

What Should an Attorney **DO** in a Child Welfare Case?

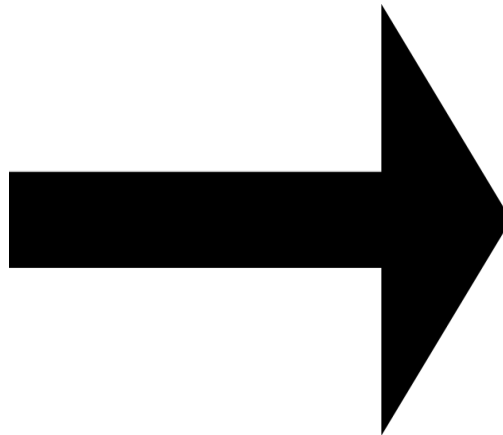
SKILLS: CASE PLANNING

Children's attorneys can and should participate in the development of formal, legally required case plans for their clients. However, to engage in quality legal representation, the child attorney's role goes beyond that of mere participation. The attorney should independently assess the case and develop a plan for how to achieve the client's legal goals. That plan should be led by the strengths, needs, opinions, and challenges of the youth and family. The attorney's goal should be for the agency to adopt that youth- and family-centered plan as the formal case plan.

A key piece of case planning is back-up planning. Child welfare cases are unpredictable, and facts and circumstances can change rapidly. Concurrent planning is critical for those reasons. To deliver quality legal representation, an attorney should have investigated and developed plans to account for as many contingencies as are reasonable and foreseeable - and should encourage the agency to do the same.

Attorney Case Plan:

- ❖ Expectations of:
 - Agency
 - Parents
 - Youth
- ❖ Timelines
- ❖ Services youth/family needs
- ❖ Placement
- ❖ Family time
 - Parents
 - Siblings
- ❖ "Normalcy" activities for youth
- ❖ Education
- ❖ Medical
- ❖ Mental health
- ❖ ICWA
- ❖ Connection to culture/race/ethnicity/religion
- ❖ How progress will be measured
- ❖ Primary permanency goal
- ❖ Concurrent permanency goal



Agency Case Plan

Resources

- ❖ Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases (Donald N. Duquette, Ann M. Haralambie, & Vivek S. Sankaran eds., National Association of Counsel for Children, 3d ed. 2016)
 - Chapter 14: Child Protective Services Maltreatment Investigation/Assessment: An Overview for Attorneys; Section 14.5: "CPS Investigation/Assessment Process (Alberta J. Ellett)
 - Chapter 15: Child Safety: What Judges and Lawyers Need to Know; Section 15.9: "The Court-Ordered Case Plan" (Therese Roe Lund & Jennifer Renne)
 - Chapter 17: A Child's Journey through the Child Welfare System; Section 17.9: "Case Plans" (Ann M. Haralambie & Donald N. Duquette)