



BLOG

Daddy-O

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The unpopular but crucial role of representing abusive parents ...

By **Jeremy Olson** | NOVEMBER 2, 2012 — 11:54AM

Few people weep for abusive or neglectful parents who receive poor legal representation in child welfare cases. But former Minnesota Supreme Court Justice Helen Meyer believes foster children will fare better if their birth parents have better lawyers. So she has turned the issue into her retirement project since stepping down from the bench in August.

"It's untapped. It's unpopular and it has, I think, the greatest potential for making change," she said. "When I say it is unpopular, I mean that getting qualified, well-paid lawyers for parents who are the subject of child protection cases doesn't seem at first glance to be good public policy. It's like, 'why help those people?'"

Trouble is, parents lacking good representation don't know how to ask for the support that could make them successful when they are reunited with their children, she said. And that increases the risk that children will again be abused, neglected and sent back into foster care.

"Parents' attorneys are really an awesome player in this dynamic," Meyer said. "All of the people in these courtrooms are saying 'we want to help the child, we want to help the child' but it's really about changing the parent. The kids aren't the ones with the problems. They may have mental health stuff that has emerged because of their circumstance. They may have problems in school because they are homeless and can't get to school. Who knows? But the parents are the ones with the job of fixing and changing in a really short amount of time."



Minnesota has a poor rate of children who re-enter foster care within 12 months of being reunited with their parents. The state's re-entry rate of 25.3 percent last year was above the federal goal of 9.9 percent and one of the highest in the nation.

State officials point out that Minnesota's foster care and juvenile justice systems are intertwined, and that the high re-entry rate reflects juvenile delinquents committing multiple crimes. But child welfare advocates believe some of the problem is how the state prepares birth parents to take back responsibility of the children they hurt.

Public defenders used to represent parents who didn't have their own lawyers, but counties have largely switched to retaining local private attorneys to fulfill this role. The state currently has no minimum standards for the attorneys selected by the counties. Meyer is working to change that and to draft the first state standards.

The next step once standards are in place is to make sure that attorneys receive the appropriate training and incentives to specialize in this area of law. With that in mind, Meyer and her husband funded a \$1 million endowed chair at the William Mitchell College of Law in child protection and an additional \$500,000 in matching funds for related projects. They also helped create a child protection clinic in 2010 at William Mitchell to increase training of law school students. (Meyer graduated from the law school there in 1983.)

Good child welfare attorneys know how to help parents get beyond any fear and anger they have at the foster care system for taking their children away and to focus on what they need to do to get their kids back, Meyer said.

"It's hard to be that kind of lawyer," she said. "It's hard to care about some of these people, you know. Most people who are in the system, they are really imperfect and have really imperfect lives. They suffer a lot of problems related to poverty. They have untreated mental illness or chemical dependency issues or they themselves have been the victim of child abuse. So these are not clients who are really fuzzy and touchy-feely. But there is a pretty huge, dramatic opportunity here to make a difference" by working with them.

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