



Safe Babies
A Program of ZERO TO THREE™



AMERICAN BAR ASSOCIATION

Center on Children
and the Law

High-Quality Legal Representation in Safe Babies Courts

Essential Functions and Practices

Attorneys can engage with the Safe Babies approach on three levels:

Case Level

- » Learn about infant mental health
- » Actively engage parents in the case process
- » Highlight parental progress and achievements
- » Ensure families receive timely, individualized services
- » Engage in robust out-of-court advocacy
- » Pursue representation for a family's legal needs beyond child welfare
- » Participate regularly in Family Team Meetings
- » Maintain ethical responsibilities to clients

Site Level

- » Prioritize children's developmental needs
- » Amplify parents' voices
- » Use system-level data to identify and meet families' legal representation needs
- » Share experiences representing clients with the Active Community Team (ACT)
- » Collaborate on community trainings
- » Engage with the Community Coordinator
- » Collaborate with system partners to identify community needs, increase service coordination and supports, and improve access
- » Participate on Site Implementation Teams to share attorneys' roles and responsibilities to their clients

State Level

- » Encourage participation of state-level attorney offices, Court Improvement Programs, and/or bar associations in the State Advisory Group and in building an aligned and integrated early childhood system
- » Promote research-based and aligned practices in cross-sector collaboration
- » Prioritize data collection to evaluate effectiveness of legal representation
- » Use research on program effectiveness to advance appropriate funding levels for high-quality legal representation
- » Build systems that support care centered around family stress and trauma
- » Center voices of impacted parents



Quality Hallmarks

Why High Quality
Legal Representa-
tion Matters:

⚖️ Ensures
due process

⚖️ Protects
parties' rights

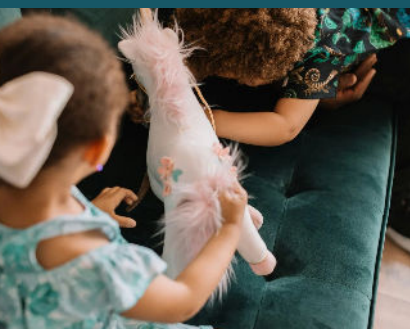
⚖️ Supports
family health and
well-being

⚖️ Ensures
children's
developmental
needs are met

⚖️ Provides
coordinated
services across
roles

Essential Practices for all Attorneys in Safe Babies Courts

- » Get to know clients well and build strong relationships based on trust through consistent, frequent contact
- » Establish compassionate and strength-based environments
- » Ensure parents and children, as age appropriate, are heard and meaningfully involved in decisions about their lives
- » Focus on clients' unique needs, history, and unique backgrounds
- » Learn about early development and infant mental health
- » Communicate in ways that account for age, diverse backgrounds, and trauma exposure
- » Understand how trauma can affect early childhood development and parent behaviors
- » Recognize and mitigate the effects of trauma experienced by families
- » Encourage and support active involvement of clients in court and out-of-court proceedings
- » Promote permanency that ideally preserves family connections
- » Advocate for establishing permanency as soon as possible and support concurrent case planning to prioritize reunification while actively identifying alternative options
- » Assist child welfare agencies in identifying and screening relatives and kin caregivers who can meet young children's developmental needs
- » Work in collaboration with the Safe Babies team and community partners, actively participating in multidisciplinary team meetings and coordinating efforts with child welfare professionals and community services
- » Work in tandem with social workers, parent advocates, and developmental experts to promote real-time problem-solving, quick access to services, and integrated family support plans
- » Support frequent review hearings and family team meetings
- » Advocate for frequent and meaningful parent-child contact when appropriate
- » Promote early identification of services, health screenings, and placement stability



Quality Hallmarks

Essential Practices for Child Attorneys



- » Advocate for the child's developmental needs
- » Consistently and frequently interact with the child to build familiarity and trust
- » Observe children in multiple settings with their parents and caregivers
- » Conduct holistic investigations of cases to understand children's health, trauma exposure, strengths, and needs to ensure complete evaluations and access to necessary services
- » Advocate for children to safely maintain contact with their parents, kin, siblings, and/or tribe through placement, family time, and permanency planning
- » Talk to family members, providers, caregivers, and others in children's lives for further insight into their experiences and how to support their needs
- » Know state and federal entitlements and key federal laws and programs that support the child (e.g., Medicaid, CHIP, Healthy Start, IDEA)

Essential Practices for Parent Attorneys



- » Meet with clients privately in safe, respectful settings with a trauma-responsive approach
- » Provide clients information about the child welfare system, court process, their legal rights, and confidentiality of the attorney-client relationship
- » Help parents understand their rights and responsibilities by explaining proceedings and setting realistic expectations
- » Understand the parent's life context, strengths, challenges, needs, and available resources to encourage engagement in proceedings
- » Encourage parents to actively participate in team processes such as Family Team Meetings in line with their legal rights
- » Leverage parent mentors/partners to ensure parents receive needed resources that strengthen their ability to care for their child
- » Help parents understand and access entitlements and services that support the child's developmental needs

Benefits of High Quality Legal Representation:

Increases family engagement

Recognizes and respects family backgrounds

Reduces delays in achieving permanency

Helps children and families reach better long term outcomes

Supports families and communities to keep children safe at home

Contributes to broader child welfare reforms



Quality Hallmarks

Essential Practices for Agency Attorneys



- » Act as a legal advisor, guiding agencies and caseworkers around removal and return in line with the Safe Babies approach and child welfare law, procedures, and policies
- » Ensure services are timely and no undue delays exist in service provision, case planning, or other agency duties to meet families' unique needs
- » Present testimonial evidence through a lens that takes trauma and family experiences into account, including consideration of witnesses' well-being
- » Timely notify parties and the court of any changed circumstances, including placement changes or service-related issues
- » Identify inconsistent practices that affect decision-making and child and family outcomes

To learn about the essential functions of attorneys in the Safe Babies approach, see [The Safe Babies Approach: Legal Roles](#).

Safe Babies, a program of ZERO TO THREE™, meets the needs of babies and toddlers under court jurisdiction by implementing a team based approach, rooted in the science of early childhood development. Safe Babies focuses on the urgent developmental needs of young children during all planning and decision making to strengthen early relationships with parents and caregivers and to create safe, stable, and nurturing environments for babies and toddlers. While the Safe Babies approach is anchored in the court system, it is an entry point for cross-system collaboration and system building to effectively serve very young children and their families across the promotion, prevention, and treatment continuum.



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