

Don't Battle Alone

It's important to show the court that you have people on your team.

INTERVIEW BY NICOLE GOODWIN

Kathleen Creamer, a parent attorney at Community Legal Services of Philadelphia, explains how parents can strengthen their case by presenting the people in their lives in family court, as well as what parents can do if they don't have anyone to bring to court.

Q: What role should friends, family and others play in court?

A: When you walk into court, it's incredibly important to present as a parent who is willing and able to ask for help when you need it. Judges and workers also feel better about sending children home when they can see that the parent has someone to support them if new issues and challenges arise.

If you want to put on a good case, you should show you have rallied your people and made a plan to use their help. Just having friends and family in the waiting room can be powerful for people like the caseworker and the child's lawyer to see.

The reality is that judges don't always allow people into the courtroom if they're not directly involved in the case. But talk with your lawyer about whether it's a good idea to call them as witnesses. Grandma might be able to testify about the help she is able to offer and the good things she has to say about you, even if she can't sit through the whole hearing.

You should also make sure your lawyer knows if you have a good relationship with your child's teacher, with a current or former boss, or with anyone who can speak positively about you. Even if they can't come to court for you, they may be able to write a letter, and that can make a difference.

Unfortunately, many parents don't have a strong support system. If that's true for you, it's particularly important

to make a connection to service providers once you have a case. Many parents suffer through programs the system sends them to, with people they don't trust or connect to, because they don't want to seem noncompliant. But if you don't have enough support, and you also don't find providers you feel good about, it's ultimately going to be harder to make your case and get your children home.

You and your lawyer should work together to find programs where you do feel a strong connection, and then work to convince the court that these really are the best.

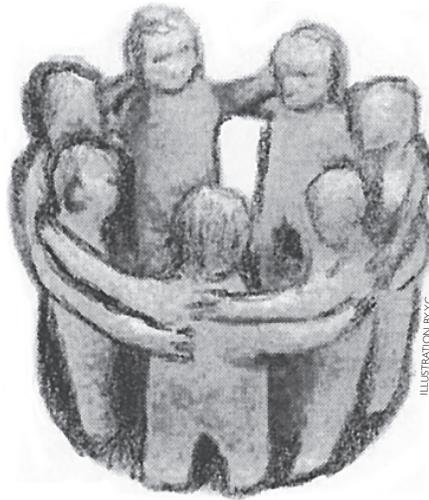
Q: The system wants parents to ask for help. At the same time, sometimes they act like you've got to be able to do it alone. Why is that?

A: There was a case last year in Massachusetts of a mother with an intellectual disability who planned to live with her parents and raise her baby with them. Instead, Massachusetts' Department of Children and Families removed the baby from the hospital and essentially said, "If you can't do it alone, you can't do it at all." It was outrageous.

The Department of Justice and the Department of Health and Human Services eventually got involved and said that Massachusetts had violated the Americans with Disabilities Act. In this case, Massachusetts essentially ignored two things: that no one raises children alone, and that a parent has the right to determine who is a safe support for her child unless there is evidence she is making an unsafe plan. After the Department of Justice intervened, Massachusetts reversed course.

If you are in a similar situation, you have the right to make a parenting plan that involves supportive people in your life.

Recently I represented a mother who had her children living with their grandmother during the week, because she wanted her children to go to school in that district, but child protection charged Mom with



at times, the court and child welfare personnel judge a parent's supports unfairly, especially when people have a criminal or child welfare history, even one from decades ago. Very often, parents are put in the position of having to agree to not use their support system, and that makes parenting that much harder. If someone is an important support to you, you should work with your lawyer to try to show that.

Recently I represented a dad whose stepdad helped care for his son while he was at work. The stepdad had gotten into a fight as a teenager and had an involuntary manslaughter conviction against him as a result. He had been completely crime-free for decades, and he had a really loving bond with his grandson, but the child's lawyer objected to him as a caregiver because of that old conviction.

We had Grandpa come in and testify. He brought pictures of himself and his grandson, he talked to the judge about their relationship, and we were successful in overcoming the child lawyer's objections.

Q: What about when the system brings people into your life who you don't want there?

A: For the most part, kinship care has been incredibly beneficial for my clients. But sometimes family members come out of the woodwork who are just not supportive, and that can be very damaging.

It's important to have parents testify to the court about their concerns. Sometimes the court listens. Sometimes they have an attitude of "we know best." The system needs to listen much more to who parents say is—and is not—supportive of them.

not providing adequate care to her children. Mom was very eloquent in court. She said, "You tell me I have to seek help when I need it and then you say my kids are not receiving adequate care when I do." Ultimately the judge ruled in Mom's favor.

Q: Sometimes the system doesn't approve of the people in our lives. How do you help clients deal with those situations?

A: When you have a child welfare case, your support system is going to be scrutinized.

I absolutely have had clients who have made really bad judgments about who would be good for their family, most often boyfriends or girlfriends who were not able to help them safely care for their child. But