

**TO:** Vermont General Assembly  
**FROM:** Vermont Parent Representation Center, Inc. (VPRC)  
**DATE:** January 24, 2011  
**RE:** Report on Implementation of Pre-Petition Hearing Representation of Parents

**Introduction:** Last year the Vermont General Assembly provided funding to the Vermont Parent Representation Center by means of a subcontract from Vermont Legal Aid Society. The purpose of this contract was to provide legal and social work services to parents in pre-petition hearings. This funding was intended to support parents to keep their children safely at home. The explicit understanding was that the Department for Children and Families, Family Services Division (DCF) would refer parents to VPRC who have both an open case in DCF Family Services with a high or very high rating on the risk assessment and an unresolved legal issue which created a barrier to safe parenting. In other words, the target population is that most likely to result in out of home placement of children.

**Implementation:** The following is the contractual language agreed upon with AHS/DHS and Vermont Legal Aid Society.

*The Vermont Parent Representation Center, Inc. will provide legal representation and support to parents who reside in Franklin, Grand Isle or Lamoille Counties and who have an open case with the Department for Children and Families-Family Services Division. Vermont Parent Representation Center will use an interdisciplinary team of an attorney, a social worker and a peer navigator ( a parent who has direct experience with the child protective and foster care systems) to represent parents experiencing or at risk of experiencing the removal of their children into state custody and foster or kin care. The Community Action Team (CAT) will work with the parent with an open case in the Dept. for Children and Families, Family Services to support the parent to work through the issues that threaten the children's safety to prevent a petition from being filed in family court. Vermont Parent Representation Center will also represent parents in the probate court in minor guardianship proceedings where there is an open DCF case in the Family Services Division.*

Referrals to VPRC were intended to be made from a variety of sources including DCF. DCF provided assurances that appropriate referrals would be forthcoming.

VPRC under its contract is to report outcomes and performance measures directly to the Legislature in January 2011. This is our report:

Our Executive Director is full time and began receiving a salary on July 1, 2010. Our attorney, social worker and peer navigator are half time, began training on August 1, 2010 and began accepting referrals on September 1, 2010. VPRC operates "virtually" communicating using technology with no expenses allocated for a central office. Conservatively 83.3% of our budget is used on direct services to our parent clients and their families.

**Funding Sources:** This is a public/private partnership with funding from the State of Vermont, foundations and private donors. The first payment under this contract was received by VPRC on October 6, 2010. This late payment did not delay the start up date because of sufficient other funding. Our total budgeted expenses for FY11 are \$160,000. Our total funding sources including the State are \$165,700.

**Performance Measures and Client Outcomes:** VPRC has Board approved performance measures for VPRC.

**VPRC Performance Measures , September to January 20, 2011**

<u>What did we do?</u>	<u>How well did we do it?</u>
<p># parents referred: 30</p> <p># parents opened: 12 (10 mothers, 2 fathers)</p> <p># parents closed: 1</p> <p># children involved: 24</p> <p># parents with VPRC visits</p> <ul style="list-style-type: none"> <li>- in parent home: 12</li> <li>- in parent community: 12</li> </ul> <p># service plans created: 6</p> <p># Petitions filed for unsupervised/less restrictive visitation: 2</p>	<p>% of service plans where parent completed services: 0</p> <p>Average length of stay in foster care for children where parents are served by VPRC: NA no child is in foster care</p> <p>Average length of stay in foster care for children where parents are not served by VPRC Data in development</p> <p>% parents with VPRC team visits in home/community: 100%</p> <p>% of parents with children in foster or kinship care with successful advocacy for unsupervised visits: 0</p> <p>% of parents with children in foster or kinship care with successful advocacy for less restrictive visit arrangements: 67.67%</p>
<b><u>Is anyone better off?</u></b>	
<p>% of parents whose children do not go into foster or kinship care: 83.3% (1 non-custodial parent )</p> <p>Rate of children reunified with parent from foster or kinship care: none out of three possible in minor guardianships in the probate court</p> <p>% children reunified with parent who do not re-enter foster or kinship care: NA</p> <p>% of clients who had no new substantiated abuse and neglect while being served by VPRC: 100%</p> <p>% parents who found VPRC team visits helpful to achieve their desired outcome: survey to be conducted every 6 months has been prepared and will be given to clients in February, 2011</p> <p>% of VPRC stakeholders including attorneys, court, DCF, who at case closing believe VPRC involvement contributed to improved outcomes for the involved families. 1 case closed this month and survey prepared and will be given to the stakeholders in February, 2010</p> <p>Public dollars saved from children not entering foster care: Cost savings in development</p> <p>Public dollars saved from reduced length of stay in foster care: NA</p> <p>Public dollars saved from children reunited with clients who do not reenter out of home care: NA</p>	

## **The Story Behind the Data and Lessons Learned:**

One of our parents saw his child go into minor guardianship. He had not been the custodial parent, did not have any time to make the necessary preparations and is now working towards an active parenting role.

Our mostly young parents who have suffered extensive trauma beginning as young children, have life long consequences of this trauma. They include behaviors such as substance abuse, mental illness, learning disabilities, relationships with violent offenders, assaults and sexual abuse. Our parents share the following characteristics:

- resourceful
- able to make do in difficult circumstances
- strong
- impulsive
- argumentative
- tender
- maneuvering from crisis to crisis
- hopeful
- vulnerable

Many have never experienced nurturing parenting themselves, seen what positive parenting looks like or lived in supportive families. Living in poverty in rural Vermont adds additional challenges to successful outcomes because they do not have access to reliable transportation. Their legal barriers to safe parenting of their children range from violent relationships with the other parents of their children, to loss of housing through eviction or loss of Section 8 certificates, and total inability to navigate or understand the legal systems in which they find themselves. Almost half our parents have recently come out of jail, are on probation or in substance abuse treatment programs. Loss of driver's licenses and accumulating fines for driving without a license, and the inability to pay for the CRASH program despite months of sobriety and no new offenses, make recovery, including gainful employment, almost an impossible task.

In order to be successful with our families, we have come to appreciate what many of our families like and what they appreciate such as:

- non-judgmental engagement
- supportive circles that connect them with parents of a similar age or parents with kids of a similar age
- activities that come with transportation and day care
- being spoken with not at
- options
- input

Therefore establishing a long term trusting relationship with our parents is essential to be able to help them navigate their legal and social/emotional barriers to safe parenting. We have found that our peer navigator is vital in the trust building process and through her the lawyer and social worker are able to establish their roles. Because of the long term effects of trauma, poverty, and all the legal difficulties suffered before VPRC became involved, successful outcomes for these parents will take a long time. It is therefore crucial that the trusting relationships are allowed to continue to give the parents the time to do the change work needed for successful outcomes. The initial request to the Legislature for a three year pilot of this model to show the

outcomes is an appropriate time frame. We are also seeking other partners in this work to insure that the short term nature of most programs can be extended to allow for a long term change process.

In order for our parents to be successful this is what they really need:

- job skills
- education that helps them present their best selves to others (not just book smarts)
- parent coaching/mentoring
- food-- resources to get food
- clothing
- shelter- a way to pay for it and the knowledge of how to maintain it
- -transportation
- a way to break the cycle of: domestic violence, substance abuse, poor parenting from their own families
- de-escalation skills (conflict resolution skills)
- a way to address the gap in services after the children are 6 and before they can access special help for teenagers

Because our families cannot solve all their problems at once, we spend a lot of time navigating their needs and evoking their own priorities for action. The prerequisite trusting relationship is the vehicle through which priorities get identified and their work begins.

One of our pre-petition cases turned into a CHINS petition within days of us being contacted by the parent. Despite both DCF and the attorney for the child wanting custody, and the judge initially leaning the same way, through court advocacy and lots of support for our young parent we successfully negotiated a conditional custody order to our client. After three months, the attorney for the child and DCF are now considering dismissing the case at the merits hearing. Without VPRC this young parent would have lost custody of her child and would not have been able to make the changes that will affect the life trajectories of both her and her child. She now is projected to graduate from high school in June and she just obtained a part-time job!

### **Additional Discoveries and Observations**

- We have 3 parents with children in minor guardianships in the probate court at the time VPRC started representation, 2 whose children had been in guardianship for one year or more. DCF was involved at the time guardianship was established but closed their case soon thereafter. Neither the parents nor the guardians have had access to services and the time elapsed, and the parents' lack of abilities to navigate the relationships, have contributed to the loss of the parent/child relationship. With no services, no system in place in the probate court to monitor the guardianship what was intended to be temporary guardianships have become defacto permanent without any due process safeguards for parents and no permanency for children. The lack of permanency is because under the current law the parent always has the right to petition for the child's return, despite it being a hollow right.

#### **Policy Implications:**

Establishing minor guardianships in the probate court when DCF is the active party despite not being named as a party, deprives parents, guardians and children of needed services and parents of due process of law. When DCF is involved, the required services and due process, including attorneys for both

parents and children, timeframes and court oversight are all needed to insure that good outcomes can be achieved. This can only be achieved in the Family Court under a CHINS petition.

- Loss of driver's licenses and accumulating fines for driving without a license, and the inability to pay for the CRASH program despite months of sobriety and no new offenses, make recovery, including gainful employment almost an impossible task.

**Policy Implications:**

In order to make recovery from driving offenses possible, a system of fines and penalties commensurate with the ability to pay should be considered to give people in poverty equal opportunities.

- Of the 18 cases referred which we could not accept 5 were not pre-petition and parents already had attorneys whom the parents found not to be responsive to their needs, 5 had no open DCF case, 4 were not in our three target counties and the remaining four had different reasons for why they were not appropriate for VPRC services.

**Policy Implications:**

There is a vast need for effective parent legal and social work services to prevent children from going into DCF or other out of home custody. VPRC has begun to work with the Office of the Defender General to begin to provide our multi-disciplinary, accountable services to parents in CHINS proceedings in the three pilot counties.

**Next Steps with using our Performance Measures:** VPRC will create performance trendlines and use its performance measures to improve performance. We will include our community partners to identify the stories behind the curves and create action plans. This needs more time as we only have 5 months of delivering services.

**Challenges:** VPRC serves a large geographic territory and has no central office. The advantage is that all the parents are served in their own communities and there is no office overhead with almost all funds spent on direct services to clients. The disadvantage is that our staff must operate from their homes and find space to meet as a team and to meet with parents without their children. With increasing professional relationships developed in the service areas, we expect the advantages to far outweigh the disadvantages.

We have been concerned by the lack of referrals from DCF in Morrisville. We are actively working on this issue and hope that it will be addressed successfully in the next few months.

With the intensity of the direct work with our parents, and the clients living geographically in very distant places, VPRC is looking to staff our FIT full time to insure that clients' needs are addressed promptly.