

# MAINE PARENTAL RIGHTS ATTORNEYS ASSOCIATION

283 WATER STREET SUITE 2A GARDINER MAINE 04345

## **Testimony of Julian Richter, on behalf of Maine Parental Rights Attorneys Association**

### **(“MEPRAA”) In support of LD 1824: An Act to Improve the Maine Child Welfare Services**

#### **Ombudsman Program by Providing Additional Resources**

**Thursday February 17, 2022**

Senator Claxton, and distinguished members of the Joint Standing Committee on Health and Human Services, I am writing on behalf of the Maine Parental Rights Attorneys Association in support of Representative Stover’s proposed amendment to LD 1824, “An Act to Improve the Maine Child Welfare Services Ombudsman Program by Providing Additional Resources,” to create a pilot program which would expand access to legal representation for parents engaged in the child welfare system.

MEPRAA is a diverse coalition of attorneys that represents parents in child protective proceedings. Currently, parents are only entitled to legal representation upon the Department of Health and Human Services (“DHHS or the Department”) filing a petition for a child protection order. These petitions are sometimes accompanied by a preliminary protective order (“PPO”) which removes custody from the parent and entitles them to a summary preliminary hearing (“SPH”) within seven to fourteen days.<sup>1</sup> Attorneys typically receive appointments to represent the parent the day of the filing or the following business day.

There are often some delays for the district court clerk to find an attorney to appoint, and additional delays for the attorney to obtain client contact information and connect with the assessment caseworker who filed the petition. Even without any delay, the process leaves the attorney a very short time frame between their appointment and the SPH to make contact with the client, arrange a client meeting, review discovery, and attempt to resolve the Department’s concerns outlined in the petition through safety planning.

Appointing a skilled attorney during the Department assessment would ensure that the parent has access to services necessary to protect children, as well as allowing the parent a greater opportunity to engage in an appropriate safety planning to prevent removal. Safety planning could include assistance for the parent in accessing substance use services, mental health counseling, parenting education, educational and daycare for children, or helping survivors of domestic violence access critical resources. Safety planning may also include assisting the parent in pursuing alternative protective arrangements, such as probate guardianships.

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<sup>1</sup> 22 M.R.S. 4034(4)

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Preventing removal of children through safety planning helps avoid additional trauma that is incurred by separation from their families and attachment figures. Studies consistently show that the removal process adds to a child's adverse childhood experiences (ACEs) and often requires therapeutic services to address this trauma<sup>2</sup>.

Moreover, many child protective cases that are filed as petitions could have been averted had counsel been available during the assessment. As this Committee is likely aware, caseworkers, district courts, and MCILS appointed counsel, are all overwhelmed by the volume of child protective proceedings. By providing attorneys to parents during the assessment, there is an opportunity to reduce the number of cases filed, increase services for parents, and create better outcomes for both children and families without unnecessary court involvement.

Additionally, by reducing the number of cases filed, courts, caseworkers and practitioners would all be able to dedicate more resources to the cases that are filed. It would produce a high value on the investment, by reducing court appointed attorney fees, court clerk time, Department resources, and expenditures for unnecessary placements.

Thank you to Representative Stover for bringing this measure forward for consideration and to the committee for your incredibly important work in examining ways to improve the child protective system. MEPRAA and our membership, as much as any other stakeholder in the system, are dedicated to protecting Maine's children.

## **Contact Information**

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<sup>2</sup> For a more robust discussion on the harm of removal, see Shanta Trivedi, The Harm of Child Removal, 43 New York University Review of Law & Social Change 523 (2019).