

## **Legal Aid and Child Welfare: Ensuring Justice, Stability, and Permanency for Louisiana's Most Vulnerable Population**

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The child representation system in Child in Need of Care (CINC) cases in Louisiana ensures that children are provided with dedicated legal advocacy. One of the key components of this system is the role of civil legal aid, which represents children in child welfare proceedings throughout two-thirds of the state. Legal aid attorneys in Louisiana serve as client-directed representatives for children from birth to age 18, advocating for their best interests while ensuring their rights are upheld in court. These attorneys do not represent parents, caregivers, or other family members, but they can make referrals to other entities that may assist a child's family with additional legal or social service needs.

### **Legal Aid Entities in Louisiana**

The child representation system in Louisiana is comprised of three primary entities: Acadiana Legal Service Corporation (ALSC), Southeast Louisiana Legal Service (SLLS), both Louisiana Bar Foundation grantees, and the Mental Health Advocacy Service, Child Advocacy Program (MHAS/CAP), a state entity. ALSC and SLLS provide civil legal services for low-income individuals and have dedicated CINC units. The CINC Unit at ALSC exclusively represents children in thirty-six parishes, while SLLS represents children in nine parishes.

Part III of Louisiana Supreme Court Rule XXXIII outlines the standards and qualifications required for attorneys representing children in CINC proceedings. These legal aid attorneys ensure that their child clients receive the same level of competent and confidential representation as any other party in a legal proceeding. They work collaboratively across the state to provide a uniform standard of representation, adapting to the challenges of the post-pandemic legal landscape to meet their clients' evolving needs.

### **Legal Process and the Role of Legal Aid Attorneys**

Children in CINC cases are essential parties, not incidental observers. Louisiana Children's Code Article 623 guarantees their rights, including notice of hearings and the opportunity to be heard. This article allows children to provide testimony through various means, such as videotaped interviews, closed-circuit television, or in-chambers conferences, to accommodate their comfort and safety. Children aged 12 and older must be present in court unless their attorney successfully motions for a waiver, while younger children may attend if requested by their attorney or the court.

Children's attorneys must carefully evaluate each case to ensure their child clients' rights are protected. Their responsibilities extend beyond courtroom advocacy to include developing legal strategies that promote stability and well-being for children involved in child welfare cases.

For instance, consider a 14-year-old client placed in a non-relative foster home after being removed due to neglect. The child expressed a desire to live with an older sibling in a different

parish. The legal aid attorney successfully advocated for increased visitation between the siblings, ensuring the child maintained family connections while also pushing the court to explore placement options with the sibling. This advocacy ultimately led to a stable kinship placement, which significantly improved the child's emotional well-being and long-term stability.

In another case, a 10-year-old child with significant trauma history and special education needs was frequently moved between foster homes due to a lack of appropriate mental health services. The child's legal aid attorney worked diligently to ensure the agency provided a stable placement with specialized therapeutic support. The attorney also advocated for an Individualized Education Program (IEP) assessment to address the child's educational challenges. These legal efforts helped secure the necessary services to promote stability and a better educational environment for the child.

### **Advocacy for Permanency and Reunification**

Beyond courtroom advocacy, legal aid attorneys play a crucial role in securing permanency and reunification for children when appropriate. They work within the child welfare system to address barriers to stable placements, advocate for necessary services, and collaborate with social workers and other professionals to ensure their clients' needs are met.

For example, in a case involving a newborn removed due to parental substance use, the legal aid attorney ensured that the child's voice was considered throughout the case. The attorney helped the court understand the child's need for consistency and stability, which influenced the court's decision to prioritize a relative placement over an unfamiliar foster home. Over time, with proper referrals and services, the child's parents were able to complete a substance use treatment program, allowing the family to reunite safely.

These examples highlight how legal aid attorneys help children maintain family bonds, access appropriate services, and achieve permanency in a system that can often be unpredictable and challenging.

### **Challenges in Rural Parishes and Legal Aid's Role**

Attorneys face unique challenges in rural parishes, where services for families are limited. Many families struggle with transportation, access to medical care, and a lack of mental health resources. In these areas, legal aid attorneys must be creative in securing support for their clients. While they cannot represent parents or caregivers, they can make referrals to community organizations, nonprofit service providers, and pro bono legal assistance for family members seeking support.

For instance, a legal aid attorney representing a teenager in a rural parish discovered that the child's school did not have a counselor for the child to speak to. The attorney worked to connect the child's family with a mobile crisis intervention team and advocated for telehealth counseling services. These efforts ensured that the child had access to necessary mental health support despite the geographical limitations.

Another challenge in rural areas is the shortage of foster homes, which can lead to children being placed far from their communities. Legal aid attorneys frequently advocate for children to remain in their home communities when safe and feasible. They push for kinship placements over institutional settings and ensure that children maintain meaningful connections with their schools, friends, and cultural communities.

### **The Lasting Impact of Legal Aid in CINC Cases**

Through real-world case outcomes, the significance of civil legal aid becomes clear. In cases where legal aid attorneys successfully advocate for increased visitation with siblings, push for appropriate mental health services, or fight for kinship placements, children experience better long-term outcomes. Legal aid attorneys have also played pivotal roles in ensuring that children aging out of the system receive the support they need to transition into adulthood.

For example, a legal aid attorney represented a 17-year-old who had been in the foster system for several years. The attorney worked to ensure the youth had access to extended foster care benefits, helped them apply for college scholarships, and coordinated with independent living programs. As a result, the young person was able to transition out of foster care into college with appropriate support.

In conclusion, civil legal aid in Louisiana serves as a crucial pillar of support for children in CINC cases. By providing client-directed legal representation, legal aid attorneys safeguard the rights and well-being of children, advocate for permanency and reunification when feasible, and navigate systemic challenges to ensure their clients receive the best possible outcomes. Often serving as more than just an attorney – often a mentor, role model, and confidante of their true wishes. A child's attorney does not replace the child's voice in their case, they amplify their client's wishes. Their work ensures that children's voices are heard, their rights are protected, and they have the best possible chance for a stable and successful future.