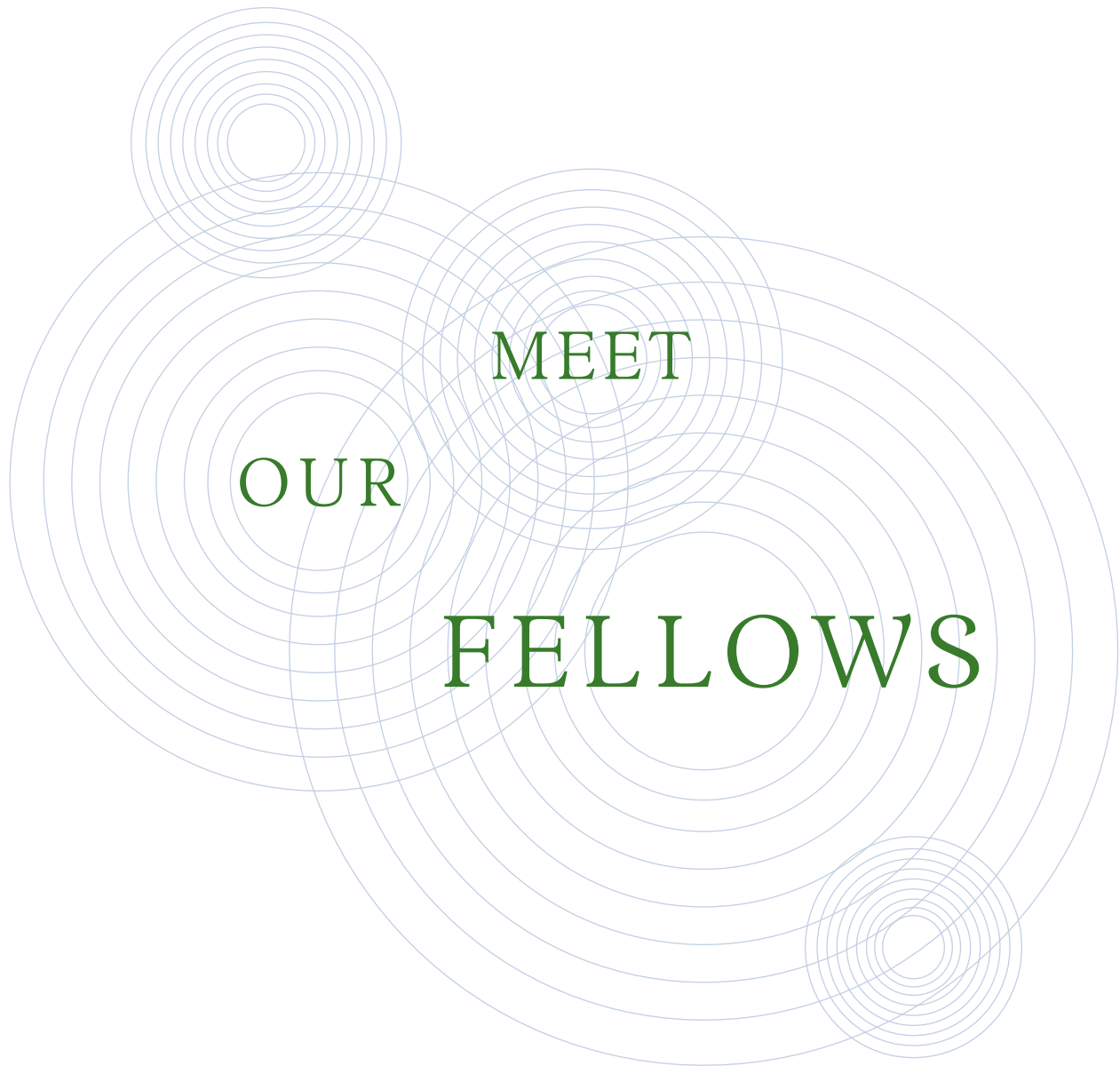




THE STONELEIGH FELLOWS PROGRAM



OUR

MEET

FELLOWS

CHRISTINE TRINKL DOUGHERTY

### *ACKNOWLEDGEMENTS*

We acknowledge and thank Bernardine H. Watson, the author of this article, who tells an inspiring story about Christine Trinkl Dougherty. Ms. Watson interviewed Ms. Dougherty and wrote this profile based on their conversations. This is the third in our series of “Meet the Fellows” profiles. The series is intended to provide readers with stories that describe our fellows’ motivation, goals and the philosophies that drive their work.

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## CHRISTINE TRINKL DOUGHERTY

PUBLIC INTEREST LAWYER

Support Center for Child Advocates

Fellowship Project: Child Well-Being and “Whole Child” Representation

When Christine Trinkl Dougherty was a sophomore at Saint Joseph’s University, she spent her spring break with about 10 other students in a community service immersion project at the Gesu School. An independent Catholic school in North Philadelphia operated by the Jesuits and the Immaculate Heart of Mary, the school is located in one of the poorest neighborhoods in the city—more than 70 percent of its students qualify for free or reduced-price breakfast and lunch programs. For years, the Gesu School has been considered a model for inner-city education. Today, Trinkl Dougherty still remembers the Gesu experience as a formative one. “We lived in the dormitories on the school site for about a week,” she recalls. “I helped out in the after-school program and got to know some of the kids while we did community beautification projects, like planting trees and painting. It was nothing overly strenuous and I’m not sure how much we gave, but I certainly received a lot in terms of my own personal growth. It was an eye-opener for me after growing up in Delaware County. There were kids at the school who were just very interested in their education ... little kids, some of whom were being raised by family members other than their parents, which was not an experience I knew much about. I was really inspired by some of those kids who had such strength.”



“I DON’T UNDERSTAND BUREAUCRACY AND I FEEL LIKE I NEVER WILL.”

This initial experience at the Gesu School kindled Trinkl Dougherty’s interest in social justice. She ended up working with the Gesu after-school program for the remainder of her time in college. During spring break of her senior year, she worked with Habitat for Humanity, helping to build houses in the Appalachian Mountains in Phelps, Kentucky. When asked about her junior year spring break, Trinkl Dougherty laughs. “Junior year I went to Daytona Beach. You have to have some time for the college experience, right?”

Trinkl Dougherty’s college experiences with social justice projects first led her to consider social work as a career. But her professors saw something else in her, and she remembers a few of them encouraging her to think about law. “No one discouraged me from going into social work,” she says, “but they did point out that in social work I might feel limited in the amount of change I could make. They thought I might want to be the one in court making decisions.” She chose Temple Law School because it had more of a focus on public interest law than other schools she considered. In the summers, she pursued her interest in social justice by working in nonprofit organizations, rather than law firms where she could have earned as much as a first-year associate. The difference in pay was thousands of dollars.

In 1997, after completing law school and an internship with the Defender Association of Philadelphia, Trinkl Dougherty took her first professional job as a legal advocate. At the Homeless Advocacy Project, she represented some of the city’s neediest people. “We’d come into a shelter once a month or once every other month, and it was like a sign went up—lawyer is in—and homeless people would come in off the streets or from the shelters,” she recalls. “I did a little of everything: bankruptcies; benefits work, such as SSI; veterans and welfare cases; and representing people in landlord-tenant disputes. My colleagues and I would meet with people individually and do an initial triage, and if we felt it was something we could help with, we would open a case.”

Trinkl Dougherty remembers doing a lot of bankruptcy cases and getting her first taste of working through public bureaucracy. “It used to be, and maybe it’s still this way, that if you wanted public housing, either Section 8 or project-based housing, you had to clear up any outstanding debts you had with the Philadelphia Housing Authority or any other landlord. So, if they ran your credit report and it showed a judgment against you from the Housing Authority for \$2,000, you could not enter into a payment plan. It was not allowed. But you could discharge the debt through bankruptcy. So, I would do bankruptcies for people so they could get housing, whatever sense that makes—none in my opinion. I don’t understand bureaucracy and I feel like I never will.”

It was at the Homeless Advocacy Project that Trinkl Dougherty began to practice family law. And it was through her work with families that she developed an interest in child advocacy. In 2001, she joined the Support Center for Child Advocates (Child Advocates), an organization that advocates for victims of child abuse and neglect in Philadelphia. Trinkl Dougherty explains that in Pennsylvania, where children are entitled to a lawyer (as opposed to some other jurisdictions where they have a right to be represented, but not necessarily by a lawyer), child advocates wear two hats—they are the child’s lawyer, that is, their voice in court, and they are also responsible for representing the child’s best interests. Sometimes the roles do not always mesh and Trinkl Dougherty finds herself walking a very thin line. “For very young children and older teens it’s easy,” she says. “With babies, you don’t know what they want, so you determine what they want based on what’s in their best interest. For 18-year-olds, unless there are some cognitive issues, generally speaking, your representation of them is based on what they want, even if it’s something you think is not in their best interest.”



It is the youngsters in the middle, those old enough to know, or to think they know, what they want, but not old enough to make decisions in their own best interest that can make Trinkl Dougherty's work tricky. Still, the bottom line for her is the child's best interest. She offers an example: "There's the child who has been abused by a parent and who wants very much to go home. I've known a few exceptions, but generally speaking, no matter what happened to them, they always want to go home. But sometimes the parents aren't ready, because they haven't completed their parenting classes or whatever they need to do to get the children back. Part of my job is to try and explain to the children why, despite their desires, I can't recommend what they want to the court. When push comes to shove, I'll go into court and express both what the child wants and what I believe to be in the child's best interest. I let them speak if they want to speak, but I have to represent what I think is in the best interest of that child. Then the judge makes the decision."

Trinkl Dougherty remembers a specific case vividly. "I had a 15-year-old client who couldn't go home. So, she wanted to go live with her crack-addicted, 25-year-old boyfriend rather than go into placement and address her own mental health needs. Although I could understand why she would rather do one over the other, it was clearly not in the girl's best interest to go into court with her request. So, we went to court and I invited her to explain to the judge what she wanted. Then I explained what I thought was in her best interest. I told her in advance what I was going to

recommend and that I understood she would be very angry with me and she was—very. So, being a child's attorney is certainly not a popularity contest. If you go into it thinking it's going to be magical, like on TV, it's certainly not, in any shape or form."

For several years, Trinkl Dougherty coordinated Child Advocates' summer training program for law students and tried to give them the benefit of her real-world experiences in working with children and families. In explaining her approach, she says, "Students usually come to us with so much vigor for the work, such a desire to protect children, that I feel it's my job to try and harness that enthusiasm in a way that makes them zealous advocates for the kids in our charge. But at the same time, I encourage them to slow down and not jump to conclusions." She encourages the students to take their time with each case, to forget for a moment about the list of questions they need to get through. "Sometimes, lawyers can be too fact-based. It's that Dagnet thing, just the facts ma'am." She also counsels the students to take the time to meet with clients in their homes. She recalls telling them, "I go to homes looking professional because I want families to see me as someone who is there to help them, who has the authority to do that. But I also want to be ready to get down on the floor and push a car back and forth with a 5-year-old if it comes to that." She says she tries to impart those things that students don't necessarily learn in law school.



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Over the years at Child Advocates, Trinkl Dougherty has developed a specialty for representing children with special medical needs. She admits that some of these cases have been very hard on her emotionally, especially once she became a parent herself. Trinkl Dougherty does not even pretend she can be objective in some of these cases. “After I had my first son, I told my supervisor that I couldn’t have any baby cases for a while, at least a year. It was just too close to home. After my second son was born, I felt the same way. Still, because I had so much experience in this area, I kept a few cases, including a little boy who had leukemia. The parents just weren’t meeting the child’s needs and weren’t being even slightly emotionally supportive of their child. I was having such a hard time with the case that I would process my thinking with my supervisor before making any decisions or recommendations, just to make sure I wasn’t bringing my own personal feelings into it. It had to be a very deliberative process for me, deciding every day whether or not I could maintain my objectivity. In this work, you can’t say things aren’t going to affect you, because you’re human and you get into this line of work because you feel some connection to the humanity of it. But you have to draw boundaries for yourself.”

Last year, Trinkl Dougherty took on another especially difficult case: a little girl born to a long-term drug-addicted mother who had no prenatal care and was high during delivery. The baby girl was diagnosed with very little brain activity because of the lack of oxygen to her brain during birth. No one expected her to live very long. “I saw this case when it came in,” she recalls, “and although I knew it would be tough, I went to my supervisor and said, ‘This is going to be a difficult case. I think I should take this case, since I have been here for a long time.’”

Listening to Trinkl Dougherty tell this story, it was clear the children she represents are never merely “cases.” “I went up to St. Christopher’s Hospital for Children and met with the nurses and doctors involved in this little girl’s care. At that time, she was about a month old. And because I feel strongly that I need to interact with the kids I represent, I went up and fed her and she was responsive. She had enough cognitive function that she was responding to her own needs—she cried when hungry or when she needed her diaper changed. Still, things were not looking good for this little one. There were concerns about her hearing, the doctors thought she might be blind and she had only about 20 percent kidney function. She was considered terminal.”

Once stabilized, the child had to leave the hospital. The choices for her placement were an institution or a medical foster-care home. When Trinkl Dougherty spoke with the judge, she was concerned not just about where the child would be placed, but with her overall well-being. “I told the judge I had visited the child and fed her, and this was not a child who belonged in an institution. This baby needed love, attention, and nurturing for however long of a little life she was going to have.” Trinkl Dougherty reports that, working with the Department of Human Services, she was able to help get the child placed in medical foster care with an older couple willing to take and love a terminal child. “Turns out, in that home, the child improved immeasurably,” she says. “Her neurological functioning turned out to be better than the doctors thought, and even her kidney function improved. I guess you could call it miraculous.”

Another attorney handles the case now, but Trinkl Dougherty still follows the progress of the little girl, whom she affectionately calls “a peanut.” She considers the case some of her best work. “I feel really good about having gotten her into that first loving home,” she says. “It made all the difference. Once she started doing better, she was placed with a pre-adoptive home because her biological mother wasn’t doing very well with drug treatment and eventually signed away her parental rights. She’s now in the process of being adopted.”

Trinkl Dougherty has hundreds of stories like this to tell. She readily admits that over the years, being an advocate for abused children has changed her perspective on the nature of family. She says, "In my job, I think you learn a lot about the nature of evil and the role of families. I was probably somebody who always said that biology was of the utmost importance in family relationships, but I learned that the presence of a biological connection is certainly no replacement for actual nurturing and parenting. Just because you give birth doesn't make you a parent. A lot of the parents we deal with are damaged themselves, and the damage they inflict continues a cycle. We do what we can to mitigate some of the damage, but, you know, I've represented kids where, after we close the case or they have been adopted or gone home with a family member, I find myself worrying about the kind of person they will grow up to be because of their early influences. Some of the kids I represent have experienced so much trauma, neglect, and pain in their early lives that you wonder how they will ever overcome that."

From where Trinkl Dougherty sits, the dependency system is not doing enough to meet the needs of vulnerable children. Her experiences and evidence from numerous studies indicate that many children involved with the courts suffer from multiple conditions, including poor education, lack of medical and mental health treatment, and family dysfunction. She knows that children who spend many years in multiple foster homes fare the worst. Trinkl Dougherty believes that too often, the dependency system focuses on single, narrow issues in a child's life rather than on the "whole child." And, in her opinion, that is part of the problem.

As a result, Trinkl Dougherty has become a proponent of an advocacy approach that focuses on the overall well-being of court-involved children. This means attempting to meet each child's individual developmental needs.



To people who are not intimately involved with these issues, it may seem like this should be common practice. But, according to Trinkl Dougherty, that's hardly the case. "With the passage of the Adoption and Safe Families Act under President Clinton in 1997, child welfare professionals were mandated to pursue the three case goals of safety, permanency, and well-being. Safety has always been paramount—we were removing kids from homes because they were unsafe, right? The call for permanency was really the new mandate—dealing with the knowledge that a kid needs to be in a home that is grounded and where they are part of a family, whatever the make-up of that family may be. Certainly permanency is not a done-deal for each child. I can still tell you horror stories where, for a number of reasons, permanency is very hard to achieve for some children. But after 10 years, permanency is very much a part of the lingo. I think once the lingo gets accepted, quite frankly, people start to buy into the concept. While 'child well-being' is also included in the 1997 legislation, it's much more vague, harder to measure and control for, and, therefore, easier to overlook. And that's what often happens."



**JUST BECAUSE YOU GIVE BIRTH DOESN'T MAKE YOU A PARENT.**

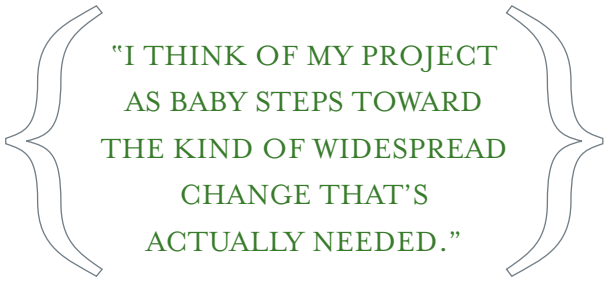


Trinkl Dougherty believes strongly that a child's overall well-being should be considered equally with his or her safety and permanency. "I think it's easy in a lot of cases to compartmentalize what is meant by safety, permanency, and well-being. In my view, they are all tied together—you take one out and you do a disservice to the other two. Not everyone would agree with me, but my view is if a child is not getting to the doctor, or if their school placement is not appropriate to their needs, their safety is in jeopardy and their placement is less likely to be stable. Right now, these issues are often ancillary to the court. The court mainly wants to know if the child is physically safe and in a home that is intended to be permanent. And if you've answered yes to those questions, in most cases, as far as the court is concerned, everything else is for a service plan, and it's up to the service provider to handle and not something that needs to be addressed by the court. It's basically left up to individual case workers and advocates to determine whether a child's well-being is being addressed."

For Trinkl Dougherty, that is just not good enough. She believes that attention to child well-being should be embedded in the court process, and she is using her Stoneleigh Center Fellowship to develop, study, and implement an advocacy model that places well-being at the center of each child's case. Her project centers on the two components of well-being that she and many other advocates believe are most critical to child development: physical health and behavioral health.

Trinkl Dougherty understands that there are other aspects of child well-being that need to be addressed. But she is realistic about what is doable in a three-year fellowship. "Any type of change within the legal system is very small. Over time, you see changes being made and new ways of thinking being adopted. I think of my project as baby steps toward the kind of widespread change that's actually needed."

Trinkl Dougherty is fortunate to have had a long and productive association with the Support Center for Child Advocates, the country's oldest and largest pro bono legal and social service agency for children. The organization not only houses her fellowship project, but provides a real-life setting in which she can develop and test her model. Approximately 100 cases of court-involved children, ages 10 to 14, are being drawn from the Center's caseload to form the basis of the study. Trinkl Dougherty is also using



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Child Advocates' long-established teamwork approach, where a social worker and an attorney collaborate on each case. In her project, she is working with these teams to review each case and select the most appropriate services for meeting each child's physical and behavioral health needs, as well as helping eliminate barriers to getting those needs met. "We are asking ourselves which strategies used by Child Advocates already work well and which ones need to be revised? Do we have adequate points of intervention in the behavioral and physical health areas? What tools, such as checklists, supervisory guidance, and other mechanisms can we embed in our practice to ensure that child well-being is being assessed and integrated into all our cases?"

During the second year of the fellowship, Trinkl Dougherty hopes to begin sharing her findings with other advocacy organizations, such as members of the National Children's Law Network, to get their feedback. Her overall goals are to develop a working example of how best to integrate physical and behavioral health issues into everyday practice; develop tools, such as model court orders and checklists, that include physical and behavioral health issues for use in dependency hearings; raise awareness in the field about the importance of working across disciplines; and make policy-level recommendations to the Philadelphia Department of Human Services, Pennsylvania Department of Public Welfare, and the courts for improving the overall well-being of court-dependent children.

Another key product of Trinkl Dougherty's work will be "medical passports" for each child whose case is included in the study. Passport binders will include the child's initial well-baby checkup, immunization records, current diagnosis, a list of the child's past and current doctors and medications, known allergies, dental care, and any special services required by chronic health conditions. She is adamant about the passport's importance, saying, "I think if we want kids to be engaged in their health,



we need to find a way to connect them to their medical history. Too often, kids are bumped from placement to placement and their medical records are lost along the way. I don't think there is widespread agreement in the field about how to create these passports. There are privacy concerns and no agreement as to who is the best keeper of the information—the child, the system, or the foster parents. This is something we will explore as part of this study.”

Trinkl Dougherty has already begun trying to pave the way for the changes she would like to see occur. Her project advisory group includes other local advocates as well as representatives from the Philadelphia Department of Human Services. This group is helping her think through the practicalities and challenges of integrating behavioral and physical health into dependency cases, including revising dependency court orders to address these issues.

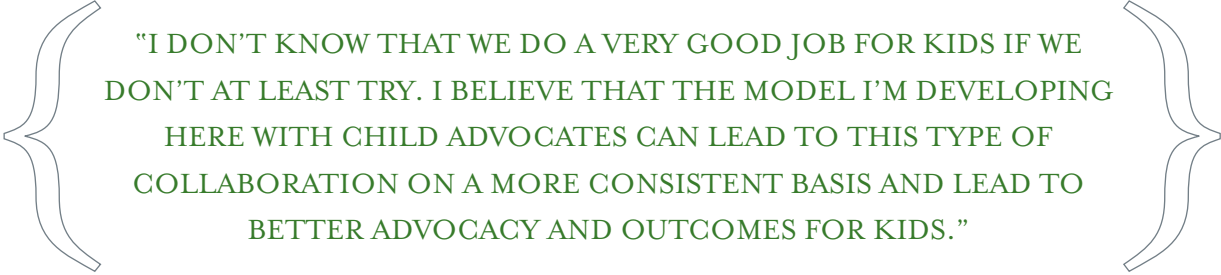
Trinkl Dougherty is quick to say that the challenges to change are huge. “We’re dealing with families’ lives, so change is not going to come quickly or easily. It took permanency more than 10 years to become a more stable, focused portion of child welfare policy and practice, and it seems to me that it may take just as long for well-being to be incorporated into the everyday parlance and practice of dependency or abuse and neglect cases across the country.”

Even if Trinkl Dougherty and other advocates are successful in elevating attention to child well-being in child dependency cases, an even bigger challenge will be the lack of appropriate services for children and parents with physical and behavioral health needs. Trinkl Dougherty explains that while there may be services available for kids and their families, particularly those receiving Medicaid, this does not mean they are the right services. For example, she says, “We send a mom who has been using overly aggressive physical discipline with her 7-year-old to the same parenting class as the mom who is frustrated with her 15-year-old. We call it parenting class, give them both a certificate, check a box, and say we’ve accomplished something. To me, that’s not meaningful.”

Trinkl Dougherty also believes that the lack of integrated planning and cross-system collaboration makes it difficult to provide the services children need. “When needed, I would love to see the Department of Human Services involve the medical and mental health community in crafting service plans. Sometimes it happens. There are people in the field, including those of us at Child Advocates, who are trying to work this way. But it’s hard for people to give up control and collaborate. I mean, it’s difficult to get 10 people around a table to talk about one child and what the health needs are according to the



*The mural-filled room where Trinkl Dougherty sees children creates a warm, inviting environment. Gabriel Tiberino of the Mural Arts Program painted the mural.*



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doctors, nurses, and occupational therapists when the parent, the parent’s attorney, the DHS worker, other providers, and I are there. It’s a challenge to create an environment where everyone feels they can be honest. It’s risky. I’ve had parents get up and walk out of the room. And then the doctors, nurses, and other providers who are involved with this parent are very upset about the downward spiral the relationship has gone through. But I think that this kind of integrated planning is so important, even if we hit these bumps in the road. I don’t know that we do a very good job for kids if we don’t at least try. I believe that the model I’m developing here with Child Advocates can lead to this type of collaboration on a more consistent basis and lead to better advocacy and outcomes for kids.”

Training in this new model is necessary and Trinkl Dougherty has already conducted three trainings: “The Unhealthy Truth: Healthcare and Children in the Courts” for approximately 70 advocates, judges, court administrators, and child welfare professionals at the National Forum

on Children, Families and the Courts; “Navigating the Behavioral Health System and Effective Advocacy for Child Clients in Dependency Court” for volunteer child advocate attorneys at two major Philadelphia law firms; and a session for new Child Advocates’ staff and law students on the representation of medically needy child clients. Given her years of experience, Trinkl Dougherty also knows that training, while important, will not be enough to change the system. “It’s one thing to sit in training; it’s another to incorporate what you’ve learned into everyday practice.”

If Christine Trinkl Dougherty’s years as a child advocate have taught her anything, it is to be clear-eyed and practical. She has learned that some people should not be parents, and that she cannot rescue every child. Trinkl Dougherty also knows that it will take time and tremendous effort before her work to place child well-being at the center of dependency cases pays off. “It’s baby steps,” she says, within a much larger, complex legal process. Still, she believes she is stepping in the right direction.

Stoneleigh Center is a Philadelphia-based foundation established to help improve the well-being of children and youth. Focused on work that promotes change in our country’s youth-serving systems, we meet our mission through fellowship awards that support outstanding individuals whose work unites research, policy and practice.

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