



EQUAL JUSTICE AMERICA

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EJA FELLOWSHIP RECIPIENT



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Update 1: As part of my Equal Justice America fellowship this summer, I'll be periodically posting updates on my experience at Texas RioGrande Legal Aid. I can't believe it's already time for my first one!

The attorneys on my three-person team have already been so generous to let me see and do so much. I've been given the chance to try my hand at drafting motions and administrative appeals, interviewed a client, and prepared for and assisted in a deposition. I'm feeling so grateful that they have gifted their time to me by teaching, explaining, and correcting.

I've loved how this work has been equal parts difficult legal/analytical problems and difficult human problems. All of our clients are undergoing one of the most terrifying and shameful experiences of their lives. I've watched one colleague talk a parent out of giving up on her teenage kid, and I've seen another provide a client with empathy and dignity when the court didn't. It's reminding me of why I went into this line of work in the first place: to be with people in their dirt & mess. One attorney I've worked closely with voiced to me that this was her solace in the work - even if she loses every case, at least she showed the client that they were worth being listened to and fought for.

Update 2: "You represent parents involved with CPS? How can you defend people who do bad things to kids?"

Not all of them do, though, that's the thing. There's a serious lack of due process within child protective investigations, even compared to criminal law (which is far from perfect). This means many parents involved with CPS haven't really done anything worthy of the state's intrusion into their family's lives, much less the state's removal of their children.



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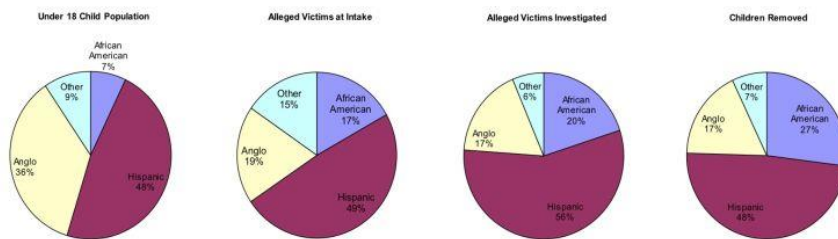
The data tells the same story. In Travis County, Black children account for 7% of the child population but 27% of removals, according to DFPS's own data. While 3% of White children that are reported to DFPS are eventually removed, the proportion doubles for Black children, even in Texas's most "woke" county. And this isn't just because of poverty: researchers analyzing over 100,000 CPS cases from the 2000s found that "even when controlling for risk, poverty, and other relevant factors, race affects the decisions to provide services and to remove."* White parents aren't better parents than Black parents. Something must be wrong with CPS.

I've tried to remind myself of this, even in the cases where the parent may actually struggle to care for their child. CPS isn't always right. They should be pushed back against. Every person deserves due process in every case.

* Rivaux, S. L., James, J., Wittenstrom, K., Baumann, D., Sheets, J., Henry, J., & Jeffries, V. (2008). The intersection of race, poverty and risk: understanding the decision to provide services to clients and to remove children. *Child welfare*, 87(2), 151–168.

Rider 40 - Minority Child Removals Report for FY2019¹ - Current Ethnicity Travis County - Region 07 - County Number 227

Category	Total	African American	Hispanic	Anglo	Other
Population ²	304,135	21,651	144,848	108,810	28,826
Children Reported as Alleged Victims at Intake	17,745	2,994	8,638	3,380	2,733
Alleged Victims Investigated	9,019	1,805	5,064	1,576	574
Children Removed ³	681	184	330	119	48



Update 3: I've grown to admire the attorneys I work with this summer so much. We have mostly sweet and grateful clients, but we also have a few clients that can be difficult. These attorneys give every client the same zealous representation (for free), regardless of how easy or challenging it may be to speak with them.

I've seen clients insult attorneys, despite so many hours put into their case. Yet, they still choose to drive hours to attend meetings they don't have to, just because it will make that same client's case stronger. This is a true commitment to the belief that every person deserves zealous representation. Even when they scream at you on the phone. Even when you're not sure if their child would be better off in their care.



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Of course, it's always helpful to remember the impact of trauma on the brain and behavior. All our clients have been through mess to get here, and that's probably at least partially why they may act in ways that are challenging. Remembering this always produces compassion, but it isn't enough. To justify this work, we have to reach past the weighing of good and evil and our arbitrary thresholds and justifications to something enduring: our dignity.

Legal aid work demands the belief that every person is valuable and worth having their voice heard. And that value doesn't change just because that person cannot afford an attorney.

My colleagues haven't told me these things, at least not explicitly. I've learned it from watching the representation they provide, which I've grown to admire so much.

Update 4: I may have told you that TRLA's Family Defense Project provides representation to parents encountering CPS when those parents are not entitled to representation from the court. But when is that?

Generally, parents are entitled to a free attorney if they are sued by DFPS and cannot afford to pay an attorney themselves. However, parents often interface with CPS long before they are sued. They are told that they have the right to hire an attorney to represent them, but only a minority of parents investigated can afford one. TRLA steps into this gap for poor families at the following five stages:

Investigations: From CPS's first call or knock at the door, TRLA seeks to mitigate CPS's concerns. TRLA helps parents navigate when to assert their rights and when to comply with CPS's requests.

Orders in Aid to Investigate: It's quite common for CPS to ask a judge to order a parent to comply with certain investigative actions. Although this happens in court, parents are not provided representation from the court.

Family Based Safety Services: FBSS is a voluntary program that CPS uses to mitigate safety concerns that they have within the home without taking the parent to court. CPS will require the parent to complete services for a period of several months while they continue to monitor the family. TRLA helps families navigate when to accept or deny FBSS, as well as provide advice and representation during the process.

Administrative Reviews of Investigative Findings: After an investigation, CPS will issue a finding of whether they think the parent abused or neglected a child. Even if CPS decides the child is safe and closes the case, they can issue a "Reason to Believe" finding, which can prevent a parent from working certain jobs or helping other families involved with CPS. TRLA helps parents appeal these findings in administrative hearings.



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Post-termination Reinstatement of Parental Rights: In Texas, parents in certain specific circumstances that have had their parental rights terminated can file to have them reinstated. TRLA helps parents determine their eligibility, advises parents on when to file, and provides representation in court proceedings for parents seeking reinstatement.

Update 5: Two weeks ago, I wrapped up my time clerking at Texas RioGrande Legal Aid. I had such a wonderful experience. The attorneys on my team (Cindy Dyar, Shanti Khanna, and Leila Blatt) were so generous to me – I could not have asked for better mentors!

They were not afraid to give me substantive work, like interviewing clients and prepping a witness for trial, and they gave me frequent, thorough feedback. I'm very pleased with the variety of work I was given; I learned so much about the entire span of a parent's involvement with CPS, from the first knock at the door to a petition for reinstatement. Particularly, my knowledge of the law and policy governing child welfare grew so much!

I'm also so grateful for all the time the attorneys spent teaching me, even if it had nothing to do with an assignment they gave me. It was obvious that they genuinely cared about me and wanted me to succeed in and improve child welfare. Their candor about the state of child welfare in Texas and career advice has left me much more prepared to enter this industry.

I'm truly surprised how much I enjoyed representing parents! I entered law school assuming I would represent kids, as I have extensive experience with and genuinely enjoy kids, but I was drawn to Family Defense this summer out of ideological alignment. I knew that interacting with children was fulfilling for me, but I was surprised to find that interacting with parents can be just as fulfilling. Many of the skills vital to success with children involved with CPS are just as vital to success with parents, like compassion and humility.

I will be representing children this fall as part of The University of Texas School of Law's Children's Rights Clinic. I'm so excited to see what I think of child advocacy! This summer was so formative in how I view and interact with CPS, and I'm excited to see how this fall continues to grow and form me as an advocate.

The more that I learn about and experience Texas's child welfare system, the more complex it all gets. However, it is this complexity, coupled with the fundamental humanness of it all, that excites (and sometimes angers) me so much about this work.