

The “Why” Behind the Safe Babies Approach

- The science of early development shows that the first three years of life are a critical window of opportunity for promoting children’s health and well-being.¹
- Safe, stable, and nurturing relationships are foundational to promoting healthy development.
- In the traditional child welfare system, when children are removed from home, they and their parents experience the trauma of separation, as well as connection to services that are often uncoordinated and do not meet urgent needs.²
- Too often, the families of children who come to the attention of the child welfare system and are at risk of removal do not receive appropriate services and supports to sufficiently build protective factors. This often leads to children’s developmental needs remaining unidentified and, therefore, unaddressed.³
- While the child welfare system has a historical focus on promoting child safety, the system is just beginning to recognize the importance of safe and secure relationships for infants and very young children.
- Missed opportunities to intervene in an effective and timely way to support children’s developmental health during the critical period of early development can lead to negative, long-term physical, psychological, and behavioral outcomes.⁴

The “Why” Behind the Legal Roles in the Safe Babies Approach

- The Family Justice Initiative (FJI) has identified several attributes of high-quality legal representation beyond the role of competent advocate, including the support needed by parents’ and children’s attorneys to meet their individual obligations to clients, which in turn leads to system reforms that support better outcomes for families.⁵
- As in the Safe Babies approach, there is a focus on the benefits of interdisciplinary practice, including bringing a variety of viewpoints and areas of expertise together with consistent, comprehensive communication among partners to engage parents in addressing legal and medical issues that can lead to reducing time to permanency.⁶
- Effective and high-quality legal representation for parents, children, and the child welfare agency is essential to ensuring due process, protecting parties’ rights, and supporting family health and well-being.⁷
- The benefits of high-quality legal representation include, but are not limited to, increasing family participation in and out of court; reducing delays in achieving permanency; helping children and families reach better long-term outcomes; and empowering families and communities to keep children safe at home.⁸



- 1 Harvard University Center on the Developing Child. (n.d.). *What is early childhood development? A guide to brain development.* <https://developingchild.harvard.edu/guide/what-is-early-childhood-development-a-guide-to-the-science>
- 2 upEND Movement. (n.d.). *Resources.* <https://upendmovement.org/resources>
- 3 Dettlaff, A. J., Weber, K., Pendelton, M., Boyd, R., Bettencourt, B., & Burton, L. (2020). It is not a broken system, It is a system that needs to be broken: The upEND movement to abolish the child welfare system. *Journal of Public Child Welfare*, 14(5), 500-517. <https://doi.org/10.1080/15548732.2020.1814542>
- 4 Jordan, E., Vandivere, S., & Gross, E. (2022). *Alignment between early childhood and child welfare systems benefits children and families.* Child Trends. <https://www.childtrends.org/publications/alignment-between-early-childhood-and-child-welfare-systems-benefits-children-and-families>
- 5 Family Justice Initiative. (2020). *High-quality legal representation for children and parents: A guide for system change.* <https://familyjusticeinitiative.org/wp-content/uploads/sites/48/2020/04/fji-implementation-guide-intro-1.pdf>
- 6 Family Justice Initiative. (2020). *Implementing FJI system attributes—Attribute 2: interdisciplinary practice model.* <https://familyjusticeinitiative.org/wp-content/uploads/sites/48/2020/03/fji-implementation-guide-attribute2-2.pdf>
- 7 Center on Children and the Law (Ed.). (2018). *Child welfare legal representation: ABA attorney standards.* ABA Publishing.
- 8 Center on Children and the Law (Ed.). (2018). *Child welfare legal representation: ABA attorney standards.* ABA Publishing.

Essential Functions and Activities

The list below describes the key functions and specific activities of attorneys representing child welfare agencies, children, and parents.

Essential Functions and Practices: CHILD/FAMILY LEVEL



IN COURT	
ESSENTIAL FUNCTIONS AND ACTIVITIES	
Engage families in an inclusive, trauma-responsive, and strengths-based participatory hearing.	<ul style="list-style-type: none"> • Demonstrate kindness, compassion, and openness. • Present and celebrate families' successes and accomplishments. • Treat parents with respect and dignity. • Elevate parent voice by supporting parents in prioritizing information to be presented.
Address collateral legal issues that may affect a child welfare and/or Safe Babies case, including housing, employment, health care, disabilities, domestic violence, public benefits, criminal justice, and immigration law.	
Center children's health and the developmental need for safe, stable, and nurturing caregiving in decision-making.	<ul style="list-style-type: none"> • Prioritize infant and toddler health and developmental needs. • Advocate for frequent quality family contact orders.
Monitor case outcomes to ensure children and their families are receiving all necessary supports and services and cases are progressing.	
Ensure the provision of timely, effective, individualized wraparound services.	<ul style="list-style-type: none"> • Implement a continuum of services for infants, toddlers, and parents. • Ensure the use of age-appropriate, evidence-based practices, including referrals to culturally relevant services.

OUT OF COURT

ESSENTIAL FUNCTIONS AND ACTIVITIES

Engage in robust out-of-court advocacy, including advising client about the Safe Babies approach, explaining the emphasis on early childhood development and the additional requirements and services that do not exist in traditional child welfare cases.

Participate in Family Team Meetings while maintaining one's ethical duties to clients (including privacy of information) and prioritize collaboration and information sharing among team members.

Collaborate in partnership with the local Safe Babies' Active Community Team (ACT) in engaging community partners to improve equitable access to comprehensive prevention, early intervention, and therapeutic services and supports for families.

Establish an individualized approach to meeting families' basic needs, including housing, food, transportation, access to timely screenings/assessments, linkage to a medical home/pediatric preventative health care and developmental supports, referrals to evidence-based parenting interventions, and medication-assisted treatment for substance use disorders.

Participate in regularly scheduled/monthly meetings that promote timely screenings, assessments, and referrals to programs and services such as pre- and post-removal conferences.

Acquire general knowledge of infant mental health to better understand the developmental/emotional needs of children under age 3.

THE ROLE OF THE AGENCY ATTORNEY

- Provide guidance to agencies and caseworkers on the Safe Babies approach, child welfare law, procedures, and policies.
- Consult with caseworkers/agencies on decisions to remove or return children and ensure that any decisions align with the intent of the Safe Babies approach and legal standards.
- Ensure no undue delays exist in service provision, case planning, or other agency duties.
- Cooperate and communicate regularly with other counsel and other Safe Babies core team members.
- Present testimonial evidence through a trauma-responsive lens, including consideration of witnesses' mental well-being.
- Be ready to provide notice to parties and the court of any changed circumstances, including placement change, removal status, service-related issues, etc.



THE ROLE OF THE CHILD ATTORNEY/GUARDIAN AD LITEM/COURT-APPOINTED SPECIAL ADVOCATE (CASA)

- Acquire a general knowledge of infant mental health to better understand the developmental/emotional needs of children under age 3.
- Observe children in multiple interactions with their parents and caregivers to form an independent assessment of those interactions as representative of the quality of those relationships.
- Investigate cases to understand children's trauma exposure, strengths, needs, and resources.
- Assist child welfare agencies in identifying and screening relatives and kin caregivers who can meet young children's developmental needs to facilitate timely priority placement with relative caregivers.
- Advocate for children to maintain contact with their parents, siblings, kin, and/or tribe through placement, family time, and permanency planning.
- Gather information about children's prenatal care, early medical or dental records, immunizations or health screenings, former caretakers, etc., to ensure that a complete and accurate history is known.
- Talk to family members, doctors, nurses, child care providers, caregivers, and others in children's lives to gain a better sense of their experiences and advocate appropriately for their needs.

THE ROLE OF THE PARENT ATTORNEY

- Meet with clients in a quiet, safe space away from distractions, explaining the child welfare system, parent rights and duties, confidentiality, and participation on a collaborative team.
- Understand parents' life circumstances, including strengths, needs, and available resources, to encourage engagement in proceedings and ownership of decisions.
- Encourage parents to participate and play an active role in Family Team Meetings.
- Assist in building peer support networks, connect parent clients to social supports, and check in with parent advocates (who, when applicable, can help parents feel less isolated and alone) to make sure parents are provided needed resources and supports.

ADVANCING EQUITY

ESSENTIAL FUNCTIONS AND ACTIVITIES

Actively engage and support parents/individuals with lived experience in the child welfare system in decision-making.

Advocate for a common vision for a more equitable child welfare system for families.

Examine how implicit biases pertaining to race, socioeconomic status, and disabilities may inform recommendations and discretionary decision-making, and work to overcome such biases by acknowledging the overrepresentation of these populations in the child welfare system.

THE ROLE OF THE AGENCY ATTORNEY

- Recognize that a family's involvement in the child welfare system, including a child's removal from the home, is highly stressful and can be an added source of trauma for parents and children.
- Be aware of and educated on all services that are available across the spectrum of needs and advocate for the development of appropriate services that may be lacking for a particular child, family, and/or community.
- Communicate with caseworkers and/or supervisors regularly to address service needs, including recognition of families' cultural identities.

THE ROLE OF THE CHILD ATTORNEY/GUARDIAN AD LITEM/CASA

- Advocate for the establishment of a medical home for preventative pediatric care.
- Ensure that required screenings and assessments are completed to support the identification of children's emotional, social, developmental, and medical needs and to ensure that the appropriate services and supports are received.
- Observe clients in multiple settings, including family time, to ensure a holistic, well-rounded view of the care they are receiving, and to identify any additional services needed to best support children.
- Advocate for children to remain at home when safe.
- If removal is necessary, advocate for minimal moves and placement changes to avoid disrupting children's caregiving relationships.
- Employ experts, clinicians specializing in early childhood mental health, and service providers to offer testimony and inform judges and caseworkers about children's unique needs.
- Help foster connections with siblings to facilitate familial and cultural connections.
- Observe children and their parents to better understand how cultural beliefs and traditions are passed from one generation to the next.
- Identify supports and services that exist within clients' cultural circles.

THE ROLE OF THE PARENT ATTORNEY

- Advocate for prevention and intervention services that promote healthy families and family unity.
- Advocate for frequent family time (visitation) that supports healing and strengthens the parent-child relationship from the start of a case.
- Ensure clients are screened and assessed by certified providers, including those trained in mental health, substance use disorders intimate partner violence, and trauma, to determine appropriate services and treatment.
- Assist parents in identifying and connecting with culturally appropriate community supports.

Essential Functions and Practices: SITE/COMMUNITY LEVEL



SITE/COMMUNITY LEVEL

ESSENTIAL FUNCTIONS AND ACTIVITIES

Work in close collaboration with the Safe Babies Community Coordinator and the ACT Judge through attorney associations, as appropriate for individual attorneys.

Champion the Safe Babies approach with community partners.

Collaborate on community trainings to advance trauma-responsive practices.

Develop a personal and systemic approach to racial and health disparities through reflection on one's role and use this approach to support families who experience disparities.

Support community strategies that promote equity in the child welfare system.

Participate in the community, bringing one's individual perspective on family needs to build an aligned and integrated early childhood system.

Support the use of data disaggregated by race and ethnicity to recognize barriers to equity, such as discriminatory practices and policies.

Share experiences representing clients with the ACT in support of the development of new policies and procedures that support, sustain, and disseminate the Safe Babies approach.

Share information about available community services and resources and support the establishment of any needed services, including mental health, substance use disorder treatment (e.g., parent and baby treatment programs), health care, parenting services, and other critical community supports.



SITE IMPLEMENTATION TEAM

ESSENTIAL FUNCTIONS AND ACTIVITIES

Offer opportunities for Safe Babies team members to learn about the roles of attorneys and their responsibilities to their clients.

Review system-level data and advocate for legal representation needs to best support families.

Regularly review data points, including:

- Type of service referrals;
- Timeliness of referrals;
- Services received and completed by children and parents;
- Frequency of Family Team Meetings;
- Parent participation in Family Team Meetings;
- Frequency of court hearings;
- Parent participation in court hearings;
- Frequency and quality of family time visits;
- Number of and reasons for placement changes;
- Length of time to permanency; and
- Reunification and other permanency outcomes.

Essential Functions and Practices:
STATE LEVEL



STATE LEVEL

ESSENTIAL FUNCTIONS AND ACTIVITIES

Encourage the participation of state-level attorney offices, Court Improvement Programs, and/or bar associations in building an aligned and integrated early childhood system.

Foster a supportive environment for the Safe Babies approach.

PROMOTING CONTINUOUS QUALITY IMPROVEMENT

ESSENTIAL FUNCTIONS AND ACTIVITIES

Prioritize data collection to evaluate the effectiveness of the Safe Babies approach and improve program aspects as indicated.

Use research on program effectiveness to advocate for increased and adequate funding for high-quality legal representation.

ADVANCING EQUITY

ESSENTIAL FUNCTIONS AND ACTIVITIES

Raise any cultural awareness or communication barriers with the Safe Babies Court Family Team.

Recognize that there is no “one-size-fits-all” solution for parent-child relationships and that families may function differently based on their cultural background.

Develop, implement, and monitor the effectiveness of strategies to counteract or change disparities, racist policies, and discriminatory practices.

Participate in continuing legal education opportunities to gain knowledge and understanding of racial and ethnic disparities that impact groups of families and children receiving services, with the goal of improving service provision and eliminating racial disparities.

STATE ADVISORY GROUP MEETINGS

ESSENTIAL FUNCTIONS AND ACTIVITIES

Establish a shared mission and vision, with children and families as the priority.

Support the representative participation of state-level groups such as defender offices and children's attorney groups on the State Advisory Group.

Actively participate and apply one's knowledge of the law to the betterment of society and improvement of the legal system.

Promote coordination across communities to find creative solutions to and remove cultural barriers that perpetuate discriminatory processes and inequities.

Invite allies/colleagues/community partners/collaborators with influence and decision-making authority to coordinate solutions by sharing expertise on financing and sustaining programs in early childhood, child welfare, and other family-related support areas.

FOR MORE INFORMATION

For more information on Safe Babies Court in South Carolina contact **Kristi Kennedy** with the **South Carolina Infant Mental Health Association** at kkennedy@scimha.org.



Safe Babies
A Program of ZERO TO THREE™
South Carolina



Safe Babies Court
SC INFANT MENTAL HEALTH ASSOCIATION