

Evaluation of the Parent Representation Program (PRP) Pilot

Report to the Utah Indigent Defense Commission (IDC)

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1. Executive summary

The Utah Indigent Defense Commission (IDC) was created in 2016 to help the state “ensure its local indigent defense services meet the requirements of the United States and Utah Constitutions, and Utah law” (Utah IDC Office, 2017). The aim of the IDC is to give constitutional guidance and financial support to local governments ensuring effective representation in all court-appointed cases regardless of a person’s wealth. One of the primary duties of the IDC is to oversee the disbursement of legislative appropriations through grants to local governments for the support of indigent defense services.

Research suggests that parents who effectively engage in the child welfare system are more likely to benefit from services and reunify with their children. Hence, the Parent Representation Program (PRP) Pilot was developed with the support of IDC grant funds and has three main goals:

1. Increase the capacity and efficiency of parental defense attorneys through the assistance of social workers on child welfare cases.
2. To connect clients to services and treatment and thereby achieve better outcomes for court-involved children and their families through increased rates of family reunification.
3. Achieve faster case resolutions and reduce the need for attorney continuances.

The IDC contracted with the Utah Criminal Justice Center (UCJC) to conduct an evaluation of the PRP pilot in Utah’s Fourth Judicial District whereby a social worker was assigned to cases to assist parental defense attorneys. Interviews were conducted with stakeholders and with families to evaluate the perceived effectiveness of having a social worker as part of the parental defense in light of program goals.

This report documents the qualitative evaluation of the PRP pilot, which includes perceptions of families (clients) and stakeholders. The stakeholders (other system actors) include: judges, assistant attorneys general, guardians ad litem, Division of Child and Family Services (DCFS) caseworkers, and public defenders. The focus of the current project is the perceived effectiveness of the social worker from the perspective of clients and, to a lesser degree, judges. The perspective of other stakeholders was solicited in order to inform program expansion (e.g., additional needs in terms of training, policy and procedure).

In summary, the social worker was perceived as being extremely effective from the perspective of clients, public defenders, and judges:

- The social worker was seen as an educational, social, and psychological support to clients.
- The social worker was trusted by both judges and clients. Families were seen to progress better, through the child welfare system, with the social worker involvement.
- Judges observed that the social worker brought additional information to cases and gave a more holistic understanding to cases.
- Clients were able to better advocate for themselves with the social worker support and judges felt that familial stress was reduced due to the social worker’s involvement.

- The social worker was able to increase the capacity and efficiency of the public defenders by assisting them on child welfare cases. Namely:
 - The social worker attended all child and family team meetings and liaised with the system actors who attended those meetings and reported information to the public defenders.
 - The social worker aided in preparing court documents..
 - The social worker explained court proceedings to families. Thus, families had increased understanding as to the expectations of the court and the necessary steps to progress in their cases.
- The social worker addressed many barriers faced by clients and aimed to holistically help clients with small and large challenges. Some barriers included educational limitations, assistance with budgeting and finances, understanding meal planning, organizing schedules of all family members, preparing families for the realities of re-unification, etc.
- Clients felt motivated and empowered by the social worker involvement and many felt that her presence alleviated the power imbalances between system actors and themselves. The social worker was perceived as a chief aid in guiding them through a frequently adversarial and confusing system. The social worker was described by one client as being a “guided lightsaber that will like guide you through this wormhole that you’re stuck in so that you don’t feel so lost.”
- The social worker was able to connect clients to services and helped enroll clients into treatment.
- The social worker often acted as mediator between the clients and the public defenders, guardians ad litem, assistant attorneys general, and the DCFS case workers.
- On multiple occasions, judges and public defenders reported that cases seemed to progress faster with social worker involvement.

Further, this report documents the challenges that emerged with the PRP pilot and makes recommendations for the future role of social workers in public defender offices on child welfare cases.

2. Evaluation Overview

Therapeutic jurisprudence theories suggest that enhanced representation with a focus on individual health can elicit more positive legal outcomes. The PRP pilot is built on the notion that enhanced parental representation through the support, guidance, and services of a social worker will facilitate better parental commitment to the change process, greater access to services, and, most importantly, fewer cases of permanent removal of children into foster care resulting in greater family reunification.

The current process evaluation included interviewing parental defense attorney clients who had or had not participated in the social worker pilot program. Further, various stakeholders involved in the PRP pilot were interviewed regarding the role of the social worker on child welfare cases.

These stakeholders' included judges, assistant attorneys general, guardians ad litem, public defenders, and DCFS caseworkers.

3. Literature Review

Child welfare statistics

Many children in the United States (US) experience abuse, neglect and other forms of maltreatment from their biological parents. Recent national data cites that there were 4.1 million reports of child maltreatment in 2017 involving 7.5 million children; of those, 2.3 million reports had sufficient evidence and needed further investigation (U.S. Department of Health and Human Services, 2017). Such cases, brought to the attention of Child Protection Services, entail the whole family becoming involved in social services and the juvenile dependency system.

The US Department of Health and Human Services stated that, of the 2108 children who exited foster care in 2017 in Utah, 49% were reunited with their families or primary caretakers; 29.6% were adopted and 8.6% were placed under guardianship. Further, 70.2% of those children took less than 12 months to be reunified with families. However, 25.2% took less than two years to be reunified, but more than 12 months. The federal legislation (*viz.* the Adoption and Safe Family Act (ASFA), among other legislative directives) advocates for reducing the time children spend in court custody prior to permanent placement (Wood & Russell, 2011). Reducing time children spend between removal and permanent placement requires considering the processes and structures of the juvenile dependency court system. The aim of the juvenile dependency system is primarily the protection of the child and secondarily, to provide services to the parents so as to best address challenges and facilitate the best outcome for the child (Cleveland & Quas, 2018).

Juvenile dependency courts have the challenge of overseeing cases of children removed from their homes due to parental abuse and neglect. The decisions made in these courts alter the lives of those involved dramatically. The courts determine how much contact parents will have with their children. They also determine the legal guardianship of the children, which affects their developmental years in to adulthood. Rehabilitative services for parents and children are often prescribed in these court proceedings (Cleveland & Quas, 2018).

It is vital for parents to have legal representation and guidance in juvenile dependency hearings as they often do not have a comprehensive understanding of the juvenile dependency system, and frequently face informational and cultural barriers, which make parents feel alienated and disempowered in the legal process (Barsky, 1996). Therefore, they cannot best advocate for themselves in the court proceedings (Wood, Summers & Duarte, 2016).

For clarity in this report, the public defender and the attorney refer to the same entity, as does the client and the family.

Parental Representation Projects: Examples

A major issue identified in dependency hearings is the amount of time until children receive a permanent home or placement. One method for attempting to speed up permanent placement decisions for children is having a social worker as part of the defense team to work with parents.

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Social workers and case managers have the difficult task of trying to balance protection of the child while finding ways to preserve the integrity of a biological family. These two aspects of protection and preservation may be in direct opposition to each other at times.

As stated by the Supreme Court of the United States, in *Santosky v. Kramer*, 455 U.S. 745 (1982):

“The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life.”

One of the roles of the public defender is to provide effective representation to indigent parents at all stages in the dependency hearings. Hence, the addition of a social worker in the public defender offices to assist on various cases.

Washington State

In 2000, the State of Washington developed a program to enhance the representation for parents involved in dependency cases (Courtney & Hook, 2011). The program currently operates in 34 of 39 counties. The core belief of this program is outlined by the Washington State Legislative declaration that “the family unit is the fundamental resource of American life which should be nurtured” (PRP, Social worker Practice Standards, 2008). The program is based on the belief that a family’s chance of succeeding improves exponentially with effective support, legal representation, and services that encourage positive change. The five core components of the Washington pilot program included: modifying the caseloads and compensation for attorneys; enhancing defense attorneys’ practice standards including the delivery of adequate client advice; conducting ongoing oversight of the program; assigning social workers to assist attorneys; and conducting surveys with county judicial officers.

Findings from an evaluation of this program indicate that parental representation enhanced with social worker support was associated with better outcomes for children. These included an increased rate of family reunification as well as nearly doubling the speed at which children were able to obtain permanency through guardianship and adoption (Courtney & Hook, 2011). There was improved case participation by parents who also had better access to services in addition to fewer continuances for attorneys.

Courtney, M.E. & Hook, J. (2011). Evaluation of the impact of enhanced parental legal representation on the timing of permanency outcomes for children in foster care. *Partners for our children, Discussion Paper, 1(1)*, 1-11

Washington State Office of Public Defense Parents Representation Program (2008). Social Worker Practice Standards. Version 1, 1-50

California

The California Dependency Representation, Administration, Funding and Training Program (“DRAFT”) is a pilot program established in 2004 across 10 volunteer counties. It also employs social workers on cases where needed. Program evaluation results as of October 2008 show the following improvements in DRAFT counties:

- Increased rate of reunification within 12 and 24 months of entry;
- Increased rate of siblings placed together, when siblings are placed in foster care; and
- Increased rate of children placed with relatives, rather than foster care (ABA, 2009).

American Bar Association (2009). Center on Children and Law. Retrieved August 14th, 2019 from <https://www.ils.ny.gov/files/ABA%20Summary%20Of%20Parent%20Representation%20Models.pdf>

Texas

Enhancing parental representation in dependency hearings produced similar outcomes in Travis County, Texas. Specifically, researchers found that participation in a pilot program that provided parent defense resources was associated with a higher percentage of permanency outcomes for children and increased parental attendance at hearings (Wood, Summers, & Duarte, 2016).

Wood, S.M., Summers, A., Duarte, C.S. (2016). Legal representation in the juvenile dependency system: Travis County, Texas’ parent representation pilot project. *Family Court Review*, 54(2), 277-287

New York

Research has also indicated that parental representation in dependency cases can reduce the amount of time children spent in the care of the system (Kelly & Fitzgerald, 2019). For example, the New York Center for Family Representation (CFR) provided attorneys, representing parents in dependency cases, with an advocate and social worker. An evaluation of this program revealed that the median amount of time youth spent in care of the system was reduced from about 17 months to 5.5 months when compared with New York City and New York State (CFR, 2012). CFR works with more than 2100 families each year and prevents more than 50% of their clients from entering foster care (CFR, 2019).

Between 2004-2006, when CFR began working with families, during the child protection investigation, they prevented 95% of all the cases going into foster care. Between 2007-2008, CFR provided services to 600 families at the time of the child protection investigation. With these particular families, 50% of the cases never entered foster care but instead stayed in-home to receive services aiding the families to stay safe and thrive. Children of parents represented by CFR spent 73% less time in foster care than other children in the city and the state (ABA, 2009).

Center for Family Representation (CFR) (May, 2019). Retrieved from <https://www.cfrny.org/about-us/history-mission/>

Kelly, J. & Fitzgerald, M (2019). New York’s Parent Defender Model Lowers Reliance on Foster Care, Study Finds. The Chronical of Social change: Children and youth, front and center.

Connecticut, Illinois, Michigan & New Jersey.

On a smaller scale, Connecticut, Illinois, Michigan and New Jersey all employ social workers as a part of the defense team on child welfare cases.

The Commission on Child Protection (COOP) in Connecticut oversees the representation of parents and children in dependency proceedings and also employs social workers as support staff for attorneys when needed (ABA, 2009).

Likewise, the Legal Assistance Foundation of Metropolitan Chicago (LAF) employs a social worker, who works with the clients outside of court, and assists attorneys on child welfare cases.

In 2009, Detroit began providing social work services to low income families through the Detroit Centre for Family Advocacy (CFA), to prevent the unnecessary placement and prolonged stay of children in foster care. This service was targeted at the Osborne neighborhood that had the highest rates of removal in the state in order to reduce out-of-home placements (ABA, 2009).

Legal Services of New Jersey also has social workers on staff who assist attorneys with their parent representation through the Legal Services of New Jersey, Family Representation Project (“FRP”) (ABA, 2009).

American Bar Association (2009). Center on Children and Law. Retrieved August 14th, 2019 from <https://www.ils.ny.gov/files/ABA%20Summary%20Of%20Parent%20Representation%20Models.pdf>

Concluding remarks

As noted above, the manner in which parents are represented across the country varies. Some states focus on assigning attorneys to parents, others focus on the quality of representation provided, and some states focus on assigning social workers or other parental advocates (Wood, Summers, & Duarte, 2016). Several evaluations have indicated that providing parents with representation in juvenile dependency cases relates to positive outcomes for children and reduces the time to placement/reunification decisions (Wood, Summers, & Duarte, 2016; Courtney & Hook, 2012).

Regardless, increasing the quality of representation of parents has resulted in better system outcomes. These outcomes include better prospects for the children and reduced state costs.

4. Study Population

Interviews were conducted with a sample of stakeholders who had been directly involved in the child welfare cases. These included: judges (n=3), assistant attorneys general (AAG; n=3), guardians ad litem (GAL; n=3), and DCFS caseworkers (n=10). Further, parental defense attorneys/public defenders (PD; n=3) and their clients who received social worker support (n=6) were interviewed. Additionally, families who did not receive social worker support from the PD’s office were also interviewed (n=6). The primary aim was to evaluate the perceived effectiveness of the PRP pilot in light of program goals.. Secondly, the interviews sought to inform future expansion of the program, including additional needs related to training and policy. All interviews were conducted in Utah’s Fourth District.

5. Results: Evaluation Findings

Families Interviewed

This section includes commentary from the families who were interviewed. The term families and clients have been used interchangeably in this report. The term client has been used to refer to parents who were represented by a PD in a child welfare case.

In order to better characterize the impact of PRP, 12 families were interviewed: 6 that had received social worker services through the PRP pilot and six that did not receive social worker services.

Minors were not included in the study and parents were all older than 18 years.

All clients who were interviewed had unique experiences with the child welfare system. They were economically disadvantaged, some came from socially disadvantaged backgrounds, and all families had challenges in the family unit that presented as case barriers.

Families with SW Involvement

Case barriers and advocacy

a. SW addressed all barriers

Based on the limited resource of one social worker within the PD's office, the social worker was assigned to more complex cases. Each family interviewed presented with unique challenges. There were barriers in terms of education, compliance, finances, lack of support for the family, etc. These barriers were reported to have been consistently addressed by the PRP social worker. As the person with more contact with the parent than any other system actor, the social worker was perceived by all clients interviewed as best understanding their unique context and concerns.

Many clients expressed their lack of understanding of the legal system and what was expected of them by all stake holders. The social worker was able to facilitate their understanding as expressed by this particular client:

Interviewer: So the first question is just around... a general understanding of how the juvenile dependency system works. So, do you feel like you know what's going on in your case?

Client: Because of (the social worker)? Yes.

Interviewer: Okay.

Client: Prior to her, no. I was lost. It was like talking to a doorknob and expecting to know what I was supposed to do.

Interviewer: Just like reaching out your attorney?

Client: It's hard to reach out to an attorney...(the social worker) points you in directions of resources, gives you ideas of what you need to do, how you get to what you're supposed to be doing, what DCFS expects of you because they don't tell you what to expect. They just expect you to know.

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The social worker mediated between the court, DCFS, and the clients. All clients felt informed and educated by the social worker in terms of the legal process. Another client who received social worker help, half way through their case, had this to say on her knowledge of the legal system:

“If it wasn’t for (the social worker) to sit and explain it to me, I would probably still have no idea.”

Thus, the social worker was able to explain the legal process in understandable ways for the clients. One client expressed their regrets, which were also spoken by other families, as follows:

“I wish that I would have had (a social worker) sooner in my case...Because some of my decisions weren’t the best, especially in the beginning... I had no support.”

This client felt that she would have benefitted from early involvement with the social worker as she would have been able to help her make more informed decisions. Thus, the social worker’s advocacy includes educating clients on the legal system and aiding the client in fulfilling the requirements of the system. Another client explained the social worker helped her address all the expectations of the system stakeholders:

“(the social worker says) ‘this is what the guardian ad litem is wanting, this is what the court wants, this is what your attorney’s wanting, this is what the case worker’s wanting, this is what you need to be doing...and I’m expecting you to meet all these needs but I’m going to guide you where you need to go’. So it’s not just guessing... She’ll give you homework assignments every week.”

In this way, parents were guided through the child welfare process and felt supported, better able to cope with expectations and were more empowered. This was clearly lacking with families who did not have social worker involvement. Further, the social worker reduced the power imbalance that existed between the clients and other system actors by being approachable and attentive to the family’s needs. One client conveyed her thoughts saying:

“(The social worker) is one of a kind. She made me feel comfortable and still to this day (the social worker) is the only person throughout...the entire case that I honestly walk away trusting”

All families interviewed who had social worker involvement, reported that the social worker tried to reduce any barriers that existed in their case. One client spoke of her need for sobriety and her need for motivation, saying:

“I don’t think I would be able to...have my sanity without her (The social worker)...she keeps me motivated and going. Always having some insight... the advocacy definitely maintained my stability...and made me stronger to develop my skills and... my protective factors for my kids.”

This client felt better able to cope with her barriers and case problems with the social worker and went on to say:

“I would never have found my voice without (the social worker)”

This feeling of empowerment, stemming from the social worker’s advocacy, was expressed by all families in the social worker’s care.

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Clients shared the sentiment that the social worker amplified their position. Another said:

“(The social worker) gave me a voice when I had none.”

Another client similarly explained:

“The social worker was finally somebody that spoke on my behalf.”

This same client felt like nothing was moving forward in her case until the social worker came onboard to help:

“It’s been... a very difficult ride for me... so my case with DCFS didn’t start moving until (the social worker) came into it.”

b. Systemic issues and lack of support

All the families who had social worker involvement felt better taken care of as a result of her involvement. The social worker seemed to address all the unique needs of the families to whom she was assigned. There were those who felt that they had been neglected by DCFS and that the system had failed them. One person stated:

“I have not got one single resource from DCFS or CPS... and that’s the main thing on their websites... you know, keep families together, especially if they are the victims of domestic violence which we were... they ...disregarded it.”

The social worker was able to engage with families such that they were included in the court case, rather than feeling isolated. This was explained by a PD who said:

“She would hand hold the client, she would help them feel better about things, she would be a better communicator with DCFS, she would be a better investigator... with school with therapy... and she can be a witness last.”

Further:

“(The social worker) knows the ins and outs of DCFS. She knows what is available. She knows what they should be doing. She knows the rules of DCFS... she knows this is their responsibility”

As a result, clients interviewed who had the social worker all reported feeling supported and noted that their ability to advocate for themselves improved based on the social worker’s involvement. Additionally, these sentiments speak to the second goal of the PRP pilot in that the social worker was perceived to be useful in connecting clients to resources that otherwise would have eluded them.

One client observed that the social worker worked well in the legal system. This was particularly highlighted with the judge, the client had this to say:

“...she has respect for the judge. She’s not just looking out for how it’s going to help the parent, but what the judge is expecting. How you can help yourself with the judge and how she can help guide you and what you need to do between you and the judge”

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This showed that the social worker has respect for other system players and works for the good of the child and the family, by helping the family achieve what the judge expresses needs to be done.

Further, it was reported by clients that some system actors did not heed their requests but when the social worker came onto their case, then their requests were granted. This one client wanted her case separated from an ex-partner and had this to say:

“... When I asked to have it (the case) separated from caseworker ...They wouldn't do it. I asked treatment to advocate for me to get it separated. Still wouldn't do it. Once (the social worker) asked, it got separated. So having her there to back it up when everyone else is trying and nothing is working and they all listen to her and respect her. It made it easier”

Cases were perceived to move along faster and more efficiently with the social worker advocating for the client and bridging gaps between system actors further speaking to the second goal of the PRP pilot. This was clearly stated from a client's perspective:

“(the social worker) is my advocate, but she advocated for everyone to make everyone... like she's the center of the cake that makes sure that all (are)... perfectly informed and iced around it. Not just, “here this is, I'm advocating for you.” It's, “I'm gunna help all of you guys since apparently you're not communicating properly (to) understand each other”

c. Client Conflict – with DCFS, GAL, PDs

On multiple occasions, clients with social worker support reported negative relations with DCFS caseworkers. One client said:

“My case worker is hateful... (The social worker) was a buffer”

Another client who also experienced conflict with their caseworker, eventually had the social worker assigned to her case. This client rated the social worker as 10/10 in terms of effectiveness as she helped the client with the case and also gave her the personal strength and encouragement to be able to endure the legal process.

The social worker also worked with each client individually, meeting them at work or anywhere convenient to their variable schedules. This accessibility is illustrative of furthering the pilot program's first goal of increasing capacity and impact of the PDs.

Because a natural tension existed between the parents and the GALs, AAGs and DCFS caseworkers, the PDs felt the social worker helped them ensure parents' rights were protected. This function went beyond simply increasing clients' access to services and facilitating compliance with court orders. As one PD argued:

“Our social worker does help clients with services but they are also there to push back against DCFS so that our client is not doing things that he/she does not need to do or just is not obligated to do.”

The PDs felt that the social worker was acutely aware of the tensions and as one PD said:

“(The social worker) wants to minimize that, but... at some point (the social worker) will say ‘hey guys, I am in this, you guys have to put up with me’, but she is not there to make their lives difficult”

The PDs felt that the other system actors should rather view the social worker as:

“Double the social worker or double the hands to work towards this common goal.”

SW Utility and SW Advocacy

a. *“On my team” & life skills*

All the families who had social worker support felt that the social worker was their advocate and supporter. This was verbalized by one client who said:

“ ... It felt really good to have somebody who felt like they were on my team.”

Another client said the social worker was like a

“guided lightsaber that will like guide you through this wormhole that you’re stuck in so that you don’t feel so lost.”

The CFTMs were often described by clients as adversarial. When asked to describe the CFTMs one client summed it up in one word: ‘tension.’ This same client went on to say that:

“(The social worker) mediates on both sides.”

Others spoke more generally of the social worker being like family, a good listener, and someone to turn to when they needed help with anything. The social worker made herself available to clients in ways that no other system actor was able to accomplish. Clients knew they could rely on the social worker, even in a crisis. One client voiced some personal challenges she was having and how the social worker reacted to them:

“ I was having a little melt down earlier this week and (the social worker) kinda dropped everything to meet with me...she just helped me come up with a plan and feel more secure about what was going on.. She is a great listener and ... she is very knowledgeable... I would call her a friend.”

One impact of the social worker appeared to be helping clients organize their lives, in a variety of domains, to better facilitate reunification and permanency with their children. Whatever the families needed, the social worker addressed. Families spoke of her helping them to budget and sort out health insurance. As one client reported:

“First we worked on budgeting...Where can I go to get a bank account or credit... what about health insurance? ...Just everything from my well-being and environment for the kids... and my insomnia is so bad, so she’s like ‘okay this month we are working on your health’ ...then we did protective factors. So the first one we did was bathing my children, so bath time protective factors...”

Other clients spoke of the social worker giving tips for a healthy home such as removing dirty cat litter boxes. The social worker provided education and insight into ways to maintain a clean and healthy home to best meet the needs of the clients and their children. All clients interviewed perceived that the social worker had the family’s best interests at heart and was an aid, not a test to pass.

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One particular family spoke of the social worker helping them with small daily family needs, such as establishing routines and getting children to adhere to particular routines. Additionally, the social worker assisted families in preparing meal plans and advising families on what foods are best for the toddlers. Further, the social worker helped this mother to schedule her life around work and daycare. This particular mother said the social worker spoke to her of:

Client: Day care, how I'm going to cover daycare and how I'm going to make work fit all the schedules together ...what's [toddler's name] schedule, but how are you going to fit yourself in, are you gonna have self-care? Are you gonna take care of yourself on top of all this? ...That's not stuff you think about when you're getting your kid back. You're just like, 'yay, they're coming home.'

Interviewer: Absolutely

Client: You're not thinking, 'What are they gonna eat? How am I gonna get them to this? What is their schedule gonna look like? What is my... how am I gonna make all this work?' You're not thinking about that. She's just coming home"

The social worker thus helped families consider the realities of reunification by addressing how they would cope with practical day-to-day issues. In this way families were more prepared for the new transition in their lives. Such tailored interventions speak to the second goal of the pilot in addressing concerns that lead to increased and more lasting rates of reunification.

Additionally, any life skills that the clients appeared to be lacking, the social worker addressed. Another client learned to model correct behavior from the social worker. She spoke of not being assertive or proactive enough in her life, and by watching the social worker interacting, she was able to learn:

"So, having someone there and watching how they are proactive, how they do it. I'm learning slowly, well this is how... I can be assertive. ... I'm reaching out to treatment...Being more assertive, like proactive, I guess is another word. And learning that from (the social worker's) way that she just does it and role models-wise."

Another client who kept 'bumping heads' with their caseworker appreciated the social worker's involvement in the case and reported that:

"(The social worker) kind of explained and broke down how to communicate with my case worker."

Thus, the social worker taught clients how to improve communication with other system actors.

b. The social worker was trusted

It was reported that cases seemed to move faster after the social worker was assigned to the cases. As noted above, she was perceived as an aid and resource to families who were caught in confusing and confrontational circumstances.

Some families felt that they did not even know their attorney since they only saw them in court. This did not seem to matter to the families as the social worker was a trusted advocate and was described as a 'bridge' that connected to the attorney and informed the attorney of family

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progress. Most families did not trust the GALs and some did not have much contact with their PDs noting that they hardly saw them.

There was an element of distrust towards these system actors as indicated in the following quote from a client:

“I don't really have very much confidence in the attorneys, on both sides, the DCFS one and then this one of the kids (GAL).”

On the other hand, the social worker was trusted by all the families she served. Many said that they were “very grateful for her.”

c. Understanding and supports

In addition to directing clients to resources and being a person of trust, the social worker was largely perceived to impact the client's level of understanding of court processes and requirements. Increased understanding of the reasons behind the court requirements, as noted above, is perceived to better influence both short- and long-term outcomes of the cases. In addition to enhancing clients' understanding of court processes and requirements, some clients valued that the social worker encouraged them to be proactive and engaged in making changes in their lives. One client said:

“She taught me a lot more about responsibility and you don't have to be the past that you were, you can turn a new leaf.”

The social worker addressed concerns such as anger management, communication, and coping skills:

“... The main thing I have gotten from the social worker... communication building... and respect and boundaries and professional stability.”

Another client explained:

“I think I would still be stuck in my dark hole and you know, drowning in my resentful pity party... if it was not for (the social worker) opening up new ways for me to cope with things.”

Such responses from clients showed that the social worker helped clients to alter their thoughts and perspectives in a more positive manner. Many clients expressed frustration at having to do so many things to comply with the judge's requests and many spoke of the social worker explaining to them the reasons behind such actions, which resulted in clients being more willing to cooperate.

The social worker also helped clients understand the legal system which included the court requirements and what DCFS expectations were. One client said:

“(The social worker) points you in directions of resources, gives you ideas of what you need to do, how you get to what you're supposed to be, what DCFS expects of you because they don't tell you what to expect. They just expect you to know...she says this is

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what the guardian ad litem is wanting, this is what the court wants, this is what your attorney's wanting this is what the case worker's wanting, this is what you need to be doing...and I'm expecting you to meet all these needs but I'm going to guide you where you need to go. So it's not just guessing. She slowly gets you into, like, she'll give you homework assignments every week..."

These quotes show that the social worker helped the clients fulfill tasks required by the Court. She would check up on their homework assignments from the courts and DFCS.

One client was non-compliant with court requirements prior to the social worker's involvement. This client was reluctant to do the urine analyses until the social worker explained how this would delay the process and impact her visitation rights. The social worker helped the client see those procedures as protective factors. With all families the social worker was able to remove barriers to their progress.

Another client stated that "(The social worker) helped me gain an understanding... which then allows me to trust and gain that grounding with her." All the families who had the social worker support trusted her and relied on her support and guidance through the child welfare process.

Near the end of a client interview, a client expressed a hope for the future that:

"... every case has (a social worker)... on it... cause that seems more helpful than the attorney itself. Like the attorney is there for court, but having (the social worker)..., it almost seems like not having an attorney and having her would be better all the way around"

All the families in the study were indigent, experiencing marginalization due to socioeconomic status. In analyzing the interviews, the social worker's role included practical support with whatever families needed such as furniture, household goods, etc. Others spoke of her physically assisting parents in accessing court ordered services. Psychologically, her role and presence in their lives was seen to motivate and empower them. Lastly, as already discussed, the social worker educated the families on the legal system by communicating with them in easy to understand language with examples directly related to their own lives. Thus, the social worker was robustly perceived by the families with whom she worked to aid them in more lasting and favorable outcomes within an often confusing situation during a fraught time.

Families with Non-SW involvement

Case Barriers

a. Complex cases tend to be failing

Some families present as complex cases for the PD's office. These complex families were defined by multiple members in the family having specific needs and barriers to reunification.

Based on the limited capacity of the social worker pilot program, not all complex cases could be assigned this extra level of support within the PD's office. Thus, these cases had no additional

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social worker support and had to rely on the PDs and the DCFS caseworkers for their care. Some of these cases seemed to be failing although the DCFS caseworkers were trying to provide the services needed to each individual. There was a thread of confusion that ran through most of the cases that did not have social worker support. These families tended to feel less connected and possess lower levels of understanding and buy-in to the court process. Some family members in particular felt neglected and forgotten:

“They’re more focused on my wife’s concerns with her being rehabilitated, going to drug court, getting that going for her first and the process of trying to get the kids back and trying to get housing going...I feel like I should be getting psychological help... I got thrown by the wayside”

This client had multiple medical and mental health concerns. In this case, the client’s access to Medicaid followed the children causing him to lose coverage when they were removed from the home. Such clients with complex needs also perceived the DCFS caseworkers as being policing and enforcing agents of the State who expected unrealistic compliance to certain behaviors such as regular urine analyses, child support payments to the State, and confusing treatment recommendations.

Many families presented as fragile and emotional. They expressed contradictory comments with respect to the DCFS caseworkers, which showed a breakdown in communication between clients and system actors. These confusing messages are relayed in the following example:

“They didn’t look to my home to check for my home; they just said they were going to just take her. There was no reason. Everything.... I had proof that she was not neglected like that and everything. In fact, they were going to try to try to put abuse on me”

Some complex cases also experienced geographic challenges. Lack of private transportation meant that they were reliant on public transportation to get to mandatory urine analyses. One particular case in a rural area required the client to walk four miles to the bus stop to go and receive services in a larger urban area. The client had this to say:

“.. the drug testing is like being too much a month... it is hard for me... to get over there... because I do not have a car...I have to go twelve times a month... they want me to do all these assessment... and they just want more and more.”

Some of the clients interviewed without social worker support felt overwhelmed. Some were not able to make the CFTMs due to lack of transportation. Such barriers compromised their situation and made clients feel more hopeless as to timely reunification. Others reported not having CFTMs on a regular basis. One particular client had her child removed four months prior and had yet to have a CFTM.

Some clients felt that communication with DCFS was lacking and others felt judged by the caseworkers. Many complained about not seeing their PD very often, reporting that they only saw them in court. These cases with complex and multivalent needs seemed to all criticize the DCFS caseworkers and to a lesser extent, the PDs.

b. Less complex cases seem to go well

However, there were several cases that had no additional support from the PD social worker that went well based on client report. The child welfare system as it currently stands, works

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successfully for some families. These clients reported having confidence in their ability to advocate for themselves in the CFTMs or in the court room.

These cases solely had DCFS caseworker involvement. One particular client reported:

“I needed help and (the DCFS caseworker) was there...my court was amazing, they have given me chances...they have helped me with getting my housing going... they have helped me with my visitations... they have been really patient with me and have not judged me.”

The clients felt that communication and support was there. Another said:

“I feel like I have a good relationship with (the public defender).”

With these successful cases that did not have social worker intervention, clients reported understanding the vast majority of what was going on in their court case. The legal team was perceived as helpful to the clients. Such clients noted fewer barriers to compliance with the judicial system as well as greater readiness for change in regard to their drug use. Conversely, the more complex cases were very obviously in need of additional supports to achieve such outcomes.

Opinions of Public Defenders

This section documents the opinions of the public defenders (PD) related to the social worker's role in their offices. Based on the goal of the pilot program to increase the capacity and efficiency of these attorneys, these interviews shed light on the internal perceptions of the social worker's effectiveness.

All the PDs interviewed valued the role of the social worker in their office. She was able to provide in-depth services to families that the PDs did not have time to provide. They knew she would see the families weekly and provide any additional information that they needed to know. The PDs viewed the social worker role in a supportive and an investigative manner.

One PD echoed the feelings of all in saying:

“If we had the resources I would recommend a social worker on every case... (The social worker) is so helpful... first of all (the social worker) helps them (clients) understand the process, second of all (the social worker) helps them understand the case worker and her particular case. This is what we need to focus on. Here's what the caseworkers looking at. Here's what you need to do based on the adjudication you know, based on these services you have gotta focus on right? and finally she's just a person who is available more often, I hate to say, than the attorney...She is someone you can always call, you know... she can talk to me, the attorney, and be liaison between all that, and, you know I do not know what I would've done without her in several cases now,

Additionally, the PDs recognized that the social worker assisted clients in accessing services:

“... (The social worker) helps clients engage in services, she's... she helps them take advantage of whatever resources are out there.”

Further, the social worker mediated between the clients and the public defenders:

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“I would say it is her more frequent visits with the clients than the attorneys have, she gets to know them better and she can relay pertinent information to the attorneys and they can deal with it on the legal side.”

Thus, PDs relied on the social worker and trusted the information given to them from her. Often clients struggled with understanding the legal system and the social worker was seen to help the clients “digest legal advice.”

The social worker was able to provide additional social work insight into the cases by effectively communicating to the attorney barriers the families faced as well as keeping the attorneys up to date on the families’ progress.

There were many times that the PDs were unable to attend CTFMs and the social worker represented the clients. Further, the social worker provided on-going in-person visits with the family, monitoring progress and understanding family needs. As a result, the PDs universally felt that the social worker “reports back to the attorneys on how they (the clients) are doing so we (PDs) know how to approach hearings and know what to say.”

From an investigative role, the social worker assisted attorneys in reviewing case files and preparing court documents. The social worker was also seen as an additional recorder of the case process and a documenter, as expressed by one PD:

“(The social worker) is a documenter, she is able to say “hey you know what, yes, I was there when your attorney told you this, that, that and I heard it, and I know it, and I told you the same things” ...with those clients, I’m so glad she’s involved with those cases. She is the third person who documents everything.

The social worker thus supported families in trying to reach certain goals.

Additionally, the social worker interviewed third parties such as teachers and principals at schools and in some cases acted as a witness. Thereby providing additional information for the client’s case and facilitating better decisions on the part of other system actors. Finally, the social worker helped prepare alternative reunification plans where necessary.

In sum, the qualitative findings from these interviews indicate a robust support of the program goals linked to the social worker’s involvement in the PD’s office. She was seen to increase the capacity and impact of the defense in taking the time to build rapport, connect with parents, and influence their buy-in to the process. Additionally, the social worker role facilitated better understanding and communication between parents and attorneys. Such depth was reported to positively impact the PDs’ perceptions of these cases and the subsequent outcomes for parents and children.

Judges

As stated earlier, this project’s primary purpose is to identify parents’ perception of the impact of the PRP program in light of program goals. In juvenile dependency cases, judges are tasked with ensuring due process for parents. As such, judges’ opinions on the impact of PRP were also solicited. All judges interviewed seemed to understand the social worker’s role with the PD’s office as being an additional educational, social, and psychological support to the parents. The social worker’s role was to advocate for the parents’ goals and to empower the parent to make informed decisions based on thorough legal counseling from the attorney. The judges understood

that parents had the right to effective legal services that could inform their actions and decisions. Further, parents had the right to visitations while their children were in foster care. All judges seemed to value the autonomy of the family and recognized the potential negative impact of removing children from their homes.

Expertise, the court process and contextualization

Judges expressed confidence in the social worker, in part, because she had experience with dependency cases and performed her role well. As a result she was known to, and trusted by the judges. As one judge stated:

“...I have a lot of trust in her because I know her work is done well and I think she has the ability to work well with clients to provide them the help they need to better understand the court process.”

The social worker has the ability to help parents understand the court process. As such, judges perceived that the social worker positively impacted case outcomes:

“(The social worker) is able to understand the client and mostly helps them to better understand the importance of following through services and helps them complete services that (are)... ordered. Yeah, so (the social worker) has a positive outcome on the case...I don’t want to call her a mediator, but in some respects she is, because she helps the parents understand what’s going on, and helps them get toward engagement with services, and having a positive outcome.”

The judges recognized her role as an advocate for the parents in guiding them through the court process. Judges expressed some concern that this particular social worker had “unique skills and may be extraordinary among social workers.” This does not discount the more general utility of the social worker role within the PD’s office. Rather, it demonstrates that within the context of this pilot program, the social worker role was impossible to fully segregate from that of the person filling that role. If anything, these interviews show the levels of trust, expertise, and impact that a social worker in this role can have in relation to challenging cases across multiple stakeholders and clients.

For example, the judges interviewed expressed that they had considerable trust in the social worker due to her experience and her ability to work with clients. One said this experience made her seem like ‘a credible person’ and the sentiments of another judge were shared by all:

“...sometimes clients, at least the ones she works with, are better able to come to court and go through the court process because they have her assistance. I think there are a couple of cases that would not have gone so smoothly... they [parents] better understood the court process and they got more out of the court process, it just worked a lot better.”

Judges’ perceptions of the perceived impact of the social worker included better case outcomes and increased connection to resources, which impact not only the parent but the whole family system. For example, one judge explained that “parents fare a little bit better” when the social worker is involved. Another spoke of how the social worker encourages client engagement in the whole child welfare process by saying:

“...So I think the cases she is assigned to, the parents are more engaged in the services and there are more positive outcomes.”

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The judges agreed that the social worker involvement did not influence their ultimate decisions on cases. However, they definitely consider her as an additional support for families and her presence on the case may steer some process decisions that they make, as expressed below:

“...if I know the social worker is involved there might be orders that I'm more inclined to enter them. They may be a little more nuanced because I believe that the parents are going to get some additional support from the social worker ... there was a case where ...the family is in ...a precarious position and if things don't go well I'll end up having to remove the children and I ...specifically asked the defense counsel in that case if they could ...get (the) social worker involved... it helps me to know that that maybe there's an additional level of support and safety.”

Another judge supported this statement in saying that the social worker brings additional information to the cases:

The social worker provides “another piece of information...the more information I have the better decisions that I make...so anytime I have a social worker that is able to provide additional information, it's going to have an impact on my decisions.”

In terms of case outcomes, most of the judges felt that the social worker positively affected case outcomes. Not only did the social worker provide additional time to the parents as part of their defense team, but the social worker filled a void for some families within the larger system in terms of support and connection to resources. One judge provided the following explanation:

“...One is that the social worker is able to put more time into a case... do more handholding ... A DCFS caseworker may only see the parents once or twice a month, but the social worker, through the public defender's office, can spend much more time, when it's necessary, to help the parent, to get them connected with services... The other reason is that parents don't have to make the mind shift of “this person is on my side.” When these cases start with DCFS, they started in a very adversarial posture... if you know that the DCFS social worker... if you don't do what you're supposed to be doing...may recommend... that you lose your children... So that tension is always there, but it's not so with the social worker from the public defender's office. That person is viewed immediately from a parent's perspective, this person is on my side. And so parents (are) quick to engage with the social worker to accept what they tell them to follow through with them.”

Another judge also commented on the educational support given to parents via the PD social worker, and spoke of her influence on case outcomes in saying:

“... (The social worker) mostly helps them to better understand the importance of following through services and helps them complete services that I have ordered. Yeah, so she has a positive outcome on the case. You know she, I don't want to call her a mediator, but in some respects she is, because she helps the parents understand what's going on, and helps them get toward engagement with services, and having a positive outcome.”

Additionally, judges have felt that the social worker reduced familial stress with the child welfare process:

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“... the social worker ameliorated the (familial) stress and help(ed) them understand the situation and help them work through the stress so that they (families) don't come to court and be just venting in court. We can sit down and have some productive time in court and work toward problem solving in court rather than getting upset and just blaming which sometimes occurs... You know, as soon as they get engaged in the services the quicker the outcome.”

This particular judge further said:

“... I just wish we have more of her to go around”

Another judge reiterated this comment, saying:

“...I would love to see a social worker on more of the cases...”

All judges felt that the social worker's knowledge and ability to work with families in a supportive manner, informed the success of cases. As one judge stated:

“...I think it's probably good for the parents psychologically to feel like this social worker is in my corner... The families they come in and ...they feel the deck is stacked against them. Even though we know it's not. They feel that way, and that's important. So I think having that extra social worker who is going to take their hand and give him a ride somewhere, or help them make a phone call or help them set up an appointment. I think having that additional support for somebody who they know was 100% in the corner, I think that's gotta help them psychologically.”

The judges all observed that the social worker had an established rapport with the clients in the court room and her involvement improved the progress the families were making:

“... The cases that the social worker gets assigned to are the more difficult ones. Where parents are struggling ...and it's been amazing to me...to see that social worker come in with that family ...you can tell there's ... rapport...it's obvious that there's a good relationship developed and I've seen in a few of those cases, I was surprised by the progress the parents were making and the difference appeared to me to be that social worker...”

Another judge said the social worker presence *“moves cases more quickly, progress comes about more quickly and we get better results.”*

As evidenced by the previous statements, judges interviewed provided positive feedback related to the social worker's role in relation to the program goals of increasing the capacity of the PDs as well as connecting parents with resources that will improve reunification and family outcomes.

Due to the nature of the pilot project, all system actors and families were asked for feedback related to the role of the social worker to aid decision making and training for future growth of the program. When the judges were asked what factors presented challenges to her role, aside from there not being enough of her to go around, there was concern over whether she would ever need to be called to the stand in court to testify. As one judge said:

“... I don't know ... whether I would have conflicting testimony from two different social workers... I don't know how that that would go? How that would work out, what the impact would be if we ever got to the point... it's a possibility, and just from a legal and evidentiary standpoint, it raises questions in my mind, like what are the ramifications

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going to be, but we can cross that bridge when we get to it..."

Other than this concern, all felt that employment of other social workers within the PD's office requires that they have court room experience and child welfare experience as does the current social worker in order to be effective.

As a final comment on this pilot program, one judge had previously attended a national conference where the concept of a social worker in the PD's office was introduced. He had high expectations of this pilot because of that experience explaining:

"...I had high expectations and I'm pleased to say that those expectations have been met. I have just been very, very pleased and I've been ... involved ...for almost 20 years and you know, you see patterns repeated over and over again. Somebody walks into the courtroom, it doesn't take long before you kind of get a sense for how that case is probably going to play out and I have been surprised in a few of these cases that have had that social worker involvement that they did not play out as I expected and I really attributed it to that social worker and the work that's being done. I think it's a huge benefit to parents and families."

Other system actors

This section includes commentary from the AAGs, GALs, and DCFS caseworkers.

The roles of the Guardians ad Litem, Assistant Attorneys General and DCFS Case Workers:

The guardians ad litem (GALs) and assistant attorneys general (AAGs) have roles that can appear adverse to parental interests in child welfare cases. This holds true for the DCFS caseworkers too, who are often instrumental in having children removed, yet are responsible for seeing to the needs of the parent concerned. Thus, there is a natural tension and adversarial air that exists between GALs, AAGs, DCFS caseworkers and the parents of families involved in child welfare cases. As such, this tension was evidenced in interviews with these system actors as well as families.

Regardless, these system actors try to balance the need to protect children in society while also trying to preserve the integrity of biological families. Sometimes these goals are in direct conflict with one another. Since this pilot program aims to understand social worker utility and perceived social worker effectiveness within the PD's office, the views and opinions of the above mentioned system actors must be contextualized within this larger system dynamic. Because this is a pilot program, the views of the GALs, AAGs and DCFS caseworkers were solicited not to address program impact, but rather to inform future program design and possible training development modules. Further, their input would be useful in identifying the need for additional policies and procedures.

The Role of the Social Worker

Role confusion, conflict and opinions

In general, all AAGs understood the social worker's role, in the PD's office. They saw the role as a support to the families by helping them more efficiently and robustly navigate the system, speaking to goal number two of the pilot program. Additionally, they recognized the natural adversarial situation between parents and the state, one said:

“ (the social worker) does a fantastic job of assisting parents through the system... the Division of Child and Family services is a complex bureaucracy... people who are investigated by DCFS and come into the juvenile court process are often confused and frustrated... they are burdened by sometimes substance abuse and mental health issues... many were badly parented themselves...they have issues of poverty and housing... they need the help of DCFS... but there is often an oppositional position between the state and the parents that we are trying to help...”

This quote emphasizes the universal feeling of understanding the challenges such families who enter the child welfare system face. The social worker for this pilot program was assigned to families who often had more pressing and complex needs than those of their peers within the system. Although the GALs and DCFS caseworkers also understood the unique challenges such families had, both groups expressed some confusion about the social worker's role. The voice of one GAL spoke for all:

“The challenge for me is, I don't know ...the exact outline of what that particular role is. How it overlaps with the DCFS case worker, what she (the social worker in the PD's office) can and cannot do. So it was never explained to me.”

This was echoed by a DCFS caseworker who felt that she was doing the same work that the social worker was doing:

“It just seems like I'm doing the same work as she is doing.”

Another DCFS caseworker suggested that:

“...there should actually be some kind of a contract that is in place, that everybody knows what the expectations are, what (the social worker) can and cannot do and what her role is.”

Another system actor said:

“In theory I think the (social worker) position is something that could be invaluable... my biggest concern... is there doesn't seem to be ... clear-cut rules and guidelines for that individual (social worker)... there have been multiple times where I have had clients introduce her to me as their attorney.”

These concerns related to the social worker's role and perception factor into future considerations for implementing the program on a larger scale. Informing other system actors of the scope and intent of the role will likely provide greater clarity and utility to all involved.

Regardless of many system actors not understanding the social worker's role, there was consensus from all AAGs, GALs and DCFS caseworkers that she was a support and an advocate for the families who were her clients. The social worker was seen as a “zealous advocate” for

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the clients. Thus, she fulfilled portions of program goal number one, to increase the capacity of the PD's office, by being present for their clients when it was not possible for an attorney to do so (e.g., in providing access to services implicated by the case or by advocating for them). In support of this, another system actor stated:

"(The social worker) stands up for them (clients)... they often can't find their own voices...they are not sure what they are permitted to say. They are not sure what's going to get them deeper into trouble and so (the social worker) acts as a way of increasing their voice..."

There were a few system actors who felt the social worker's role was at odds with their own sense of how cases should be handled. Some complained that the social worker took child and family team meetings (CTFMs) off course, by arriving early, talking to, and trying to influence all parties. While those entities admitted she did so in order to benefit her clients, there was evident confusion as to what activities were appropriate for her role. This confusion is evident in the following quote:

"There are times when she helps them (clients) argue things that are false or helps them make excuses for themselves... that's a frustration... and I think that's something that could be managed through training."

Additionally, it was expressed that the social worker involvement "muddies up the process" or is "another moving part" in a large system that needs consideration.

One has to remember, as one AAG describes, there is a "natural tension" between system actors on these child welfare cases. Another system actor, in rebuttal of additional players in a large system, stated that:

"...the more voices we have, who care about the individuals we are working with, the more voices contribute more to good resolution."

Thus, another voice supporting the family will better inform the case and contribute to correct decisions for the family. Even when resisting some of the social workers' specific activities, stakeholders generally agreed that it was beneficial for the parents to have additional support during a confusing and adversarial process:

"... (The social worker) was there to represent her clients and wanted to make sure their rights were being respected."

Thus, the social worker's actions may have felt inappropriate by some, but most nonetheless endorsed the importance of having someone whose role was to support the parents. Contextually this is relevant to how the program is designed in that the social worker is primarily there to fill this role as a part of the PD's office, increasing the efficacy of the defense while also directly aiding the families by improving access to resources.

Despite the inherent adversarial elements of this system, and the above-mentioned pushback against some of the social worker's actions, the majority of the system actors felt the role added fluidity to the court process because the social worker was able to see clients more regularly than anyone else. One DCFS caseworker expressed the opinions of all caseworkers in saying:

"...there's probably a lot more handholding on her (social worker's) part that I maybe would not be able to do because of all the cases I have"

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Another system actor articulated that the social worker was like a watch dog over the court process:

“I think (the social worker is a) kind of way to make sure that the social workers from the state are not recommending things that the social worker for the parents realize is unnecessary.”

Although there were some criticisms regarding the social worker’s role, the general opinion of the system actors was:

“... [The social worker] helps more than she hurts...”

She was “in the client’s corner” and as was verbalized by a system actor:

“... (The social worker) made the parents feels they had someone on their side... that can be very validating for a parent”

a. Legal practice versus social work practice

A consideration for future implementation of this pilot program would benefit from taking the following qualitative themes from the system actors into account. The social worker is in a unique and sometimes precarious position; being employed by the PD’s office and often appearing in child and family team meetings (CTFMs) without legal counsel. While the social worker must n advocate for parent, the position must also avoid the appearance of giving legal advice. System actors felt like the social worker sometimes crossed this line, and gave legal advice when the PD was not present.

As one system actor stated:

“(The social worker) helps clients digest legal advice... she cannot give legal advice but can remind clients in the moment such as not saying anything.”

System actors perceived that the social worker’s intentions were to protect the client. Valid contributions, on the social worker’s part, were made in the CFTMs, as one system actor stated:

“(The social worker) has good ideas... I have seen in meetings when she has been really encouraging and has had good ideas that help us problem solve.”

Further, the issue of whether the social worker was protected by attorney–client privilege was often raised. One system actor commented:

“It is not clear that ... (the social worker)... is protected by some sort of client privilege?”

There was general concern that if the social worker was an extension of the PD’s office, does everybody else in the CTFMs have to have their attorneys present when the social worker was there?

In court, the judges all agreed that the social worker never overstepped her role boundaries. One AAG summarized her juxtaposed and often confusing role in saying:

“I think that the public defender would not want (the social worker) to be identified as a paralegal... who is assisting in the legal process. They might or might not want her to be identified as a therapist because there are some protections for therapeutic roles...”

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b. *Ethics and confidentiality*

Additionally, a theme that emerged across system actors was the concern of ethics and confidentiality. These details may also serve to further inform expansion of the project. Many system actors commented that there was a general distrust of DCFS by the families. It was acutely expressed by one person who felt that:

“Parents...see DCFS and the courts (as) the enemy... those are the people who took their kids and they don’t trust them.”

Another said:

“They (the families) need the help of DCFS... but there is often an oppositional position between the state and the parents that we are trying to help...”

Having a social worker in the PD’s office, working closely with the indigent families, was one way of trying to ameliorate this feeling of distrust.

Another controversial issue that was raised a few times was the issue of supervised visitations. The social worker had petitioned various GALs and DCFS caseworkers for the right to facilitate visitations. As one system actor expressed:

“I think it extremely problematic because it would be like having a public defender supervise visitation...if there were problems during the visit she would have to stop the visits... and she would have to report those issues to DCFS. But as a part of the public defender’s office she has a duty of confidentiality to the parent, and so I think those things are totally inconsistent... we would have to call her and put her on the witness stand to testify.”

This concern raises issues of ethics, confidentiality, and conflicts of interest.

Advocacy

The social worker for this pilot program understood the unique issues facing each client such as: mental health concerns, previous incarceration, domestic violence, and substance abuse. As a social worker, she was able to manage these challenges without letting them interfere with the client’s representation. Thus, this role was perceived by system actors to serve the goals of the pilot program by increasing the efficacy of the defense as well as aiding families in making lasting changes despite a system that at times can be confusing, adversarial, and difficult to navigate. As one system actor stated:

“ What I have observed is that (the social worker) does a fantastic job of assisting parents through the system... people ... who are investigated by DCFS... are often confused and frustrated”

The social worker advocated for the clients and seemed to empower them. They often felt disempowered. One person said:

“(The social worker) is a voice I never had”

This advocacy was also noted by other system actors who observed the social worker interactions, saying:

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“(the social worker) stands up for them (clients)... they often can’t find their own voices.”

The social worker was a parental advocate for services that the family needed. All interviewed parties stated that the social worker had a wealth of knowledge that was brought to meetings on services available in the community. As was noted:

“...the social worker spends a lot of time with them (clients) individually... she is doing a weekly check-in...she’s been helpful in coming up with additional services that the rest of the team is not thinking of.”

Aside from being informative, the social worker was able to physically take clients to services and help them register. This directly relates to the second goal of the program and positively reflects her perceived impact on case outcomes. When some clients needed hand holding going to drug court, the social worker made sure she assisted with that too. Further, in CTFMs, she was known to advocate for greater visitation rights based on new progress the clients had made.

The way the social worker aided clients was generally observed in a positive manner. In describing her role, one system actor spoke for all in saying:

“... She has done a lot in trying to help connect them (client) with services...like with housing resources...”

This was further supported by another system actor who said:

“She has helped them on board with services... I have had numerous cases where I think the parents may have never done anything but (the social worker) stepped in and she was able to...help them see it would benefit them to do what DCFS was telling them.”

Additionally, it was noted:

“...parents are more proactive because she (the social worker) is involved.”

All the system actors felt that the social worker assisted clients’ understanding of what legal counsel was asking them to do. The efficacy, capacity, and efficiency of the defense was therefore perceived to be positively impacted by the social worker’s role. The social worker seemed to bridge issues of communication, as one system actor stated:

“She can address the natural questions that parents have...attorneys don’t speak the same language... we have a different style of communication. We use different words that create barriers to communication... The social worker knows the language so in some ways, she translates for the parents as well. She helps them understand what we are trying to communicate... she helps us understand what the parents are trying to say as well...”

Thus, the social worker mediated well between legal counsel and clients. Another system actor supported this issue of communication in saying:

“We have parents who... need extra explanation, or they are not very literate, and ... having someone else there to assist them can be helpful... giving an extra guidance to the parent...”

Some system actors have seen generations of the same family cycle through the child welfare system:

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“... it's like a cycle ... I see a lot of... parents who I knew when they were children, and their grandparents were their parents and now they have their kids in the system so now we got two or three generations of foster care kids and the kids are doing the same thing their parents did...and I think that's another reason why I think the social worker for the family can be beneficial because I think she can help the parents and the children understand what we're trying to accomplish. To hopefully break that cycle. So they don't come back.”

They expressed that the social worker “helps a lot” as often the clients just do what they have to do because the court ordered it and they did not “understand or agree” with the court orders. Rather, the parent simply went through the motions. As a result, “we (the court) see them back again later on, because they have gone back to their old ways.” This system actor then went on to express:

“...I tend to think the long-term effects (of having a social worker) are going to be much more beneficial because I think there's a better chance that those parents aren't going to be coming back in a couple years doing the same thing.”

Teamwork and interdisciplinary collaboration

There were system actors who felt that the social worker worked well with them as a team:

“I viewed (the social worker) as part of the team, not as an adversary... (The social worker) understood that we had to look at the safety of the children from our side... so she was able to explain to the parents... why certain steps needed to be accomplished before we could move to overnight visits.”

Another DCFS caseworker also felt that the social worker worked with them in an amicable, productive manner:

“... (The social worker) will usually call me to discuss the concerns the parents having or whatever.”

This shows that the social worker acted as mediator and facilitated understanding of the process in a productive manner. Another system actor supported this mediatory role in saying:

“(The social worker) is an advocate for their client and work with their client to complete items on the service plan and be supportive to the client.”

This collaborative teamwork in facilitating clients was further substantiated in the following comment:

“Sometimes we have clients that don't understand why a judge made that decision and they don't listen to him or from us (DCFS), because we're the enemy, right? Coz in a lot of those cases we are in their eyes. Having somebody who's able to go into it and say “hey you know what, I'm coming to you from your defense and I think this is why the judge made his decision”. This is why and explain it to him, and it's their own advocate explaining why it happened would be really helpful. And I've seen that at times.”

Overall, the system actors recognized the supportive, motivational role the social worker played. This was summed up by a DCFS caseworker who said:

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“...I find it helpful when ...we can't seem to reach the client where we can't seem to really get them to understand what it is we need them to do, or we can't get them motivated to do it. I feel like (the social worker) can sometimes do that or maybe a little more handholding than we have the time to do.”

All stakeholders endeavor to work collaboratively to resolve matters. There were a few who felt that the social worker created more enmity between DCFS and the client by cautioning clients to be careful what they divulge to DCFS in the CFTMs. This makes sense given the inherent conflicts possible between interests of various parties and the social worker's role within the PD's office. Further, some system actors reported that parents were advised not to send messages to the DCFS caseworker unless the social worker was copied on them. This was a concern to the State whose representatives felt that all system actors should be working to a common goal:

“...to re-unite the children with the family and build that support so I had times where she instructed clients not to have a team meeting unless she (the social worker) can be present.”

However, as the above statement illustrates, the social worker fills a necessary role in advocating for her client and making sure that they are not alone in conflictual and potentially confusing scenarios that could have impacts on the case outcomes.

In sum, it was generally felt that the social worker should be assisting in client case planning, helping them understand DCFS decisions, and facilitating access to the services requested by legal counsel, while leaving legal issues to the attorneys.

Utility of the Social Worker

Theory versus practice

For further consideration in implementing this program across other jurisdictions, the theme of theory versus practice emerged. As stated earlier, many system actors are content with the additional help that the social worker position brings to a complicated system. The idea of this position is well received. All felt the same as this system actor expressed:

“So in theory I think that the position is something that could be invaluable”

This same person went on to say, in practice the social worker position adds stress to the system:

“...so it's normal to have the attorney challenge you, now you have a social worker that challenges you as well. So it actually adds to the conflict...”

On interviewing all the system actors, it was found that no one debriefed them on the social worker involvement. As one person said:

“(The social worker) just appeared at the CFTM and was on the case.”

This caught many people off guard. As was expressed by another:

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“(The social worker role) should streamline cases because it is someone else that is also hand holding. That is making sure that they (clients) get the services and do the stuff ...”

a. Increased understanding

The presence of the social worker on the child welfare cases helped the clients understand the child welfare process. As one system actor stated:

“(The social worker’s) purpose is to work with that parent alongside with the child and family team to help them understand what’s happening in the process.”

Further, the social worker improved understanding between all system actors. This mediatory role was articulated by one system actor who said:

“I think (the social worker) understands the State’s perspective and (the social worker) understands the parent’s perspective... the parents can’t get in to see their attorney very much, so she is kind of the key...the social worker is who the parents go to.”

It was also expressed by all that the social worker helped families understand the benefits, to them, of the services they were required to do. As one system actor commented:

“Whether it’s going to be anger management, drug treatment and parenting classes... whatever it is that we (the court) offered them. I think ...the potentials there that they have a better understanding of what they’ve accomplished not what we’ve made them do, but what they have actually accomplished, they will own it more as opposed to saying this was something that was forced on them. They can say look, this is what I did...and I think that’s where their social worker has the potential of really benefiting the whole system is getting them to understand that.”

6. Recommendations

Programmatic recommendations

1. The social worker’s role needs to be clearly defined and understood by all. All system actors need to understand that the social worker is primarily working in the capacity of a case manager providing parent support to the client of the attorney. A clearly outlined policy on the social worker’s role could be drafted emphasizing the goal of empowering the client to be self-determining and engaged in the child welfare process. While system actors may see an added benefit in terms of client’s cooperation, the primary purpose of the social worker is to benefit the client and not systems actors whose relationship to the client may be adversarial.
2. As with the Washington PRP, social work ethical practice guidelines should be considered. Social workers are mandated reporters of child abuse and are subject to the laws supporting mandated reporting as well as their ethical codes. Attorney client privilege does not extend to social workers employed by the PD’s office in matters requiring mandated reporting. The current legal framework should be considered closely, especially as it pertains to the typical duties of the DCFS case worker, such as conducting a supervised visitation with a client and their children, as an episode of child

maltreatment in the presence of the PD social worker can create a significant conflict of interest.

3. Judges felt that in future, social workers employed need to understand the court process, court proceedings, the timelines, and what adjudication means. This can be addressed in training provided to social workers as well as previous work experience.
4. A specific practical internship be designed for this position that has a mentoring aspect to it. The goal of such training would be to inform newly hired social workers on all aspects of the child welfare system. It was recommended that workers engage in training at the courts, in the GAL offices, with DCFS workers, and then with the PD's office.
5. This social worker position was highly valued by most system actors and many felt that the social worker should get involved in cases sooner rather than later. For greater assistance and support in families reaching milestones and completing services required by the courts.

Expansion of Project

The majority of stakeholders who were interviewed wanted to see the project expanded to employ more social workers in the PD's office. However, there was general concern that newly employed social workers, as well as other system actors, would need to have specific training and skills. It is recommended that:

1. Newly hired social workers have sufficient understanding of child welfare legal processes and their associated state and federal laws.
2. Newly contracted social workers need to understand the way that The Department of Child and Family services (DCFS) works in child welfare cases.
3. An understanding of child development, attachment, and bonding is needed. This will include the effects of parental separation on young children.
4. New social workers need to know the support services available in the community for these families, understand barriers to support, and know how to access the services.
5. All system actors should be trained on the role, purpose, and duties of PD social workers.

This evaluation was not based on quantifiable outcomes as the pilot was too new with too few cases to statistically measure impact. In future, it is recommended that the program be extended sufficiently to include outcome data for Utah as has been accomplished in other states.

Organizational Capacity

The employment of social workers in the PD's office needs to be embedded in an institutional framework. A formal referral process should be implemented to enhance supports in the most serious cases. In addition, it is strongly recommended that the social worker be given resources to meet with clients.

7. References

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