

## The Child Attorney's Role in Promoting Placement Stability

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An attorney representing a child in out-of-home care is in a unique position to impact and improve placement stability. Through the attorney-client relationship, the attorney can build trust, get to know the child, and understand the child's needs and wishes then advocate for placement and services consistent with those preferences. The health, safety and best interests of the child should be the paramount considerations in child protection proceedings. The child's best interests are met by conducting an individualized determination of the child's needs and how a suggested placement serves those needs (see e.g., Minn. Stat. §260C.001; §260.212). This child-centered approach is the key to making placement decisions that will provide stability. The child's attorney must therefore work to ensure the child's preferences are clearly expressed and considered.

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Most jurisdictions list factors that should be considered when making placement decisions based on best interests (see e.g., Minn. Stat. § 260C.212, subd. 2(b)). The child's functioning and behaviors, medical, educational and developmental needs, and reasonable preferences are factors integral to making good placement decisions. These and other factors should be addressed in every placement plan and guide all court reviews. For each factor, the child's attorney should ask —

- What are my client's thoughts and feeling about this issue?
- What does my client believe she needs to deal with the issue and feel stable in her placement?

Using that knowledge, the attorney works strategically with other parties to make placements that fit the child and are supported by appropriate services. The attorney acts as a watchdog ensuring that all relevant factors and reasonable options are considered and that the services ordered are provided. Continually reviewing the client's position on placement factors helps the attorney identify when modifications are necessary.

### Other ways Attorneys can Impact Placement Stability

#### Get Child Input Prior to Placement

Arranging a pre-placement visit so the child can meet the potential caregiver and get a feel for where they may be living will help identify any major concerns the child may have. Children who are able to weigh in on whether a placement is right for them may be more invested in attempting to make a placement work when challenges arise in that home.

#### Advocate for Sibling Contact

Most jurisdictions place high priority on placing children with their siblings in out-of-home care (see e.g., Minn. Stat. § 260C.193). When that is not possible, efforts to facilitate visitation or contact with siblings must be taken unless it is contrary to the safety or

wellbeing of any siblings (see Minn. Stat. §260C.178). Maintaining sibling bonds can help a child deal with the loss of their family structure, cope with separation while attempts to reunify the family continue, or ease the transition to a new permanent living situation. Attorneys should be familiar with the laws governing sibling placement and visitation, and continually advocate for sibling contact.

#### Encourage Support for Foster Care Providers

Foster parents should be fully informed about the child's case plan and be advised of all of the child's emotional, mental health, developmental and educational needs so they are prepared to handle issues as they arise. Attorneys for children should watch for situations in which the child or foster parent feel frustrated about issues in the home; often the problem can be remedied—and a disruption avoided—by providing additional support services, respite, or information to the care provider.

#### Prepare for Possible Disruptions

Maintaining regular contact with the child can help the attorney identify potential problems early allowing time to resolve problems in a positive way without disruption. Still, disruptions can happen in even the best placements. Most courts have a policy for handling disruptions with prompt hearings. Upon notice of a disruption hearing, the attorney should quickly gather information from the client and other parties to make sure all options for a new placement are being considered and evaluated. The child may have good ideas about a placement that could be more successful so the child's views should be brought to the forefront.

#### Counsel the Client

Often the child disagrees with placement decisions or recommended services. An attorney's counseling skills are useful when a client is feeling frustrated and upset. The confidential nature of attorney-client discussions provides a safe environment for candid discussion of the client's feelings, the pros (or cons) of the court's decision, and can lead to development of constructive ideas for seeking case plan changes that may work better for the child.

The child's attorney plays a key role in helping the court maintain a child-centered focus when making placement decisions. When all relevant information and placement stability factors are properly considered, the chances of placing a child in an environment that will be appropriate, comfortable and successful for the child are considerably greater.

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