BACKGROUND & PURPOSE

Providing parents with low incomes accused of child maltreatment with legal representation is a basic social justice issue. The Minnesota state public defender’s office ceased representation of parents in child protection cases in 2008. The Child Protection Clinic was established in 2011 at William Mitchell College of Law to help fill this gap and develop standards for representing parents involved in the foster care system. The Clinic provides legal representation to parents with low incomes involved in child protection cases by law students supervised by experienced attorneys, as well as parent mentoring by African American mothers who have successfully navigated the child protection system.

Law school clinics have existed in the U.S. for over 100 years to provide representation to vulnerable clients typically with low incomes, and allow law students to develop practical lawyering skills (see Joy, 2004). Such clinics must balance the educational needs of students with the provision of competent representation to clients involved in complex and high stakes parental rights cases. Little empirical research has examined the effectiveness of parent representation clinics in improving foster care outcomes.

1. How successful is the Clinic in achieving outcomes desired by participants? Specifically, how successful is the Clinic in achieving:
   - Reunification within 12 months,
   - Case closure within 12 months, and
   - Placement with relatives within 12 months of the child’s removal from home

2. What are the strengths and challenges of the Clinic’s parent representation from the perspectives of parent clients, clinic staff, and court professionals?

3. What are the strengths and challenges of the Clinic’s legal education from the perspectives of students, clinic staff and court professionals?

LAW CLINICS MUST BALANCE THE EDUCATIONAL NEEDS OF STUDENTS WITH THE PROVISION OF COMPETENT REPRESENTATION TO CLIENTS INVOLVED IN COMPLEX AND HIGH STAKES PARENTAL RIGHTS CASES. LITTLE EMPIRICAL RESEARCH HAS EXAMINED THE EFFECTIVENESS OF PARENT REPRESENTATION CLINICS ON IMPROVING FOSTER CARE OUTCOMES.
Methods

A mixed methods design was used to evaluate the Clinic. Qualitative analyses of interviews with clinic staff, court professionals, and clients described strengths and challenges of the Clinic. Quantitative analyses using administrative databases compared the foster care outcomes of children whose parents used the Clinic’s services with a propensity score matched control group of children whose parents were assigned other representation by the court.

Findings

The Child Protection Clinic is a promising model for providing quality legal representation to impoverished parents involved with child protection, and for delivering critical lessons in practical lawyering and life to law students.

Quality of legal representation

Integrated quantitative and qualitative analyses did not support our hypotheses that fully licensed attorneys are more likely than student attorneys to achieve outcomes desired by participants. Fisher’s exact tests revealed that cases handled by fully licensed attorneys were not statistically more likely to be reunified or close within 12 months, or have children placed with relatives than cases handled by the Clinic. (See Figure 1 for quantitative analysis results.)

Participants described important strengths the Clinic may build upon, and those implementing new clinics may emulate. For example, the legal representation of the Clinic was described as holistic and humanistic. When describing their experiences with the Clinic most participants characterized the legal analysis and client advocacy as strong. Nearly all participants described the Clinic staff as successful in building strong relationships with their clients. Many of these positive relationship characteristics, such as being trusting and respectful, were described significantly more by clients than by clinic staff or court professionals. Most also described Clinic staff as possessing positive personal characteristics such as kind, caring, open, honest, energetic, and creative. Court professionals, who might be expected to take a more skeptical stance, were more likely than clinic staff to describe student strengths, such as preparedness and professionalism. Participants also noted a variety of strengths specific to students such as their...
4. Participants also noted challenges to effective Clinic representation from the macro system primarily with the quality and availability of social services, especially those offered by CPS. Effective representation of clients is hampered when services are not helpful or adequate. The Clinic might plan to engage in additional advocacy around services to clients.

5. Finally, parents can feel overwhelmed, disempowered and de-humanized by their experiences. The Clinic might consider referring interested parents to community organizations and advocacy groups that might guide them in exploring what they can do to reduce the macro system barriers for others.

“Law school teaches you how to think like a lawyer and how to research... and write about the law... all in very hypothetical situations. ... whereas you go to the clinic and we’re expected to read the law and we’re expected to work through provisions of child protection law... we observe in court... and then you go [to court]... But you go with [supervising attorney] as close as you need her to be and as far as you want her to be... along the way you are learning how to negotiate with county attorneys... [and] guardian ad litem[s]. You learn really quickly how to advocate for your client..."

**Legal education**

Qualitative interviews also suggested a number of strengths of legal education provided by the Clinic, and areas for improvement. Most participants recognized that the Clinic provides important opportunities for students to gain practical, hands-on courtroom experience, and to develop client counseling skills while supported by strong educators. Clinic staff and students also discussed significantly more than court professionals the value of their participation in the clinic to their career development and to their social/emotional development.

Participants also described a number of related challenges to students and educators that suggest areas the Clinic might strengthen.

1. Students and educators are required to teach and learn a great deal of law in a short period of time while students are managing complex cases. This suggests that more preparation of students is needed prior to case assignment. Preparation for assuming responsibility for a case, however, must be balanced with the challenge of teaching and learning about the later stages of the case. Students’ academic calendars do not necessarily coincide with the life of the case, so if case assignment is delayed, then opportunities for teaching/learning, for example, about...
terminating with a client, may be even less. To address these challenges, students might be required to take pre-requisite coursework that would include relevant law as well as more opportunities for observations of meetings (e.g., between attorneys and opposing counsel) and in court.

2. In addition, some students described responses suggestive of secondary trauma as a result of exposure to their clients’ trauma. A related challenge was maintaining professional boundaries when working with clients with many complex needs. Providing support and intervention for those experiencing secondary trauma as well as maintaining professional boundaries are areas of professional competence for social workers who might provide support for students in these areas.

3. In addition, note that clinic staff and students also discuss significantly more than court professionals the value of students’ participation in the clinic to their career development and to their social/emotional development. Increasing the awareness of court professionals to the significance of the Clinic in educating the next generation of highly competent, empathetic attorneys could increase their enthusiasm, buy-in and support for student attorneys.

Conclusion

The Child Protection Clinic is a promising model for providing quality legal representation to impoverished parents involved with child protection, and for delivering critical lessons in practical lawyering and life to law students.

In-depth interviews with clinic staff (supervising attorneys, faculty, parent mentors and student attorneys), court professionals (judges, attorneys, GALs) and parent clients indicated that most participants viewed Clinic staff as providing strong legal counsel to parents, building positive attorney-client relationships, possessing positive personal characteristics, and providing a needed service to the broader community. Participants also viewed the quality of education the Clinic provides to students as unique and invaluable in terms of practical courtroom experience, client counseling skills, and personal career development. Participants’ responses also suggest areas for improvement including more education to parents, more preparation for students prior to assignment of their first case; and more support to students and parents in addressing common relationship challenges, to parents in minimizing feelings of dehumanization and to students in responding to secondary trauma.

Analyses of administrative data support these generally positive findings: case outcomes achieved by student attorneys supported by supervising attorneys did not differ significantly from those obtained by fully licensed attorneys.

It will be important, however, to continue tracking administrative data outcomes. A larger sample would allow more powerful and sensitive statistical analyses, and analysis of longer term outcomes is important. More research also is needed to fully explore the experiences and impacts of parent mentors and supervising attorneys.

References


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The Center for Advanced Studies in Child Welfare (CASCW) is a resource for child welfare professionals, students, faculty, policy-makers, and other key stakeholders concerned about child welfare in Minnesota. Minn-Link is a unique collaborative, university-based research environment with the express purpose of studying child and family well being in Minnesota using state administrative data from multiple agencies.

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