

*THE AMERICAN BAR ASSOCIATION  
CHILD CUSTODY AND ADOPTION  
PRO BONO PROJECT*

**EXEMPLARY MENTAL HEALTH AND SOCIAL SERVICE PROJECTS GUIDE**

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The mission of the ABA Child Custody and Adoption Pro Bono Project (“The Project”) is to design and implement programs and policies that foster children’s well-being, development and safety during custody matters. The Project focuses on pro bono representation of children in divorce, guardianship, adoption, parentage and civil protective order cases.

The Child Custody and Adoption Pro Bono Project is jointly sponsored by the ABA Standing Committee on Pro Bono and Public Service and the ABA Family Law Section. The Project is administered by and housed at the ABA Center for Pro Bono. The Project was established in February 2001 through a grant from Bill and Melita Grunow, in memory of their niece, Ann Liechty, a dedicated child law advocate

The focus of the Project’s 2005 grant year was to bring mental health and social services to child custody advocacy. Three areas of needs were targeted: (1) the need for more mental health and social service training, mentoring, partnering, consulting and cross-education of legal professionals with mental health or social services professionals; (2) ways for children’s attorneys to tap into free or low-cost mental health or social services for their clients; and (3) development of local mental health or social service resource materials for children’s attorneys with their clients.

Incorporating mental health and social services into child representation is critical to prevent lawyers from representing children in a vacuum. Moreover, holistic advocacy is very important in family and child-involved cases. Mental health and social services

are often what provide children with long-term benefits, well after the legal proceeding has ended. But, many lawyers are not trained or are unfamiliar with the need and/or availability of these services. In higher conflict cases, the child is at a greater risk for physical and emotional abuse. Furthermore, the anger and conflict between parents and other adults may prevent them from focusing on their awareness of their children's needs. Attorneys working with children should be trained to identify their client's emotional distress needs and be able to advocate for proper interventions.

This "Mental Health and Social Services Guide" describes the project information for the five programs that were awarded grant funding in 2005 from the ABA Child Custody and Adoption Pro Bono Project. Additionally, the Guide includes other ideas for incorporating mental health or social services into representing children in the legal system.

We hope that this Guide will prompt increased conversation and action to bring more mental health and social service awareness and services to children's legal representation, as well as enhance networking among programs doing and wishing to do exactly that.

This Guide and all of the referenced supplemental materials are available on the ABA Child Custody and Adoption Pro Bono Project's website, [www.abachildcustodyproject.org](http://www.abachildcustodyproject.org).

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The 2005 ABA Child  
Custody and  
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Project Grant  
Recipients

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## **CHILDREN’S LEGAL SERVICES, HOUSTON**

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### **PROGRAM DESCRIPTION**

The mission and focus of Children’s Legal Services, (CLS), of Houston is to provide zealous and informed legal advocacy to children who are involved in the legal process. CLS is a not-for-profit 501(c)3 organization providing multidisciplinary training for lawyers and other professionals working with traumatized and maltreated children trapped in the legal system. In addition, CLS is appointed by the juvenile and family courts as pro bono attorneys representing children in dependency and domestic violence cases.

CLS seeks to provide resource information to lawyers and other child welfare organizations, provide legal assistance with legal research in areas of child welfare and offer training materials designed to increase knowledge, awareness and effective advocacy for children.

### **MENTAL HEALTH PROJECT DESCRIPTION**

CLS partnered with the University of Houston Forensic Psychology Services, “UH FPS”, to provide mental health evaluations and services to children in custody cases for free or very minimal costs. They collaborated to set up legal and mental health referrals. UH FPS conducted research and developed protocols for parents with children. CLS also met with Family Courts to obtain referrals for legal and mental health services and discussed project goals. CLS had follow-up contact with the court and judges for referrals and created an Order Appointing Amicus and referral.

Initially, UH FPS and CLS met with local family court judges to discuss the program and how the project could provide assistance to the court and children with special mental health issues. In addition, protocols, including a manual for parents to help their children transition through the divorce, an appointment process, a referral/intake system and an “Order Appointing Amicus” were presented to the court. CLS also created various law student volunteer case management forms including initial case information sheets and needs assessment for referral purposes. Further, they created a law student volunteer case information/training information packet. CLS had roundtable discussions with a South Texas College of Law student volunteer group on pro bono opportunities through the pro bono honors project. They met with law student volunteers on case assignment, case strategy, conducting interviews, records and requests, drafting and requesting discovery, referral resources, and updating the resource lists from various advocacy organizations. CLS law student volunteers created a referral network as a uniform data base including twenty-two different local resources. In turn, CLS created a uniform training program for law students with the use of the training materials from the ABA Child Custody and Adoption Pro Bono Project. Finally, CLS participated in a seminar hosted by Phi Alpha Delta law fraternity at South Texas College of Law on children’s legal issues and community services. The target audience was youth from area Houston junior and senior high schools. Topics included domestic violence, health care, juvenile law, housing and consumer law and access to health care information.

CLS sponsored a training program in June 2005 in which thirty lawyers and law students participated. Topics at the training included: working with agencies, ethical

issues for mental health professionals and attorneys, respective duties and responsibilities, and zealous advocacy. The manual for the training included: questionnaires, release forms, sample pleadings and forms, case contact information, case notes, required statutes, the ABA Standards, sample letters and a resource referral list.

CLS also evaluated cases for referral to local community services groups for additional assistance including: food stamps, social security, TANF, GED classes, domestic violence counseling, conflict resolution, parenting classes and special education.

CLS uses the following referral resources for its cases: SAFE program; Office of the Attorney General, Victim Assistance Office; Bay Turning Point, Humble Area Assist Ministries, Houston Area Women's Center, YMCA, Salvation Army, Children Cope, ESCAPE, DePelchin, Harris County CPS, Children's Assessment Center, Aid to Victims of Domestic Abuse BIPP program, Houston Community College Workforce Development, Lone Star Legal Aid, Houston Volunteer Lawyers, Harris County Dispute Resolution, Texas Children's Hospital, (ChiPs program), Southwest Defender Program—special education Equal Justice Works Program, Katy Christian Ministries, and Neighborhood Centers.

#### CHILDREN THE PROJECT SERVES

Nine children between the ages of three and sixteen have been served pursuant to the project so far. The children served in the cases have been involved in domestic violence, child physical and sexual abuse and the murder of one parent by the other. Attorneys have reviewed the children's court files and filed appropriate pleadings,



conducted an assessment of the child's needs and researched case law and CLE materials as necessary on a case by case basis. Furthermore, the attorneys interviewed children, parents, caregivers, relatives, school officials, friends, day care, law enforcement and child protective services workers regarding the child and the parents. They requested the medical and education records of the child. The attorneys also conducted initial and follow-up home visits, including contact before each court hearing. They conducted telephone and e-mail conferences with parents and other attorneys working on the case, they provided resource referral information to parents and caregivers and provided additional resource information for treatment, if available.

#### PROFESSIONALS INVOLVED IN THE PROJECT

In addition to the staff and attorneys working with the program, a group of seven law student intern volunteers, seven graduate student intern volunteers and various social service groups, legal providers and child advocacy organizations have committed to serve children on a pro bono basis through the funded project.

#### A PROJECT CASE

In one particular case in this program, the mental health services provided to the children were crucial in identifying the needs of the children. CLS found that the mother was not going to make efforts to change or improve her ability to parent. Therefore, instead of focusing on the parents in the case, CLS focused on developing skills for the children to use and appropriate therapy to address their emotional needs.

## CHALLENGES FACED BY THE PROJECT

CLS had difficulty getting referrals from the court. They were not able to serve the children they had projected at the initiation of the project. CLS also had problems educating the court on the protocols and procedures for referral. Some of the issues that prevented referrals were: 1) the referrals received did not meet the protocol criteria, 2) the child was already receiving mental health services, 3) the parent/caregiver had insurance or additional resources for mental health assistance, or 4) the child was over the age criteria set forth in the protocols.

Furthermore, CLS had difficulty recruiting pro bono attorneys to take child cases. CLS reported that the Houston Bar Association has attempted to address this issue with little success. As a result, CLS was not able to recruit as many lawyers as they had hoped.

CLS had problems tracking the information for referral resources due to the large number of resources available. CLS provided the parents with a general resource list and followed with additional specific referrals. Also, CLS had difficulty updating the referral resource guide. They did not anticipate the voluminous nature of the project and have not been able to create a database that could be easily updated.

## NEEDS ADDRESSED BY THE PROJECT

CLS had come to see a great need for more training, mentoring, partnering, consulting and education for pro bono attorneys or pro bono program staff attorneys. Additionally, CLS needed more avenues for attorneys to access free or low-cost mental

health or social services for child clients. Third, CLS saw a need for developing local mental health or social service resource materials.

ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROEJCT

For programs who wish to replicate CLS’s project, they suggest that programs develop the project with the court or individual judge before launching this type of project. Also, CLS advises that programs set clear, written roles and protocols with all of the stakeholders signing off on a collaborative partnership, and establish a defined system for tracking referrals. Lastly, they recommend that programs set small key goals with qualitative and quantitative measures.

In order to make the project replicable by other local, state or national entities, the Houston Bar Association in conjunction with the Aid to Victims of Domestic Abuse is working on an Amicus Attorney Program. CLS is also looking at developing a clinical program at South Texas College of Law. Finally, the Mental Health Association of Houston is researching with other child advocacy groups the possibility of a mental health project.

BUDGET INFORMATION

Revenue	Expenditures
<ul style="list-style-type: none"> <li>• ABA Grant \$15,000</li> <li>• South Texas Fundraiser \$1,000</li> <li>• General Operating \$29,500</li> </ul>	<ul style="list-style-type: none"> <li>• \$10,000 to FPS for development of protocols, intake and treatment evaluation</li> <li>• \$5,000 to CLS to provide</li> </ul>

	<p>administrative and staff support</p> <ul style="list-style-type: none"> <li>• \$600 for office space</li> <li>• \$1,000 for travel, parking and misc. litigation costs</li> <li>• \$100 for office supplies</li> <li>• \$28,800 for Pro Bono Attorney hours (288 hours at \$100 an hour)</li> </ul>
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CONTACT INFORMATION

For further information regarding CLS’s project, contact the program director, Barbara Stalder 713-652-3814. Barbara can also be reached at [bjstalder@yahoo.com](mailto:bjstalder@yahoo.com) or at Children’s Legal Services, 1415 Fannin, Suite 300, Houston, TX, 77056. The current status of the Houston project may have changed since the date this Guide was published. If you have any difficulty reaching Barbara, or have comments, questions, or concerns, please see the ABA Project’s website, [www.abachildcustodyproject.org](http://www.abachildcustodyproject.org) to locate current ABA contacts.

MATERIALS AVAILABLE

- Family Transition Solutions Child Manual
- Family Transition Solutions Parent Manual

## **MONTANA LEGAL SERVICES ASSOCIATION**

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### **PROGRAM DESCRIPTION**

Montana Legal Services Association (MLSA) is a statewide agency providing access to justice for low income individuals in need of civil legal assistance. MLSA's client services include attorney advice; representation through a pro bono attorney; support from a self-help clinic; pro se materials; referral to the MLSA family law mediation program; and access to an information website.

MLSA conducts an extensive family law practice in recognition of the vulnerability of Montana families to problems which require legal assistance for resolution. MLSA priorities include family law legal assistance in cases of marriage dissolution, parenting plans and orders of protection. MLSA manages or provides referrals for most of the local pro bono programs in Montana. Accordingly, MLSA prioritizes support for attorneys who provide pro bono service in the area of family law. MLSA locates and assigns pro bono attorneys for children in custody cases when requested by the court, including divorce, parenting plan and civil protective order cases.

### **MENTAL HEALTH PROJECT DESCRIPTION**

MLSA developed the *Montana Child Custody Pro Bono Project* attorney training packet to address the need for mental health consideration in legal representation of children in custody and parenting plan actions. The emphasis of the project is to increase attorney understanding and knowledge of how family transitions impact children, and how to recognize a child clients mental health issues. The result of the project is a training packet for Montana attorneys who volunteer to represent children in custody and

parenting plan actions. MLSA collaborated with attorneys, judges, a physician and mental health professionals to create written materials and a video for attorneys who represent children in both custody and parenting plan actions.

Chapter I of the materials includes basic legal information that pertains to representing a child client and a *Child Warning Signs Guide*. The project director conducted individual and collaborative meetings to produce a *Child Warning Signs Guide* for Montana attorneys. A.W.A.R.E., a statewide children's mental health provider in Montana, partnered with MLSA on the project by providing children's mental health resources and professional consulting. *The Child Warning Signs Guide* describes particular indicators, differentiated by a child's age, which may suggest that a child client is at risk for mental health difficulties. In addition, the materials include a statewide resource list of children's mental health agencies in Montana.

Chapter II of the *Montana Child Custody Pro Bono Project* emphasizes skills specific to working effectively with a child client. The chapter focuses on specific communication skills and advocates for a child-centered residential schedule for each child. The First Judicial District of Montana provided a Power-Point presentation entitled "Children First" to include in the training materials, which helps parents understand their child's needs throughout the divorce.

The training materials include an appendix which includes relevant Montana statutes, Montana Model Rules of Conduct, two relevant Montana cases, the ABA Standards of Practice for Lawyers Representing Children in Custody Cases and the 2006 draft of the Uniform Representation of Children in Abuse and Neglect and Custody

Proceedings Act. In addition, there is a bibliography of both legal and mental health sources for the *Montana Child Custody Pro Bono Project* research.

Finally, a 35 minute DVD accompanies the written materials. MLSA worked with Vid-Tek Productions in Helena Montana to develop the DVD which is narrated by Brian Morris, a Montana Supreme Court Justice. The DVD follows the same two chapters as the written materials. The participation of a Supreme Court Justice encourages Montana attorneys to seriously consider the training. Vid-Tek strongly emphasizes the importance of portraying the human interest inherent in training lawyers to represent children. Therefore, the video includes two child actors in scenes with attorneys and several playground scenes. Furthermore, the video contains interviews with three district judges, an attorney experienced in child custody representation and Dr. Ira Lourie, child psychiatrist and medical director of A.W.A.R.E. MLSA anticipates the Montana State Bar to approve three continuing legal education credits for the training.

#### CHILDREN THE PROJECT SERVES

The goal of the Montana Child Custody Pro Bono Project is to provide pro bono legal representation for children involved in child custody or parenting plan actions in Montana District Courts. Cases are identified through the MLSA intake process.

#### PROFESSIONALS INVOLVED IN THE PROJECT

MLSA, as the sole statewide source of pro bono family law services for low income Montana citizens, currently lists sixty-five attorneys as willing to represent children in dissolution and parenting plan actions. MLSA expects that once the video

and training materials are more readily available, MLSA will be able to recruit more pro bono attorneys for this work.

### A PROJECT CASE

As of the print time for this Guide, MLSA was not currently able to provide information about a case handled pursuant to the grant because the training materials had not been distributed to attorneys who are interested working with the project.

### CHALLENGES FACED BY THE PROJECT

MLSA encountered some obstacles while working on their project. First, MLSA had difficulty persuading mental health providers to promote an assessment tool which did not require scoring by a trained, licensed professional. Additionally, attorneys were apprehensive about the ramifications of attempting to directly assess a child client's well-being. Some of the attorneys' concerns included questions about competencies required by a mental health assessment, access to both parents' information about a child client, and rules of evidence pertaining to discovery. The mutual concern about blending professional competencies was a catalyst for a shift in the planned project.

Initially, the assessment segment of the project involved providing attorney education about a range of child mental health assessment tools. Later, however, the professionals contributing to the project shifted their focus from education about an existing screening assessment tool toward developing a "Warning Signs" check list for attorneys who represent children. Education regarding screenings and tools most



appropriately administered by a licensed mental health provider was considered by project contributors too far removed from the legal practice of representing children.

However, mental health and legal professionals agreed that attorneys representing children are appropriately situated in the case to observe signs or symptoms that their young clients may be distressed beyond the range of normal response to parental conflict. This idea developed into producing a specific guide for children's mental health information and referrals which would provide resources for Montana attorneys who may need access to or collaboration with a child mental health specialist.

A second obstacle MLSA encountered was the need for basic information about how to communicate with children. Attorneys and mental health providers jointly identified the need for some basic information about how to communicate with children. In response, the project director expanded the training packet resources to include information about how children use language to describe their experiences and to comprehend abstract concepts such as time and kinship which may be related to their representation.

A third obstacle faced by MSLA was the blending of representation and guardian *ad litem* roles in the state of Montana. The ABA Standards of Practice for Attorneys Representing Children in Custody Cases recommend that the role of an attorney be clarified immediately upon appointment, but attorneys in practice in Montana were divided on the issue of clarification of roles. The confusion is accentuated by the courts because some judicial districts, as a matter of course, allow the blending of attorney and guardian *ad litem* roles. MLSA reported that one of the most compelling problems is the reality of scarce resources for child representation in the rural parts of Montana where

professionals recognize that a blending of responsibilities is simply a reality of practice. This distinction led to interesting discussions among the professionals regarding the appropriate role for an attorney, with reluctance to insist on pure attorney representation because of the risk of the court declining to give any representation or voice.

The final obstacle MLSA encountered was producing the training video. MLSA discovered that the process requiring design, writing, taping and editing the DVD was intensive and complex. The creation of the script for the video which supports and emphasizes the written training materials mandated an additional component for the project and required script writing skills. Vid-Tek Productions specializes in working with non-profit agencies to make video programs available for less cost than private sector companies. However, it became very clear that the evolved MLSA video project was more expensive than originally anticipated. Fortunately, both A.W.A.R.E. and the local child therapist donated some time to the project and were able to re-configure the budget to give Vid-Tek additional resources and improve the quality of the video training. Also, the steps to produce a video are a parallel, simultaneous, project which meant that the work was doubled. Each element of the written materials was adapted or redesigned for the video production, which proved to be time intensive. Furthermore, MLSA learned that the skill set to produce a video differs from the skill set readily available in a public interest non-profit agency. The video production required the project director to be available to work extensively with the videographer and an Americorps VISTA volunteer placed at the Montana Supreme Court with script writing experience.

## NEEDS ADDRESSED BY THE PROJECT

MLSA identified a great need for more training, mentoring, partnering, consulting and education for pro bono attorneys or pro bono program staff attorneys. Additionally, MLSA needed more avenues for attorneys to access free or low-cost mental health or social services for child clients. Third, MLSA saw a need for developing local mental health or social service resource materials.

## ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROEJECT

MLSA took three steps to make their project replicable by other local, state or national entities. First, each task or action is delineated in outline form for distribution to entities that may want to replicate the project. Second, the ABA Standards for Representing Children are included in the packet and are a sound foundation for the addition of specific state or local standards in other geographic areas. Third, the literature review and research conducted for the project is broad and drawn from professional juried journals. The bibliography is included in the packet.

MLSA advises programs that they may have difficulty changing long-established practices to fit advocating for the child. MLSA also warns programs to expect apprehension about professional competencies and how representing children requires a broadening of traditional professional competencies for attorneys.

MLSA suggests that programs obtain a diverse group of professionals to collaborate on their project including judges, attorneys, child welfare clinicians and mental health professionals to determine ways to best represent children. MLSA's project necessitated collaboration between attorneys and mental health professionals

which were groups that do not have a natural affinity. MLSA found that there are assumptions and stereotypes which may have to be addressed during the course of the project, and it may be the mental health professionals who are the most entrenched.

BUDGET INFORMATION (ABA Grant information only)

Revenue	Expenditures
<ul style="list-style-type: none"> <li>• \$10,000 ABA Grant</li> </ul>	<ul style="list-style-type: none"> <li>• \$4,765 for personnel</li> <li>• \$896 for benefits</li> <li>• \$320 for a licensed clinical therapist to assist with the project</li> <li>• \$600 to A.W.A.R.E. for support with the project</li> <li>• \$3,000 for a videographer</li> <li>• \$340 for video expenses</li> <li>• \$79 for the training binders</li> </ul>

CONTACT INFORMATION

The contact for information regarding MLSA’s 2005 ABA Child Custody and

Adoption Pro Bono Project is:

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[dtoole@mtlsa.org](mailto:dtoole@mtlsa.org)

## MATERIALS AVAILABLE

- Written Materials:
  1. Introduction: Welcome Letter, Brook's Quote (*Creighton Law Review*),  
Special Thanks
  2. Chapter One: Representing Children—what attorneys need to know
  3. Chapter Two: Child Clients—how to meet specific needs of a child client
  4. Appendix
  5. Bibliography
  6. Children's First Power Point Presentation
  7. Front Labels
- Montana Child Custody Pro Bono Project DVD (35:52 minutes) which  
accompanies and supports written training materials.

## **COMMUNITY JUSTICE INC., WISCONSIN**

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### **PROGRAM DESCRIPTION**

Community Justice Inc., (CJI), partnered with the Rainbow Project to fulfill the goals of their project. CJI is a non-profit public interest law firm with four staff attorneys. The focus of CJI is to provide broad-range civil legal services to low-income individuals up to 300% of the Federal Poverty Guideline (FPG) on a sliding fee scale relative to income. CJI's mission also includes community collaboration and education.

CJI receives a large number of referrals from Wisconsin's legal service corporation, which estimates that due to financial constraints, it is unable to serve approximately 80% of eligible clients even by its modest eligibility criteria of 125% of the FPG. CJI provides legal services in a broad range of substantive areas, including landlord-tenant, employment, disability and mental health, discrimination, consumer and public benefits. However, approximately 50% of intakes are for family law matters, including divorce, child custody, child support, child welfare, domestic violence, injunctions, adoptions and guardianships. CJI has two staff attorneys whose practice is primarily dedicated to family law.

The Rainbow Project is a non-profit mental health agency, with ten full and part-time staff. All clinical staff have master's level or above training in social work, education psychology, or counseling psychology. This mission of the Rainbow Project is to serve children who have been victims of child abuse, neglect or sexual abuse, witnesses to domestic violence, or identified as "at risk" coming from families where stress factors in the home environment indicate a high potential for abuse. The Rainbow Project provides short and long term individual counseling, comprehensive assessments,

in-home family treatment, field sessions to help children ease transitions to day care, school programs or foster care, parent education, advocacy, and follow-up and evaluation services for past clients. The Rainbow Project also has a separate prevention program and is actively involved in a community education and interagency coordination to promote awareness, information and training on the effects of child abuse and domestic violence.

### MENTAL HEALTH PROJECT DESCRIPTION

To address the needs for providing legal services to children who disclose abuse during the divorce process and to children seeking civil protective relief, CJI developed resource materials and conducted trainings for attorneys and mental health practitioners.

The first half-day training sponsored by CJI was held on December 2, 2005 for attorneys and mental health practitioners on child abuse injunctions and related issues. Fifty-six people attended the training and eleven attorneys filled out applications to take a pro bono case through the project. Lunch and Continuing Legal Education (CLE) credits were provided. Also, several other attorneys expressed an interest and commitment to the project.

Resource materials were developed for and distributed at the training. The director of Child Advocacy at the Task Force on Family Violence, Cyrus Behroozi, J.D., discussed the law surrounding child abuse injunctions in Wisconsin. The Director of training for the residency program in Child and Adolescent Psychiatry at the University of Wisconsin-Madison, and consulting psychiatrist to the Rainbow Project, Hugh

Johnston, M.D., discussed his outline: “Mental Health Issues: Child Abuse Disclosures in the Context of Divorce.”

Also at the training, the Rainbow Project distributed materials including information regarding indicators of sexual abuse and the impact of trauma on children. Furthermore, resource materials from other community agencies on related issues were also distributed to the participants.

The Rainbow Project had a second, more informal, “brown bag” scheduled for April 21, 2006. But due to an emergency, their speaker cancelled. CJI and The Rainbow Project are applying for local funding to continue the programs either twice a year or quarterly during 2006-2007.

CJI also conducted recruitment efforts by developing a referral base and identifying attorneys interested in representing children through the project. They developed intake forms and a volunteer attorney application to process referrals.

#### CHILDREN THE PROJECT SERVES

To date, one child has been directly served by the funded project. Despite the low number of children served thus far, CJI believes that their training produced an important indirect impact by providing a forum for professionals to connect with one another and improve their practice on behalf of children. Furthermore, this training recruited and trained attorneys for child abuse injunction cases and child custody cases involving child abuse. Children have benefited through the project by: 1) training professionals who will serve them; 2) providing better communication among service providers; and 3) distributing resource materials for the community.



## PROFESSIONALS INVOLVED IN THE PROJECT

One volunteer attorney and three CJI staff attorneys served children on a pro bono basis through the funded project. Fourteen attorneys, one in addition to CJI staff, committed to serve children on a pro bono basis through the project. One mental health/social work professional, in addition to Rainbow staff, agreed to serve children on behalf of the project. There is also a significant interest among law students and several judges who attended the training to serve children through the project. A UW law student, Regan Quick-Severin, 3L, has been named the recipient of the Dane County Bar Association (DCBA) Law Student Pro Bono Award for her services over the past year to CJI. Sarah Helvey, director of the CJI project, was also recognized for her work in providing legal services to low-income and unrepresented individuals.

## A PROJECT CASE

Through its project, CJI learned the value of bringing mental health services into child representation, especially in cases of child sexual abuse. In one such case a five-year-old child began to act out sexually and disclosed sexual abuse committed by his father. The mother of the child came to CJI concerned about allowing unsupervised visits with the child's father in light of their recent separation and pending divorce action. A volunteer attorney agreed to provide representation in the child abuse injunction on a pro bono basis and a CJI staff attorney agreed to provide representation to the mother in the divorce case on a sliding fee scale. The child abuse injunction case was dismissed without prejudice due to a change of venue issue and the client, who was indigent and was unable to afford even CJI's reduced rate for the divorce case. Nevertheless, CJI

provided a valuable two-hour consultation to the client and a referral to the local Legal Service Corporation. The child continued to receive mental health services through the Rainbow Project to address the issues related to the disclosure of sexual abuse. This case shows the value of incorporating mental health services into child representation.

#### CHALLENGES FACED BY THE PROJECT

CJI found that start up time for recruiting attorneys took longer than anticipated. However, they have begun and continue to develop the referral base and are establishing themselves as a resource in the community. CJI will continue the pro bono component as cases become available through intake. They also intend to continue efforts with community partners to establish more restraining order resources in Dane County.

#### NEEDS ADDRESSED BY THE PROJECT

CJI had come to see a great need for more training, mentoring, partnering, consulting and education for pro bono attorneys or pro bono program staff attorneys. Additionally, CJI needed more avenues for attorneys to access free or low-cost mental health or social services for child clients. Third, CJI saw a need for developing local mental health or social service resource materials.

#### ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROJECT

CJI's resource materials are available for replication by other local, state or national entities. All forms and information developed for their project will be available to other entities for replication purposes.

CJI would advise other programs wanting to replicate this project to broaden their scope. Child abuse injunctions in the context of divorce are a very specific issue. Children and families facing abuse need representation and mental health services in a variety of capacities and services should not be limited by a project that is too narrowly defined.

Secondly CJI would advise other programs, as they have done, to reach out to partnering organizations, individual legal and mental health practitioners and judges to address local issues. Simply starting the conversation and creating a forum and coalition of interested individuals and agencies has been healthy for their community and the children in it.

BUDGET INFORMATION

	COMMUNITY JUSTICE, INC.	THE RAINBOW PROJECT (only ABA grant expenses are listed)
REVENUE	<ul style="list-style-type: none"> <li>• \$2,500: ABA Grant</li> <li>• \$2328.67: in-kind contribution from CJI</li> </ul>	\$2,500: ABA Grant
EXPENDITURES	<ul style="list-style-type: none"> <li>• \$2,132.20: on program development and outreach and the development of training and coordination</li> <li>• \$100: cost of PR for training</li> <li>• \$167.80: lunch at training</li> </ul>	<ul style="list-style-type: none"> <li>• \$1,500: development and cost of training/resource materials, staff time for training, consultation</li> <li>• \$1,000: for second training—to be re-scheduled</li> </ul>

	<ul style="list-style-type: none"> <li>• \$100: CJI staff time for client consultation</li> <li>• \$2,328.67: Project Director's time</li> </ul>	
TOTAL = \$6, 328.67		

### CONTACT INFORMATION

For more information regarding CJI's 2005 grant, contact Sharyl Kato at the Rainbow Project. Sharyl can be reached at 608-255-7356, ext 21 or at [skato@therainbowproject.net](mailto:skato@therainbowproject.net) . The current status of the Wisconsin project may have changed since the date this Guide was published. If you have any difficulty reaching Sarah, or have comments, questions, or concerns, please see the Project's website, [www.abachildcustodyproject.org](http://www.abachildcustodyproject.org) to locate current ABA staff contacts.

### MATERIALS AVAILABLE

- Training announcement
  - Training registration form
  - Volunteer lawyer application form
  - CLPP Supporter Form
  - Intake Form
  - Training Evaluation
  - Conference Handouts
1. Child Abuse Injunctions in Wisconsin, Cyrus Behroozi, J.D.
  2. Mental Health Issues: Child Abuse Disclosures in the Context of Divorce, Hugh Johnston, M.D.

3. Rainbow Project Handout
- Court Forms
    1. Petition in Juvenile Court for Temporary Restraining Order and/or Injunction (Child Abuse)
    2. Notice of Hearing for Temporary Restraining Order (Child Abuse)
    3. Injunction (Child Abuse)

## **KANSAS LEGAL SERVICES**

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### PROGRAM DESCRIPTION

Kansas Legal Services (KLS) is a statewide non-profit organization dedicated to helping Kansas citizens meet their basic needs through the provision of essential legal, mediation, and employment training services. KLS was formed in 1977 to make legal assistance more widely available to the poor. Since then KLS has progressively focused its efforts on special needs individuals such as victims of domestic violence, the homeless, the elderly, farmers, people with disabling conditions, children in foster care and their families and people who need basic life skills and employment training. KLS strives to eliminate the causes of poverty and mitigate its effects by helping individuals achieve and maintain self-sufficiency and family supporting employment.

KLS serves more than 25,000 individuals in all 105 Kansas counties through thirteen legal services, two mediation and six employment training offices located across the state.

### MENTAL HEALTH PROJECT DESCRIPTION

To address the need for representation and support of children in custody cases, KLS's project involves two components: 1) an interactive sourcebook for youth aged 6 to 14, to encourage youth to work through emotional and mental health issues that may arise from their experiences in custody court proceedings and 2) training sessions for Guardian *Ad Litem* (GAL) attorneys and mediators on how to use the sourcebook with children involved in custody cases and how to help youth access services and information.

The sourcebook is entitled “Being a Kid Isn’t Easy” and is directed to children in divorce proceedings. It includes activities to familiarize children with court personnel; “how to” activities dealing with anger, confusion and other emotions; and education on expectations and feelings and ways to express themselves in the legal process. This sourcebook has been used at four GAL Trainings in Dodge City, Lawrence, Salina and Wichita, Kansas. Dr. Jane Adams, a children’s mental health professional, was consulted in the development of the sourcebook and presented at each of the GAL trainings. Dr. Adams also presented at GAL trainings on children’s mental health and mental health resources in Kansas. Dr. Adams is the director of Keys for Networking, an advocacy agency for children with serious emotional disorders (SED) and their families. Keys for Networking is also the U.S. Department of Education’s Parent Information and Resource Center in Kansas.

Additionally, Washburn University Law School students helped develop the sourcebook and assisted in placing the sourcebook on the KLS website.

[www.kansaslegalservices.org](http://www.kansaslegalservices.org).

The four trainings presented for Guardians *Ad Litem*, attorneys and mediators covered how to use the sourcebooks with children involved in custody cases and how to help youth access mental health services and information. KLS organized the trainings around topics including: children’s mental health issues, advocacy and disability; the criminalization of disability; roles and responsibilities of attorneys; and foster care’s impact on youth. Evaluation surveys from the trainings show that the participants felt that the training was effective and worth their time and that the learning objectives of the training were clearly expressed and clearly achieved.

## CHILDREN THE PROJECT SERVES

The children served by the program thus far are those who have been represented by GALs and other attorneys in Kansas, including KLS attorneys in all types of cases in which children are involved. GALs/attorneys were trained in using the sourcebooks with their clients as an introduction to referring them to services in their geographic locale. Referral sources include courts in Kansas, child welfare agencies, social service agencies, and community health centers. The sourcebooks have been and will continue to be distributed as requested by the referring entities. No income guidelines are required for the book distribution. The clients of GALs have no income qualifications as they are appointed when the court deems it appropriate.

## PROFESSIONALS INVOLVED IN THE PROJECT

Approximately 200 professionals received the first run of the sourcebook. KLS distributes the sourcebook at their Children's Advocacy Resource Center, through its pro bono panel as well to the advisory boards of the 13 individual KLS legal services field offices. KLS also will distribute the sourcebook at future Guardian *ad Litem* trainings, legal aid organizations, to SRS offices across the state, to private attorneys—particularly those who work with pro bono clients, family resource centers, and other counseling agencies who work with children, the Supportive Families Community Action team in Topeka and on the KLS website.



## A PROJECT CASE

KLS is not handling any cases pursuant to the grant because this project did not involve direct representation of children. However, numerous attorneys have already used the sourcebook that was distributed at the GAL trainings, and one attorney requested twenty additional copies for a case-related issue.

## CHALLENGES FACED BY THE PROJECT

KLS felt that they did not make sufficiently clear, at the outset, the goals that they expected the sourcebook to address. Because of that, significant revisions of the sourcebook were needed.

## NEEDS ADDRESSED BY THE PROJECT

KLS had come to see a great need for more training, mentoring, partnering, consulting and education for pro bono attorneys. Additionally, KLS identified the attorneys' need to access free or low-cost mental health or social services for child clients. Third, KLS saw a need for developing local mental health or social service resource materials.

## ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROEJCT

Other local state or national entities are free to replicate the KLS sourcebooks. If an agency wants to write its own sourcebook, KLS suggests the following steps:

1. Conduct a review of similar publications (if any exist) for children going through the court process.

2. Research books/articles and studies of children's mental health issues regarding trauma, divorce, family upheaval, etc.
3. Consult with experts in children's mental health on effective and sensitive ways to communicate with children in trauma.
4. Write the book.
5. Have the book reviewed by children's mental health experts prior to field-testing.
6. Field-test the book with children and the professionals who work with them.
7. Gather as much feedback as possible.
8. Revise the book using the feedback.
9. Field-test again.
10. Revise the book.
11. Print, distribute and place on website.

BUDGET INFORMATION

Revenue	Expenditures
<ul style="list-style-type: none"> <li>• \$4000—ABA Grant</li> <li>• Approximately 150-200 staff in-kind contribution hours</li> </ul>	<ul style="list-style-type: none"> <li>• \$3,152.00—Publication of 1,600 soft cover books at \$1.97 each</li> <li>• \$1,200—Children’s mental health consultant/reviewer and presenter at 4 trainings</li> </ul>

## CONTACT INFORMATION

For further information regarding KLS's sourcebooks, contact Tom Stratton, Project Director, Kansas Legal Services-Topeka, 712 S. Kansas Ave., Suite 201, Topeka KS, 66603. Tom can also be reached at 785-354-8531 and at [strattont@klsinc.org](mailto:strattont@klsinc.org).

## MATERIALS AVAILABLE

- “Being a Kid Isn’t Easy.” Sourcebook. (The sourcebook will be available by request from KLS and also on its website: [www.kansaslegalservices.org](http://www.kansaslegalservices.org))
- Jane Adams Bibliography
- GAL brochure
- GAL training agenda
- GAL training evaluations from sessions one, two, three and four

## **THE PRO BONO PROJECT'S CHILDREN'S LAW PROGRAM, LOUISIANA**

### **PROGRAM DESCRIPTION**

The Pro Bono Project, "PBP", was established in 1986 by the Louisiana Bar Foundation to provide free civil legal services to the poor through the use of pro bono attorneys. PBP's mission is to provide free quality civil legal services to the poor by engaging volunteer attorneys to render pro bono services.

The Pro Bono Project mobilizes members of the private Bar to provide pro bono legal services in civil matters to individuals whose incomes are at or below the federal poverty level. Since Hurricane Katrina, to make up for the shortfall of volunteer attorneys available (since many attorneys are dealing with their own post-hurricane problems) PBP has fortified itself with 3.5 full-time attorneys, in addition to a legion of volunteer students, interns, and out-of-state volunteer attorneys who have come to assist for differing periods of time. In normal times, PBP has only 1.5 attorneys on staff.

PBP has well-established, long-standing mutual referral relationships with numerous social service and poverty law legal services providers in the community, including New Orleans Legal Assistance, the Legal Aid Bureau, Loyola and Tulane Law School Clinics and the Advocacy Center for the Elderly and Disabled. Collaboration among legal services agencies serving indigent populations is common protocol. PBP differs from agencies with similar missions in that the Project utilizes a volunteer, rather than a staff-based model.

## MENTAL HEALTH PROJECT DESCRIPTION

The ABA-funded project is intended to identify mental health services for children in disputed custody cases, to train their attorneys in the needs they and their families may be experiencing, and to provide some of these needs in the form of custody evaluations carried out by supervised social work students.

The American Bar Association has agreed to allow the Children's Law Program to extend the grant period through April 30, 2007. The purpose of this extension is to allow the New Orleans Pro Bono Project additional time to implement the grant due to unforeseen circumstances and effects from Hurricane Katrina.

## CHILDREN THE PROJECT SERVES

The demographics of the target children are not clear since Hurricane Katrina devastated the city and its inhabitants. The projections as to how many people will return, who will return, and when, change on a weekly basis. The children are intended to be of any age or race, but they will all be members of indigent families, most of whom do not already have legal representation of any type. The racial composition of Orleans Parish before Hurricane Katrina was 65% African-American and 35% Caucasian.

The cases the children are involved in are primarily ones in which neither parent has counsel but the parties are unable to reach agreement on custody or visitation issues. The Pro Bono Project then will assist in drafting a consent agreement. In other cases, the court will ask for PBP's intervention because a custody evaluation is needed but the parties cannot afford to pay for it. In rare cases, The PBP will be involved even though the parents are represented, because the custody dispute is particularly acrimonious or

allegations of sexual abuse have been lodged, and the court has seen fit to appoint separate counsel for the child.

In all cases, The PBP will condition its assistance on children receiving mental health services as needed, and on using attorneys who have received training in the mental health issues involved in custody disputes.

### PROFESSIONALS INVOLVED IN THE PROJECT

The PBP children's project uses two highly experienced social workers, one of whom specializes in child development and the other in custody evaluations. To a limited extent, the social worker who has been acting for several years as a consultant to The Pro Bono Project Child In Need of Care cases (abuse and neglect) will also participate.

These two individuals are negotiating now to leverage the assistance of the Schools of Social Work at local universities, to have students trained and supervised to carry out custody evaluations. They will participate in this in-school training. An agreement in principle has been reached on this, but the details are yet to be determined.

These individuals also will, as a team with the Child Advocate Attorney at The Pro Bono Project, deliver the training for volunteer attorneys.

A local non-profit agency will deliver the arts-based expressive and therapeutic workshops for the parents and the children themselves, as it has been doing for several courts in this region for a number of years. Families must make a token payment to the agency for these workshops.

A number of local mental health service agencies, ideally, would meet some of the needs for family or one-on-one counseling identified in the course of the ABA project, but current circumstances suggest that this will not be possible. The needs are currently enormous for free or low-cost services and the waiting lists are apparently endless.

The volunteer attorneys are the other set of professionals involved.

### A PROJECT CASE

The PBP project has not yet launched its operations, so it has no examples to provide at this time.

### CHALLENGES FACED BY THE PROJECT

The ABA project's biggest challenges are the lack of free or low-cost mental health services and custody evaluations available to clients. This situation was dire before Hurricane Katrina but it has gotten, if possible, worse since then as many mental health professionals, of all types and providing services at different levels of cost, have left the city. For the immediate future, in all likelihood, the PBP project will have to provide all the custody evaluations required in the cases it works with and will see important mental health therapy needs go unmet.

Another important challenge is the financial difficulty in which the local universities, and specifically the Schools of Social Work, find themselves since Hurricane Katrina. They can ill-afford at this time to do extra work without compensation, or ask faculty members to do so, no matter how compelling the cause.

## NEEDS ADDRESSED BY THE PROJECT

It is hoped that to varying degrees the PBP project will answer 1) the immediate needs of some children to have their voices heard and their parents educated to their needs; 2) the need for reproducible, low-cost training for volunteer attorneys to understand the mental health issues that run through these types of cases; 3) the need for these attorneys ultimately to educate the judges who, mostly out of frustration at the lack of information available to them, seek to have attorneys act as custody evaluators; 4) the need for the court system to institutionalize the use of custody evaluations; and 5) the need for a reproducible, low-cost source of custody evaluations for indigent parents.

## ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROJECT

The ABA project is in too early a stage, and is dealing with circumstances so far from the norm, that advice does not seem appropriate at this point.

## BUDGET INFORMATION

The fee for both social work trainers will not exceed \$10,000. Parents will be charged \$50 apiece for the custody evaluations carried out by students, to be paid as an honorarium to the Schools of Social Work providing the students and supervision. They will pay their token workshop fees, for both themselves and their children, to the delivering agency.

## CONTACT INFORMATION

For more information regarding PBP's project, please contact: Catherine Drake, Child Advocate Attorney at 504-581-4043 or [cdrake@probono-no.org](mailto:cdrake@probono-no.org).



### MATERIALS AVAILABLE

No materials are available at this time, but PBP will deliver them when they are developed. At the very least, some type of handbook will be developed as a take-away material for the attorneys who receive training in child development, mental health issues related to divorce and custody, and the custody evaluation process.

# Other Mental Health and Social Service Projects

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## **PUT SOMETHING BACK, FLORIDA**

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### **PROGRAM DESCRIPTION**

Put Something Back (PSB) is a division of Dade County Legal Aid and is a joint Pro Bono project of the Dade County Bar Association and Eleventh Judicial Circuit Court. PSB organizes members of the private bar to provide free civil legal services to low-income individuals, children and families in Miami-Dade County. To date approximately 225 volunteers attorneys participated in this program to represent children. PSB coordinates a wide range of projects, such as Adopt-an-Agency, Bankruptcy Assistance Clinics, Child Advocacy, Guardian Ad Litem, Habitat for Humanity and Wills on Wheels. PSB also works with Victim Services Center, a nonprofit mental health agency whose mission is to resolve the impact of traumatic events on individuals, including children, using group and individual therapy.

Put Something Back assigns attorneys to represent clients in Divorce, Custody, Paternity, Child support, Adoption and Visitation cases. In addition, PSB assigns attorneys to act as GALs in contested custody and Dependency proceedings. These GALs are charged with assessing what is in the best interests of the child involved in the case and reporting those findings to the Court.

### **MENTAL HEALTH PROJECT DESCRIPTION**

PSB emphasizes to their staff and pro bono attorneys the need for a holistic view toward client counseling. PSB has compiled a complete list of the various mental health and social services agencies that are located throughout Dade County. If an issue arises they either contact Switchboard of Miami, a Health Crisis Network Hotline, or the mental health or social services agency directly to help expedite assistance to their clients. PSB

lets their pro bono attorneys know up front to contact them if these issues arise so that PSB staff can make the appropriate referral. PSB has pamphlets and brochures from various mental health and social service agencies to either give directly to the client or send to the attorney with the pro bono referral so they can then forward the materials to the client. Clients in these situations need to have a piece of paper with names and numbers to turn to if need be.

### CHILDREN THE PROJECT SERVES

PSB has served thousands of children and currently serves approximately two hundred children per year. The ages range from infants to 18 and 19 year olds aging out of Foster Care. The races are varied: White, African American, Hispanic, Haitian, South American, Russian, and Oriental. The socioeconomic status is normally below the federal poverty guidelines.

### PROFESSIONALS INVOLVED IN THE PROJECT

Over 7,000 attorneys in Miami-Dade County have signed up and joined Put Something Back in order to deliver pro bono civil legal assistance to the financially disadvantaged in our community.

### A PROJECT CASE

One of PSB's volunteer attorneys was assigned to represent twin boys who were in the custody of the father. The mother had executed an agreement that the father could have custody of the boys, but she wanted to change custody based upon the ill-treatment

of the father and her failure to understand the agreement at the time she executed. The father limited the boy's time with her and there were signs of mental intimidation. In a very hard fought bitter battle, the volunteer attorney recommended that the mother gain custody of the children and the father relinquish primary residential parenting. Appeals were taken but the mother's petition was upheld. The volunteer attorney expended approximately 100 hours on this case.

#### CHALLENGES FACED BY THE PROJECT

The main challenge has been recruiting enough family law attorneys to handle these various cases. There is a certain number of practicing family/child law attorneys in Miami-Dade County. The demand for these practitioners easily outweighs the actual number of family law attorneys available to handle these matters. In addition, it is difficult to locate a Spanish or Creole speaking attorney in some instances.

#### NEEDS ADDRESSED BY THE PROJECT

PSB had come to see a great need for more training, mentoring, partnering, consulting and education for pro bono attorneys or pro bono program staff attorneys. PSB recognized early on that the need for these resources outweighed their availability. As a result, PSB made a commitment to educating attorneys that practiced in other areas of the law that were interested in issues relating to children in custody and adoption cases. PSB had held trainings at the local courthouse to educate attorneys about collaborating with mental health professionals in the community. In partnering with Lawyers for Children America, PSB went to large law firms around Miami for in-house

trainings in Dependency law. It attracted associates who otherwise would not be involved in this level of litigation for years to come in their practice. PSB also has an extensive list of available Mentors who are experienced in custody and adoption cases. These mentors are assigned to new or inexperienced attorneys to act as “of counsel” to the pro bono attorney as they go through the cases. If an issue arises that the pro bono attorney is not familiar with, he or she can bounce it off to the mentor so as to guide them through the case.

Additionally, PSB needed more avenues for attorneys to access free or low-cost mental health or social services for child clients. PSB also saw a need for developing local mental health or social service resource materials.

#### ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROJECT

PSB advises programs to incorporate a training and mentoring component to their projects. It is highly likely that a program will not have enough attorneys that specialize in this area to handle the demand. A way to address this situation is to have trainings at local law firms to educate attorneys in this area of law and then assign an experienced mentor to act as “Of Counsel” to them as they handle a particular child’s case.

#### BUDGET INFORMATION

PSB did not receive funding from the American Bar Association for this mental health work, but previously received a grant for the GAL domestic violence project.

## CONTACT INFORMATION

For more information, please contact Karen Ladis at [ladis@dadelegalaid.org](mailto:ladis@dadelegalaid.org) or by phone at 305-579-5733, ext 2247.

## MATERIALS AVAILABLE

- Guardian ad Litem (GAL) program description
- GAL seminar agenda
- GAL seminar flyer
- Parental Alienation Syndrome information sheet
- Professional collaboration document
- Expert document
- The ethical and legal dilemma of therapists serving as experts
- Chapter 64B19-18 consent testing document
- Chapter 64B19-19 Records document
- Lawyer's request for records documents
- Chapter 64B19-18.007 Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes
- "How to talk to children about violence" document

## **THE CHILDREN'S LAW CENTER, CONNECTICUT**

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### **PROGRAM DESCRIPTION**

The Children's Law Center of Connecticut, Inc. (CLC) is a non-profit agency founded in 1993. CLC provides indigent children with experienced lawyers who give them a voice in family court. They also provide information in legal matters involving children and advocate in support of legislative policies that advance the well being and best interest of children.

CLC works to protect poor children involved in family court by providing high quality legal services and advocating for policies that advance the well being and best interests of children. Through its work representing children the organization seeks to achieve the most stable, safe, and beneficial arrangement for children who are caught in the middle of a family crisis such as a custody battle, divorce or other chronic family conflict.

### **MENTAL HEALTH PROJECT DESCRIPTION**

CLC recently added a mental health professional to the staff in the spring of 2006. CLC hired a Marriage and Family Therapist to work in partnership with the Staff Attorneys to collect collateral information and put into place needed services for their young clients.

### **CONTACT INFORMATION**

For more information, please contact Justine Rakich-Kelly at [clc@clcct.org](mailto:clc@clcct.org), or by phone at 1-860-232-9993.



## **LEGAL SERVICES FOR CHILDREN, SAN FRANCISCO, CALIFORNIA**

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### **PROGRAM DESCRIPTION**

Legal Services for Children's (LSC) is a non-profit organization founded in 1975. LSC's attorneys and social workers provide free legal and social work services to children and youth in the San Francisco Bay Area. Their mission is to ensure that their clients have access to the support and services they need to become healthy and productive young adults. LSC's holistic services empower clients and actively involve them in critical decisions about their lives.

LSC's team advocacy approach enables them to provide a wide spectrum of services. They represent children in legal guardianship, dependency, school discipline, immigration, emancipation, and restraining order proceedings. Their social workers provide crisis intervention, case management, counseling, and psychosocial assessments. They have a diverse staff with broad language capacity (Spanish, Mandarin, Cantonese), and a wide range of cultural identities and backgrounds. Supporting the work of LSC in-house attorneys and social workers, a panel of pro bono attorneys provides over 3,000 hours per year of free legal assistance and advocacy to our clients. They are a well-known community resource, and they participate regularly in numerous collaborative efforts with other community based organizations.

### **MENTAL HEALTH PROJECT DESCRIPTION**

LSC's Guardianship Project prevents children who can no longer safely live with a parent from unnecessarily entering the overburdened foster care system. LSC's attorneys, social workers, legal and social work interns, and pro bono attorneys work

closely with children to ensure they are living in safe and stable homes with trusted adults. This typically involves establishing a legal guardianship with a relative or other adult friend with whom the child has an existing stable and trusting relationship. A legal guardianship also allows children to receive any applicable government benefits through their guardian.

Coupled with the legal guardianship, staff social workers create safety plans, provide crisis intervention, make appropriate referrals to other social service agencies in the community, and provide direct counseling.

#### CHILDREN THE PROJECT SERVES

Last year, LSC provided direct legal representation and social work services to 217 clients in guardianship matters. Through their intake line and weekly drop-in clinic, LSC provided advice and referrals to an additional 357 youth and caring adults. The majority of children served by this project already live with a relative or other trusted adult, but need a guardianship to stabilize and legalize the situation. Many of these children have been abused or neglected by a parent, or were referred from emergency response units in San Francisco and Alameda. Others are runaway youth needing immediate support and help finding accessible shelter.

#### PROFESSIONALS INVOLVED IN THE PROJECT

The project is staffed by LSC's 7 in-house attorneys and 4 social workers, with the support of the 83 attorneys who serve on our pro bono guardianship panel. All cases referred to a pro bono attorney are supervised by an LSC attorney who provides technical

assistance and support as needed. LSC also has an “Attorney of the Day” available Monday-Friday from 1:30-5:00 for assistance.

### A PROJECT CASE

In one case, an adolescent client disclosed her history of sexual abuse and exploitation to her LSC social worker, who helped her find a therapist and begin to come to terms with this abuse. The client’s LSC attorney helped her to enroll in school and obtain tutoring to make up for the education she had missed out on when she lacked a stable home and an involved caretaker. Finally, her social worker helped her obtain a part-time after school job so she would have a legal and positive source of income.

LSC’s client recently turned eighteen, and is still living in her guardian’s home. She is enrolled in a continuation high school and continues to work at her part-time job. Although she still struggles with the after-effects of so many years of abuse and neglect, her guardianship the LSC staff has had a positive impact on her life. Now that she has a stable home, a stable education, and a stable job, she has developed new self-confidence and self-respect. She is also beginning to plan for her future, and in the next year she plans to move into her own apartment and to enroll in community college.

### CHALLENGES FACED BY THE PROJECT

In the past few years, the pro bono component of the guardianship project has grown exponentially: since 2003, the value of pro bono services donated has more than tripled. The recent successful expansion of LSC’s pro bono panel poses new challenges in its administration and management. In order to successfully maintain an effective and

efficient pro bono panel, and to make sure the children’s social and mental health service needs are addressed, LSC must keep volunteers engaged and active with the panel. This includes building their relationship with other community providers referring cases to LSC, assigning an appropriate and manageable number of cases to the panel, tracking the progress of each open case, completing an evaluation for each closed case, and keeping each attorney engaged and interested in the panel. Each of these tasks requires significant time to administer and coordinate.

#### NEEDS ADDRESSED BY THE PROJECT

LSC has recognized the need for more training, mentoring, partnering, consulting and education for pro bono attorneys or staff attorneys. In response to this need, LSC recently reorganized its pro bono referral process. Previously, volunteer attorneys relied on a rotating “Attorney of the Day” to provide support and technical assistance. Now, in addition to the “Attorney of the Day”, each pro bono case is assigned to a specific LSC attorney, who oversees the case.

LSC has also recognized the need for increased methods for attorneys to access free or low-cost mental health or social services for child clients. LSC’s social workers, who are actively involved in pro bono cases, are well versed in local resources and aid attorneys in accessing these resources for clients.

Furthermore, LSC has recognized a need for the development of local mental health or social service resource materials.

BUDGET INFORMATION (general operating budget)

Revenue	Expenditures
<ul style="list-style-type: none"><li>• Government income: \$267, 695</li><li>• Foundations: \$692,000</li><li>• Corporate: \$10,000</li><li>• Legal Services Trust: \$48,273</li><li>• Equal Access Fund: \$25, 622</li><li>• Attorneys fees: \$200,000</li><li>• Individual donations: \$165,000</li><li>• Law firms: \$75,000</li><li>• Skadden Arps: \$96, 364</li><li>• Work Study: \$3,200</li><li>• Interest/Dividends: \$50</li></ul>	<ul style="list-style-type: none"><li>• Salaries: \$949,937</li><li>• Benefits: \$249,309</li><li>• Parking and travel: \$26,970</li><li>• Operating: \$218,998</li><li>• Communications/outreach: \$2,500</li><li>• Fundraising: \$22,500</li><li>• Reserve: \$100,000</li></ul>
Total= \$1,583,204	Total: \$1,570,213

CONTACT INFORMATION

For more information regarding LSC’s program, please contact Abigail Trillin, Managing Attorney, at 415-863-3762 or by e-mail at [abigail@lsc-sf.org](mailto:abigail@lsc-sf.org).

MATERIALS AVAILABLE

- Guardianship Manual

# Other Ideas

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## **CROSS-TRAINING AMONG PROFESSIONALS**

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One method for increasing collaboration between attorneys and mental health and social service professionals would be to develop a cross-training for attorneys, mental health and social service workers that would help them improve their practice in custody cases. Professionals may be more likely to attend the training if CEU and CLE credits were provided.

Speakers at the training could include mental health professionals, members of the local judiciary and attorneys who practice in the areas addressed by the program. Topics for speakers may include issues such as:

1. Techniques for interviewing children.
2. Understanding cross cultural differences.
3. Assessing the parties' credibility.
4. Evaluating the suitability of a parent's residence as the primary residence for the children.
5. Assessing the ability of each parent to be a primary caregiver.
6. Child development.
7. Children's responses and adaptation to guardianship and adoption.
8. Techniques for determining parenting capacity/parental fitness.
9. Understanding psychiatric drug interactions and psychological testing.
10. Representing the child client who has been diagnosed with a mental illness.
11. Foster care placement of children.
12. Reunification of children with their parents.
13. The State's custody of children in the juvenile justice system.

14. The legal rights of children, parents, and grandparents.
15. Privileges and who can waive certain rights.
16. Standards for representing the child's best interest.
17. Stress management for professionals working on the cases.



## **COMPREHENSIVE REFERRAL GUIDE**

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Many jurisdictions would benefit from creating a comprehensive referral guide including relevant free or low-cost, accessible mental health and social services for children, their families and guardians.

The first step to accomplish this goal may be to do a comprehensive review of all services that are available to children who are involved in a custody or domestic violence matter. Existing resource guides, phone books and word of mouth could be used to locate resources. The second step would be to compile that information into materials that are accessible, easy-to-read, and targeted not only to attorneys, paralegals and judges but that can be accessed and utilized by *pro se* individuals on behalf of children as well. The third step would be to incorporate these materials into cross-trainings for attorneys, judges, and service providers. The fourth step would be to identify gaps in services and to convene stakeholders to begin to address these gaps. The final step would be to produce an electronic form of the Guide which will be continually updated. The status of mental health and social service agencies is constantly changing. Therefore, it is necessary to continually update the status of all mental health and social service resource materials so they remain current.

Once compiled, the guide should be organized into a format which can be easily accessed by readers, including judges, service providers and legal professionals. The guide should be comprehensive, in that it would include not only contact information, but an explanation of when and in what situations the program can be most helpful. The guide also should explain whether there are steps that individuals can take to more easily take advantage of the service such as: obtaining a court order mandating a service; an

order requiring payment by another party; obtaining a referral from the court; or obtaining financing through a third party such as Medicaid.

Guides should be distributed through the courts, agencies, schools and attorneys. A press release on the guide could be issued in order to make the public aware of it.

## **SERVICES FOR CHILDREN AND THEIR FAMILIES**

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Examples of services that could be targeted for children and their families could

include:

1. Behavioral, anger management, or therapeutic services.
2. Free or low-cost mental health services.
3. Educational assessment and support.
4. Mentoring programs.
5. Recreational and occupational therapy.
6. Substance abuse counseling and treatment.
7. Services for child victims and witnesses of domestic violence.
8. Transitional living programs for families.
9. Visitation supervision.
10. Post Adoption Services
11. Compensation for victims of crime.
12. Financial assistance.
13. Social services to help access public benefits, insurance and appropriate housing.
14. Referrals for developmentally or physically disabled children.
15. Grief counseling if a family member has died.
16. Stress management services for attorneys, as well as other professionals involved  
in the program.

## **HIRING A MENTAL HEALTH OR SOCIAL SERVICE PROFESSIONAL**

Programs may want to consider hiring on their staff a mental health or social service professional to assist attorneys in representing children. One example could be to hire a pediatrician, psychologist, psychiatrist, or social worker who would coordinate with attorneys to identify any concerning issues that should be addressed for the child or children involved in the case. The mental health or social services provider could then use his or her professional skills to work with the community to provide the appropriate resources for the child's needs. This method would lighten the workload of attorneys and may persuade attorneys, who otherwise thought they were too busy, too uninformed or not adequately trained, to take on a pro bono child custody case.

## Materials as listed in the Guide

### California

#### [Guardianship Manual](#)

### Florida

- [Guardian ad Litem \(GAL\) program description](#)
- [GAL seminar agenda](#)
- [GAL seminar flyer](#)
- [Parental Alienation Syndrome information sheet](#)
- [Professional collaboration document](#)
- [Parental Collaboration document](#)
- [Expert document](#)
- [The ethical and legal dilemma of therapists serving as experts](#)
- [Chapter 64B19-18 consent testing document](#)
- [Chapter 64B19-19 Records document](#)
- [Lawyer's request for records documents](#)
- [Chapter 64B19-18.007 Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes](#)
- ["How to talk to children about violence" document](#)

### Houston

- [Family Transition Solutions Child Manual](#)

- [Family Transition Solutions Parent Manual](#)

## Kansas

[“Being a Kid Isn’t Easy.” Sourcebook](#) (The sourcebook will be available by request from KLS and also on its website: [www.kansaslegalservices.org](http://www.kansaslegalservices.org))

- [Jane Adams Bibliography](#)
- [GAL brochure](#)
- [GAL training agenda](#)
- [GAL training evaluations from session one](#)
- [GAL training evaluations from session two](#)
- [GAL training evaluations from session three](#)
- [GAL training evaluations from session four](#)

## Montana

1. Introduction: [Welcome Letter](#), [Brook’s Quote](#) (Creighton Law Review), [Special Thanks](#), [Index](#)
2. [Chapter One: Representing Children—what attorneys need to know](#)
3. [Chapter Two: Child Clients—how to meet specific needs of a child client](#)
4. [Appendix and Table of Contents](#), Montana
5. [Bibliography](#)
6. [Children’s First Power Point Presentation](#)
7. [Front Labels](#)

## Wisconsin

[Training announcement flyer](#), [Training Sign-in Sheet](#), [Training Final Letter](#)

[Training registration form](#)

[Volunteer lawyer application form](#)

[CLPP Supporter From](#)

[Intake Form](#)

[Training Evaluation](#)

- [Child Abuse Injunctions in Wisconsin, Cyrus Behroozi, J.D.](#)
- [The Rainbow Project Handout](#)
- [Mental Health Issues: Child Abuse Disclosures in the Context of Divorce, Hugh Johnston, M.D.](#)
- [Petition in Juvenile Court for Temporary Restraining Order and/or Injunction \(Child Abuse\)](#)
- [Notice of Hearing for Temporary Restraining Order \(Child Abuse\)](#)
- [Injunction \(Child Abuse\)](#)

The ABA Child Custody and Adoption Pro Bono Project

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