

Evidence

Family Is Everything

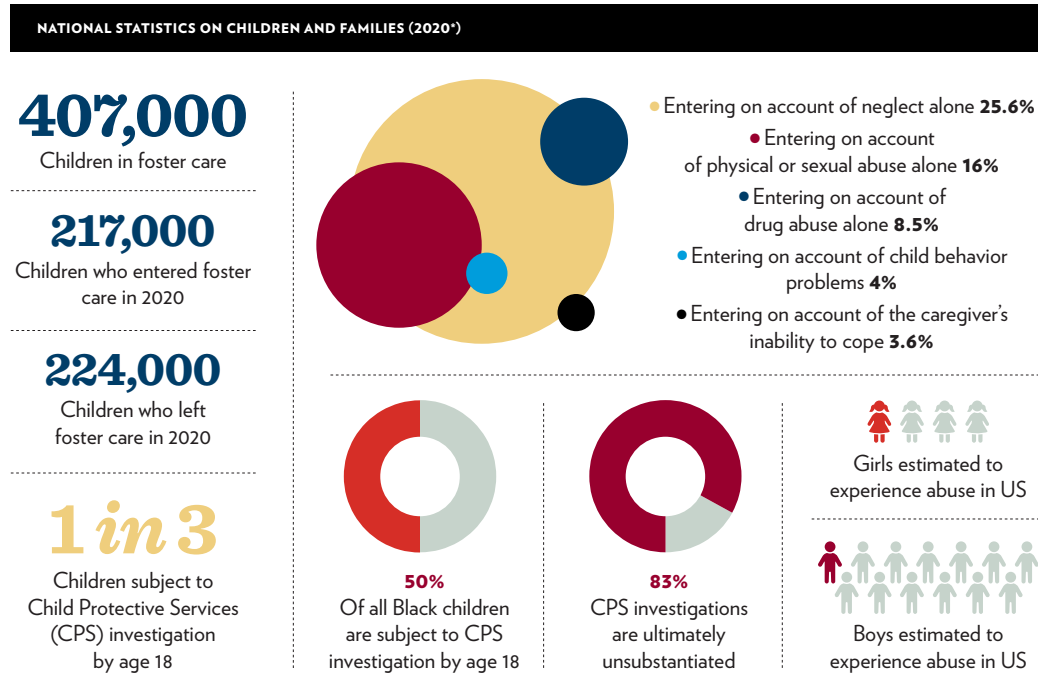
Lawyers' role in ensuring child welfare.
BY SEAN DOOLITTLE '24

Attorneys at child welfare agencies play an ever-larger role in protecting families nationwide. Massachusetts' triumphs (and occasional struggles) in this realm are a significant bellwether for the nation's ability to care for our children, and lawyers across the Commonwealth have taken steps to bring accountability to our systems, advocate for reform, and pilot initiatives to improve families' lives.

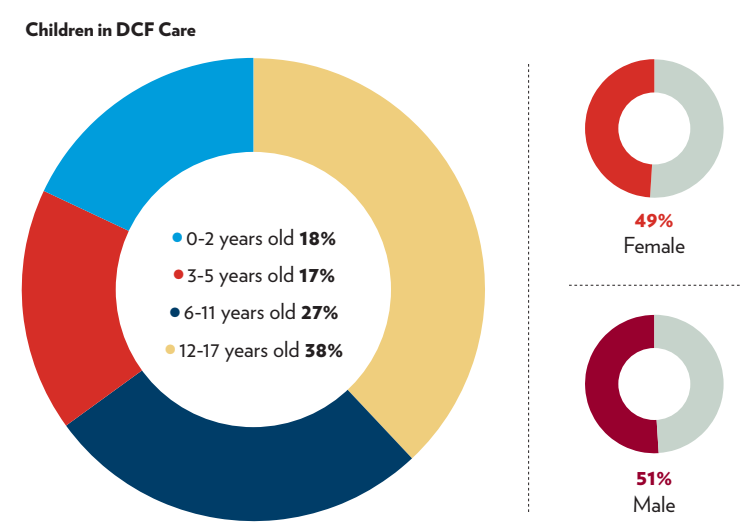
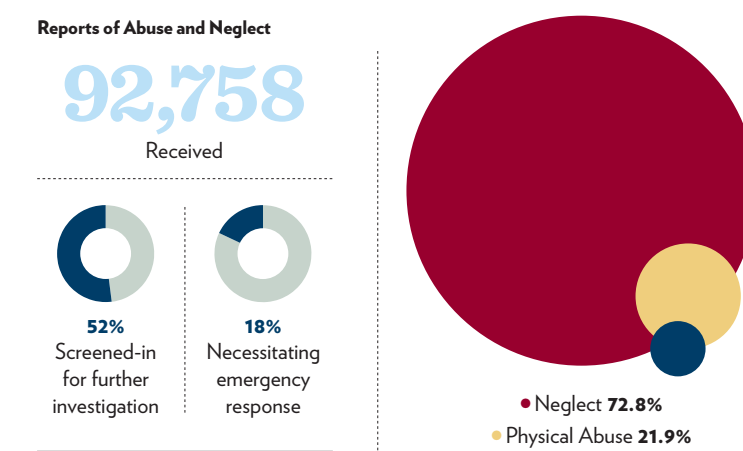
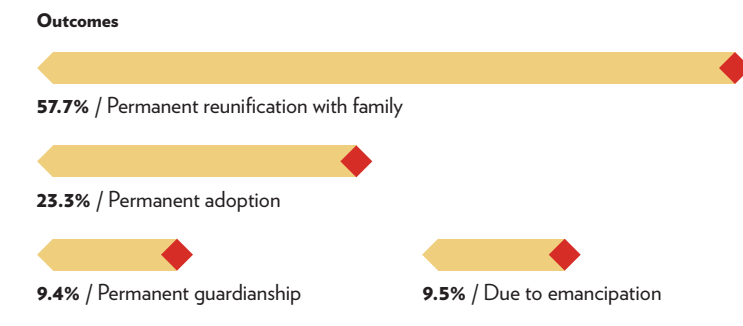
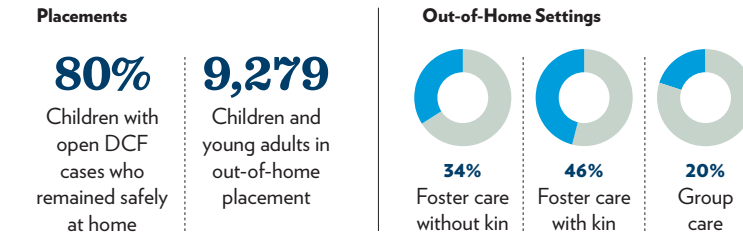
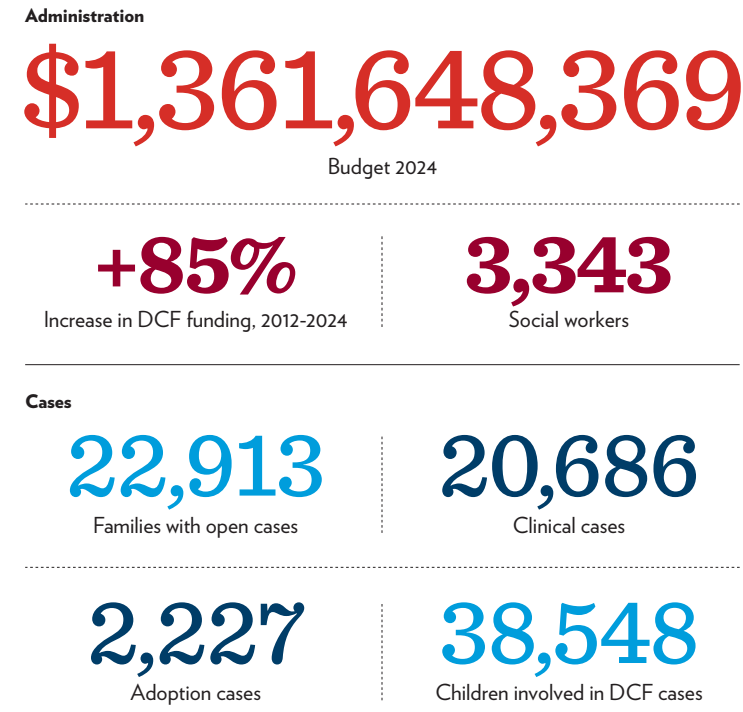
Recently, BC Law alum Erica Brody's law firm reached a historic settlement on behalf of their clients—all former foster children—with the Massachusetts Department of Children and Families (DCF). Not only did the case deliver \$7 million to the plaintiffs for the abuses they endured at the hands of their foster parents; the outcome put the agency on notice that the state's qualified immunity protections that shielded employees from accountability for wrongs done to children in the system's care were not ironclad (page 18).

In Massachusetts, legal services have begun providing so-called "pre-petition representation" to families involved in the child welfare system, a relatively new form of preventive legal advocacy aimed at ensuring families remain together when possible, keeping children in their original homes and preventing the need for foster care.

BC Law has been a leader in family law issues for many years. The Youth and Family Justice Clinic, devoted to family advocacy and led by Professor Jessica Berry, provides students the opportunity to work directly with struggling families as they navigate an often-overwhelming child welfare system. The following data (the most recent available) provide a window into understanding the issues facing the modern child welfare system in Massachusetts and beyond.



CHILD SAFETY AND FAMILY JUSTICE IN MASSACHUSETTS (2023)



NEW TRENDS FOR FAMILY CARE

- Massachusetts has **12 organizations** that are part of the **PLA National Cohort**, defined as preventive legal advocacy and pre-petition national group.
- Since 2019, the **FIRST Clinic in Washington** has used pre-petition representation in over **300 cases**. Of those cases, **84%** ultimately succeeded in avoiding the filing of a petition.
- The **Family Defense Team of the Bronx Defenders** avoided petition filing in **68%** of all PLA cases.
- The **McLennan County Parent Advocacy Program in Texas** avoided filing a single petition in all of its **Winter 2022 cases** after implementing a PLA solution.
- Oregon's **Youth Rights & Justice** has implemented a **Family Defense Project** that has reduced child home removals by over **40%**.