



# Iowa Children's Justice

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Iowa Children's  
Justice Update

*To inform the courts and other interested members of our state community, Iowa Children's Justice will send out periodic information about issues and activities related to Juvenile Court.*

**December 2009**  
**Parents' Representation Matters**

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## Why Parents Representation Matters

National groups including the Pew Commission on Children in Foster Care, the American Bar Association Center on Children and the Law, and the National Association of Counsel for Children have recognized the need to strengthen legal advocacy on behalf of parents. A national movement to ensure all parents receive assistance from effective attorneys has begun.

They conclude there are several reasons Parents' Representation is critical to a healthy child welfare system.

- Safeguarding the liberty interests of all parents
- Guiding Parents through complex proceedings
- Improving quality decision making
- Expanding options available to courts
- Improving case outcomes

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## Safeguarding liberty

A parent's right to raise his or her child has been recognized as one of the oldest, and most sacred of constitutional rights. It may be assumed, but must be said: Having counsel better assures that the parents' due process rights will be protected.

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## Guiding parents through complex proceedings

Child welfare proceedings are governed by many federal and state laws and involve many professionals – social workers, guardians' ad litem, court appointed special advocates, therapists, judges, etc. Although the goal is reunification in most cases, frequently parents become frightened or overwhelmed, and disengage from the process. They do not know how to work with their caseworker or understand the purpose of many meetings and hearings. An effective counsel can guide them through the process by:

- assuring the parent that they are not alone in navigating the child welfare system,
- assisting the parent reach decisions consistent with legal and ethical mandates, and
- ensuring the parent's voice is heard both in and out of court.

This effective advocacy results in a parent who is empowered and able to engage in the process to regain or maintain their child in their home.

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## Improving the quality of decision making

Without effective parent representation, courts lack an important perspective – that of the parent with whom reunification is sought. The effective advocate will:

- challenge unreliable information,
  - produce independent evidence of their clients' strengths and supports
  - assure reasonable services are offered to address clients' needs
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## Expanding options available to courts and Improving case outcomes

Data suggests the roles parents' lawyers play in child welfare cases dramatically improves outcomes for children. With parents' lawyers in place:

- Expanded opportunities for parent/child contact occurs
- More relevant services can be garnered
- Hearings take place faster
- Reunification rates increase, in some studies up to 50%
- Terminations decreased up to 45%, and
- Rate of children "aging" out of the foster care system declined by 50%

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## Children's Justice update on Parents' Representation

Children's Justice assessments of Iowa court practice have demonstrated wide variability of practice quality by parents' attorneys. In an effort to improve the quality of representation, the Children's Justice Advisory Committee will initiate a multi-disciplinary task force to address Quality of Parents' Representation. Working with the State Public Defender, the Iowa State Bar, Juvenile and Family Section, along with faculty from the University of Iowa Law School and Drake Law School, the task force membership will develop recommended standards of practice for attorneys who represent parents in child welfare proceedings. The work group will have face-to-face meetings, as well as conference calls. In addition, review of materials and drafting standards will be included in the group work.

Invitations to serve on this work group will be issued in January 2010. Geography, gender, and discipline balance as well as experience are some of the qualifications used in determining membership. If you are interested in volunteering for this work group, please send an email to [gail.barber@iowacourts.gov](mailto:gail.barber@iowacourts.gov). Please include your name, contact information, what role you serve in child welfare cases and the geographical area you represent.

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## For more information:

Much of this material was excerpted from an article on Parent's Right to Council printed in the September, 2009 issue of *Child Law Journal*, published by the American Bar Association. Subscription information for this journal can be obtained at <http://www.abanet.org/child/clp/subscribe.html>

This e-letter may be forwarded to others you think might be interested. If you would like to add someone to our mailing list, please send their email address to [jane.kieler@iowacourts.gov](mailto:jane.kieler@iowacourts.gov)

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