

Visitation Advocacy

One Path to Permanency

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1

Opening Exercise

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What if?

- We could locate and engage the child's extended family members and important connections to help support the parents in their goal of reunification and then take responsibility in raising this child?

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Goals

- Ensure we are looking at each case individually
- Understanding of the unique role of parent's and youth's counsel
- Expectation of relentless advocacy in and outside of the Courtroom
- We can make a difference

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What we now know

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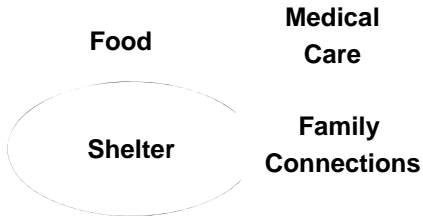
Average Number of Living Relatives

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In times of disaster, the American Red Cross provides for the following essential needs:



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FREQUENT PLACEMENTS

- **adverse child outcomes***
 - Poor grades
 - School truancy
 - Social/emotional adjustment difficulties
 - Aggression
 - Withdrawal
 - Poor social interaction/peers & teachers

*Securing Child Safety, Well-being and Permanency Through Placement Stability in Foster Care, Policy Lab, Evidence to Action No 1, Fall 2009

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Healthy development...

- depends on the quality and reliability of a young child's relationships with important people in his or her life, both within and outside the family. Even the development of a child's brain architecture depends on the establishment of these relationships.

■ National Scientific Council on the Developing Child: Young Children Develop in an Environment of Relationships October 2004

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**The Geneva Convention of 1947
(#32)**

The Right to Know

“The primary need inevitably cited by the families of missing persons is the right to know what happened to their relatives”

The Missing. The Right to Know, December 2003, ICRC

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Adoptees

An estimated 6 million adoptees live in the United States. (Fischer, 2003)

In a study of the issues involved in adoption, the Maine Department of Human Resources Task Force on Adoption found that 95% of the adoptees surveyed expressed a desire to be found by their birth parents. (Freundlich, 1998)

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**Protecting Rights and
Meeting Needs**

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Advocate

- Someone who speaks on behalf of another person.
- Implicit in this concept is the notion that the represented lacks the
 - Knowledge;
 - Skill;
 - Ability; or
 - Standing to speak for themselves.

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Child Welfare System Advocates

- Child Welfare Worker
- CASA
- GAL
- Attorneys
- Judicial Officer
- Others?

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Highlight Attorney Advocacy

- Obligations
- Requirements
- Practice

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Attorneys - MRPC

- Zealous advocate on behalf of his or her client
- Maintain an undivided loyalty to the client's interests regardless of attorney's personal beliefs
- Must act with "reasonable diligence and promptness" in representing client;
- Not "knowingly reveals a confident or secret.."

*Parent's Attorney Protocol, Michigan State Court Administrative Office, July 2008

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Practice Challenges

- Time
- Resources
- Community Support
- Leadership
- Commitment
- Big Picture View

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"We don't see things as they are, we see them as we are"

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Resignation

- High case loads
- This is the way we've always done it
- Training
- Advocacy outside of the courtroom
- Apple doesn't fall far from the tree
- If they really cared, they would be here

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Parent Time and Visitation

- Single most indicator of FR
- Siblings
- Grandparent's and other relatives
- Important Connections

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Balancing Act

- Perform full and independent case investigation
- Involving the client at every stage
- Meaningful communication
- Preservation of family relationships

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Major Impact

- Preliminary hearing
 - Reasonable Efforts (case specific)
 - Set time, place and duration of visit
 - Identify Family
 - Paternity
 - ICWA

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Outside the Courtroom

- Meeting with Client
- What reasonable resources are available?
- Training for relatives

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Other Opportunities

- Interim Review Hearings
 - Ask that one be set for visitation review
- Case Plan Development/Review
 - Review with client
- Whenever recommendation is reduced parenting time
 - Evidentiary hearing

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Issues Posed

- Maintain bond and connection
- Parenting time
 - Observe skills
 - Supervision necessary?
- Non-Custodial/Offending Parent
- Relatives as support/placement
- Reduce loss and grief issues
- ILP – Relationship building

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Additional Strategies

- Negotiating
- Collaboration
 - Strategic Planning Sessions
 - Needs/Challenges
 - Development of Process and Protocols
 - ADR – Blended Perspective

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What can we do today?

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