

Best Practices for Attorneys Who Represent Parents



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Why Standards of Practice?

Overall Goal: Parent representation done well can make real difference for clients and families, sometimes the difference between reunification and termination

Research indicates a direct link between quality parent representation and better system outcomes for children and families



**Where can we learn
best practices?**

• ABA Standards for Parent Attorneys

American Bar Association

Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases

Introduction

These standards promote quality representation and uniformity of practice throughout the country for parents' attorneys in child abuse and neglect cases. These standards became official ABA Policy when approved by the ABA House of Delegates in 2006. The standards were written with the help of a committee of practicing parents' attorneys and child welfare professionals from different jurisdictions in the country. With their help, the standards were written with the difficulties of day-to-day practice in mind, but also with the goal of raising the quality of representation. While local adjustments may be necessary to apply these standards in practice, jurisdictions should strive to meet their fundamental principles and spirit.

The standards are divided into the following categories:

1. Summary of the Standards
2. Basic Obligations of Parents' Attorneys
3. Obligations of Attorney Manager
4. The Role of the Court

The standards include "black letter" requirements written in bold. Following the black letter standards are "actions." These actions further discuss how to fulfill the standard; implementing each standard requires the accompanying action. After the action is "commentary" or a discussion of why the standard is necessary and how it should be applied. When a standard does not need further explanation, no action or commentary appears. Several standards relate to specific sections of the Model Rules of Professional Conduct, and the Model Rules are referenced in these standards. The terms "parent" and "client" are used interchangeably throughout the document. These standards apply to all attorneys who represent parents in child abuse and neglect cases, whether they work for an agency or privately.

As was done in the *Standards of Practice for Attorneys Representing Child Welfare Agencies*, ABA 2004, a group of standards for attorney managers is included in these standards. These standards primarily apply to parents' attorneys who work for an agency or law firm – an institutional model of representation. Solo practitioners, or attorneys who individually receive appointments from the court, may wish to review this part of the standards, but may find some do not apply. However, some standards in this section, such as those about training and caseload, are relevant for all parents' attorneys.

As was done in the *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*, ABA 1996, a section of the standards concerns the Role of the Court in implementing these *Standards*. The ABA and the National Council of Juvenile and Family Court

- **ABA Parent Representation Project**



AMERICAN BAR ASSOCIATION

**Center on
Children and the Law**

Access to Justice for Children & Families

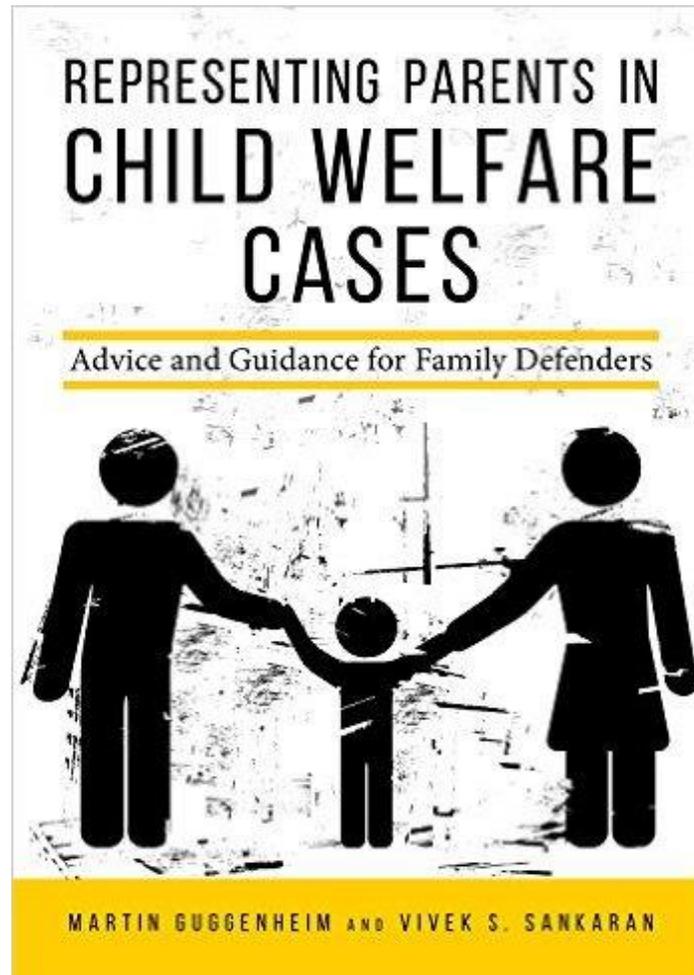
- http://www.americanbar.org/groups/child_law/what_we_do/projects/parentrepresentation.html

- **Cornerstone Model of Advocacy**



- http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/parentrepresentation/cornerstone_advocacy.authcheckdam.pdf
- <http://cfrny.org>

- **Representing Parents in Child Welfare Cases, Advice and Guidance for Family Defenders**



<http://shop.americanbar.org/eBus/Store/ProductDetails.aspx?productId=224751148>

- **ABA parent attorney listserv**



- To join the Parents' Attorneys group: send a message to Scott.Trowbridge@americanbar.org with "subscribe child-parentsattorneys YOUR NAME" in the body of the message.

- **MN parent attorney listserv**
- Network of parent attorneys in MN
- Brief bank
- To join send e-mail to:
mncpa@googlegroups.com

Research from WA state

- Enhanced parent representation model reduces amount of time children spend in foster care, and shortens timelines to permanency.
- Saves money, and reunifies family more quickly.
- Model consists of adequate pay, caseload limits, support and resources, help with appeals.

ABA Standards

Goals of ABA Standards:

- Promote quality representation and uniform practice
- Help attorneys prioritize duties and manage practice in ways that benefit each parent on attorney's caseload
- Clarify role of parent attorney in abuse and neglect cases

Cornerstone Model

Early, consistent focus on each of the four Cornerstones yields better results for families.

- Visiting
- Placement
- Services
- Conferences (out of court meeting critical)

MN Model of Parent Representation Challenging for Solo Practitioners

- Isolated without access to resources or support
- Practice varies county to county, hard to keep up with local practices
- Law v. practice, statutes and rules clear – but this isn't always how cases proceed

Critical Areas to Focus on as New Parent Attorney

- Establishing trust with client
- Know the law
- Tell your client's story
- Be prepared for court
- Be an advocate

Wisdom from the bench

- Close the gap between your client and your judge
- Don't underestimate the importance of body language
- Know the law and quote it often
- Learn and utilize good trial skills
- Build and preserve an impeccable reputation



Questions?