

Rise magazine is written by and for parents involved in the child welfare system. Its mission is to help parents advocate for themselves and their children.

# Rise

ISSUE NUMBER 24, SUMMER 2013

BY AND FOR  
PARENTS IN THE  
CHILD WELFARE SYSTEM

## Your Lawyer and You

When you enter the courtroom with a child welfare case, you can feel like it's you against the world in the most important fight of your life.

In this issue, parents describe the impact of lawyers who believed in them and the heartbreak of lawyers who didn't fight hard enough. We also highlight the innovations that are making it easier for lawyers to act as zealous advocates and for parents to make their voices heard in court.



ILLUSTRATION BY VIRGEN NUÑEZ

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## Afraid to Speak Up

*I needed my lawyer to be my advocate.*

BY NANCY COLON

From the first day that the child welfare system came into my life, I felt confused, afraid to ask for help and alone, with no one to guide or support me. My case began five years ago. I got a call from Child Protective Services (CPS) in Detroit, asking me to come to a Team Decision Making meeting and to bring my five kids with me.

At the meeting, the CPS workers told me that my husband had been accused of child abuse and charged with battery for abusing me. This meeting was to determine whether I'd failed to protect my children because their father had harmed them and they had witnessed domestic violence. Sitting at the table with the CPS worker, her supervisor and a meeting facilitator, I felt very intimidated. I had no lawyer or advocate to explain what was going on.

### **Punished for Telling**

I was interviewed for two long hours about my life history, my kids and my marriage. I felt like I was on trial. I believed that the meeting was my only opportunity to get away from my husband's abuse, so I told the workers everything that had been going on in our family for the past two years.

I explained that I didn't leave my husband despite his violence because I had no family support and nowhere to run. Besides, abuse was normal in my childhood. I witnessed abuse and more abuse. I was always told, "Cover up the bruises and keep walking, and don't tell anyone."

I thought that my husband would end up in jail and my life with my children would return to normal. But I think being honest only made my situation worse. In the end, they charged me with "failure to protect" and placed

my children in foster care.

### **I Lost Everything**

After the meeting, my children were separated from me and from one another and placed in four different foster homes. I tried my best to make my children feel comfortable, but I will never forget the moment that I had to tell my oldest, "You have to stay with the nice lady and Mommy has to go somewhere else." It was two weeks before her 6th birthday. She begged me not to go. But she already knew the reason why. She asked, "Is it because I told the lady that came to my school about Daddy?"

CPS told me I had to move to a shelter immediately. I also had to call my boss and tell him that I was quitting so that my husband couldn't find me at work. The worker drove me to my new home, a shelter in a city an hour away.

**All a Blur**

My first night at the shelter I felt like a little kid hiding in the closet again. In one day I had lost everything that mattered to me—my children, my job as a supervisor, my home and my dignity.

The first court hearing was a blur. I met my attorney a few minutes before it started. He told me that the best thing to do was to admit to all the allegations. He said this would help me get the kids back sooner. So I did that, but later I came to believe that it only hurt my case.

After three weeks, the CPS worker gave me a copy of my treatment plan and asked me to sign it. It said I had to go to parenting classes, therapy and family therapy and find employment and housing.

**Determined to Reunite**

But it was difficult finding services in a new place where I couldn't even find the McDonald's. Everyone kept saying, "You're not a resident so we can't help." I was too afraid of messing up my case to contact my attorney or worker and ask for help.

After a few months, I decided that it was impossible for me to start from scratch and I moved in with a friend in Detroit. I went to my old job and explained what had happened and begged for a job. I also obtained a part-time position as a housekeeper, enrolled in a G.E.D. program, and enrolled in therapy at a community mental health program.

I was so afraid of what my CPS worker would say once she found out that I had moved back to Detroit. I thought she would take it as a challenge and I would never see my kids again. But to my surprise, she was OK with it and even gave me a referral to a parenting class.

**Afraid to Speak Up**

After that, I thought my kids would come home. At every court date, I expected my children to be released to me. Finally I asked my attorney why they were still in foster care and he explained that I had to complete my treatment plan before the court would consider reunification.

My attorney was friendly and nice, and I thought he was a good lawyer because he took the time to answer some of my calls and meet with me before each hearing. But now I see that he did not help me understand my situation. I never knew what to expect from the next court hearing or why we kept returning to court. He also did not challenge the court or the child welfare agency in any way.

At times I wanted to speak up in court. My children told me that they were being abused in foster care, and I wanted the agency to move them to a new foster home. But I didn't dare to ask too many questions. I didn't want to make my case more complicated and I was intimidated by the referee, which is like a judge. My lawyer seemed intimidated, too. He stayed quiet in court.

**Together Again**

After my children had been in care for 16 months, I completed my service plan. At around the same time, I was assigned a new worker who became my advocate. She had my children placed with new foster parents that fell in love with my family and wanted to see us together again. Finally, my children came home. We were so happy to be together again.

Now my kids are doing great. One daughter is planning a trip to Nicaragua to help build a school. Another is part of a college preparatory program. My boys are doing well in school and talk all the time about how they want to become police officers. And my little one—well, that child thinks she runs the house.

Even so, I believe my children should not have had to go through a painful year of separation. My attorney could have been much more aggressive in pushing the court to return my children to me. Or, if I'd had an attorney at the Team Decision-Making meeting, I could have gotten preventive services instead of having my children removed.

**Guiding Others**

After I reunified with my children, I was able to become a Parent Partner, providing other parents

with emotional support, resources and guidance. Now that I work with other parents, I'm sometimes thankful for my attorney, even though I believe he could have done so much more to communicate with me and teach me my rights.

One mom I worked with had an attorney who talked down to her. In the waiting room at the courthouse, he made comments about how bad she smelled and asked, "Do you even know how to read?" He seemed surprised when the parent asked for a new attorney.

Another parent had an attorney who never believed anything she said. This mother's children were placed in kinship care and the aunt wanted to adopt the children, so every time we went to court, the aunt had a horror story to tell about the mother. The attorney would not ask if the horror stories were true. She'd just say, "Why would you do that? You're not getting your daughters back." That mom almost had her rights terminated until she asked to have a new attorney assigned to her case.

**The Extra Mile**

I've also seen the kind of progress parents can make with a strong attorney.

One dad had an attorney who made sure that the father understood his rights and that services were provided to him in Spanish.

The attorney always called the father a few days before the court hearing to review his progress and ask if he had questions. After court, she explained what steps to take next and encouraged him to call her if he had questions or concerns. It was wonderful to see how this attorney advocated for her client.

**Proud to Help Parents**

Now I am a Parent Advocate at the Detroit Center for Family Advocacy. Our mission is to reduce the number of children in foster care by providing legal assistance, support and resources to families.

Each family has a team—an attorney, a social worker and myself, the parent advocate. Together we help parents identify their needs, set goals and find support in their communities. We work with families to solve legal issues that put their children at risk of entering foster care or staying in the system. I see the difference it can make when families have a strong legal team in their corner. Children really do come home faster when families get the help they need.

# Rise

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# Trial and Error

New models in many states are improving representation for parents.

BY ERICA HARRIGAN-ORR

*When New York City's Children's Services (ACS) took my children three years ago, I was refusing to comply with mental health treatment and was getting into violent fights with my husband. I needed a lot of help. But I was assigned a lawyer who said he had never represented anyone in a child welfare case before.*

*My husband, on the other hand, was lucky enough to get a lawyer from Bronx Defenders, an agency set up to provide better legal representation to parents in child welfare cases. His lawyer had many years of experience with child welfare, worked closely with a parent advocate, and knew how to guide us. My husband's lawyer fought to have our children returned home to me with a homemaker providing 24-hour supervision. He encouraged us to attend domestic violence counseling, even though ours wasn't a typical domestic violence case. Our voluntary attendance made a big difference to the judge later on. The parent advocate also came to visits with our children and was able to say in court that she'd seen for herself that the visits went well.*

*How can more parents have a legal team like my husband's? To find out, I spoke with Mimi Laver, director of legal education for the American Bar Association's Center on Children and the Law, which runs the National Project to Improve Representation for Parents.*

**Q: What are the barriers to excellent legal representation for parents in family court?**

**A:** In many states, there aren't any qualifications required to represent parents in family court, except that a lawyer go through law school and pass the bar exam. A lawyer can be appointed who has never had a child welfare case before.

Plus, lawyers are usually paid per cli-

ent and, in many places around the country, they don't get paid very well. As a result, they often feel like they need to have too many clients. That means that each case gets less attention than it should and not enough lawyers spend time with their clients out of court really getting to know them or how best to represent them.

**Q: What's improving in parent representation?**

In the last 6 to 8 years we have seen lots of improvement in parent representation around the country. In New York City, for instance, three agencies—the Center for Family Representation, the Bronx Defenders, and Brooklyn Family Defense Project—raised private dollars and convinced the city to invest public dollars in trying a new model of parent representation in which lawyers work for an agency rather than being paid per case.

Despite the cost, better legal representation for parents improves safety and saves money in the long run.

At these agencies, lawyers have supervisors that help train them and colleagues to discuss hard cases with. They work with parent advocates and social workers who can support parents while the lawyer works on legal strategy. Lawyers there are paid a salary, rather than being paid per case, so they don't feel pressured to take on too many cases.



ILLUSTRATION BY ED MARQUEZ III

as part of a team to solve problems early on so that family crises don't escalate and children don't end up in care unnecessarily.

There are other places doing good work as well. In Massachusetts, new lawyers have to shadow more experienced lawyers. They have a mentor lawyer for at least a year who can oversee what they are doing.

One of our goals at the National Project to Improve Representation

for Parents is to bring lawyers together at conferences, on our listserv for parent lawyers, and through trainings all around the country so that these best practices spread.

**Q: How can every parent come to be represented by a lawyer who is truly up to the job?**

Money and politics keep these improvements from spreading everywhere. For instance, it costs more upfront to have social workers and parent advocates working with a lawyer. In order to have the agency model spread, we have begun collecting data to show that, despite the cost, that model improves safety and saves foster care dollars in the long run.

Not every lawyer who works for an agency does a good job, and there are some excellent lawyers who are sole practitioners. But overall, the structure and the support make a difference.

Since that agency model started in New York City, we have been working to spread it to other states, including Vermont, Washington, Michigan and Minnesota.

Michigan has a pilot project—the Detroit Center for Family

Advocacy—where lawyers help parents as soon as an investigation is started. They focus on problems like housing, education and domestic violence. When you have a lawyer going with you to housing court, it often means a crumbling building gets fixed. If you have a lawyer with you at an IEP hearing, it often means the child gets the services she needs to stay in the school. These lawyers work

More broadly, we're working to change the widespread view that if a parent has a child welfare case, that parent probably shouldn't have her kids at home anyway. We know that supporting parents means supporting kids and families. What parent advocates and parent lawyers can do is show that strengthening parent representation leads to stronger families.

# Coerced In Court

*I wish I'd never let the court find me guilty of neglect.*

BY ANTOINETTE ROBINSON

I was raised to have pride in who I am and stand up for what I believe. Standing up in court to admit that I neglected my children, I felt like everything I knew to be true and right was thrown out the window.

As the judge looked at me and said, "I strongly suggest you plead guilty," I broke down and cried.

My lawyer put her head down and told me, "I will do what you want but she's going to find you guilty. She's already got her mind made up."

I looked up at the "In God We Trust" written on the wall and wondered what God would take away my children. I just kept reminding myself that the system could not take what God had given me.

## Partying to Forget

In 2008, my boyfriend Vito died suddenly. For two years after he died, I'd cook dinner and clean my apartment after my kids went off to school, and I'd spend time with them and make sure they did their homework when they came home. But a lot of times I was just going through the motions. Inside I was grieving.

On Fridays I would drop the kids off at my mom's (my biological grandmother but my mom because she raised me) and go out partying. I wanted to have a good time and escape my grief. I knew my children loved me; I wanted to find a man to love me.

My mother loves my children and they love her. But while I'm a neat freak, my mother's apartment is dirty. An anonymous caller reported me for leaving my children there, and after ACS saw the conditions in her home—the mess, the garbage, the flies (my mother's apartment is right above the trash in her building)—they said the fact that I'd left my

children there made me an improper caregiver, and they took my children from me. Having my children removed was the most painful experience of my life.

## Scolded by the Judge

I think part of the reason my children were taken when parents in way worse situations than mine keep theirs is that I'd had several ACS investigations in the past. Most of them were harassment calls, though once a nurse in the hospital called because she didn't like how Vito was reprimanding the kids and once the school called because I refused to put my son on medication for ADHD. The investigations stayed on my record and when ACS came to investigate again, it didn't look good.

By my second time in court, I also learned that the judge I had had a reputation for being tough. She expected parents to be accountable for their actions and address the issues that had brought them to her court.

She told me I should be ashamed of myself for leaving my children in my mother's home.

## Afraid to Fight

In court, I had two choices: Make a submission, allowing the court to find me guilty of neglect, or take my case to trial. My lawyer said that if I took the case to trial, it could drag on and on with my kids in care. My lawyer made me feel that if I wanted my children home quickly, I didn't have much choice but to submit. Still, making the submission was one of the hardest things I ever had to do.

My lawyer said, "My client's ready."

The judge said, "What is your plea?"

Tears rolled down my face as I made

my submission. My legs were weak. I thought I was going to faint. I felt drained, like the system had broken me.

After I made my submission, the judge said something like: "Do you understand what you are saying? Is anyone forcing you to say these things?"

It felt so crazy, like a rapist was forcing me to say that I'd wanted it.



ILLUSTRATION BY ERIKA FAYE BUJIRE

psychological testing of me and my children.

The psychologist who tested my daughter didn't find anything sexually inappropriate about her behavior. But when they tested me, I hid my grief and the fact that I'd been partying because I didn't know what they might use against me. What the psychologist wrote down in her report was that I lacked understanding of why my children had been taken.

By then, I'd also lost my housing, and the judge had discovered that I've received SSI since I was 8 years old, when my grandmother sent me to residential treatment because she was having a hard time raising me. This made the judge question my competence to raise my children.

After that my case dragged on for a year and a half before my children were returned home.

## Bitter

I don't know what would have happened if I had taken my case to trial. Maybe my kids would have been in care even longer. But from where I stand now, I wish I had never said I was guilty. At least I wish my lawyer and I had had more time to discuss what my submission might mean to my children and me.

Having that guilty plea on my record feels horrible. The worst part is that people don't get to see exactly what I did or didn't do, just that I have a record for being "neglectful."

I still have a lot of anger at my lawyer. She may have thought she was looking out for me, but it feels to me like she sold me out.

Maybe one day I will be able to look back and see things in a different light, but right now all I feel is incredibly bitter.

Still, after I said that I'd made the submission willingly, the judge looked at me and offered me more visits with my children, almost as if to say, here's a reward for what you just did, accepting your responsibility.

## A String of Obstacles

Soon after that second court date, the foster mother of my two younger children said my youngest was acting out in ways that were sexually inappropriate, and the court ordered



# The Person Behind the Petition

Getting the court to see beyond stereotypes.

BY ANTOINETTE ROBINSON

When parents go to court, they often feel that their voices are not heard. They're afraid of the power that the court has over them. They have to put all their trust in their lawyer, a person they may be meeting for the first time. They feel stripped of their whole identity—other than the stigma that goes along with having a child welfare case and the stigma that comes with being poor, a minority, lacking an education, having an addiction, or having a mental illness.

Finding a way to come across in court as human when you're being accused of an inhuman act is hard. We interviewed Matt Fraidin, associate professor at the University of the District of Columbia's David A. Clarke School of Law, and Emma Ketteringham, managing attorney of the Family Law Practice at Bronx Defenders, about what parents can do so that lawyers, judges and agencies see them as human beings and not as the typical stereotypes of child-welfare affected parents.

## Q: How do stereotypes affect parents even with their own lawyers?

**Fraidin:** Research shows that the public views parents involved in the child welfare system as beasts, monsters and savages, because that's how the media portrays them. Because lawyers are human, many of us start our careers just as affected by those stereotypes. Then, because we handle so many cases, we often don't take enough time to get to know parents as individuals, and we protect ourselves from all the difficult emotions in child welfare cases by shutting down and reverting to stereotypes. But when lawyers see their clients as just another stereotype, they don't fight for their clients as hard as they should.

In those situations, parents may also not feel comfortable disclosing every-

thing about themselves and their case to their lawyers. But the more you tell your lawyer, the better he or she understands the very rich, very complicated story of who you are.

If, for instance, your lawyer understands what you suffered in your childhood that might have led to a drug addiction and the steps you have taken to care for your child despite your addiction, then your lawyer can start to connect to you as a human being and take you seriously.

To really get to know you, a lawyer ought to be spending time with you before the hearing. When that doesn't happen—and too often it doesn't—you should be proactive in asking your lawyer to meet with you, and you should prepare beforehand what you want your lawyer to know about you, including your strengths and the challenges you've faced. If your lawyer doesn't make time to meet with you, one way to get your lawyer to know you is to write a letter telling him or her about yourself. Sometimes parents themselves are so deeply fearful that their downturns prove they're worthless people that

Lawyers need to understand the very rich, very complicated story of who you are.

it's hard for them to know what to tell their lawyers. Figuring out how to talk about yourself is part of the work parents can do to help their lawyer get past the stick figure and the allegations in the petition.

## Q: How should you and your lawyer present your story in court so that the judge and the agency see you as a human being?



**Ketteringham:** It's important to really think through with your lawyer what you say in court because unfortunately people in the courtroom are making judgments based on their own prejudices and misconceptions. Saying "I was feeling kind of down the other day" can turn into "She's too depressed to care for her child." "I was overwhelmed when my baby was born" can turn into "She needs a mental health evaluation."

At the same time, every court appearance is an opportunity to show the court the bond you have with your children and that you're a human being.

I am representing a young mother who was hospitalized for mental

health issues. It was the first time in her life she had been hospitalized and she had raised her son on her own for the past ten years without child welfare involvement. Even though my client had never hurt or threatened to hurt her son, I knew the misconceptions about mental illness meant that everyone in the courtroom believed she was unable to properly care for her child.

My goal was to show the kind of mother my client is. So I said, "My client requests a tutor for her son because the state tests are coming up," and, "My client's son needs his hair shaped and my client would like to provide the foster care agency with the name of the place where he likes to have this done."

Those are things that show that my client is a caring mother who knows her son better than anyone else. They can make a big difference.

## Q: When should lawyers help you fight and when should they help you compromise?

**Fraidin:** A lot of lawyers don't want to fight because their caseloads are so high, or because they assume they'll lose and that will be worse. I actually think it can be effective for a lawyer to push back. Then judges and social workers get the message that they can't walk all over you.

But judges are also looking for parents to show that they accept responsibility for whatever has happened in the past. That can be an important reason to compromise.

**Ketteringham:** It can be agonizing decision, because there are times when your children will come home sooner if you submit and don't fight. What is crucial is that you have a lawyer who listens to you, who helps you understand the consequences of your decision, and who is willing to fight hard if that's what you decide to do.

**Fraidin:** What we tend to do too often as lawyers is assume we know what is best for our clients. But the clients are the ones who end up living with the outcomes.

# 'I Used to Be in Your Shoes'

*As a parent advocate, I help lawyers and parents connect.*

BY MILAGROS SANCHEZ

I am a parent advocate at the Center for Family Representation (CFR) in New York City. CFR provides parents in child welfare proceedings a lawyer, social worker, family advocate, and parent advocate to support them.

Parents whose children were removed and put in foster care often feel like they can't trust anyone. Many parents are victims of childhood abuse or domestic violence; some use drugs to deal with their pain. They're used to manipulation and abuse. Most have intimacy issues. They fear that if you get too close, you must want something from them, or you want to hurt them. My job is to help parents trust us and see that we're going to help them.

## **Straight Talk**

When a parent first comes to CFR, she meets with the social worker and the lawyer. Sometimes they will ask me, "Can you help me with this case?" Usually, that's because they're having a hard time connecting with

sugarcoat things or treat clients with kid gloves."

## **'You're Sabotaging Yourself!'**

Not long ago, one client went off on an attorney who agreed to a recommendation that she go to inpatient

This attorney is working with you. One thing didn't go your way and that's how you act? Do you want to get your child back or not?"

She was too upset to put down her guard, but I chose my words carefully and spoke softly. She calmed down and by the time she went home she said, "I'm going to think about what you said."

Several days later, my co-worker told me the client chose to go to the inpatient program. I'm proud to say she completed the program and reunited with her children.

## **Sharing My Story**

One challenging case involved a mom with bipolar disorder who was using marijuana. She was participating in services and visiting her son, but

Parents often feel like they can't trust anyone. My job is to help parents trust us and see that we're going to help them.

the parent, or feel the parent is not being honest.

I can talk to parents in ways that some social workers and lawyers cannot. My attitude is, "I know all the excuses, all the lines. I don't have to

instead of outpatient treatment. She was yelling, "That's not what I want!"

When the client walked out, I followed her and asked, "What is going on here? That's unnecessary drama. You're sabotaging your own case!"

# 'We're Here for You'

*Support and straight talk helped me trust my lawyer and her team.*

BY EBONIE KING

On my first day in family court after my son was placed in foster care, I walked up to my court-appointed attorney, introduced myself and asked, "How can you help me?" He just stared me up and down. In court, he said nothing on my behalf. I was furious.

That day, I saw a woman zipping around the waiting area, talking to other women. She seemed to really care, so I asked her, "Are you a lawyer?" She said, "I'm a social worker," and breezed away.

## **A Wrong Turn**

For a month after that court date, I did not begin any services, did not visit my son or go to court, and fell

deeper into my crack addiction. I felt hopeless and trusted no one.

My mother had called in the neglect report because I was neglecting my beautiful 8-month-old baby boy. I was taking advantage of my mother's kindness by leaving my son with her for days at a time.

One day, when I returned from running in the street, my son was gone. I knew immediately that he was in foster care. My mom told me, "What I did was necessary."

I was devastated. I felt my son was my only reason to breathe.

## **A Glimmer of Hope**

A friend convinced me to visit my son and stop feeling sorry for myself. After I saw my son, I went to the next court date.

This time, instead of the lawyer who had first represented me, I found a whole team from the Center for Family Representation (CFR) had been assigned to represent me: a litigation specialist, staff attorney, social worker and parent advocate. The social worker, Adjara, was the woman I had seen zipping around!

My team spoke to me with respect. That gave me hope.

## **Straight Talk**

But I was not ready to be clean, and I was honest about that. The CFR team was straightforward, too. They told me that if I didn't get myself together, they would not be able to help me.

Monique, the parent advocate, then took a walk with me and took me to lunch. She asked me to enter treatment and do the right thing so I could be proud of myself and my son could be proud of me.

Monique didn't judge or disrespect me. She pushed me in a good way. I knew she was right. So I promised to enter treatment, and Monique made a date to escort me to the program.

was having trouble quitting marijuana and kept refusing treatment. She also had a habit of flipping out in court.

I don't always tell clients about my history of addiction or what I went through to reunify with my sons, but I had to share my story with her to gain her trust. I met her in court one day and told her, "I used to be in your shoes. I resisted treatment for many years and didn't believe anyone could help me."

Slowly she opened up. She told me, "I don't think I can stop using."

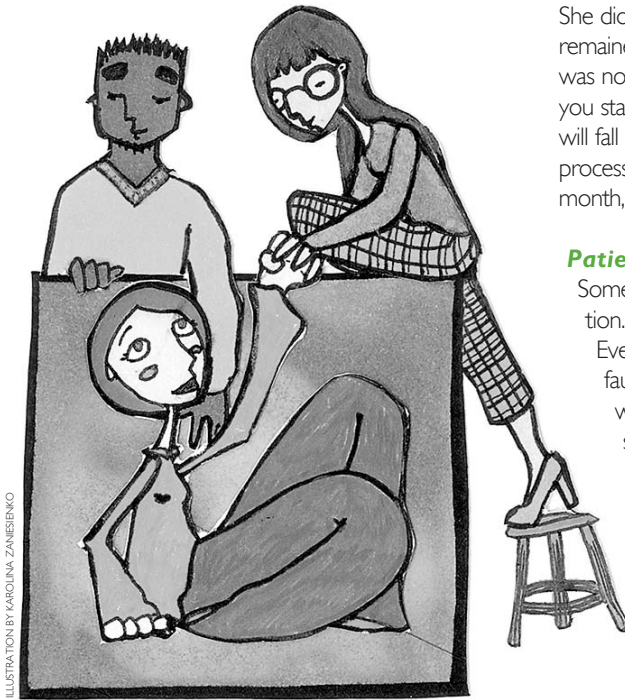


ILLUSTRATION BY KAROLINA ZANESENKO

She was also convinced that, even if she finished treatment, the system was not going to give her son back.

She didn't understand that her son remained in the system because she was not complying. I told her, "Once you start taking care of you, things will fall into place. It will happen as a process, not overnight." It took her a month, but she entered treatment.

**Patience Despite Frustration**

Sometimes I can't make a connection. Some parents are not open. Everything is everybody else's fault. I tell them, "No matter what I do, no matter what the social worker or the lawyer does, if you don't do what you need to do, nothing is going to change."

Frustration comes with the territory. One day I told a parent, "You are not alone. Do you have any idea how lucky you are that you have a team?"

I didn't have a lawyer and fought the system on my own."

Still, I build trust with the parents by following through. They'll call and ask, "I need help with housing. Can you meet me?" If they owe rent or are getting evicted, I go to housing court to advocate for them. If I can't reach the parents, I go to their homes to see if they're OK.

**Encouraging Success**

Without a team, it would be hard for the attorney and the parent to succeed. The attorney is busy with the court process and can only do so much. What happens to the rest of the process?

At CFR, I feel lucky to be able to help the parents get back on track. We don't do the work for the parents. I always tell them, "You've got to do the footwork." But they can trust us to stick by them.

The day of our appointment, though, I stood Monique up. I went to the treatment program on my own. I was so overwhelmed by her genuine concern that it made me afraid.

**My Strong Points**

In the program, I found I had a bigger problem than drugs. Even once I got clean, I was in pain and full of distrust because of past abuse, so my behavior was bad. Every time I went to court, the report from my treatment facility was negative. I felt ashamed that my personal information was being shared in court and feared I would not get my son back.

But my CFR team jumped on my strong points. They told the judge that my drug tests were clean and I did not miss visits. I also got certificates for completing a number of programs.

I was surprised that my CFR team continued to speak to me with respect even after hearing the bad

things about me in court. It's hard to talk to someone in a positive way about her negative behavior, but my team didn't talk down to me. They were careful with their words and stayed positive.

**Hitting Bumps**

Soon I got visits supervised by my mother, but I hit more bumps in my case. First, the treatment program

**It's hard to talk to someone in a positive way about her negative behavior, but my team didn't talk down to me.**

asked me to leave because of my behavior. Immediately, the agency dropped my visits back to once a week, supervised at the agency, even though the court order stipulated that, as long as I was still testing clean, my mother could supervise my visits. I called my lawyer, she reminded

the Children's Services lawyer about the court order and my visits at my mother's house were reinstated the next day.

On my own, I got into outpatient treatment and started therapy and anger management. A year and a half after my son went into foster care, he came home on trial discharge.

During the trial discharge, I got a new case called in on me because my boyfriend attacked me on the street after I broke up with him. I called Monique right away and she told me, "Don't let anyone in until I get there." Monique was right there when the child protective worker arrived, and

she helped me prove to the investigating caseworker that my son was safe, despite this man's actions. The case was closed, unfounded.

**Proud of Me**

Looking back, I don't think I showed how much CFR's help meant to me. Every time my team saw me, I was pushy and had an attitude about something that was going wrong. But I called CFR every time I ran into trouble.

Now everyone from CFR looks at me with pride. When I got my son on trial discharge, I needed a stroller. Monique called to say, "Come and get it." I was so grateful.

Soon after, Monique came to visit me at home—the apartment she found for me. "I couldn't wait to see you with your son at home!" she told me, and I gave her a big hug.



# Waiting for Superman

*Could my lawyer have done more or did I sink myself?*

BY CHRYSTAL REDDICK

When my case first started, the attorney assigned to me was a young woman who I know today was fresh into child welfare law. I had been arrested on charges of credit card fraud, and my 5-year-old son had been taken into foster care the day of my arrest.

In the months before my arrest, I had also been investigated by the child welfare system on charges of neglect. The school social worker claimed that my son, who has Down's Syndrome, was arriving in dirty clothes. But my investigation was closed, unfounded.

When I met my lawyer, I knew nothing firsthand about the child welfare system but I had heard such harsh stories. I was afraid of the criminal charges I was facing. And I hated jail, the very long days of being locked in an empty cold cell worrying about not seeing my son and what was going on with him.

After four months I was released from jail on probation but my son was not released to me. My lawyer advised me to ask for a 1028 hearing, which is when the parent asks the court to allow the child to come home immediately.

## A Big Mistake

Before the hearing, my lawyer did not ask me about my criminal background or my history with my daughter, who is now in her early 20s and who lived with my mother most of her childhood because I was using drugs. The only prep my lawyer did with me was to tell me that the opposing party had witnesses and to ask me to be as honest as possible on the stand.

Now I think that the 1028 was a mistake. When I got on the stand and my attorney questioned me, it seemed at first like I was giving all the

right answers. The judge sounded open-minded. But as I was cross-examined, the hearing blew up in my face.

The child law guardian and agency attorney went back into my history with my daughter. I got upset. I got clean while pregnant with my son, so I thought that dragging out my addiction and criminal history back to 1987 was irrelevant. On the stand, I was rather offensive and sarcastic, sometimes even refusing to answer questions or questioning the judge. I think that is when the judge determined in her mind what kind of person I am.

## In Shut-Down Mode

The next day they brought in the social worker from my son's school who had called ACS on me. This woman and I had had some misunderstandings in the past over school decisions about Brandon, so there was tension between us. She was very damaging to my case.

By then, I was in shut-down mode. I was angry with my lawyer because I felt that she should have been able to keep the court from going into my past and I felt misled about the hearing. My trust issues were sky high.

## At a Standstill

Still, for a while, I was on track with my service plan. Then the casework supervisor claimed that my son acted out after visits. Other people told me this was probably because he missed me, but the agency made it seem like his behavior was my fault. In the years I tried to regain my son, I never got visits more than once a week.

The agency also wanted to give my son medication and all kinds of therapy but I didn't want anyone fogging my son's mind with mental meds. That might have worked against me, too.

anti-social personality disorder. This felt to me like the worst possible diagnosis. I believe it was based on my history of criminal charges and recidivism and was a misinterpretation of how I shut down facing the system, which reminded me of all of my experiences of being powerless—being abused and gang raped and going to prison. This diagnosis was brought up many, many times in court. It was held against me in every possible way.

## Untrusting, Unsatisfied, Unfair

After the 1028, I was reassigned to my lawyer's supervisor. With my new attorney, I was sure things would be OK. After all, she was a 10-year veteran of the child welfare system. But soon I became frustrated. I'm a researcher and I was full of questions. Sometimes I called my lawyer every day. She would go weeks before answering my calls. Or, when we talked, she would sometimes say "I don't know." That would bum me up.

I kept asking her, "Why don't I have weekend visits when I've shown 90 days clean to the court?" She would say, "I don't know why the agency won't give you weekends." I would think, "ASK!!!!" I felt she wasn't persistent. She was not willing to make some noise.

## Wearing Thin

In court, I constantly pushed my new lawyer to challenge the judge's decisions, but it seemed to me that she allowed the judge to shut her down. Every time my lawyer objected, the judge would allow something into



ILLUSTRATION BY JAMES 'JT' FABER



evidence anyway, and the judge would scream at my lawyer, telling her that she wasn't prepared. Then my lawyer would turn red like a high school student. I was flabbergasted by how much she took.

My attorney felt that I was always criticizing her work and wanted her undivided attention. She got tired of my complaining and she even said that I had threatened her, not in a violent way, but by making it always seem like it was her fault that my case was going badly.

When my lawyer tried to soothe me, her words only made me angrier. She would say, "I'm sorry, Ms. Reddick. If it were up to me, Brandon would come home now!" Or she would say, "If he could say that he wanted to come home to you, the court would take that into consideration!" That only pissed me off. We both knew my son is speech delayed so he couldn't say that. I would think

to myself, "Don't freaking stroke me. You're my attorney. Just advocate on my behalf."

### **Relapse and Betrayal**

After my son had been in foster care for a year, I relapsed. Everyone knew before my lawyer. I didn't tell her because I was afraid she would not believe in me if she knew I had relapsed. I thought that if I got into drug treatment and got some clean

**If I didn't demand so much that my rights be exercised, would I have my son home today?**

time under my belt before she found out that I'd relapsed, she would be encouraged to fight positively on my behalf. But she felt betrayed.

After that, she and her supervisor called me into the office. They said

that if I held back information again, they would go before the judge and ask for me to be reassigned to another lawyer.

After that, I felt at the end of my trust. Fair or not, I was in a state of fear and fury. I asked for a new lawyer.

But when I got a new one, I saw right away that my lawyer was way worse.

Within a short time, my termination of parental rights trial began. In fall 2010, I permanently lost my son.

### **Missing My Attorney**

Looking back now, I am broken. I am depressed. I am full of fury, regret and

shame. In angry moments, I wonder why I fought instead of complying. If I had played that puppet they are used to parents playing—if I didn't demand so much that my rights be exercised—would I have my son home today?

In moments of shame, I wish I'd gone into residential treatment, and that I could've stopped myself from relapsing. My relapse gave the court and the agency the ammunition to win their case. Oh my god, what I wouldn't do differently.

Sometimes I blame my lawyer, telling myself, "I needed a resilient, relentless and dedicated attorney to fight my case." Other times I feel like I don't know what went wrong. She was a good attorney. Often I wish that our relationship didn't blow up. Despite everything, my lawyer often seemed like the only person who believed in me.

## Self-Appointed Special Advocate

*When my lawyer didn't work for me, I represented myself in court.*

BY DINAH CLEMMONS-GIBSON

When my child was placed in foster care, I was appointed an attorney by the Queens Family Court.

I came to court each time prepared. I brought letters of recommendation, certificates of completion, and letters from parole and from a program called Treatment Alternatives to Street Crime (TASC). I also enrolled myself in trainings that I learned about from women in my treatment program but were not mandated. I completed a 350-hour class to become certified as a Credentialed Alcohol/Substance Abuse Counselor (CASAC). Most of all, I maintained my sobriety.

### **I Needed an Advocate**

After a few court appearances, though, I realized that my attorney was not representing me well. I wanted my lawyer to express to the court

my sincere desire to make a better life for my children. I also wanted my lawyer to describe my ongoing accomplishments and present documentation of all that I had achieved.

I believed that I could better articulate my strengths to the judge. I have always been organized and neat. I served in the Army Reserves! Plus, my mother instilled in all her children that knowledge is power. At age 42, she had her last child, returned to school, achieved her bachelor's degree and began to work as a paraprofessional in the school system. My mother was a true leader.

### **Speaking for Myself**

One day I talked to my case planner about representing myself in court. She saw me as a determined and motivated mother, and encouraged me to go for it.

Not long after, I asked to speak for myself in court. My case was seen by a referee, which is similar to a judge. The referee asked me, "Are you sure you want to do that?"

But as I began to handle my own case, I could tell the referee was impressed. I surprised myself. I thought that I would be very nervous, but I overcame my fear.

### **Proud of Myself**

The hardest thing I had to do was request an extension of placement for my sons. I did that twice so I could finish school and save a substantial amount of money before reunifying. My fear was that, once the agency was no longer supporting me, I would be unable to provide for my children. I did not want to cause my children further instability.

But once I finished school, I went full speed ahead with having my sons returned to me. They came home in 2005 and I was able to stop working to re-bond with my sons full time.

I am proud that I have successfully gone from a crack house to a 2x4 cell, from transitional housing to an SRO, and finally from a two-bedroom to a three-and-a-half bedroom house. Now I am working as a parent advocate.

### **Teaching Others**

I have learned that the system has flaws. Sometimes it works and sometimes it doesn't. But I believe that, if you have the guts to take on the system, you can make it work for you.

# Compassion in the Court!

*Model courts find that supporting parents can strengthen the whole family.*

BY NICOLE GOODWIN, ERICA HARRIGAN-ORR AND ANTOINETTE ROBINSON

*Child welfare cases are heard in courts because parents and children have legal rights, and the role of lawyers and judges is to protect those rights. But in a typical court case, when one side wins, the other side loses. In child welfare, that's not the case. When parents lose, children lose. Children and parents both do best when children can safely return home.*

*With that in mind, the Model Courts project of the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Safe Babies Court Teams Project of ZERO TO THREE are working to empower parents in court. Here, Washington State's King County Superior Court Commissioner Mark Hillman, Los Angeles Superior Court Judge Margaret Henry, and Safe Babies Court Teams Project Director Lucy Hudson describe their efforts to change parents' experiences in court:*

**Hillman:** We've hired 10 "Veteran Parents" to work in our courts. All of them have successfully reunified with their children, and their job is to reach out and support every new parent that comes into court. Our Veteran Parents also offer a one-day Dependency Court 101 class that gives parents information about what to expect in court.

I can tell a parent time and time again, "You have to engage in services if you want to get your child back." But that just doesn't compare to having a parent who is able to say: "I was in the same place you are, and I got my child back. This is how I did it."

**Henry:** About five years ago, we started a drug court for parents whose primary problem is addiction. We try to make the whole court experience a more supportive, less intimidating experience. I take off my robe and go out into the courtroom in civilian clothes.



ILLUSTRATION BY PATRICIA BATTLES

First I meet with the social workers and attorneys to talk about each parent's progress. Then the whole group of parents comes in. Sometimes they bring their children. Sometimes they bring their parents. I ask each parent to talk about what's working for them and anything they'd like to share. As a group we do a lot of applauding. I think parents feel supported by the court and by each other. As a result, we have a much higher rate of successful reunification than in the regular court.

Typically in the court system the parent is kind of the odd man out. It feels very threatening.

**Hudson:** Typically in the court system the parent is kind of the odd man out. There are a lot of different people in the room arguing with each other. I think it feels very threatening.

In the Safe Babies' courts, we have someone whose job is to coordinate what everybody does, so instead of fighting they're focused as a team on the most important thing: How can we give the best life to this baby?

Our first goal is really to support parents to get all the help they need because we think the best outcome for the baby is if we can safely reunify.

This approach has made a difference in outcomes. In 2009, our research found that 99% of our babies experienced no further maltreatment. They also had their cases closed about a year faster than other babies. And, while only 38% of babies nationwide reunify with a parent or live permanently with other family members, 62% of our babies return to their parents or family.

**Henry:** The other main thing we've tried to do is improve parent representation. In the past, our parents were represented by lawyers who were paid a flat rate per case, and they weren't paid much. That meant attorneys had an incentive to do less work for parents.

But we knew from other areas that having strong lawyers could help parents and children successfully reunify. Today, approximately 90% of our parents are represented by a lawyer working for a firm, who has a supervisor, is paid a salary, and has a social worker and an investigator on his or her team. They're much more likely to take a case to trial and to bring problems with visits or services to the attention of the court quickly. If problems are fixed earlier, children should come home sooner.

**Hillman:** Veteran Parents have also helped to improve relationships between parents and lawyers. They can help parents choose their battles. Or they can say, "Look, this attorney is probably carrying 20-30 cases. You have to be diligent in calling." At the same time, if an attorney is really not doing his or her job, the Veteran Parent can say, "It's OK for you to go in there and fire your attorney." They can offer moral support.

**Hudson:** One of the main things we do is train court officials about child development, and the fact that removing a baby from a parent is a traumatic experience for that baby. Now lawyers who knew nothing about child development are starting to ask, "How often is this baby seeing the mom?"

We also train court personnel to recognize the trauma that parents bring with them to the table. For example, parents who have children as teenagers were often sexually abused as children. Domestic violence, depression, and substance abuse are all symptoms of a desperately painful childhood. We train court personnel to think about the long history of telling people who aren't white and middle class that there's something wrong with them and that they aren't qualified to be parents. We try to help judges and lawyers bring all this understanding into the messages they send and the decisions they make.

**Henry:** All these changes are the right thing to do. At the same time, they are a challenge, especially when courts are facing so many budget cutbacks and are so overwhelmed with cases.

**Hillman:** I believe reforms will spread to other places when we can show that the reforms we've made have been successful.

# In My Corner

*My lawyer believed in me even when my family didn't.*

BY PIAZADORA FOOTMAN

Most people I come in contact with have horrible stories about their lawyers. Not me. I had a good experience with my two lawyers, Charlyne Peay and Sharon Yoo. They were from the Urban Justice Center Mental Health Project, an effort to connect parents with mental illness to private practice lawyers who volunteer to represent them in child welfare proceedings.

## In Good Hands

In my case, I didn't have the right to a court-appointed lawyer. When I was locked up and then placed in a psych hospital, my grandmother was awarded custody of my son, Xavier. My son was not technically in foster care and I didn't have an agency or a caseworker or a lawyer. The judge just told me to complete my psych treatment, find my own apartment, complete a drug program and a parenting class, and give clean urine. So I did.

After 18 months at South Beach, a psych hospital, I went to a halfway house, then my boyfriend's house and then to a shelter. That's when I went to court and filed for custody of Xavier. At first I tried to represent myself and found out it was hard. So the Urban Justice Center connected me to a lawyer.

When I first met Ms. Charlyne Peay at her office, I felt a little under-dressed in my jeans and sneakers. She worked at a fancy New York City law office. There were turnstiles to get to the elevator and people in business suits going in and out using swipe cards. I'd never seen that before. I rode up in the elevator thinking, "This lawyer must be a big shot."

Upstairs, the receptionist offered me water and then Ms. Charlyne came out. She was tall with a short haircut, dressed in a pants suit with a silky top. She said, "You must be

Piazadora. I love that name. Nice to meet you."

Ms. Charlyne explained that my case would be pro bono, meaning that she would work on my case for free. I thought she would be aggravated because she wasn't getting paid but she said, "I'm here to help you. This is something I believe in."

## A Blunt Approach

Ms. Charlyne also asked me to be completely honest so that she could help me in the best way possible. Our first court appearance was a visitation hearing. What was at stake was whether I'd be able to have regular visits with Xavier. Until then, I'd seen him whenever my grandmother allowed me to (or needed a baby-sitter). Ms. Charlyne asked me, "What do you want to be the end result?" I told her, "I want to eventually have custody of my son."

"As long as you have completed all of the tasks the judge has asked of you, then you should have custody of your son real soon," she told me.

She told me, "Listen, if you don't bullshit me, I can get you what you need. Or at least point you in the right direction." She made me feel like I was in good hands.

## No One Else on My Side

For a long time, though, I felt that the judge was not on my side. Everything my grandmother's lawyer requested, the judge granted. When my lawyer requested something for me, the judge would ask my grandmother if it was OK.

If I said in court that I'd completed a parenting class or other services, my

grandmother would say, "No, I don't think she finished." The judge would request a letter from the program.

My grandmother was hard on me because she feared that I had already started following in my mother's horrible footsteps.

## Taking the Time to Explain

But Ms. Charlyne encouraged me by saying things like, "I've had a lot of cases where mothers say they want their children back but they never want to work all the steps to get them back. You are one of few who is on the straight and narrow."



ILLUSTRATION BY NATANAEL AGUILAR

I also trusted my lawyer because, when we went in the courtroom, Ms. Charlyne did not say whatever she wanted to say. She spoke for me. And every time I accomplished something, she brought it to the judge's attention.

## Driving a Hard Bargain

At times Ms. Charlyne disagreed with my thinking, and she kept it real with me. Once my grandma wanted me to switch the day I visited, saying that she worked and that my visit day was not convenient. I was totally against it because I felt that my grandmother was just trying to control me. My grandma didn't work! She collected SSI and was home all the time.

That day in court, the judge was

frustrated that I wouldn't agree and called a recess to give us time to think. I told my lawyer that I wanted her to tell the judge that my grandma was lying. Ms. Charlyne didn't shut me down, but she told me, "Do not get into it with the judge. It will only make you look like you won't cooperate." She took the time to explain that she feared I could lose my visits.

Still, back in court, Ms. Charlyne bargained hard for me. She agreed to change the day but asked for daylong visits (7 hours!) instead of the regular two hours. That day I made my first compromise and I got even more out of the deal.

## Me vs. My Family

Up to the end, my grandmother and I clashed in court. Even though I had proof that I'd been clean for almost three years and I was attending all of my mental health appointments, she tried to convince the judge that I was still using drugs and wasn't getting treatment. At times, it felt like I had to prove more

to my family than even my judge demanded.

It meant a lot to me that my lawyer stuck to the facts about my present life and congratulated me on my positive progress.

On my last day in court, the judge ran through her list of things I was supposed to do. Ms. Yoo had taken over my case by then, but she was informed and she was able to stand up and say, "Yes, Your Honor, she completed them all." I knew I had won the battle against not only mental illness and substance abuse but also against that "she'll never do it" mindset that my grandmother carried into the court.

# ABOUT **Rise**

Rise trains parents to write about their experiences with the child welfare system in order to support parents and parent advocacy and to guide child welfare practitioners and policymakers in becoming more responsive to the families and communities they serve.

Our tri-annual print magazine and monthly stories on our website, [www.risemagazine.org](http://www.risemagazine.org), help parents advocate for themselves and their children. We work with family support and child welfare agencies to use Rise stories in parent groups and parenting education classes. We partner with parent advocacy organizations to use Rise stories in child welfare reform.

Stories in this issue were developed in partnership with the Detroit Center for Family Advocacy, the Mental Health Project of the Urban Justice

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Contact Rise Director Nora McCarthy at [nora@risemagazine.org](mailto:nora@risemagazine.org) or (646) 543-7099 for information about reprinting Rise stories or using Rise in your work. For help with a child welfare case, please contact our partner organization, Children Welfare Organizing Project (CWOP), a parent advocacy and peer support organization in East Harlem, NY: [www.cwop.org](http://www.cwop.org) or 212-348-3000.

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## Expert Testimony

*Educating child welfare lawyers about parents' perspectives.*

BY CARMEN CABAN

A few years ago, I was invited to speak at the Juvenile & Family Law Conference of the National Association of Counsel for Children. Lawyers attended the conference to get a better understanding of how to represent clients in family court. I spoke on a panel along with two other parent leaders from the Child Welfare Organizing Project in New York City.

### A Chance to Speak

When my children were in foster care, court was a place where I felt afraid and misjudged. On the panel, I'd have a chance to tell my story. I thought, "I will fight for mine and others."

But when I arrived and saw the huge room where we would present, I had to tell myself, "Girl, do not be afraid. No one can hurt you or your children."

### Too Afraid to Protect Myself

When my turn came, I explained how intimidating I found family court. On many occasions, I felt afraid to say anything to protect myself.

I also felt betrayed by my lawyers. They all knew I had completed the requirements to reunify my family, but they joined the system in judging me as too angry to raise my children. I was angry that my children were stuck in foster care.

Most of all, I felt that the law guardians failed my children. My children wanted to come home. They ran away from foster care to be with me. But my youngest daughter told lies. She said that I hit her and treated her badly. No matter what I did or said in my defense, the lies stuck. I felt so angry watching the law guardian read from scattered sheets of reports that sounded official but were not correct.

### The Final Decision

Despite my efforts, my parental rights to my two youngest children were terminated. When the big day came for the judge to make the final decision, I looked up at that huge sign behind the judge: "In God We Trust." I repeated the words, believing with all my heart that God was going to make a way.

But the judge ordered my parental rights to be terminated. I only had three weeks more to visit my two youngest girls.

The judge asked me if I had any last words. "Yes, Your Honor," I replied. I looked straight at him, a confrontational look. "Your Honor, as long as I live I will have parental rights. They will end the day I die," I said.

The judge asked me to be removed from his presence. Outside of the courtroom, I crumbled, breaking down in tears of pain.

### Together Despite T.P.R.

As I described my experiences in court on the panel that day, I wanted the lawyers at the conference to understand that, despite what took place in court, my family is still very much together.

Even after the TPR, my girls' foster mother continued to let them visit me. Then my son was legally returned to me from foster care a year later. As teenagers, my two older daughters also came home. Now only my youngest daughter is in foster care, and she and I continue to try to repair our relationship.

I hope that the lawyers that heard me that day realized that parents and children can recover and move forward, and that lawyers play a crucial role in supporting parents who feel alone and afraid in court.