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**Testimony to Vermont House Committee on the Judiciary
Regarding H. 193
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Thank you for the opportunity to testify today about this important legislation.

I'm going to summarize my written submission and of course am happy to take any of your questions.

First, the reason that I am before you is that I've spent the last 25 years working to improve legal representation of children and parents in child welfare cases, first as an attorney for children, then for parents. I also have a master's degree in special education.

As an attorney for parents, I was struck by the need we had for the assistance of social workers and insights from parents who were impacted by the child welfare system. Attorneys alone could not do the job. In 2002, with the help of law professors, psychologists and professors of social work, I started the first interdisciplinary program for legal representation in the country and was its Executive Director for 13 years.

That program, the Center for Family Representation in NYC now serves 2,400 families and has more than 150 employees. Along with other programs around the country, we have developed a model of legal representation for families that works, is supported by research and which saves both in human and fiscal costs.

With this bill, Vermont has the opportunity to become part of a vanguard in the practice.

To provide the committee with some context, in this testimony, I will:

Explain the origins of the model

Discuss the core concepts of the model.

Discuss the research and other data of its effectiveness.

Give examples of other jurisdictions which are implementing interdisciplinary rep.

I'll also touch on the funding of these systems.

Why this model?

Children are currently unnecessarily traumatized by child welfare investigations and often separated from their families. Nationally, concern has grown that solo attorneys representing parents – the model used in most jurisdictions – is inadequate and harmful to families.

Families often come to the attention of child welfare agencies due to poverty-related issues rather than neglect. The consequences of child welfare involvement from investigation to foster care and termination

of parental rights are severe. Unnecessary investigations alone can traumatize families and deter them from seeing essential services for fear of triggering further intervention.

When children are removed, outcomes are dire: as adults they are more likely to live in poverty, have lower educational attainment, are 2-4X more likely to develop mental health or substance such disorders and twice as likely to be convicted of violent crime.

Parents charged with abuse and/or neglect may suffer removal and loss of their children – the destruction of their family – greater risk of mental health or substance abuse, and reduced ability to earn income.

To address these harms, some jurisdictions have adopted interdisciplinary parent and child representation – a model that provides clients with an attorney, social worker and parent advocate with lived expertise – to improve family outcomes, project rights and reduce government costs. The American Bar Association (ABA) endorses an interdisciplinary approach and in 2018, the federal Children’s Bureau made these programs eligible for Title IV-E reimbursement.¹

Rigorous research has shown that these programs do limit child welfare involvement. A research entity, Action Research, conducted a study published in 2019² outlining differences in outcomes between families represented by multidisciplinary teams and solo practitioners.

The study, which followed nearly 10,000 families in New York City, found that, in families represented by multidisciplinary teams, children spent 4 fewer months in care, were reunified with families 43% more often in the first year, were placed with relatives twice as often in the first year, and were equally as safe. These changes amount to savings of 40 million dollars per year for New York City. A companion study shows greater satisfaction among judges, child welfare staff and parents and children.

What are the core concepts of interdisciplinary representation for parents and children?

As the name suggests, the model incorporates the work of an attorney, plus other key professionals – a social worker, a parent or youth with lived experience and sometimes, paralegals, etc. They practice as a team to serve families providing high quality legal representation as defined by the ABA and FJI: which include reasonable caseloads, adequate salaries, supervision and training.

It is noteworthy that this is a very different practice from criminal defense which employs solo attorneys to represent a client accused of crime. In family representation, while the client may be the parent or child, the whole family is in a sense the client and the legal representation includes social work and advocacy components to assess the family’s needs and craft a path for them which is tailored to those needs. The representation is not fundamentally therefore about whether an act was committed but rather what are the circumstances bringing the family to the attention of the child welfare agency and court and how can these conditions be remedied. The knowledge base and tools of the team are quite different. For

¹ See *ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases*, (American Bar Association, 2006); *High Quality Legal representation for Children and Parents: A guide for Systems Change*, Family Justice Initiative, <https://familyjusticeinitiative.org/>; and U.S. Department of Health and Human Services, Administration for Children and Families. Information Memorandum: High Quality Legal Representation for All Parties in Child Welfare Proceedings, ACYF-CB-IM-17-20, January 17, 2017 and 2018.

² Gerber, Pang, Ross Guggenheim, Miler and Pecora. “Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare.” *Children and Youth Services Review*, Vol. 102, July 2019; Gerber, Guggenheim, Pang, Mayevskaya, Jacobs and Pecora. “Understanding the Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare.” *Children and Youth Services Review*. Vol 116, September 2020

instance, attorneys representing parents and children need to understand and utilize myriad child welfare regulations and policies.

Another distinction is that in many interdisciplinary programs, the legal team can work with a parent or child prior to any filing in court: This work which is known as pre-petition advocacy, was developed in recognition that it is possible to provide early assistance to a family, after they are “known” to the agency, usually after a call alleging abuse/neglect has been made but prior to the agency filing a cases in court. In these instances, teams are often able to divert the family from court altogether.

Example of interdisciplinary team impact from a small rural county in Ohio. The client is the father of a 5-year-old who was removed from his care because of the father’s cognitive deficits and inadequate housing. The boy’s mother was absent from the family. The team met with Mr.B and realized that he had difficulty filling out forms and providing information to service agencies. The social worker and parent advocate worked with him on literacy and walked him through housing applications. He also attended classes on parenting which were designed for parents with cognitive limitations. After a period of supervised visits and overnights negotiated by the team attorney, the 5-year-old was returned to his dad’s care in a new apartment and with supportive services for both of them.

The attributes of high-quality representation for parents and children:

Individual attorney attributes – know the law and how to advocate in court but key is counseling clients, helping them to understand the process, engage in services.

Systemic attributes – what should be in place? Interdisciplinary help, cultural humility, use of data, reasonable caseload and salaries, professional development.

It’s important to note that the social worker and parent advocate components of the team are unique and are key to the model: The social worker is charged with assessing the service needs of the family be they better housing mental health/substance abuse treatment, help with school truancy, etc. Then the social worker helps match the family to culturally appropriate, accessible services. In rural areas, this is often challenging so they get creative, borrowing services from adjacent counties, working on transportation. This is also where the parent advocates come in: they are vital to the team building trust with the clients – they’ve walked in their shoes, know what it looks and feels like to lose custody of children, and are there to say you can in fact reunite or prevent separation. And you can do that without losing respect and dignity. The team also works with the Department to explain the assessment of the family within bounds of confidentiality. They understand that the child welfare case worker is swamped and they want to encourage appropriate services and communication.

For instance a parent whose children were in foster care called a CFR social worker saying that they were not going to cooperate with the agency’s plan because the foster parent kept cancelling visits including on over the Thanksgiving holiday. The CFR social worker had developed good communication with the case worker and was able to persuade that person to get the foster mother to re-engage with visits. The parent then started attending meetings more frequently and subsequently reunited with their children.

Examples of other states/jurisdictions which have successfully implemented this model:

Other states which have successfully implemented this model include Colorado, Ohio, Oklahoma, Massachusetts, New Mexico, Maryland and Washington.

The implementation designs and the administrative structures vary but the elements of the interdisciplinary team approach are pretty consistent.

Here are a few highlights from these jurisdictions:

Colorado:

Colorado has a state Office of Parent and child Representation which is legislatively funded. Its model combines central office with staff that support contracted professionals. It also supervises and supports social workers and hires parent advocates.

The office provides training for lawyers and social workers. Results include higher participation in family engagement meetings, higher reunification rates and lower TPR rates. For example, before this system was in place, Colorado's TPR rate was 23 %, in 2022 it was down to 15 %.

Washington:

Washington State started with pilots in 3 counties in the early 2000s. The pilots were supervised by a central state Office of Public Defense, a legislatively funded agency. Attorneys and social workers form the legal team. They work closely with parent mentors. Interdisciplinary representation was initially piloted in 3 counties with ongoing evaluation. Results include that the time to permanency is reduced and PRP now state-wide.

New Mexico:

Office of Family Representation is an executive agency created by legislation and begun in 2023. It has responsibility for developing and implementing an interdisciplinary model of family representation throughout New Mexico. OFR uses a hybrid system of both panel and agency attorneys as well as youth, parents with lived experience. The teams each represent both parents and children.

Ohio – in 2021, the Supreme Court of Ohio, using federal Court Improvement Program funds and Child Welfare Agency funding, awarded contracts for interdisciplinary representation to 6 counties in Ohio (which has a county-based system): the pilots are varied; rural and urban and each county chose the location of the teams – two are in PD offices, one is in a non-profit and three are based in the family court. Each county chose to focus interventions based on local needs. Two counties have very high truancy rates and focused on that and education stability. Others included housing and substance abuse as their focus.

An outside evaluator has been involved in the Ohio programs since they started. The outside evaluation will be complete at the end of 2025. Each year, the researchers do an interim report. The third-year report will be posted soon but interim results are encouraging.

Another area of encouraging results is in pre-petition legal representation programs described earlier. Here are examples from two of them:

CFR – pre-petition program (CAP) CAP teams provide early defense services to over 100 clients and clearance of state central registry advocacy to nearly 85 clients. Since 2019, CAP services have cost under \$500,000 in total and helped more than 300 children avoid the foster system. When we are able to work closely with a parent, the CAP team successfully seals 100% of cases.

Sonomish County, WA: The program serves pregnant mothers and parents of substance-exposed infants in the county who are at high risk for foster care placement because they had been subject to a child welfare investigation and receive some sort of state assistance (TANF, WIC, etc.). Legal advocacy from an interdisciplinary team is provided regarding potential or actual child welfare investigations; assistance in

obtaining services; ancillary legal issues; orders of protection etc. Results: Between July 2019 and November 2021: Petitions were not filed for 85% of 123 clients; 10% of clients agreed to voluntary safety plans and kept their children. Between 2018 and 2020, infant removals decreased by 37% in Snohomish County.

How are the interdisciplinary programs funded?

These programs are funded through a variety of sources: federal Court Improvement Program (CIP); federal IV-E reimbursement to states, federal Medicaid support, state legislative appropriations, county commissioner grants and foundations. The funding streams are generally combined.

Because Title IV-E funds are mentioned explicitly in H. 193, it will be important to look at how other states are drawing down that money. The funding is from federal dollars which are moved to states based on a percentage of the children who are or are at risk for going into foster care. The calculation is called the state's "penetration rate". The state child welfare agency holds the funds and creates a mechanism for their granting/distribution to local programs. In some states such as Maryland, this has occurred seamlessly and the funds requested by the PD office are used to pay for staff positions and training. CA has also been able to draw down a large sum (\$61M) in FY 23. Mass. Also drew down \$19M in FY 23.

In other states, Title IV-E funds are used for pre-petition representation as well as post court filing and support salaries of all interdisciplinary staff as well as supporting training and supervision of staff.

There is no question that doing this work correctly costs money. But we are already spending funds from many budgets (child welfare, foster care, contract attorneys) in the short term and other budgets in the long term (criminal justice, unemployment, transient housing) when we do the work poorly or not at all.

The preliminary data supports the initial investment in these programs as being effective in supporting families to stay together and in thus saving government money.

I'll be happy to take your questions.