



# Putting Families First Playbook Judges and Legal Stakeholders

Just as child welfare agencies often feel the pressure of public perception around child welfare (child protection and youth justice) decision-making, judicial and legal stakeholders feel that same strong sense of responsibility. Accountability and monitoring are areas that are important to judicial and legal stakeholders when it comes to keeping families safely together.

One concern that many legal stakeholders have is how safety is maintained in-home and in the community. The following considerations are important for legal stakeholders to know about in-home plans for both child protection and youth justice cases.

## Key Talking Points

In-home plans:

- Are developed with the family and/or youth using formal (service providers, school professionals) and informal supports (family, neighbor or community elder);
- Manage the concerns that led to a family's involvement with the child welfare system (for example, ensuring additional supports, respite and supervision at key times);
- Require regular contact between the child welfare professional, the family and the supports in place as part of the plan;
- Are re-evaluated regularly and discussed with a supervisor to ensure that the plan sufficiently addresses the concerns;
- and are adapted as needed and considered living, breathing documents to address changing circumstances within a family or home.

*"Over the years I have heard people say that children are resilient and can withstand the placement changes. Why should our children need to find this resiliency? We have an opportunity to keep family units together and help them to build healthy relationships. That is far more valuable than forcing our youth to be resilient in changes of placement in a home that is not their own."*

*Associate Judge Gwendolyn Topping, Red Cliff*

**Make it personal:** *Judicial and legal stakeholders want to understand the specific concern and how the support on the in-home plan **directly** addresses the concern. This is an opportunity to share specific examples of how your agency uses in-home plans to accomplish this.*





Success stories from the family perspective are also important for this stakeholder group. Successful in-home cases may not rise to court involvement. As a result, in-home success stories may seem rare for legal partners, even if there has been a lot of agency success. Consider forums where highlighting these successes for legal partners can be a regular part of the agenda to help build confidence in the system.

**Food for thought:** *Avoid using system language that may give the perception of increased risk. For example:*

- *“The family has had two failed safety plans” vs. “The team has learned more information about what supports the family needs and has adapted the plan as needed.”*
  - ◊ *Use of the word “failure” attributes blame to families as opposed to acknowledging that all family situations change and that learning additional information/adaptations can help minimize risk to child safety.*

When children are not able to remain in-home, placement with families or someone who already knows and loves them is a top priority. This ensures that a child stays connected to their community and culture. A resource for attorneys specific to relative placement is located in the "Additional Resources" section of this document.



*Partnerships between local child welfare agencies and their legal and judicial partners are vital to supporting Putting Families First, and agencies across the state are increasingly committed to engaging these stakeholders in their work. Crawford County, specifically, has been intentional about maintaining and strengthening a partnership that supports open dialogue, collaboration and understanding.*

*Crawford County meets with their legal and judicial partners on a regular basis, upwards of four times a year. These meetings take place to discuss new initiatives in the child welfare space, Putting Families First impacts or challenges child welfare professionals are seeing in the courtroom or in general practice. The meetings have an informal feeling, which allows for Crawford County child welfare and legal professionals to engage and build relationships outside of the courtroom.*

*The agenda items are sometimes specific—policy changes and reviews—but also more general, such as talking about situations that may have come up in the courtroom where practice or child welfare responses were questioned. Sometimes the group talks through disagreements about decisions, roles, perspectives or even legal procedures.*

*The meetings have been an opportunity for Crawford County’s child welfare and legal professionals to come together to support collaboration and understanding. The meetings are a space for either group to ask and answer questions and while knowing that they are all working towards the same goals.*

## **What Can Judges and Legal Stakeholders Expect Around Putting Families First?**

Judges or other legal stakeholders may notice increased efforts to keep families in-home. Judges and legal stakeholders may notice:

- Creative efforts and new ideas to keep children in-home and prevent removals;
- Increased partnership with the family’s extended support network;
- Renewed emphasis on partnering with community supports;
- Continued prioritization of family settings for placement;
- and congregate care stays that are intensive and short-term.

As every county and legal system coordinates together differently, how this impacts the court system may look differently. Talking about case process locally with legal stakeholders can be helpful to address local nuances, as well as quickly address concerns that may arise. Consider the example above from Crawford County and consider if a regular structure to discuss in-home cases may be helpful in your jurisdiction.

## How Can Judges and Legal Stakeholders Support Putting Families First?

- **Hear directly from parents engaged with the child welfare system.** Legal partners have a key role in helping families navigate the system. Conversations between legal stakeholders and parents are vital to in-home planning. Legal stakeholders can also ensure parents understand what is needed from them at key points of the case.
- **Partner with local child welfare agencies.** Legal and judicial stakeholders can hear from local child welfare agencies about what services and supports are available to families to support them in home.

***Food for thought:** Consider highlighting agency specific programs, pilots or practices that support Putting Families First. This may include how your agency supports relatives/like-kin or ways your agency is using Targeted Safety Support Funds or other services to creatively keep children together.*

- **Ask key questions.** Asking key questions during court proceedings has been found to help decrease removals and increase relative placements. See the “Judicial & Legal Stakeholders: Supporting In-Home Planning” resource below for examples of key questions.

### Additional Resources

- [Judicial and Legal Stakeholders: Supporting In-Home Planning](#) – a document detailing how legal partners can support in-home planning.
- [Wisconsin Bar News: Incorporating Lived Experience in Wisconsin’s Child Welfare System](#) – a discussion about how lived experience voice is being incorporated in child welfare in Wisconsin.
- [American Bar Association: Benefits of Kinship Placement](#) – a tool for lawyers to support in-court and out-of-court legal advocacy around kinship caregiving.

