



“The stress of being unable to meet the basic physiological needs of food and shelter, often due to poverty, impacts the ability of parents and caregivers to create an environment where children can grow and learn. Food insecurity among children harms cognitive development and contributes to social and behavioral problems in school....Housing instability can permanently affect brain development in children, and can impact physical health. Meeting these basic needs for all families is critical to ensuring that children have the opportunity to thrive.” – Building Bright Futures, Vermont<sup>1</sup>

### Project Summary

The Vermont JCAMP Implementation Project has three central components. First, it will enable Vermont to provide, for the first time, civil legal wraparound services for families with child welfare involvement. Second, using the JCAMP measures, the project will generate important and novel evidence of the effects of those services on child welfare legal practice and outcomes, which will be used to inform practice. Third, the project will generate IV-E money for the legal representation of children and families in child welfare proceedings in Vermont for the first time. We believe that the project’s streamlined design, innovative leadership team, and core of financial viability have the potential to transform child welfare outcomes in Vermont.

#### **1. Project Significance**

##### How the Project Builds Evidence and Informs Practice

A deep body of research nationally now supports the importance of wraparound civil legal services related to child welfare.<sup>2</sup> Families with open child welfare cases or pre-petition agency involvement often have unaddressed civil legal services needs that directly impact their ability to safely care for their children. Legal support in areas such as housing, public benefits, relief from abuse, and education can reduce the impact of poverty-related factors on child welfare cases.<sup>3</sup>

The recently finalized federal rule on Foster Care Legal Representation emphasizes the value of related civil legal services: “Access to independent legal representation can help stabilize families, improve safety, and reduce the need for more formal child welfare system involvement, including foster care. For families with children that have been placed in foster care, independent legal representation can expedite reunification and improve permanency or help provide access to needed supports for youth transitioning out of the child welfare system.” Accordingly, the new rule allows for the drawdown of

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<sup>1</sup> Building Bright Futures, [The State of Vermont’s Children 2023](#), at 10.

<sup>2</sup> See, e.g. [ACYF-CB-IM-21-02; Key Studies And Data About How Legal Aid Helps Keep Families Together And Out Of The Child Welfare System](#); Chapin Hall, [Child and Family Well-being System: Economic & Concrete Supports as a Core Component](#).

<sup>3</sup> According to one national study, 74 percent of low-income households experienced at least one civil legal problem in the previous year, but of those, 92 percent received inadequate or no legal help. See [Foster Care Legal Representation final rule](#) (internal citations omitted).

federal matching funds to support related legal services “as necessary to carry out the requirements in the title IV-E agency's title IV-E foster care plan.”<sup>4</sup>

Our project will build a new evidence base for JCAMP, Vermont, and the nation. The connection between wraparound civil legal services and families’ experience of legal systems has a relatively small research base, and even less attention has been paid to how families’ experiences might inform legal and judicial practice. One of the most appealing attributes of the JCAMP measures is the way in which they codify both subjective and objective measures of support. In essence, our project aims to assess the courtroom effects of the early provision of hope to struggling families. Using qualitative and quantitative data, we will measure the effects of wraparound civil legal services on the core legal/judicial components of child welfare.

If the project is successful in demonstrating the importance of civil legal services related to child welfare in years 1-3, the core team will work to expand the project statewide in years 4-5. The project will also generate a plan to sustain these services using state and federal dollars even after the grant period ends. The grant’s financial support and the strength of the interdisciplinary project core team provide a vehicle to overcome Vermont’s barriers to IV-E drawdowns.

## **2. Project Purpose**

The project’s activities are to:

- Institute, for the first time in Vermont, wraparound civil legal services for families at risk of or already involved in child welfare legal systems, both pre- and post-petition.
- Assess the impacts of these related civil legal services on child and family engagement with, and experience of, child welfare legal and judicial systems.
- Use data about the effectiveness of these services to inform professional practice.
- Initiate and sustain drawdown of federal IV-E funds for foster care legal representation of children and parents for the first time.

The project’s goals are to:

- Reduce the number of child welfare cases filed and generate better outcomes for those that *are* filed—i.e. increased reunification rates, shortened permanency timelines, more family engagement in legal processes, increases in qualitative response of parents and children to legal services and practice.
- Improve child welfare legal practice through capacity building and use of data, a focus on family experience of judicial and legal systems, and connection to a national community of experts.
- Generate improved information, connection, and due process for families experiencing child welfare legal systems.

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<sup>4</sup> Citations this paragraph from [Foster Care Legal Representation final rule](#) (internal citations omitted).

### 3. JCAMP Measures and Methods

The following JCAMP measures will be implemented to evaluate project outcomes:

- 1.8 How do parent attorneys engage parents in the process?
- 1.10 How do prosecuting (or agency or state) attorneys engage parents, children, and youth in the process?
- 1.11 Are important issues discussed in hearings?
- 1.12 Do parents feel judges engaged them in hearings?
- 3.5 How do parent attorneys ensure they provide high-quality legal representation?
- 4.13 Do parents feel their voices were heard in safety planning discussions?
- 4.14 Do children and youth feel their voices were heard in safety discussions?
- 5.8 Do judges ask about what is preventing the child or youth from safely returning home today?
- 5.9 Do judges ask about parents' access to and receipt of relevant services?
- 5.19 Do parents understand what is required of them and steps needed to have their child returned?
- 5.20 Do parents feel services met their needs and assisted them in reunification?

The JCAMP measures we have selected align well with our goal of assessing the effects of the related civil legal aid. One of the most appealing attributes of the JCAMP measures to our coalition is the way in which they codify both subjective and objective measures of support. The measures structurally acknowledge the charged and emotional nature of child welfare legal proceedings.

Our selected measures allow for a multifaceted approach to data and evidence-building. The injection of civil legal aid into the child welfare legal arena helps judges, parent attorneys, and prosecutors engage parents (1.8, 1.10, 1.12). It promotes discussion of important issues in hearings (1.11). Civil legal wraparound services are one component of parent attorneys' high-quality legal representation (3.5). Feeling like they have a community supporting them is likely a crucial component of parent and child voice in safety discussions (4.13, 4.14). They remove the noise of poverty to allow all parties to focus on what might be preventing the child or youth from returning home today (5.8). And by their very nature, they are relevant services (5.9) that assist parents in reunification (5.20) and allow parents to focus on next steps (5.19).

JCAMP's well-organized, multi-layered, and tangible tools provide a strong base for our project, as does JCAMP's flexibility to allow for the evolution of our 10 core measures.

#### Rationale, Data Strategies, Impact on Professional Practices

If this project demonstrates that wraparound civil legal services early in a family's involvement with the child welfare system can positively impact case outcomes, that will send a clear message to our legal systems that we should invest in these services. Coupled with the IV-E monetary drawdowns this project will generate, the project will inform and transform Vermont's civil legal services structure. And in the end, families are of course the most important beneficiaries of project services.

The project seeks to benefit any family with child welfare involvement at any stage, whether pre-petition, investigation, safety planning, or court involved. The project will start in Chittenden County

with the potential to expand statewide starting in year 3. Any child, youth, or family with child welfare system involvement is eligible.

#### How The Project Aligns with Vermont's Child Welfare Agency Practice Improvement Efforts

The project aligns with Vermont's efforts to address its child welfare problems, as identified by the Children's Bureau. For example, the [2024 CFSR Vermont Final Report](#) cited multiple elements that this project seeks to address, including asking Vermont to increase engagement with people with lived experience of child welfare, remedy significant delays and backlogs in court and judicial practices, reduce the excessive time to permanency, address court workforce issues and permanency delays, and reduce the use of "Conditional Custody Orders." The VJIP seeks to address many of these factors. Safety planning and effective use of the SDM tool is another area the Children's Bureau frequently cites as an area of improvement for Vermont, which aligns well with our project's focus.

#### How Lived Experience and Most Impacted People Will Inform Project Design and Implementation

As project lead, the OCYFA will look to our longstanding partners to drive this project. These include the Child, Youth, and Family Advisory Council, which is comprised entirely of individuals most impacted by Vermont's child welfare systems. We plan to conduct core team meetings with impacted people. Through these meetings, we also hope to invite an impacted person to join the project core team.

#### Site Capacity

Our site team and project design create ample capacity to access, collect, and analyze data, as well as to report findings. PhD data support is the foundation of the success of our data activities. The presence of DCF Family Services Division Director of Operations Brenda Gooley is also crucial, as she can rapidly disseminate key project findings and best practices throughout DCF, as well as bring feedback from frontline workers about project practices back to the core team. She may be the person with the most child welfare agency operations knowledge in the whole state.

The project is designed to accommodate capacity issues among two key players in the legal/judicial child welfare system in Vermont: The Judiciary and the Office of the Defender General. Both entities indicated their support for this project, but both have insufficient capacity to participate on the core team or to allocate significant resources at this time. One reason this grant will be valuable to Vermont's child welfare system is because in our state is caught in a paradoxical bind: It lacks capacity to engage in system reforms that would increase its capacity.

#### Capacity: Human Subjects

Our site does plan to collect data directly from children and families through surveys, interviews, and/or focus groups. All members of the core team have deep experience in the protection of confidential child welfare data. The OCYFA, which will lead the team, is statutorily allowed to handle otherwise confidential child welfare agency and court information and will therefore be the primary interface with the courts and families. However, all members of the core team are likely to handle some quantity of confidential and sensitive family information. Therefore, the project will institute a data sharing agreement and codify key data handling principles in writing before any confidential

information flows to the project. The breadth of knowledge and experience on the core team will ensure a strong confidentiality plan and will protect human subjects from harm.

### Use of Data

Drawing on the JCAMP documents and toolboxes, our team will create a lightweight, human-centered, and practical data plan. The first phase is to track case attributes of every child, parent, or family referred for related civil legal services. The second phase is to assess the outcome of the related civil legal case. Finally, we will track the effect on the underlying child welfare case, using JCAMP measures. As the project progresses, we will compare project data with the overall child welfare caseload statistics for Chittenden County as a baseline and hone our data plan accordingly.

### Dissemination of Data

Contributing to the national and JCAMP understanding of the value of related civil legal services to child welfare cases is central to this project. We anticipate producing one public-facing report midway through the project and one at the project's conclusion. We also anticipate several internal presentations of preliminary findings for Vermont's legal/judicial practitioners, child welfare agency, and our federal partners. Clear and comprehensible data will be a touchstone of our reports and presentations, including visuals and infographics. We hope to be successful enough to consult with other states who want to use our program as a model. A launching point for such collaborations could be through the [Preventive Legal Advocacy & Pre-Petition National Cohort](#), facilitated by the Barton Child Law and Policy Center at the Emory University School of Law.

## **4. Project Management and Resources**

### Project Core Team:

1. Matthew Bernstein, Esq., Vermont Child, Youth, and Family Advocate, Project Lead
2. Lauren Higbee, MSW, OCYFA Deputy Advocate
3. Brenda Gooley, DCF Family Services Division Director of Operations, Child Welfare Agency Member of Core Team
4. Will Gardella, Esq., Deputy State's Attorney, Prosecutor Member of Core Team
5. Legal Services Member of Core Team
6. Lived Experience Expert Member of Core Team
7. PhD Data Specialist Member of Core Team

### Additional Partners and Advisors:

- ABA Center on Children and the Law
- National Association of Counsel for Children
- Preventive Legal Advocacy & Pre-Petition National Cohort, facilitated by the Barton Child Law and Policy Center at the Emory University School of Law
- Vermont Parent Representation Center