

Social Workers, The preferred inside view:



But sometimes the stereotype:

Q: What's the difference between a social worker and a pit bull terrier?

A: At least you can get part of your baby back from the pit bull.

Social Work Values

- service to the community
- social justice
- dignity and worth of each person
- importance of human relationships

Legal Values

- Professional preparation
- Objectivism:
 - Pure legal reasoning: focus on legally-relevant facts, spot the legal issue & apply the rule of law to arrive at conclusions-- legal strategy & argument
- Intellectual reasoning
- Analytic and analogical skills
- Effective communication skills

Common Values

- Primary responsibility to the client
 - Zealous advocacy
 - Fiduciary nature of relationship
- Confidentiality/Privilege
 - Our clients rely on our discretion
- Individual and systems change advocacy
- integrity
- competence

Lawyer priorities in child welfare cases

- Protecting rights of child/parent
- Representing the state and its interests in protecting a child
- Following statutory obligations and following technical rules and procedures
- Preparing for the adversarial process
- Making the best argument-best outcome for client

Social Worker priorities child welfare cases:

- A resolution that balances child protection and family preservation where possible
- An ongoing therapeutic relationship
- Services to address future needs
- Developmentally sensitive & culturally relevant plans

Points of Potential Contention

- When a lawyer seeks information from a social worker/therapist:
 - Confidentiality issues
 - Lack of understanding of other's role
 - Different professional priorities
 - Lack of clarity what the testimony will seek to show
 - Distrust and reliance on internal professional narratives/language

Issues for child/parent therapist

- Is consent of both parents needed in order to treat the child?
 - A therapist is legally able to provide treatment with the authorization of one parent. This may or may not be a good idea depending on the dynamics of the family.
 - Some agencies will not see a child if they only get one of the parents to approve.
- What does the state child welfare worker get to know about the case? Who owns the privilege? Does it matter who is paying?

Issues for child/parent therapist

- Risk of collusion with the "good parent" and subsequent reports that repeat the narrative of that parent.
- A noncustodial parent or foster parent may feel ostracized by the process and certain that the therapist is supporting the cooperative parent's version of reality.
- When seeing multiple parties/family, being careful to maintain privilege for each party

At trial/administrative hearings

- Lawyer must create a narrative of the case; be an effective story teller
- Narrative must be consistent with legal points that need to be proven in the case
- E.g. "reasonable efforts"

Tensions in lawyer/social worker interactions:

- Can the social worker provide information that is consistent with the theory of the case—the narrative being presented by the lawyer?
- when the social worker doesn't understand why the lawyer is asking particular questions
- when the lawyer relies on bullying tactics, especially to bypass confidentiality

Tensions in lawyer/social worker interactions

- When the social worker's testimony/information is so vague as to be useless
- When the lawyer is "fishing" in a phone call/testimony
- When the social worker uses clinical language and terminology
- When a lawyer tries to coerce testimony supportive of one outcome

Tensions in lawyer/social worker interactions

- When social workers are pressed to give an opinion without being declared expert witnesses
- When social workers are required by courts to be an expert in a case where they are already a fact witness
- When either lawyers or social workers do not return calls

What can improve these interactions?

- Social workers reading the statutes and understanding the issues to be decided in the case
- Lawyers respecting the ongoing therapeutic relationship and seeking to minimize impact of court/hearing
- Building of real, personal relationships between professionals

Enhancing interactions

- Telephone contacts
- Managing confidentiality issues
- Preparation for court appearance
- Testimony and expert testimony
- Learning about the other; avoiding assumptions; respecting the roles
