



Multidisciplinary Representation for Parents in Dependency Cases

Many jurisdictions are establishing multidisciplinary representation programs to provide additional support to families in the child welfare system. This article discusses an evaluation of one such program in New Mexico and provides recommendations for courts looking to implement multidisciplinary representation programs.

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The New Mexico Family Advocacy Program (NMFAP) was designed to provide multidisciplinary representation for parents in the child welfare system. NMFAP focused on identifying and securing appropriate placement, promoting frequent and quality visitation, providing tailored supportive services, and ensuring parents' involvement in their case planning. Parents in child welfare cases had access to a legal team that included a highly trained attorney, a master's-level social worker contracted by the New Mexico Administrative Office of the Courts (AOC), and a parent mentor. The

parent mentors who worked in NMFAP had experience in the child welfare system and were also contracted by the AOC.

Multidisciplinary representation models have demonstrated positive results for families in other states. For example, an evaluation in New York demonstrated that children whose parents received multidisciplinary representation spent 118 fewer days in foster care during the four years following the case filing (Gerber et al., 2019). A study of a similar program in Washington State found that enhanced parental representation

Four Cornerstones of the Advocacy Model

- 1 Identify and secure an appropriate placement, which will keep the child connected to their family, community, and culture
- 2 Promote frequent and quality visitation between parents and their children to maintain and strengthen the family relationship
- 3 Provide tailored supportive services to parents to address the circumstances that led to contact with the child welfare system
- 4 Ensure that parents are meaningfully involved in their case planning and that important decisions are made in collaborative family conferences, outside of the courtroom whenever possible

is associated with an increase in the rate of family reunification (Courtney, Hook, and Orme, 2011). The evidence of the benefits of multidisciplinary representation has led the American Bar Association Center on Children and the Law to include access to a multidisciplinary team in their best practices for child welfare attorneys.

Although the evaluation of the NMFAP did not find a significant difference in time to reunification for families with multidisciplinary representation, program cases were significantly more likely to reunify than nonprogram cases or those discharged from the program before reaching permanency. This article describes implementation challenges that may have impacted the outcomes for the NMFAP and recommendations for states interested in implementing and evaluating their own multidisciplinary representation program.

Implementation Challenges

The Children's Bureau awarded the New Mexico AOC one of the Strengthening Child Welfare Systems to Achieve Expected Child and Family Outcomes (SCWS) grants. New Mexico used the funding to formalize and expand multidisciplinary representation efforts. Throughout the grant period, NMFAP grew to serve six counties. In 2022 New Mexico passed the Family Representation and Advocacy Act (HB46). This bill created the Office of Family Representation and Advocacy (OFRA). This independent, adjunct executive agency will establish models for direct and multidisciplinary representation and provide training and supervision of practitioners. The success of NMFAP helped pave the way for the OFRA. Even though the NMFAP ultimately succeeded as a stepping-stone to enhanced statewide parental representation, its implementation was not without challenges.

The timing of implementation was the most significant challenge. The NMFAP was officially launched in February 2020, just one month before the COVID-19 pandemic. The reduced case filings and the unanticipated halt of and then limitations to in-person interactions lasted for more than half the program's life. Only near the end of the grant period were many interactions transitioning to in-person activities. The program model was focused on closely developed interpersonal interactions between the teams internally and externally with other system practitioners. The pandemic led to adaptive, creative workarounds that allowed operations to continue; however, the initial restrictions hampered some aspects, such as team trust and stakeholder collaborations.

The pandemic also prompted increased turnover and low staffing levels, especially at New Mexico's Children, Youth, and Families Department (CYFD), resulting in challenges with maintaining a consistent message about NMFAP. Implementing a multidisciplinary representation program requires a strong partnership with the judiciary, the attorneys, and the child welfare agency. Everyone must understand the program's purpose, how it will alter existing operations, and anticipated outcomes. While the NMFAP team engaged in several activities to build buy-in among court, attorney, and child welfare professionals, increased turnover required constant training of partners. Turnover at CYFD also resulted in losing program champions early in the program's implementation, which slowed momentum. NMFAP also experienced some turnover in the interdisciplinary teams, potentially impacting relationship and trust building, an essential program element.

Evaluation Challenges

The NMFAP evaluation was designed with the project team to identify appropriate practice changes. Short-term and long-term outcomes of interest were measured. The evaluation included components of both processes (did the program get implemented as intended) and outcomes (did the program change outcomes). There were challenges in both the process and outcome evaluations.

A vital component of any program is fidelity to the model. We need to know if the program is being implemented as expected to know whether the program makes a difference. The NMFAP was designed based on cornerstone advocacy; thus, we needed to measure advocacy. The advocacy of attorneys in court is fairly straightforward to measure through a structured court observation process. However, that was a limited definition of advocacy. It did not account for social worker advocacy (as social workers attended but did not speak in court) nor did it account for advocacy that occurred outside of court.

Discussions with the program team yielded two additional measurement strategies. The first was to add advocacy to the log files that attorneys and social workers used to track their time and activities. The second was to design a structured observation of an out-of-court activity like mediation. Neither of these activities sufficiently measured out-of-court advocacy. The weakness of the log files was that professionals, despite their training, seemed to define advocacy differently and thus showed significant differences in reported advocacy. The inconsistencies were too great to use the data in a meaningful way. The challenge of observing mediations was that we were unable to get a sufficient sample of cases from both program and nonprogram mediations to make statistical comparisons.

Parent engagement was a critical short-term outcome of the program. We expected program parents to be more engaged in the process than nonprogram parents. We had two plans to measure parent engagement. The first involved surveying parents about their engagement in the process, as asking parents is one of the best ways to understand if parents feel engaged. Response rates were low for all parents, so we could not make comparisons. In year two, we changed methods to a semi-structured interview process and increased incentives for parents. More parents participated in the semi-structured interviews, but they still did not yield a sufficient sample of program and nonprogram cases for comparison.

We also used parental compliance with the case plan as a proxy for parental engagement. However, NMFAP attorneys, social workers, and parent mentors did not think that was a valid measure of whether the parent was engaged. In later years of the evaluation, we developed a survey of NMFAP

attorneys about their perceived engagement of parents in the program and the CYFD case plan. This data collection tool was in response to discussions with NMFAP attorneys during continuous quality improvement meetings to better assess parent engagement in their case plans.

A final challenge with the evaluation was that we used random assignment to increase robustness of the design so that causal inferences could be made. However, the program is not equally effective for all parents. In particular, some parents were assigned to the program but could not be located or did not want to engage with the program. Including these parents diluted any effects of the program. As part of the evaluation efforts, we explored which parents were more likely to stay engaged. Mothers were generally more likely to stay in the program than fathers. A larger proportion of mothers who remained in the program had mental health concerns than those who were discharged (*see Figure 1*).

Figure 1 Differences in Parental Engagement with the Program

CASE CHARACTERISTICS	ASSIGNED (Stayed in Program)	ASSIGNED (Discharged from Program)
Mother Assigned to NMFAP	54% (n=54)	46% (n=46)
Father Assigned to NMFAP	42% (n=19)	58% (n=26)
Indian Child Welfare Act Case	22% (n=17)	11% (n=8)
Mother, Mental Health Concerns	38% (n=30)	25% (n=19)
Mother, Homeless	19% (n=15)	33% (n=25)
Father, Allegations of Emotional Abuse	4% (n=3)	12% (n=9)
Father, Homeless	8% (n=6)	24% (n=18)
Father, Incarceration	5% (n=4)	23% (n=17)

Recommendations for State Courts Looking to Implement Model

The implementation and evaluation of NMFAP provided some lessons learned that can be useful for other sites implementing multidisciplinary legal representation models.

Implementation Recommendations

- Create opportunities for ongoing training for all professionals to learn about the program and how it works.
- Include the child welfare agency in planning and implementation of the program.
- Identify opportunities to enhance collaboration between professionals.
- Be flexible and ready for backup planning in case program implementation has unexpected challenges.

Evaluation Recommendations

- Measure parent engagement, whether via surveys, interviews, or focus groups, immediately before implementing the program. This will be helpful if sufficient numbers are not available post-implementation for comparison.
- Work with attorneys, social workers, and parent mentors to identify the best way to measure advocacy and engagement.

- Build in resources for early testing of the measures and process.
- Consider opportunities to observe client interactions, such as shadow the attorney, caseworker, or parent partner for a day or multiple days, to observe practice in areas outside of court.
- Work with agency professionals and multidisciplinary representation program staff to identify recruitment strategies to get a mix of parents to ensure a representative sample.
- Use the findings from this and other multidisciplinary legal representation evaluations to understand clients who are most likely to engage and most likely to be successful with the program to refine program strategies, recruitment, and retention.
- Be realistic in expectations.
- Have specific exit criteria in place for nonengagement and ensure fidelity to the discharge process.

References

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