University of Michigan Law School
University of Michigan Law School Scholarship Repository

Articles | Faculty Scholarship

2011

Preventing the Unnecessary Entry of Children into Foster Care

Vivek Sankaran
University of Michigan Law School, vss@umich.edu

Follow this and additional works at: http://repository.law.umich.edu/articles

Part of the Family Law Commons, and the Juvenile Law Commons

Recommended Citation
Sankaran, Vivek. "Preventing the Unnecessary Entry of Children into Foster Care." Mich. B. J. 90, no. 9 (2011): 41.

This Article is brought to you for free and open access by the Faculty Scholarship at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Articles by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

Preventing the Unnecessary Entry of Children into Foster Care

THE WORK OF THE DETROIT CENTER FOR FAMILY ADVOCACY

By Vivek S. Sankaran

A young mother of three endures abuse at the hands of the children's father. Her children repeatedly witness the violence in their home and describe it to a school teacher, who in turn places a call to Child Protective Services (CPS). A CPS investigator arrives at the home the next morning with a plethora of questions for the mother and her children. Have the children been hit? Did they observe the beatings? What steps has their mother taken to protect them? An adversarial conversation ensues. Unsatisfactory answers may lead to tragic consequences—the removal of the children from their home.

Historically, the child welfare system has viewed battered women with skepticism. Blaming the victim for the domestic violence, the system has intervened by placing the children in foster care, which inevitably inflicts unnecessary emotional harm on the children and increases the likelihood the children will never return home. Many commentators have criticized the child welfare system's approach to domestic violence cases.

This flawed approach, however, does not need to be our reality. What if, rather than intervening by removing the children from the home, the child welfare system offered the victim assistance in providing her children with a safe and more stable home? What if the system offered her the assistance of an attorney to obtain a restraining order? What if the system made available housing for her to escape the abusive relationship? What if the system provided her with counseling to help her escape the cycle of violence? These alternative possibilities would help remove the danger rather than removing the child from a nonabusive parent.

The Detroit Center for Family Advocacy (CFA), an initiative of the University of Michigan Law School's Child Advocacy Law Clinic, aims to do this by providing families with legal and social work advocacy to prevent the unnecessary placement of children in foster care. The CFA provides parents with the assistance of an attorney, social worker, and parent advocate who work as a team to formulate a plan to address safety risks, while at the same time preserving the child's placement with the nonabusive parent. For example, while the attorney helps the domestic violence victim obtain custody over her children, the social worker and parent advocate link the parent to resources such as a transitional housing program, educational assistance, or a job training agency and provide her with emotional support. This multidisciplinary approach ensures that the needs of the client and the children are met, thereby obviating the need for CPS involvement.

Since opening in July 2009, the CFA has served approximately 250 children in a variety of cases. Cases are referred to the agency primarily by the Michigan Department of Human Services, and a comprehensive evaluation of the center's work is underway. Preliminary indications suggest that this holistic approach may yield solutions that can safely keep the child with the nonabusive parent, thereby eliminating the unnecessary trauma that would be created by the child's removal from the home and entry into foster care.

For more information about the CFA, visit http://www.law.umich.edu/centersandprograms/ccl/cfa/Pages/default.aspx/. ■

Vivek S. Sankaran is a clinical assistant professor of law in the Child Advocacy Law Clinic at the University of Michigan Law School and directs the Detroit Center for Family Advocacy. Prof. Sankaran sits on the Steering Committee of the ABA National Project to Improve Representation for Parents Involved in the Child Welfare System and was recently appointed by the governor to the Child Abuse Prevention Board.

HeinOnline -- 90 Mich. B.J. 41 2011