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Advancing a Countywide Pre-Petition Advocacy Model for Child Welfare

In Los Angeles County (County), legal advocates from the Children’s Law Center (CLC) and Los Angeles Dependency Lawyers (LADL) are court-appointed to represent children and families after a petition alleging child abuse or neglect is filed with the Dependency Court seeking court intervention. Emerging legal advocacy models across the United States, supported by the American Bar Association, enable legal advocates to represent children and parents before a child is removed and before a petition is filed with the Court. This form of “preventative legal advocacy” is critical in keeping families together, keeping children at home, and preventing the need for foster care. By providing prevention services and legal remedies for low-risk issues (such as counseling, respite care, help with evictions, protective orders, etc.), this model results in reducing the trauma of unnecessary child and family separation and reducing the disproportionate number of black and brown families that become system involved.

Often referred to as “pre-petition advocacy,” this type of assistance provides

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families with the advocacy, support, and connection to resources they need to keep their families together. These programs address a variety of civil legal needs, such as custody and divorce; domestic violence orders of protection; safe and affordable housing; public benefits; guardianship; special education; and other issues, while also guiding the family through their interactions with the child welfare agency.

Pre-petition advocacy models have been emerging in various forms across the country. To be effective, these programs require partnership between dependency court justice providers, civil legal aid agencies, community-based organizations, and coordination with the child welfare agency. They often require multiple funding streams to be sustainable. These factors, combined with the scope and size of our community and child welfare system, demand that the County undertake an intentional and comprehensive planning process to create a Countywide pre-petition advocacy model. Because of the broad network of both civil legal services providers, community-based organizations, and centralized providers of dependency legal services, the County is well situated to create this model.

As the County is exploring how to better provide preventive services to families who have contact with the Department of Children and Family Services (DCFS), the County should evaluate the efficacy of a pre-petition advocacy model that would supplement and enhance other preventive services. The County stands to lead the nation in creating access to true justice and to preserve one of the most fundamental liberty rights: the right of family integrity. Pre-petition advocacy would also be an important mechanism to address the racial disproportionality and disparity in the County's child welfare system.

WE I, THEREFORE MOVE that the Board of Supervisors direct the Chief Executive Officer's (CEO) Service Integration Branch to:

1. Bring on a consultant (Consultant) with expertise in preventive child welfare services, particularly pre-petition advocacy, funded by one-time philanthropic funding to determine the feasibility of creating a pre-petition advocacy model in Los Angeles County (County), with a goal of keeping families safely together, and reducing racial disproportionality and disparity in the child welfare system;
2. Work in consultation with the Consultant, community stakeholders, including people with lived experience in the child welfare system, and thought leaders throughout the County;
3. Report back to the Board in writing in 120-days the feasibility of creating a pre-petition advocacy model in the County, a plan to collect data on the model, and a plan to scale effective practices for pre-petition advocacy and supportive services across the County. The feasibility study for a pre-petition model should include, but is not limited to the following:
 - a. The core components of an effective pre-petition advocacy model;
 - b. Summary of models successfully implemented in other jurisdictions;
 - c. Action steps necessary to implement this model and bring partners in alignment, including necessary outreach, training, and policy and practice changes;
 - d. Ways to monitor and evaluate the effectiveness of the model and the plan to scale them;

- e. Alignment with and, when appropriate, inclusion of other preventive services work underway in the County;
- f. A recommended budget and staffing plan that clearly identifies short- and long-term on-going funding options for expanding pre-petition legal advocacy including:
 - i. New and existing state, federal and local on-going funding streams and programs to pursue through legislative advocacy;
 - ii. Cost savings generated from reducing child welfare involvement and supervision; and
 - iii. Partnerships with philanthropic partners until an on-going and sustainable funding stream is achieved.

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