need to draft from scratch. Furthermore, representing parents in potentially thousands of cases each year allows the ILO offices to identify and improve patterns in practice.

#### 4.2.4. Court process and timeliness

Legal practitioners outlined several ways that ILO case practice sped up the court process. This occurred, they believe, because ILOs reduced the need for postponements compared to panel lawyers—whether due to illness, vacation or conflict with another court appearance having been scheduled at the same time. The ILO system of representation allows for another lawyer from the office to appear in place of the assigned lawyer who is unavailable, speeding up the process overall. Each office shares a case management system so substitute attorneys can

review the details of the case. One court attorney explained that, “You are much more likely to have nonappearances by panel attorneys...They’re all independent practitioners, so if they’re hospitalized or out sick or disorganized, there isn’t necessarily anyone to cover that case for them.”

A judge explained that the ILO lawyers get started on cases much more quickly than panel lawyers, because sometimes no panel lawyers are ready and available to be assigned to cases. This judge said, with panel attorneys “we are having delays where we simply can’t find an attorney to accept the case. We try, and it impacts our overtime which isn’t really the big issue for this study...That’s different with the institutional providers, to have a really reliable and steady stream of people who are committed to appearing on the number of cases.” One judge said that the ILO model did not make court practice more efficient, but rather suggested that it made aspects of court work easier because of better coverage and management of court dates.

The ILO model, however, challenged many FCLS attorneys in a more adversarial way than panel attorneys, negatively impacting some FCLS attorneys’ workloads and job satisfaction. Some FCLS attorneys appreciated that ILO attorneys could be easier to contact due to a centralized office number and supervisors, and that ILO attorneys assisted parents with services which helped resolve cases more quickly. Some FCLS attorneys believed that the offices’ penchant for filing motions and hearings slowed down the court system by requiring the judges, and the related court personnel (prosecuting lawyers, children’s lawyers, and witnesses), to spend more time hearing evidence or reviewing court papers. One FCLS lawyer stated that the ILO attorneys inhibited their ability to hire new FCLS attorneys, because of how ILO attorneys treat FCLS attorneys and how the offices engage in media efforts to portray the ACS negatively. One FCLS lawyer even wondered whether the offices were preventing children from being reunited sooner because of their adversarial posture, suggesting that the more aggressive advocacy engaged in by the institutional providers “hurt[s] their clients because it can be unlikely to settle and more likely to go to trial. The constant need to litigate everything limits the amount of good work ACS can do.” This lawyer explained that panel attorneys will listen to what she and the caseworkers have to say and why the case is in court. In contrast, the office providers too often “are not interested in hearing any of that; they talk to their clients and get their client’s position, and they won’t listen to any other story or facts.”

Notably, the quantitative study of the ILO model referenced earlier found that, in the aggregate, the ILO model sped up the time to children returning home as compared to the panel attorney model. Given this finding, while it may be possible that an ILO attorney utilizing excessive litigation or being unwilling to settle may delay some cases, that does not appear to be common. It is possible that FCLS attorneys had adoption cases in mind, as the quantitative study found no difference in the timeliness to adoption, and ILO attorneys would, in most cases, heavily contest any termination of parental rights and subsequent adoption.

#### 4.3. Interdisciplinary practice

The second key factor in the success of the ILO model is *interdisciplinary* practice. By interdisciplinary practice, we mean that most parents are represented by a lawyer along with a social worker and/or parent advocate. While the legal staff address in-court representation, social work staff support the parent outside the courtroom, including advocating for parents at agency conferences, assisting parents to enroll in court-ordered programs, and otherwise attending to their needs. In contrast, *holistic* practice refers to the work of addressing contemporaneous collateral legal issues to the child protection case, which may involve additional experts on staff. For example, holistic practice may involve attorneys to represent clients in criminal, housing, and immigration court, or experts who focus on troubleshooting public assistance, educational issues, and other government systems. Below we

describe the critical ways that the ILO interdisciplinary practice allows children to be reunited sooner with their parents.

#### 4.3.1. Utilization of interdisciplinary teams

All the parents represented by ILO attorneys mentioned that the lawyer was supported either by a parent advocate, social worker, or both, and most parents appreciated the support. As one parent shared, “the social worker was there, and she was very helpful and understanding. I can go to her and she was definitely available to me.” One Legal Aid attorney put it, “with [ILOs], the social worker is built into the model.” The different offices in the study employ their interdisciplinary staff differently. As of the time we conducted interviews, the Center for Family Representation strives to use lawyers and social workers on virtually every case. The Bronx Defenders and Brooklyn Defenders are more likely to make case-by-case determinations regarding whether and to what extent to add non-attorney resources to a particular case.

Almost every parent represented by panel attorneys said that their lawyer was the only person working on their case. One panel attorney interviewed acknowledged that he “hadn’t felt the need [to have additional staff members helping] on the particular cases that I have with the particular clients that I have.” He went on to add that “many of them are lucky enough to have family who can help guide them if they need some assistance. Another panel lawyer explained “I don’t need social workers. I did social work for 15 years before I started practicing. I’ve taught in social work schools, so I’m the social worker.”

Court practitioners agreed that panel attorneys rarely asked judges to assign a social worker to work with them, despite a provision in the law permitting them to do so. Among other issues, the procedure for doing so is onerous. An attorney must complete the petition to the court, wait for the order to be approved, select a social worker from an approved court list, and then call and hire the social worker pending their availability. As one Legal Aid attorney (who represents children) said, by the time a panel attorney “[gets] a court order [to appoint a social worker], they are behind the ball already.” However, even when the provision is used, the social worker may not be integrated into the case practice effectively. In the one case where a parent represented by a panel attorney had a social worker, the parent “didn’t understand the point of the social worker, she didn’t help much, she was just there.” This parent’s experience suggests that there is a significant difference when the social worker is a part of the core team from the very beginning versus when the social worker is added on to perform a specific task.

Below, we describe the key functions we discovered of the interdisciplinary team and how these functions potentially impact case outcomes.

#### 4.3.2. Out-of-court case conferences

In New York, as in many jurisdictions, the majority of discussions that focus on service plans, the case planning goal, and the details regarding visitation of children in foster care occur outside of the courtroom in a series of case conferences run by the child welfare agency. Parents are obligated to attend these conferences. While these conferences are extra-judicial, the recommendations and decisions made at them often have an outsized influence on what happens in the courtroom. In court, caseworkers commonly make key case recommendations based on what transpired at the out-of-court conferences. Furthermore, caseworkers can bring information or statements from these conferences into the courtroom, in the form of evidence or testimony. As one judge explained, the most important part of what happens in a child welfare case “doesn’t happen in the court room”; what’s most important is “how you engage with the agency, understand the case plan, assist the case plan, tailor the case plan to the client’s needs.” The judge added that “the attorneys from the ILOs are more effective [than panel attorneys] in negotiating with the agencies.”

One of the defining qualities of ILO practice is to accompany

parents, to the extent feasible, to all meetings and conferences with the child welfare agency. In the ILO interdisciplinary team practice, the lawyer appears in court and either the social work or parent advocate member of the team (or both) attend these meetings. Parents who were clients of the ILOs told us they were regularly accompanied by staff at these conferences. One parent said, “I was never alone at the ACS conferences.” Having a trained advocate on the parent’s side at these meetings shifts the dynamic of the conference and ensures that the parent’s voice will be heard; in many cases, practitioners and parents believed that this led to decisions more favorable to parents than would otherwise have happened.

An additional benefit to having members of the ILO team attending agency conferences is that the attorney is well-informed of case-related changes between court appearances which they are able to bring to the attention of the legal staff for the child welfare agency. One experienced FCLS lawyer told us that there are many more out-of-court and between-court-appearances conversations with the lawyers from the offices than with the panel attorneys, which leads to speedier outcomes in many cases. He characterized the office practice as “more structured” and said that their social workers frequently influence case conferences by identifying services that parents need, as well as services they should not be required to engage.

Panel lawyers, who lack these co-professionals, rarely, if ever, attend these conferences. As one panel lawyer put it, they “don’t have time to go to that.” One panel lawyer, recognizing the importance of knowing what happens between court appearances, but having no means to find out himself, “always tell[s] his client, write down everything that happens, write down the time you did something, who you spoke to.” Unfortunately, this lawyer explained: “I almost never get a client who does that, I have given clients calendars and said, just write it down. Very, very rarely have I had anybody who’s ever done that.” Both panel lawyers we interviewed explained that they do not work with their clients out of court and, if matters involving their service plan ever arise, they will speak with the ACS attorney to look into the matter. Instead of looking into services for their clients, including ensuring the services are necessary, culturally appropriate and convenient for the client, they rely on ACS. When asked “is there any other type of out of court support you provide to your clients, like talking to their landlords or helping them maintain childcare,” the simple answer was “No, to be honest, no.”

That panel lawyers do not attend these out-of-court conferences confines their efforts in advocating for their clients’ positions to only inside the courtroom which means missing key opportunities to gather information and move their clients’ cases forward outside of court. Panel attorneys often must rely on documentation from ACS on what happened in conferences because no one from the legal team attended, and this limits their ability to present the parent’s story of what happened and develop a legal strategy. Even if the parent takes notes in the meeting, it may not be held as equal evidence to the perspective of a caseworker or social worker. This dynamic can also erode the trust in the parent-attorney relationship if, for example, an attorney questions a parents’ account of a conference because of a lack of documentation. Furthermore, as we describe below, because panel lawyers do not attend out-of-court conferences due to the lack of interdisciplinary team members, panel lawyers often lean on service plans developed by ACS. This, in turn, inhibits their ability to develop a trusting and supportive relationship with the parent because the parent may view the attorney as siding with ACS.

#### 4.3.3. Services

Successful reunification of children and parents in child welfare cases often hinges on the parents’ engagement in a social “service plan” to address and ameliorate underlying problems which led to a child’s removal to foster care. It is crucial that the service plan be appropriate for the family, including that the services required of the parent are in fact necessary and match their needs, and are provided by culturally

competent agencies which are accessible to the parent both regarding hours and location. The ILO social work staff spend considerable time arranging for or vetting such services. In addition to ensuring appropriate services for their clients, ILO staff help guard against pressure from ACS to enroll parents in unnecessary or duplicative services. Parents represented by ILOs expressed their appreciation when their attorneys “chopped half of the services from [the] ACS [proposed case plans], so I can be more focused and have more time for my counseling and get [my life] together.” In contrast, parents represented by panel attorneys often felt frustrated with the burden of their service plans and their attorneys not contesting them. As one parent represented by a panel attorney said about her lawyer, “he would never argue about what services I should do and would never defend me...the judge would make me do more things every time there were more allegations.” Other parents with panel representation described a check-the-box mentality toward services that “the court would give [me a] list of what they wanted me to do...the lawyer would help coordinate services to keep ACS out of [my] business.” Adding extra services can delay the time to reunification as the parent has more items to complete, which means additional burdens on the parent and more chances to miss an appointment or otherwise experience a circumstance that would set back the timeline for reunification like losing a job (Lee, 2016).

The ILO social work staff does far more than find services for clients: they arrange transportation, sometimes accompany clients to services, troubleshoot with the provider around schedule and other issues which may arise, and document parents' progress. As one parent who was represented by an ILO shared, her social worker “helped me find parenting classes and anger management. She'll call them and have them follow up with me. She told them that I am coming to those services. She would call them to check in. She took pictures to show that I completed those classes. She was in it every step of the way.” While ILO teams take on the work of engaging parents in services, it's important to note that this is actually the responsibility of ACS to make “reasonable efforts” to return children home as quickly as possible. The offices are effectively remedying failings in child protection casework practice as we explore further in the conclusion.

One FCLS attorney attributed differences in outcomes between the offices and panel lawyers to the offices' interdisciplinary approach to representation: “they can reach out to services and do more service, making sure clients go to service providers compared to the panel lawyers.” Another FCLS lawyer told us that the ILOs' major contribution to the field is the services the offices are able to secure for parents through the efforts of their social work staff. This lawyer provided a vivid example of how interdisciplinary parental representation makes a difference for parents. When the agency recommends a service provider that has a waitlist, if the parent were represented by a panel attorney, the parent would have to wait until there was an opening. But the interdisciplinary office's proactive involvement results in the social worker finding a different provider and securing the service for the parent months or sometimes years sooner. As one parent told us “They made sure my kids got educational services and proper evaluation diagnoses. Financially, they helped me with housing. They just helped me all the way around and tried to help me stay stable.”

Panel attorneys often have a different conception of the best way to ensure that their clients have appropriate services. Unlike the ILO offices that independently work to identify the most appropriate services for their clients, panel lawyers rely on the referrals from ACS caseworkers. As one panel attorney explained how he connects his clients to services: “I speak to the ACS attorney and try to get them.” Panel attorneys lack the social worker resources to refer parents to services independently and meet regularly with the caseworker on the case. Many parents represented by panel attorneys mentioned how little their lawyer did to help them with services; one parent shared that her lawyer did not help her receive any services, which she directly attributed to her being poor and having a court-appointed panel attorney. Parents recognize that panel attorneys cannot assist with services and

rely on ACS for any service referrals, and therefore may view their attorney as *part* of the system as opposed to their advocate *against* the system. The ultimate impact is that the parent may not trust their attorney as much which can reduce the attorney's ability to advocate effectively for the parent.

#### 4.4. Paying attention to the client's well-being

The final key factor we identified from our interviews is that the ILO case practice approach emphasizes paying attention to the client's well-being. The interdisciplinary team closely attends to the client's emotional well-being and provides support that parents appreciate. Parent advocates, in particular, occupy a unique position, bringing their own personal experience to the parent's situation. Collectively, when the model's focus on the client's well-being succeeds, the parent feels trusting and supported; the legal team can more successfully advocate for the parent, and the parent may complete their service plan more quickly. Below we highlight the major ways that ILOs concentrate on parents' well-being and how that may impact case outcomes.

##### 4.4.1. Creating a supportive relationship between parents and the legal team

Most parents with ILO attorneys shared that they had respectful and supportive relationships with their attorneys and the rest of the team (e.g., social worker, parent advocate, and other members of the legal team working on the case). Some parents stated their attorney tried to gain a full understanding of their situation without making them feel inadequate or inferior. Many parents represented by ILOs shared positive reviews of their experiences with their attorneys, citing great support systems, attorney availability, a strong emphasis on protecting their rights, and the social worker and parent advocate model as the main reasons for satisfaction with their legal team. As one parent told us of their ILO legal team, “Overall, I was lucky they are 100% supportive – they never [judged] me. Welcoming their ability not to judge me just [helped] the process [be] smooth. Made me feel like I don't have to listen to ACS if it's not right.” A small number of parents also stated they have maintained contact and relationships with their ILO attorneys after their cases ended. For example, one parent stated about their ILO legal team, “We had a good relationship. I felt like they are people that I can talk to, and they care about me. They tried to help me in any way they could, and they are very supportive. I still have communication with them and they help me with [advice]. They are my support system, and I will continue to contact them with questions.”

We found that when attorneys developed a supportive relationship, parents trusted their attorneys and cited this as a reason for engaging in services about which they may otherwise have been skeptical. Parents also described being more open to disclosing confidential personal information to their attorney which helped their case but they may otherwise not have disclosed. While we have no quantitative data on the connection between the client-attorney relationship and case outcomes, parents believed this to be a critical component to their satisfaction and achieving desired outcomes in their cases. Prior research shows that many parents report feelings of shame and loss of trust in professionals following experiencing a child protective services case and believe that these feelings lowered their ability to engage in services (Haight, Sugrue, Calhoun, & Black, 2017). In this context, what our interviews suggest is that effective representation hinges on earning the parent's trust and maintaining a supportive relationship throughout.

As one children's attorney from Legal Aid said, an important reason the offices achieve better results is that “they are much more humanizing; there's more humanity in child welfare cases, so it's much more fair, there's more due process—than someone who wouldn't meet with their clients between court dates.” This lawyer explained that by being more collaborative with the children's attorneys than panel lawyers, ILO lawyers are more effective in resolving cases. Even more importantly, this lawyer said, the offices address the needs of their clients

beyond the particular case, which serves the long-term interests of families. This lawyer said the ILOs better serve their clients because they have much more contact with their clients outside of court, attending cases conferences, and interacting with children's attorneys regularly. In one FCLS lawyer's opinion, the proactive nature of the office practice is "an amazing thing." The office springs into motion from the very beginning of the case, providing "so much support there for the parent" which allows them to feel much more supported than they do when represented by panel lawyers.

In contrast, many parents who were represented by panel attorneys expressed that their voice was not heard, a collaborative relationship was never formed, and there was an insufficient amount of communication during the course of their case. Parents stressed that, despite being confused by the process, they often had to gather materials alone to keep their case moving forward, rather than receiving strong representation from their attorney at court. One parent who was represented by a panel lawyer said, "I always felt like I was doing the work opposed to him. Like I would just call him and tell him, hey, I found out this, hey, I found out that. He would say, Oh, I'll look into it. I don't think he was really any help. When this is something you've never dealt before, you're just lost." Still another parent explained, "I would have to get service providers to send information to the ACS foster care agency, and my attorneys would not help with this."

These perceptions spanned the length of parents' cases, starting in their first encounters. One parent represented by a panel attorney described her first encounter with him: "The first time I spoke to [my attorney], he said, oh your papers just landed on my desk. Not like, Hi, you know, I picked up your case. I'm going to be working with you... your papers just landed on my desk." Another parent said that in their first meeting, she told her attorney her story and "it was like it went in one ear and it went out the other ear." Social workers are never present at the initial meeting with a panel attorney. Panel attorneys also emphasized trust-building, but they described their approach as "getting the facts of the situation" and letting parents know you have to work with the ACS "because that's the reality of the situation." As described above, panel attorneys do not have the interdisciplinary team members which limits their ability to maintain close contact with the parent, attend out-of-court conferences, and provide any service referrals or significant service plan feedback. These factors make it more challenging for panel attorneys to develop the supportive relationship needed to provide effective representation and be seen as a trusted partner in a parent's case. As one parent lamented of her panel attorney, "I don't think he cared about my case. ... Like no one was really on my side."

#### 4.4.2. Addressing implicit bias, cultural competency, and trauma

Parents often perceived their attorney as either "on my side"—a trustworthy advocate fighting to make their voice heard—or the opposite, a person embedded in the court system and state bureaucracy. Two factors that parents cited as influencing their relationship with their attorney were how their attorney attended to the trauma of their experience, and whether they experienced a lack of cultural competency or implicit bias from their attorney—sometimes in the form of condescension or microaggressions. One parent, for example, complained that her ILO lawyer spoke too much and too long using legal and technical terms without giving her a chance to absorb all that was said. As a result, as soon as each meeting ended, the parent would take notes in the bathroom afterward so that she could try to understand what she was being told. This person added, her lawyer seemed not to "respect her knowledge and experience. It was frustrating that they were underestimating me. There were also cultural difference(s), which the team was not competent in dealing with." She ultimately viewed her attorney more as a tendril of the court system rather than as her advocate and didn't feel her voice was heard in court.

As the parents we interviewed had experienced the trauma of their children being removed, their legal team supported them during what some parents described as the most challenging moment of their

lives—the separation from their children. One parent said what she appreciated most about her attorney was that "he's there to represent you to make you feel as safe, as comfortable as" you can be. Our interviews suggested that parents appreciated when their legal team acknowledged this trauma or offered emotional support if desired. ILO teams, we found, were better equipped to do this because of the interdisciplinary team and training for team members.

Regarding implicit bias and cultural competency, some parents described the challenges of navigating racial, cultural, economic, gender, or other differences with their attorney and how this complicated developing trust during their case. For example, one parent—a black woman—described that when she first met her ILO attorney—a white man—"he was a little awkward...he's like a young goofball." She then discussed how initially when she discussed her case with him, she didn't feel she could trust him based on their first interactions. When asked about her case, she simply told him, "My son got taken away from me. Now they're making me do X, Y, Z." As her case proceeded and she saw that her attorney respected her, patiently listened to her, and advocated for what she expressed as important, she felt, "Okay, I trust you, I trust you" and "jumped right in" to services; her children were reunited with her some months later. Ultimately, when asked how she felt about her attorney, she said, "you could talk to him. Whatever you needed, whatever you admired to want or to have, he would make that effort for you." In summary, she said, "he represents me."

How the attorney navigated clients' identities and experiences of race, culture, class, gender, and others—interlaced with the trauma of separation from their children—impacted whether trust developed between the parent and attorney. Many parents described that they were fighting a system unfairly stacked against them, as one parent said of their ILO attorney, "She represented me fairly well, it was better with her. I didn't feel like I got what I wanted but did get the case to end, and we got the best outcome we could have gotten. I understand what position she was in, that the court system is biased, this is the best way we can get through the situation." In this context, whether the parent viewed their attorney as part of a biased system or part of their struggle against that system depended critically on how attorneys navigated these issues and developed trust.

In our observations conducting this study, we noticed that ILO staff appeared to more closely resemble the demographics of their clients—more female staff, more staff of color, and more younger staff—and that ILO offices concentrated in a deeper way on addressing implicit biases and understanding their clients' circumstances, than did panel attorneys. The inclusion of parent advocates as staff at the offices seemed also to facilitate the teams connecting with individual clients on their cases and to support efforts to reduce implicit bias and promote understanding. Our interviews with parents suggest that these factors influence the trust and support that parents feel from their legal team. And, as we describe above, when a trusting relationship develops between the parent and legal team, that can alter the outcome of the case through presenting more complete information to the judge, better representing the parents' perspective and voice in court, and engaging a service plan that is more tailored and feasible for the parent.

## 5. Discussion

These interviews add to our understanding of the reasons the interdisciplinary law offices achieved shorter lengths of stay in foster care than clients represented by solo practitioners. In broad strokes, the differences seem to be attributable to three key components which carry across multiple aspects of practice, and which distinguish the method and format of the representation each version offers: [1] uniform high-quality representation, [2] interdisciplinary practice, and [3] paying attention to the client's well-being. These factors are largely consistent with prior research described previously, particularly the salience of the client-attorney relationship illuminated in [Haight et al. \(2015\)](#). To extend the research, we have traced how these components

interact with one another, and, ultimately, suggest why these components lead to children returning home faster.

The interdisciplinary law office approach to representing parents places a premium on paying careful attention to what is happening in the parents' lives throughout the life of the court case. The offices also appreciate that *time* is an extremely precious commodity in child welfare cases. Legally, the length of time a child remains in foster care is an important factor that will ultimately be considered when deciding the outcome of the case. Emotionally, and in terms of human costs, the impact on parents and children suffering the consequences of family separation is incalculable. In light of this, the interdisciplinary law offices are organized to respond in the moment and proactively to advance their clients' case. Although we are unable to determine which component is more important, it is clear from the summary of the interviews that the three, in combination, go very far in explaining the different outcomes achieved by the two models. Institutional structures of the ILO model promote uniform high-quality legal presentation through frequent client contact, better court preparation, well-executed legal motions that advance the parents' interests, and timely court processing. Interdisciplinary practice facilitates more frequent client contact and better court preparation. Furthermore, interdisciplinary practice allows for the legal team to advocate for the parents' interests at out-of-court conferences and provide service referrals independent of ACS and the agency. In turn, these factors and the case practice emphasis attend closely to the client's well-being, promoting a more supportive relationship between the parent and legal team, while caring for the client's emotional experience of their case and navigating implicit bias and cultural competency.

Although we believe we have credibly interpreted our interview respondents, this study contains two major limitations originating in our data collection: [1] we interviewed a small and not representative sample of parents, and [2] we were unable to interview enough panel attorneys to document the model fully from the practitioner perspective. With the first, we have attempted to be mindful of the small sample size and used only commonalities across parents' responses; where possible, we lined up what we heard from parents with consensus among practitioners to see whether the two weaved together a consistent narrative or contradicted each other. We also reviewed prior research on panel attorneys in New York City to understand how our interviews aligned with the perspectives documented previously (Lee, 2016). Regarding the second limitation, although we received much information about panel attorney practice from the panel attorneys and other practitioners we interviewed, we consciously concentrated in this study on the ILO model and how the model operates, rather than striving for a direct comparison between the ILO model and the panel attorney model. Panel attorney practice may vary significantly from attorney to attorney, and we recognize that we received only a very partial picture because of the limited number of respondents who were panel attorneys. Lastly, we believe that future research should extend this qualitative framework by studying what happens when parents are provided with interdisciplinary legal representation prior to court involvement, at the point of child protection investigation. This is a growing area of family defense practice with scant qualitative or quantitative literature.

## 6. Conclusion

At a juncture in the U.S. child welfare policy paradigm where preventing children from entering foster care and preserving families has taken center stage, policymakers have increasingly explored parental legal representation as an intervention to achieve this goal. When assessing the potential success of replicating this parent legal representation model, jurisdictions should consider how the three components that our interpretation suggests provide the foundation for the ILO model's success might apply. We recommend that jurisdictions evaluate the environment of their family court, child welfare agency,

and safety net services to understand whether this kind of representation is possible. For example, when in each case are attorneys appointed? What tools and legal motions are available within the law that parental lawyers may use? What social services are available in the jurisdiction? The success of the ILO model's interdisciplinary team partially depends on the availability of social services within New York City that may not be present elsewhere. However, paring down service plans to only the most essential elements and advocating for parents in out-of-court case conferences depend more on child welfare agency practice rather than availability of services.

Lastly, paying attention to the client's well-being animates both the uniform high-quality representation and the interdisciplinary practice, spotlighting one of the critical lessons of the success of the ILO model. The "dual role" of the caseworker in child protection systems—to police and to help, to protect children from their parents and to support parents in taking care of their children is a fundamental dichotomy in child welfare (Lee, 2016). To earn a parent's trust to provide them with support services and, simultaneously, to measure the information the parent is entrusting to you to determine whether to remove their children is a challenging task. Thus, the tension of these two roles can lead to caseworkers "feeling that neither role was satisfactorily completed" (Lee, 2016, p. 89). At a structural level, the surveillance role of child protective workers and reporters has far-reaching implications for parents' access to safety net services due to fear of child removal, particularly for communities of color and parents living in poverty (Fong, 2019).

An important feature of the ILO model, then, is that the interdisciplinary model intervenes to support parents who are involved in the child welfare system while dislodging the "dual role" that often constrains the relationship between a parent and caseworker. The ILO attorney and social work staff provide support to the parent that does not come at the price of surveillance. In turn, this support allows the legal team to create a supportive relationship with the parent that translates to a more tailored plan for the family, and clearer advocacy and services to achieve the family's goal. While panel attorneys are skilled legal practitioners who fearlessly advocate for their clients' interests, the panel attorney model does not support uniform high-quality representation, interdisciplinary practice, and paying attention to the client's well-being. Panel attorneys do not have supervisory, training, and administrative structures that ILOs have to standardize legal practice; panel attorneys do not possess the interdisciplinary team members to stay in contact with clients, attend out-of-court conferences, and address services plans independently of ACS and the agency; and, due to these factors as well as the case practice model, panel attorneys are not as equipped to pay attention to the client's well-being and build a supportive, trusting relationship that allows the attorney to be seen wholly as on the side of the parent.

Embedding a social worker or parent advocate into the parental legal defense team coupled with a case practice model that pays attention to the client's well-being and promotes uniform high-quality legal practice is an innovative and effective contribution to the field of child welfare. That the intervention succeeds at keeping children safely at home should encourage child welfare policymakers to ask how we can further limit the policing role of caseworkers and service providers, how we can more deeply address implicit bias and cultural competency, and how we grow service models that support families outside the state surveillance apparatus. The Minnesota One-Stop for Communities Parent Mentor Program cited above is one example (Soffer-Elnekave et al., 2020).

From our interviews, we have woven together the story of how ILOs transformed practice in the New York City Family Court. We have helped explain why the ILO model is able to secure the return of children from foster care to their families quicker than the panel model it has replaced. While respondents expressed a range of opinions about specific issues and effects of the introduction of ILOs, a consistent theme emerged that parent representation markedly improved overall—with

benefits to parents, children, and the Family Court itself. As one Legal Aid lawyer put it, approving the introduction of interdisciplinary law offices in New York City, “most problems [that] families have can be resolved, and destroying families should be a last resort, and zealous advocacy on all sides leads to better decisions and better outcomes for families.” Most important of all, New York City’s implementation of the ILO model means the child welfare system is more just—fairer to families and parents who now have their voices amplified by their legal teams.

### CRedit authorship contribution statement

**Lucas A. Gerber:** Conceptualization, Methodology, Software, Formal analysis, Data curation, Writing - original draft, Writing - review & editing, Supervision, Project administration. **Martin Guggenheim:** Conceptualization, Formal analysis, Resources, Writing - original draft, Writing - review & editing, Funding acquisition. **Yuk C. Pang:** Conceptualization, Methodology, Software, Formal analysis, Data curation, Writing - original draft, Visualization, Supervision, Project administration. **Timothy Ross:** Conceptualization, Methodology, Writing - review & editing, Supervision, Funding acquisition. **Yana Mayevskaya:** Conceptualization, Methodology, Software, Formal analysis, Data curation, Writing - original draft. **Susan Jacobs:** Conceptualization, Resources, Writing - review & editing, Funding acquisition, Project administration. **Peter J. Pecora:** Conceptualization, Methodology, Resources, Writing - review & editing.

### Declaration of Competing Interest

Action Research is a consultancy and was hired by the Center for Family Representation for an unrelated small project that was completed before this study began. Professor Guggenheim is a member of the board of directors of the Center for Family Representation. Susan Jacobs, Esq. is the founder and former Executive Director of the Center for Family Representation.

### Acknowledgements

This publication was made possible in collaboration with Casey Family Programs, whose mission is to provide, improve – and ultimately prevent the need for – foster care, through a generous grant New York University School of Law. The findings and conclusions presented in this report are those of the author(s) alone, and do not necessarily reflect the opinions of Casey Family Programs. We thank our Advisory Board committee for guiding our design and data interpretation. We appreciate those organizations and individuals who partnered with us: the parents whom we interviewed, Bridge Builders, the Bronx

Defenders, Brooklyn Defender Services, the Center for Family Representation, the Child Welfare Organizing Project, Gloria Vidal, John Courtney, the First and Second Departments of the New York State Supreme Court Appellate Division, Graham, the Legal Aid Society, New York City Administration for Children’s Services Family Court Legal Services Division and Office of Advocacy, and Rise Magazine.

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