

**INFORMED COMPASSION:
THE SAFE BABIES COURT TEAM APPROACH TO
SERVING INFANTS, TODDLERS, AND THEIR
FAMILIES IN DEPENDENCY CASES**

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I. INTRODUCTION

Nathan Roscoe Pound, a pioneering legal scholar, was born in 1870 in Lincoln, Nebraska.¹ During his distinguished career he served as an appellate judge, dean of the Harvard Law School, and dean of the Nebraska College of Law.² In his progressive pursuit of “sociological jurisprudence” during the early 1900s, he proclaimed, “The juvenile court is the illegitimate issue of an illicit relationship between the legal profession and the social work profession, and now no one wants to claim the little bastard.”³

Sadly, this description accurately depicted the state of child welfare law nearly into the 21st century, with few exceptions. Because judges and lawyers rarely had backgrounds in the disciplines connected to child welfare law, it was the last arena into which many legal professionals ventured voluntarily. As recently as the 1990s, lawyers in Iowa and many other states could not even receive continuing legal education accreditation for training in mental health, child development, brain development, addictions, fetal alcohol spectrum disorders, education, and the like. Today, in Iowa and many sister states, court rules require a minimum number of hours of training in these areas before an attorney may represent parties in dependency cases.⁴ The National Association of Counsel for

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1. Roscoe Pound, 1870–1964, NEB. ST. HIST. SOC’Y, <http://nebraskahistory.org/lib-arch/research/manuscripts/family/poundroscoe.htm> (last updated Feb. 13, 2009).

2. *Id.*

3. See W. Don Reader, *The Laws of Unintended Results*, 29 AKRON L. REV. 477, 477 (1996).

4. See, e.g., IOWA R. JUV. P. 8.36 (requiring attorneys in Iowa that represent parents in

Children (NACC) offers a rigorous certification program for judges and lawyers based on its textbook, *Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases*.⁵ Programs like this are funded the Child Abuse Prevention and Treatment Act (CAPTA) that authorizes the federal government to provide funding to nonprofit organizations, such as NACC, for child welfare training for lawyers who serve as children's advocates.⁶

The National Council of Juvenile and Family Court Judges,⁷ the American Bar Association's Children and the Law division,⁸ and the Department of Health and Human Services' Court Improvement Project⁹ are just a sampling of the important organizations that have collaborated to "legitimize" juvenile court. Law schools throughout the country have developed programs focusing on child welfare law and attract students who plan to make this their life's work.¹⁰

The recent explosion of research on early brain development demonstrates how critical early experiences are to mental health, physical health, healthy relationships, and wellbeing.¹¹ Children who have been exposed to abuse and neglect are especially vulnerable to poor "cognitive, emotional, social and physical

juvenile court to obtain a minimum of three hours of continuing legal education credits "relating to juvenile court proceedings"); NEB. CT. R. § 4-401 (stating that attorneys that are appointed as a guardian ad litem for a juvenile must complete at least six hours of state-provided specialized training).

5. See *NACC Certification*, Nat'l Ass'n of Counsel for Children, <http://www.naccchildlaw.org/?page=certification> (last visited Feb. 16, 2016); *NACC Red Book*, Nat'l Ass'n of Counsel for Children, <http://www.naccchildlaw.org/?page=Redbook> (last visited Feb. 16, 2016).

⁶ See 42 U.S.C. § 5106a (2012); *NACC Certification*, Nat'l Ass'n of Counsel for Children, <http://www.naccchildlaw.org/?page=certification> (last visited Mar. 30, 2016).

7. *About*, NAT'L COUNCIL OF JUV. AND FAM. CT. JUDGES, <http://www.ncjfcj.org/about> (last visited Feb. 16, 2016).

8. *Center on Children and the Law*, A.B.A., http://www.americanbar.org/groups/child_law.html (last visited Feb. 16, 2016).

9. *Court Improvement Program*, CHILD WELFARE INFO. GATEWAY, <https://www.childwelfare.gov/topics/systemwide/courts/reform/cip/> (last visited Feb. 16, 2016).

10. See, e.g., *About the Center*, DRAKE L. SCH., <http://www.law.drake.edu/clinicsCenters/middleton/> (last updated Mar. 10, 2014) (discussing Drake University Law School's Children's Rights Clinic).

11. See, e.g., Bruce D. Perry & John Marcellus, *The Impact of Abuse and Neglect on the Developing Brain*, SCHOLASTIC, http://teacher.scholastic.com/professional/bruceperry/abuse_neglect.htm (last visited Feb. 16, 2016).

health.”¹² Dependency courtrooms have a unique opportunity to convene the right team needed to help heal a family and ensure the timely delivery of appropriate services.¹³

In 2003, the National Council of Juvenile and Family Court Judges and ZERO TO THREE (a national, nonprofit organization that provides parents, professionals and policymakers the knowledge and how to nurture early development) collaborated with Iowa judges, doctors, educators, the Iowa Court Improvement Project, and providers of child welfare services to put on a state-wide training. The technical assistance bulletin, *Questions Every Judge and Lawyer Should Ask About Maltreated Infants and Toddlers in the Child Welfare System*,¹⁴ was the centerpiece of the conference. Participants learned how to access the underutilized entitlements afforded zero- to three-year-olds by Part C of the Individuals with Disabilities Act (IDEA). The “still-face” video, wherein the mother of a six-month-old child stops interacting with her baby for a short time, sparked dramatic changes in the way people appreciated the critical importance of healthy, consistent interactions.¹⁵

In 2005, ZERO TO THREE invited the Polk County, Iowa Juvenile Court to participate in a national demonstration project known as the Safe Babies Court Team.¹⁶ Funding was available to train legal, social work, and therapy professionals, as well as to hire a full-time community coordinator.¹⁷ By working together and deconstructing silos,¹⁸ all professionals serving the family can

12. *See id.*

13. *See* DAVID E. GROSSMANN, VICTIMS OF CHILD ABUSE PROJECT PUBLICATION DEV. COMMITTEE, NAT’L COUNCIL OF JUV. AND FAM. CT. JUDGES, RESOURCE GUIDELINES: IMPROVING COURT PRACTICE IN CHILD ABUSE AND NEGLECT CASES 14 (1995).

14. *See* JOY OSOFSKY ET AL., QUESTIONS EVERY JUDGE AND LAWYER SHOULD ASK ABOUT INFANTS AND TODDLERS IN THE CHILD WELFARE SYSTEM (2002), http://acnj.org/downloads/2015_08_14_childprotection_questions_every_judge_should_ask.pdf.

15. *See Safe Babies Products*, ZERO TO THREE, <http://www.zerotothree.org/maltreatment/safe-babies-court-team/safe-babies-products.html> (last visited Feb. 16, 2016).

16. *See A Brief History of the Safe Babies Court Teams Project*, ZERO TO THREE, <http://www.zerotothree.org/maltreatment/safe-babies-court-team/a-brief-history-of-the-safe-babies-court-teams.html> (last visited Feb. 16, 2016) [hereinafter *A Brief History*].

17. *See* ZERO TO THREE, THE SAFE BABIES COURT TEAMS PROJECT 1 (2014), <http://www.zerotothree.org/maltreatment/safe-babies-court-team/sbct-in-continuum-v5-jml-1.pdf> [hereinafter PROJECT].

18. *See Silo Mentality*, BUSINESS DICTIONARY, <http://www.businessdictionary.com/definition/silo-mentality.html> (last visited Mar. 2, 2016) (“A mind-set present in some companies when certain departments or sectors do not wish

coordinate efforts to ensure evidence based practices are accessible and delivered in a timely manner.¹⁹ Positive outcomes soared by learning from each other, tapping into existing resources, growing needed services, and adopting a problem-solving approach—as opposed to a punitive one.²⁰

Applying science to judicial decision-making empowers courts to engage families in an instructive and nonjudgmental way. For example, if a judge is aware that a child’s ability to absorb language peaks at age eight months and remains very high until age three, encouraging a parent to read, talk, and sing to their baby acquires a new context.²¹ Following the hearing and during the delivery of services, client’s counsel, social workers, dyadic therapists, Court Appointed Special Advocates (CASAs), etc., can reinforce the need to interact positively with the child by reminding the client of this scientific fact. Reading the same book, singing the same song, and playing games like peek-a-boo nourish trusting relationships. Even very young children feel increasingly secure when they know what is going to happen next because predictability builds trust.²² When professionals “catch the parent” doing something well it will be reported back to the judge. It can be very motivational for a parent to hear a judge praise them for progress noted in a report from a provider.

This team approach also strengthens clients’ relationships with the providers. This is especially true for many parents who may have had traumatic, negative, or both types of experiences in other courtroom settings, e.g., criminal cases involving themselves or loved ones. Toxic stress experienced early in life can have a cumulative toll on lifelong mental and physical health.²³ Team members apply the seminal work done by Vincent J. Felitti, MD and Robert F. Anda, MD, MS in

to share information with others in the same company. This type of mentality will reduce the efficiency of the overall operation, reduce morale, and may contribute to the demise of a productive company culture.”).

19. See *The Safe Babies Court Teams Project, ZERO TO THREE*, <http://www.zerotothree.org/maltreatment/safe-babies-court-team/> (last visited Feb. 16, 2016).

20. JAMES BELL ASSOCS., EVALUATION OF THE COURT TEAMS FOR MALTREATED INFANTS AND TODDLERS: FINAL REPORT, iv–vi (2009), http://www.zerotothree.org/maltreatment/safe-babies-court-team/court-team-maltreated-infants-and-toddlers_final-report_jb.pdf.

21. See COMM. ON INTEGRATING THE SCI. OF EARLY CHILDHOOD DEV., FROM NEURONS TO NEIGHBORHOODS 136–40 (Jack P. Shonkoff & Deborah A. Phillips eds., 2000); see also *ZERO TO THREE, EARLY LITERACY 1–2* (2003), <http://www.zerotothree.org/child-development/early-language-literacy/earlyliteracy2pagehandout.pdf>.

22. See *Playing with Babies, ZERO TO THREE*, <http://www.zerotothree.org/child-development/play/playing-with-babies.html> (last visited Feb. 16, 2016).

23. See *Toxic Stress, HARV. UNIV. CTR. ON THE DEVELOPING CHILD*, <http://developingchild.harvard.edu/science/key-concepts/toxic-stress/> (last visited Feb. 16, 2016).

the Adverse Childhood Experience Study.²⁴ This work helps them expedite the building of trusting working relationships with the families, heal the toxic stress parents may have experienced, and prevent or reduce toxic stress for infants and toddlers. It is particularly important in cases involving infants and toddlers because of the plethora of complex traumatic histories for many parents and the very limited time within which juvenile courts must establish permanency.²⁵

It is the responsibility of the judge and all professionals on the team to learn from other disciplines to inform policy, create trauma-informed settings, and view cases through a trauma-informed lens. Instead of asking, “What did you do?” after the adjudication phase, the more useful inquiry is, “What happened to you?” and to embark on a joint journey toward healing. Using this non-blaming approach from the bench enables everyone to move toward the best permanency outcome.

II. CORE COMPONENTS OF A SAFE BABIES COURT TEAM

Six demonstration Safe Babies Court Team (SBCT) sites are currently active under the ZERO TO THREE Quality Improvement Center for Research Based Infant and Toddler Court Teams: New Haven/Milford, Connecticut; the State of Florida; the State of Hawaii; Polk County, Iowa; Forrest County, Mississippi; and Cherokee, North Carolina.²⁶ ZERO TO THREE oversees the project.²⁷ Funding began October 1, 2014, and now extends until September 30, 2017.²⁸ Prior to the current funding cycle, in 2005, other courts, including Little Rock, Arkansas; Polk County, Iowa; Forrest County, Mississippi; Ft. Bend, Texas; New Orleans, Louisiana; Cherokee, North Carolina; and New Haven, Connecticut began this journey.²⁹

24. See *Injury Prevention & Control: Division of Violence Prevention*, CDC, <http://www.cdc.gov/violenceprevention/acestudy/> (last updated May 13, 2014); The Adverse Childhood Experiences Study, <http://www.cestudy.org/home> (last visited Feb. 16, 2016).

25. See ZERO TO THREE, *ACHIEVING PROMPT PERMANENCY FOR ALL MALTREATED INFANTS AND TODDLERS 1–2* (2013), <http://www.zerotothree.org/policy/docs/achieving-prompt-permanency.pdf>; *Toxic Stress*, *supra* note 23.

26. QUALITY IMPROVEMENT CTR. FOR RESEARCH-BASED INFANT-TODDLER CT. TEAMS, [qicct.org](http://www.qicct.org) (last visited Feb. 16, 2016).

27. *Id.*

28. See QUALITY IMPROVEMENT CTR. FOR RESEARCH-BASED INFANT-TODDLER COURT TEAMS, *THE QUALITY IMPROVEMENT CENTER FOR RESEARCH-BASED INFANT-TODDLER COURT TEAMS PROJECT OVERVIEW 1*, <http://www.qicct.org/sites/default/files/QIC-CTProjectOverview%209.4.15.pdf> (last visited Feb. 16, 2016).

29. *A Brief History*, *supra* note 16.

In 2009, an independent evaluation confirmed positive outcomes for families served by the SBCT approach.³⁰ The study compared 298 SBCT children with 511 children from a national sampling.³¹ SBCT children were more likely to remain with family; they achieved permanency faster; there were fewer disruptions in placements; and they were more likely to be reunified with parents. Ninety-seven percent of the families' identified service needs were met and 99.05 percent of the SBCT children were protected from further maltreatment following case closure.³² By reaching permanency more quickly, the SBCT approach is also cost effective; the savings equal approximately two-thirds of the cost of the intervention.³³

A. Core Components of the Safe Babies Court Team

Ten core components characterize the Safe Babies Court Team approach³⁴:

1. Judicial Leadership

Each Court Team requires the leadership of a local judge whom, "because of their unique position of authority in the processing of child welfare cases," is a catalyst for change.³⁵

2. Local Community Coordinator

A local community coordinator "provides child development expertise to the judge and the Court Team" and "coordinates services and resources for infants and

30. JAMES BELL ASSOCS., *supra* note 20, at iv.

31. ZERO TO THREE, BUILDING STRONG FAMILIES AND HEALTHY COMMUNITIES: THE SAFE BABIES COURT TEAMS PROJECT 47 (Sept. 25, 2012), http://nc.casaforchildren.org/files/public/community/programs/ProgramResources/Safe_Babies_Webinar_PDF.pdf.

32. JAMES BELL ASSOCS., *supra* note 20, at iv.

33. See *Safe Babies Court Teams: 10 Core Components Full*, ZERO TO THREE, <http://www.zerotothree.org/maltreatment/safe-babies-court-team/safe-babies-court-teams-10-core-componets-full.html> (last visited Feb. 16, 2016) [hereinafter *10 Core Components*]; see also E. MICHAEL FOSTER & KIMBERLY L. MCCOMBS-THORNTON, INVESTING IN OUR MOST VULNERABLE: A COST ANALYSIS OF THE ZERO TO THREE SAFE BABIES COURT TEAMS INITIATIVE 22–23, <http://www.qicct.org/sites/default/files/ZTT%20McCombs%20and%20Foster%20v13.pdf> (last visited Feb. 24, 2016).

34. For a more detailed description of these 10 core components, see ZERO TO THREE, SAFE BABIES, STRONG FAMILIES, HEALTHY COMMUNITIES: THE SAFE BABIES COURT TEAMS PROJECT (2014), <http://www.zerotothree.org/maltreatment/safe-babies-court-team/core-components-pdf-learn-more-document.pdf> [hereinafter *HEALTHY COMMUNITIES*].

35. *10 Core Components*, *supra* note 33.

toddlers.”³⁶

3. *Community Court Team Focused on the Big Picture*

Each community has a team of key community stakeholders devoted to restructuring how the community “responds to the needs of maltreated infants and toddlers.”³⁷ The team meets monthly to learn about available services, identify gaps in services, and discuss issues raised by the cases that members of the Court Team monitor.³⁸

4. *Targeting Infants and Toddlers in Out-of-Home Care*

“The Court team focuses on foster [and relative] care cases involving children younger than 36 months.”³⁹

5. *Placement and Concurrent Planning*

To maintain placement stability, the teams use concurrent planning, a technique which requires the early identification of, and placement with, caregivers who are “willing to become the child’s permanent family if reunification” is not possible.⁴⁰

6. *Monthly “Family Team” Case Meetings*

“Each month, the community coordinator and a team of service providers, attorneys, and child welfare agency staff . . . meet[] together to review the family’s progress.”⁴¹

7. *Frequent Parent-Child Contact*

“Research has shown that frequent visitation . . . increases the likelihood of reunification, reduces time in out-of-home care, and promotes healthy attachment.” “The Court Team focuses . . . on expanding the opportunities . . . and the locations [for parent-child contact].”⁴²

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.* (citing MARGARET SMARIGA, VISITATION WITH INFANTS AND TODDLERS IN FOSTER CARE: WHAT JUDGES AND ATTORNEYS NEED TO KNOW 1 (2007), http://main.zerotothree.org/site/DocServer/Visitation_with_Infants_and_Toddlers_in_Foster_

8. *Continuum of Mental Health Services*

“Children who have been traumatized by their parents’ care [, removal, or foster care,] may need mental health services.” Their parents also may need mental health services to help them overcome the reasons for their behavior.⁴³ Teams develop a continuum that includes services such as child-parent psychotherapy.⁴⁴

9. *Training and Technical Assistance*

“ZERO TO THREE staff and consultants provide training and technical assistance to the Court Team community on topics such as: infant and toddler development; parenting interventions; services available to foster children in the community; children and trauma; and parental substance abuse, domestic violence, mental illness, and poverty.”

10. *Evaluation*

To evaluate its work, each Court Team collects information on the following: knowledge enhancement among child welfare professionals, systems change, and outcomes for children and families.⁴⁵

III. EFFECTIVE STRATEGIES FOR DEVELOPING A TRAUMA-INFORMED COURT TEAM

What follows is a compilation of judicial lessons learned during the 10 years the Author served as the lead judge for the Polk County Iowa Safe Babies Court Team. These strategies focus on actions and programming that reduce trauma. They are by no means part and parcel of a “boutique” court, but are meant to be infused in all child welfare cases to the greatest extent possible. The distinct Safe Babies Court Team docket, which generally involves approximately 20 families at any given time, serves as a laboratory for developing and implementing best practices and evaluating their efficacy.⁴⁶

A. *Advocate for Research-Based Reforms*

Judges should use sound trauma research as the foundation from which to advocate for interventions, policies, procedures and legislation. They should inform local communities about gaps in services and collaborate to close the gaps

Care.pdf).

43. *Id.*

44. *Id.*

45. *Id.*

46. *See* PROJECT, *supra* note 17.

with evidence-based and evidence-informed resources that are validated for the relevant age group.⁴⁷

B. *Pre-Removal Conferences*

Whenever possible, the trauma of removal of a child should not be exacerbated by conducting the removal in a police-style action.⁴⁸ A family team meeting approach yields many benefits: parents bring supportive relatives, friends, and potential caretakers; parents' knowledge of the child is honored; a respectful environment reduces adversity and sets the tone for success; services are front-loaded; transportation issues are resolved; visits and evaluations are scheduled; parents feel supported instead of shamed and are more open to benefitting from reunification services from the beginning of the case.⁴⁹

C. *Parent Partners*

Parent Partners are highly trained "successful alums" of the child welfare system who are available to parents 24/7.⁵⁰ Their role is much like that of a 12-step sponsor. They can be instrumental in facilitating the development of trusting relationships and in helping the parent choose the right battles, as well as serving as a valuable resource for training professionals and informing policy changes.⁵¹

D. *Early Appointments*

Judges should obtain authority from the State Public Defender to appoint attorneys for all necessary parties as soon as the case begins, subject to the filing of a financial affidavit.⁵² Not only is this a better practice, but it also saves time

47. ABA CTR. ON CHILD. AND THE LAW, NAT'L COUNCIL OF JUV. AND FAM. CT. JUDGES & ZERO TO THREE, *HEALTHY BEGINNINGS, HEALTHY FUTURES: A JUDGE'S GUIDE 134* (2009) [hereinafter *JUDGE'S GUIDE*], http://www.americanbar.org/content/dam/aba/administrative/child_law/healthy_beginnings_authcheckdam.pdf.

48. *See id.* at 8 (describing the harms removal can have on a child); Constance Cohen & Mike McInroy, *Pre-Removal Conferences: Our Approach to Minimizing Child Trauma and Increasing Family Engagement*, CASA FOR CHILD. (Mar. 2012), http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.7998183/k.C12F/JP_4_Cohen_McInroy.htm.

49. Cohen & McInvoy, *supra* note 46.

50. *See, e.g.*, Parent Partners, IOWA DEP'T OF HUMAN SERVS., <http://dhs.iowa.gov/parent-partners> (last visited Feb. 16, 2016).

51. *See id.*

52. Leonard Edwards, *Representation of Parents and Children in Abuse and Neglect Cases: The Importance of Early Appointment*, 65 JUV. & FAM. CT. J. 21, 27–29 (2012).

and money.⁵³ Hearings need not be continued when the party appears and qualifies for court-appointed counsel, but no one is instantly available and prepared to represent the party.⁵⁴ Competent advocacy from the beginning expedites delivery of services, relationship-building, and the exchange of information among team members.⁵⁵ CASAs are also a valuable resource and should be appointed as soon as possible.⁵⁶

E. *Cross-Disciplinary Training*

Several communities have free, local “lunch and learn” educational opportunities for professionals that qualify for continuing legal education and continuing education units for social workers.⁵⁷ There are numerous free cross-discipline training events through the Iowa Children’s Justice Initiative and other states’ Court Improvement Projects.⁵⁸ Cross-training is essential for all professionals to meet the complex needs of the families we serve.⁵⁹ Using science to advocate for services enhances lawyering.⁶⁰ Using science as a basis for judicial decision-making improves outcomes.⁶¹ Judges who base their decisions on reports and testimony need reporters who are skilled at presenting admissible evidence that provides decision-makers with useful, objective information.

F. *Self-Care*

High caseloads, demanding dockets, disturbing fact patterns of abuse, and other stressors are unavoidable. It is important for professionals to find what works

53. *See id.*

54. *See id.*

55. *See id.*

56. *See About Us, CASA FOR CHILDREN*, http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5301303/k.6FB1/About_Us__CASA_for_Children.htm (last visited Feb. 16, 2016).

57. *See, e.g., ZERO TO THREE, QUALITY IMPROVEMENT CENTER FOR RESEARCH-BASED INFANT-TODDLER COURT TEAMS 11–12*, <http://www.zerotothree.org/maltreatment/safe-babies-court-team/qic-for-research-based-infant-toddler-court-teams-request-for-proposals.pdf> (last visited Feb. 16, 2016).

58. *See, e.g., Polk County Safe Babies Court Team, Des Moines, Iowa, QUALITY IMPROVEMENT CTR. FOR RESEARCH-BASED INFANT-TODDLER COURT TEAMS*, <http://qicct.org/iowa> (last visited Feb. 16, 2016).

59. *See Training and Professional Development, ZERO TO THREE*, <http://www.zerotothree.org/about-us/areas-of-expertise/training-and-professional-development/training-and-professional.html> (last visited Feb. 16, 2016).

60. *See JUDGE’S GUIDE, supra* note 47.

61. *See id.*

for them to handle secondary trauma and compassion fatigue in a healthy way. There are many excellent professional avenues, such as mentoring, conferences, articles, etc., in addition to personal preferences, e.g., yoga, running, music, and painting. It is easy to put oneself last on the list, but it is important to make time to heal and recharge.

G. Frequent Judicial Oversight

There are generally three hearings the first month (removal, pretrial conference—generally held at the same time—and adjudication), one hearing in the second month (disposition), and one review hearing each month thereafter until the permanency hearing, typically held within six months of removal.⁶² Each case must be viewed as an emergency. Six months is not much time to an adult, but for an infant who was removed at birth, it is her entire life.

H. Frequent Family Contact

“Each additional visit per week triples the odds of [permanency] occurring within one year.”⁶³ Babies need to hear, touch, smell, and see their parents daily if at all possible.⁶⁴ Family contact schedules should be developmentally appropriate and visits should never be used as a punishment or reward. Parents should attend the child’s appointments and evidence-based services, such as child-parent psychotherapy and parenting instruction that includes time with the child.

I. Taking Care of the Caretakers

In Polk County, Iowa, well over half of the out-of-home placements are with relatives. The federal Fostering Connections Law of 2008 requires the child welfare agency to notify all known adult relatives, domestic and foreign, of the child’s removal within 30 days.⁶⁵ Family members are often appropriate, but strained financially and emotionally. Boundaries with birth parents may be

62. See *Child in Need of Assistance Proceedings*, POLK COUNTY IOWA, <https://www.polkcountyiowa.gov/attorney/juvenile/child-in-need-of-assistance-proceedings/> (last visited Feb. 16, 2016); see also WILLIAM G. JONES, *WORKING WITH THE COURTS IN CHILD PROTECTION* 23–27 (2006), <https://www.childwelfare.gov/pubPDFs/courts.pdf>.

63. CONSTANCE COHEN, *EARLY EXPERIENCES MATTER* 2 (2015), <http://www.state.ia.us/odcp/docs/JudgeCohenOutline.pdf> [hereinafter COHEN, *EARLY EXPERIENCES*]; JULIE COHEN, *SECURING A BRIGHT FUTURE* 5 (2009), <http://main.zerotothree.org/site/DocServer/FosterCareSingMar5.pdf?docID=7887> [hereinafter COHEN, *SECURING*].

64. See COHEN, *SECURING*, supra note 63, at 2, 5.

65. See Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110–351, § 103, 122 Stat. 3949, 3956 (codified at 42 U.S.C. § 671 (2012)).

difficult to maintain. Judges should determine what barriers may exist that could sabotage an otherwise healthy concurrent plan placement. At the pre-removal conference, first hearing, or family team meeting, be prepared to assist the relatives in signing up for caretaker Family Investment Program (FIP);⁶⁶ Women, Infants, and Children (WIC);⁶⁷ daycare assistance; and other entitlements. Judges should arrange for the caretaker to have the child's Title XIX⁶⁸ card right away. Judges should determine if the family needs a crib, diapers, formula, high chair, etc., and have resources at the ready. Foster families also may need extra training and support, especially for drug-affected newborns. Supporting caretakers minimizes disruption of placement that forever alters a young child's life and can disrupt development and overall well-being.⁶⁹ Judges and team members should express gratitude to the caretakers at every opportunity.

J. Co-Parenting

Many foster parents and relative caretakers become valuable resources for birth parents, if given the opportunity.⁷⁰ Judges should help identify potential conflicts before they occur and co-create a plan to resolve them. Seeing positive parenting and being coached builds trust, and all benefit. A positive relationship also expands opportunities for augmenting professionally supervised family contact time.

K. Mine Family Team Resources

Judges should make diligent efforts to expand the family and fictive kin members who are interested in helping the family.⁷¹ The neighbor, former daycare

66. FIP is an Iowa program that "provides cash assistance to needy families as they become self-supporting so that the children may be cared for in their own homes or in the homes of relatives." *Family Investment Program*, IOWA DEP'T OF HUMAN SERVS., <http://dhs.iowa.gov/cash-assistance> (last visited Feb. 16, 2016).

67. WIC is a federal supplemental nutrition program that provides "grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk." *Women, Infants, and Children (WIC)*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/wic/women-infants-and-children-wic> (last visited Feb. 16, 2016).

68. *See* 42 U.S.C. §§ 1396–1396w-5 (2012).

69. Constance M. Lillas, Judge Lester Langer, & Monica Drinane, *Addressing Infant and Toddler Issues in the Juvenile Court: Challenges for the 21st Century*, 55 JUV. & FAM. CT. J. 81, 92–93 (2004).

70. *See, e.g.*, CHILD WELFARE INFO. GATEWAY, PREPARING AND SUPPORTING FOSTER PARENTS WHO ADOPT 4 (2013), https://www.childwelfare.gov/pubPDFs/f_fospro.pdf.

71. *See* HEALTHY COMMUNITIES, *supra* note 34, at 3.

provider, aunt, or church contact may not be able to provide full-time care, but may be willing and able to transport the parent to therapy, medical appointments, or visits; supervise family contacts; or provide respite care for the full-time caretaker.

L. Case Management

Expect all involved in the hearings to know their availability for the next hearing. If a child's case is adjudicated, the court should set the disposition hearing with everyone present to assure availability. The court should also schedule the permanency hearing date in the same order, "unless otherwise ordered." It is one thing to say the parent has 6 to 12 months to regain custody; it is quite another to put the date in the order. Many parents are mentally ill, low functioning, or struggling with addictions.⁷² Concrete dates are clearer than abstract time frames. Including "unless otherwise ordered" motivates the parents to help the judge "otherwise order" by reunifying prior to the scheduled permanency hearing.

M. Constantly Reach Out and Collaborate

Community resources are never static. For example, in Iowa, it was the SBCT's desire to have designated Early Head Start (EHS) spots for 10 of the Court Team families. Their local EHS was extremely supportive. They attended all community team meetings and brought valuable ideas and energy to the table. However, because of situations beyond local control, it did not happen right away. Despite the delay, the team persevered; 10 spots were eventually dedicated six years later.⁷³

N. Community-Wide Celebrations

Courts should celebrate successes! Events such as Adoption Saturday⁷⁴ and Reunification Picnic⁷⁵ energize the team and community and cultivate new collaboration opportunities.

72. See CANDICE L. MAZE, *ADVOCATING FOR VERY YOUNG CHILDREN IN DEPENDENCY PROCEEDINGS: THE HALLMARKS OF EFFECTIVE, ETHICAL REPRESENTATION 2* (2010), http://www.americanbar.org/content/dam/aba/migrated/child/PublicDocuments/ethicalrep_final_10_10.authcheckdam.pdf.

73. See DRAKE UNIV. EARLY HEAD START, <https://www.drakeheadstart.org/about-drake-university-head-start/early-head-start/> (last visited Feb. 16, 2016).

74. *Polk County Adoption Saturday*, IOWA KIDS NET, <https://www.iowakidsnet.com/content/polk-county-adoption-saturday> (last visited Feb. 16, 2016).

75. See *Iowa, ABA CTR. ON CHILD. AND THE L.* (2013), http://www.americanbar.org/groups/child_law/what_we_do/projects/nrd/iowa.html.

O. *Create Family Friendly Spaces*

Even the dreariest of courthouses can be spruced up with a few donations and some imagination. Books, beanie babies, coloring books and crayons, child-size table and chairs, etc., make the experience more positive for children. Courts should display parent handbooks, child-development information, community services pamphlets, and transportation and housing brochures for adult parties.

P. *Children in Court*

Iowa law does not require young children to attend court hearings.⁷⁶ However, there are many benefits to having even the youngest children participate in the hearings. First, it starkly reminds the team why it is there—not for a case, but for a child’s life. Second, the opportunity to observe behaviors is invaluable. It can be powerful motivation for a parent who hears from the judge, “I noticed that you were able to comfort your baby so easily when he got fussy. You are really tuned in to his cues.” Additionally, as Dr. Rizwan Shah has told the Author, “A baby’s face tells a story.”

Q. *Ensure Access To and Effectively Deploy Entitlements*

The Child Abuse Prevention and Treatment Act (CAPTA),⁷⁷ Part C of the Individuals with Disabilities Act (IDEA),⁷⁸ Caretaker Family Investment Program (FIP),⁷⁹ and crime victims’ assistance resources⁸⁰ are examples of resources that will fully fund services to which families are entitled. Constantly searching for effective solutions in the courtroom and family team meetings builds trust among parents. They see a combined effort to root for them.

R. *Sufficiency of Services Inquiry*

The Adoptions and Safe Families Act of 1997 requires judges to determine whether the parties are satisfied with the services they are receiving.⁸¹ At each hearing, the judge should determine whether there are any additional services the parent or child requires. Between hearings, advocates should respond to requests

76. IOWA CODE § 232.91(4) (2015).

77. See 42 U.S.C. §§ 5101–5119c (2012).

78. See 20 U.S.C. §§ 1431–1445.

79. See *Family Investment Program*, *supra* note 66 and text accompanying note.

80. See, e.g., Victim Services Support Program, IOWA ATT’Y GEN., <https://www.iowaattorneygeneral.gov/for-crime-victims/victim-services-support-program/> (last visited Feb. 16, 2016).

81. See Adoptions and Safe Families Act of 1997, Pub. L. No. 105-89, 111 Stat. 2115.

from clients to obtain what they need in the way of reasonable efforts to reunify. If a party is not receiving the services they need, counsel should advocate for an immediate response. If it cannot be resolved informally, counsel should motion the court and request an expedited hearing on the issue.

S. Transparency

Families need transparency to trust the process. Difficult conversations such as relapse, concurrent planning, or changing the permanency goal to adoption need to occur in a respectful, problem-solving manner without delay.

T. Critically Advocate for/Analyze Reasonable Efforts

Parents' attorneys have a duty to advocate zealously for every available service from which their client may benefit.⁸² The state agency's failure to deliver court-ordered services may result in a finding that reasonable efforts were not made to eliminate the need for removal.⁸³ In these instances, there are two consequences: (1) the state may not draw down federal IV-E reimbursements for foster care during the time reasonable efforts were not made, and (2) the timelines for permanency may be tolled until the court finds reasonable efforts were made.⁸⁴ Judges have a duty to hold everyone to a high standard for the timely delivery of appropriate services.⁸⁵

U. Avoid Delays

Continuances should only occur when there is good cause and the delay is in the best interest of the child, or if due process is compromised.⁸⁶ Postponing important events are stressful for everyone involved and disrespectful of their time. If a hearing must be rescheduled, it should be set before the previously scheduled date to avoid missing permanency deadlines. The court should issue written orders for parties at the end of each hearing when possible. If a matter must be taken under advisement, a timely decision is important to the well-being of all involved.

82. See IOWA CODE § 232.102(5)(b) (2015); IOWA R. OF PROF CONDUCT 32:1.3 comment [1].

83. 45 C.F.R. § 1356.21 (2015).

84. See *id.*

85. See generally Adoptions and Safe Families Act of 1997, Pub. L. No. 105-89, 111 Stat. 2115.

86. IOWA R. JUV. P. 8.5.

V. *Post-permanency Support*

Federal law is strangely quiet about expectations following a court order terminating parental rights. Iowa law only requires that cases in which the court has transferred guardianship be heard at least every 12 months.⁸⁷ If parental rights have been terminated, the court must schedule the next review within six months.⁸⁸ Experience indicates that reviewing post-termination cases within 30 days of the order assures the caretakers and birth families that everyone is still paying attention. Maintaining a vigilant review schedule also leads to timely permanency decisions. If not under appeal, the case should be reviewed every month until the adoption is finalized, unless there are special circumstances. If the ruling is under appeal, the court should schedule the next review hearing for a time just after the date you expect the appeal to be resolved.

W. *Safety Planning*

The court should plan ahead for challenges by identifying potential scenarios and developing back-up plans. For example, what would one spouse do if the other showed up during a weekend visit and was only to see the children in a therapeutic setting? Can grandma take the children if the parent has a relapse? What parents need to hear and believe is that they do not need to be perfect, but they do need to be honest so that services are tailored to meet their needs and their children are safe.

X. *Setting the Tone for Respectful Problem-Solving*

Respect, civility, courtesy, and professionalism set the tone for effective problem-solving during every encounter with the families we serve. Judges should avoid personal conversations that are within earshot of parties. Judges should be sensitive to how parties may perceive what they are discussing, especially if they are conversing with a colleague about what their family did to celebrate an event. As Maya Angelou reminds us, people will forget what you tell them and people will forget what you show them, but they “will never forget how you made them feel.”⁸⁹

87. IOWA CODE § 232.104(7)(a) (2015).

88. *Id.* § 232.117(7).

89. See Carmine Gallo, *The Maya Angelou Quote That Will Radically Improve Your Business*, FORBES (May 31, 2014), <http://www.forbes.com/sites/carminegallo/2014/05/31/the-maya-angelou-quote-that-will-radically-improve-your-business/#3995e0f58d1a>.

Y. Tangibles and Incentives

In an arena replete with abstract goals, tangible items can hold great value. Books for parents to read to children, toothbrush kits with information about infant dental health and resources, and the like are not difficult to obtain and distribute. These items can open the door to effective communication between the judge and parties. It can be very empowering when parents receive recognition for reaching a goal and a judge hands them a gift card or family photo frame.

IV. CONCLUSION

Children do best when the people who brought them in to the world can provide them with a permanent, safe, and loving environment.⁹⁰ Because of the tension between expedited court deadlines, young children's developmental needs for permanency, and the amount of time a parent may need to heal and recover, these families deserve the court's very best efforts. Decision-makers cannot afford to waste one day. Services must be front-loaded and delivered with dignity, respect, and vigor. Courtroom experiences are most effective when conducted with informed compassion. When each team member is well-trained and diligent, children, their families, and society reap the benefits. Together, Court Teams can develop and implement improvements at every juncture that reduce rather than exacerbate stress and trauma. Together, Court Teams can sustain hope and be agents of change.

90. *See* The Safe Babies Court Teams Project, *supra* note 19.