

Mental Health Legal Advisors Committee

Family Law Project Evaluation Final Report

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Prepared for

**Mental Health Legal Advisors
Committee, Family Law Project**
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THE HELLER SCHOOL
FOR SOCIAL POLICY
AND MANAGEMENT
Lurie Institute
for Disability Policy



National Research Center for Parents with Disabilities
Parents Empowering Parents
Padres Empoderando a Padres

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Executive Summary

People with serious mental illness, or psychiatric disabilities, are highly vulnerable to child custody loss and child welfare system involvement. These families often lack meaningful access to legal representation to assist them with family law and child welfare cases. In particular, attorneys are often too costly, and many lack knowledge about how to work effectively with parents with psychiatric disabilities. Further, legal services organizations, which serve people with low incomes, often have limited resources and may not be able to adequately meet the needs of parents with psychiatric disabilities.

In response, the Family Law Project provides legal advice, representation, education, and outreach for low-income parents with psychiatric disabilities who are involved in divorce, custody, and visitation cases as well as cases

Key Findings: Needs of Parents with Psychiatric Disabilities



Access to long-term, wide-ranging legal services for parents



Comprehensive and holistic legal services from legal service organizations



Professional knowledge and understanding of psychiatric disabilities



Formal and informal community-based supports for parents and their families

involving the child welfare system. This program is part of the Mental Health Legal Advisors Committee (MHLAC), was established in 1999, and is funded by the Massachusetts Department of Mental Health and the Massachusetts Bar Foundation. Parents with psychiatric disabilities are referred to the Family Law Project by the Massachusetts Departments of Mental Health or Children and Families, local and state bar associations, legal services organizations, private attorneys, judges, courts, and psychiatric rehabilitation clubhouse programs. Parents may also refer themselves. The Family Law Project has gained national attention for its programmatic approach and its guiding philosophies: while interventions can improve parenting skills of parents with psychiatric disabilities, mental health-informed legal services positively affect family preservation and parenting roles.

This report summarizes our Family Law Project evaluation, from the perspectives of former clients. We sought to understand parents' experiences and provide recommendations for improving both the Family Law Project and legal services for parents with psychiatric disabilities, generally. Notably, we did not receive funding from the Family

Law Project, the Massachusetts Department of Mental Health, or the Massachusetts Bar Foundation to conduct this evaluation. The Family Law Project, however, did cooperate on the execution of the evaluation.

We interviewed 12 individuals who received Family Law Project services between 2011 and 2016. Most participants interviewed for this project were women and identified themselves as white. Half of the participants had one child, and half had more than one child. One-quarter of participants lived with at least some of their children at the time of the interview. Most participants' youngest child was seven years of age or older. All participants reported household incomes below \$45,000, and more than half had household incomes below \$10,000. Nearly all participants reported receiving at least one government benefit (e.g., Supplemental Security Income, Social Security Disability Insurance, Transitional Assistance for Needy Families).

1. Summary of Key Findings

- **Access to wide-ranging and ongoing legal services is essential for parents with psychiatric disabilities.** Parents with psychiatric disabilities are highly vulnerable to loss of child custody and child welfare system involvement. It is imperative that these parents have access to adequate and affordable legal services for both family law and child welfare matters. Legal services should be ongoing to address custody-related matters as well as provide representation for other civil and criminal cases, as this is a population that experiences a range of vulnerabilities and related legal needs.
- **Understanding parents with psychiatric disabilities is crucial for legal professionals.** Attorneys and judges often lack expertise about psychiatric disabilities, which may negatively affect parents and their children. Limited knowledge may lead attorneys to overlook important case issues (e.g., the importance of treatment and medication), or judges to erroneously determine custody or visitation.
- **Legal services organizations must provide comprehensive, holistic services to parents with psychiatric disabilities.** Parents with psychiatric disabilities may need greater assistance from legal services organizations compared to what is typically needed by other parents. Specifically, they may need information in plain language, help with administrative tasks (e.g., paperwork assistance), and coordination and referral to other supports and services (e.g., therapists, public

benefits, housing). Such assistance should be provided by a program that offers both attorneys and social workers.

- **Community-based services and supports are important.** Informal (unpaid, e.g., friends, neighbors, family) and formal (paid, e.g., social service agencies, therapists) supports can be crucial for parents with psychiatric disabilities. Legal services organizations should work with community-based supports to meet their client's emotional, financial, health, housing, and transportation needs. Some families may need comprehensive services for multiple family members.

2. Introduction

Although prevalence estimates vary, people with psychiatric disabilities are as likely as other people to be parents.¹ Analyzing data from the 2008-2014 National Survey on Drug Use and Health, Stambaugh and colleagues² estimated 2.7 million parents (4%) had a serious mental illness, and 12.8 million parents (18%) had some form of mental illness. Luciano, Nicholson, and Meara³ estimated the prevalence of parenthood as 38% among women with serious mental illness and 23% among men with serious mental illness.

Parents with psychiatric disabilities often face multiple hardships. Compared to parents without psychiatric disabilities, they are more likely to be single and never married, have low incomes, have housing insecurity, and experience social isolation and stigma.³⁻⁷ Parents with psychiatric disabilities often raise their children without adequate formal support (paid, e.g., mental health service providers) or informal support (unpaid, e.g., family, friends).⁸⁻¹¹ Further, parents with psychiatric disabilities often have co-existing substance use disorders or other chronic conditions.⁵

Parents with psychiatric disabilities and their families are highly vulnerable to child welfare system involvement and loss of child custody.¹² Strikingly, a recent analysis found parents with psychiatric disabilities were eight times more likely to be involved with the child welfare system and 25 times more likely to have their children removed from the home, compared to the general population.¹³ In one study, mothers with psychiatric disabilities were roughly three times more likely than other mothers to have been involved with the child welfare system or have experienced involuntary removal of their children from their homes.¹⁴ Other studies have similarly found high rates of child welfare system involvement and child custody loss among parents with psychiatric disabilities.^{4,15-17}

Despite its importance, parents with psychiatric disabilities often lack access to meaningful legal representation when facing child welfare system involvement or loss of child custody.¹⁸⁻¹⁹ In a study of 45 parents with psychiatric disabilities who were separated from their children, only parents who received both legal representation and mental health services regained custody.¹⁵ Barriers to obtaining legal representation include cost and the paucity of attorneys who understand the needs and experiences of parents with psychiatric disabilities.¹⁸⁻¹⁹ Additionally, legal services organizations often lack the resources to effectively represent parents with psychiatric disabilities.²⁰ The Family Law Project has sought to fill this gap by providing legal representation to parents with psychiatric disabilities who face the loss of custody or visitation.

The purpose of this study was to investigate how former clients of the Family Law Project perceived the services they received as well as their interaction with the legal system. Specifically, we sought to understand these parents' experiences and identify their recommendations for improving both the Family Law Project and legal and support services for parents with psychiatric disabilities, generally. We also examined the experiences these parents had with the family court process.

In the following chapters, we provide an overview of the Family Law Project (Chapter 3), evaluation methods (Chapter 4), evaluation findings (Chapter 5), and conclusions and recommendations (Chapter 6). Additional methodological details (e.g., recruitment materials, informed consent documents, interview protocol), are provided in appendices.

3. Program Overview

The Family Law Project (formerly the Family Legal Support Project or FLSP) is a program of the MHLAC, which is located in Boston, Massachusetts. The Family Law Project was established in 1999 as a two-year project funded by the Massachusetts Bar Foundation and Equal Justice Works (formerly the National Association of Public Interest Law).²⁰⁻²¹ It was established in collaboration with Employment Options, Inc., in response to the organization's strategic planning committee of stakeholders who recognized the need for legal consultation, representation, education, and advocacy for parents with psychiatric disabilities who attended their program.^{20, 22} Employment Options, Inc., is one of approximately 30 community-based rehabilitation and support programs in Massachusetts that offers people with psychiatric disabilities a range of services, including helping with employment, education, housing, and family support.

Today, the Family Law Project is funded by the Massachusetts Department of Mental Health and the Massachusetts Bar Foundation, and provides legal advice, representation, education, and outreach for low-income parents with psychiatric disabilities who are involved in divorce, custody, visitation, or child welfare system cases.²⁰ Parents can be referred to the Family Law Project by the Massachusetts Departments of Mental Health or Children and Families, local and state bar associations, legal services organizations, private attorneys, judges, courts, clubhouses, and other community agencies. Parents may also refer themselves. The Family Law Project has gained national attention for its program as well as its guiding philosophies: interventions can improve parenting skills of parents with psychiatric disabilities, and integrated legal services positively affect family preservation and parenting roles.²⁰⁻²¹

The Family Law Project consists of one full-time Supervising Attorney. Throughout the year, the project has one or two legal interns who work directly with clients and maintain their own caseloads. Interns also assist with outreach activities. Further, the MHLAC intake staff provide information, advice, and referrals to parents.

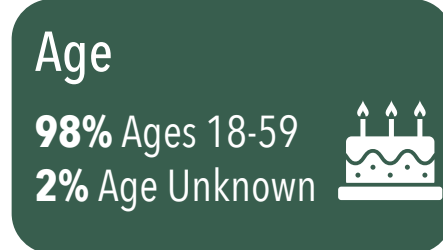
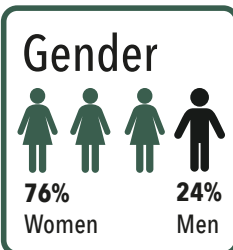
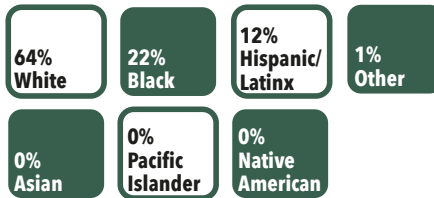
Between September 1, 2018 and August 31, 2019, the Family Law Project provided full representation in Probate and Family Court to 28 parents with psychiatric disabilities (and brief service or advocacy to an additional 22 parents). Of these 28 full representation cases, 12 resulted in increased parental contact with their children, and six parents maintained or regained custody of their children. Also, the Family Law Project Supervising Attorney and the MHLAC intake staff provided information, advice, referrals, and brief

service to an additional 167 parents. Of those, MHLAC gave brief assistance to 15, technical assistance to 4, and referred the remaining 148 clients for representation elsewhere. **Table 1**, on the following page, presents demographic data on the clients served by the Family Law Project between September 1, 2018 and August 31, 2019. Demographic data for the participants included in the current evaluation study are presented in Chapter 5.

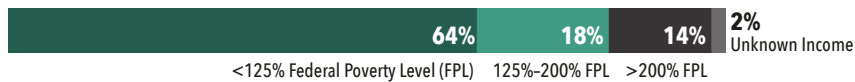
50 clients



Race or Ethnicity



Household Income



MA County of Residence

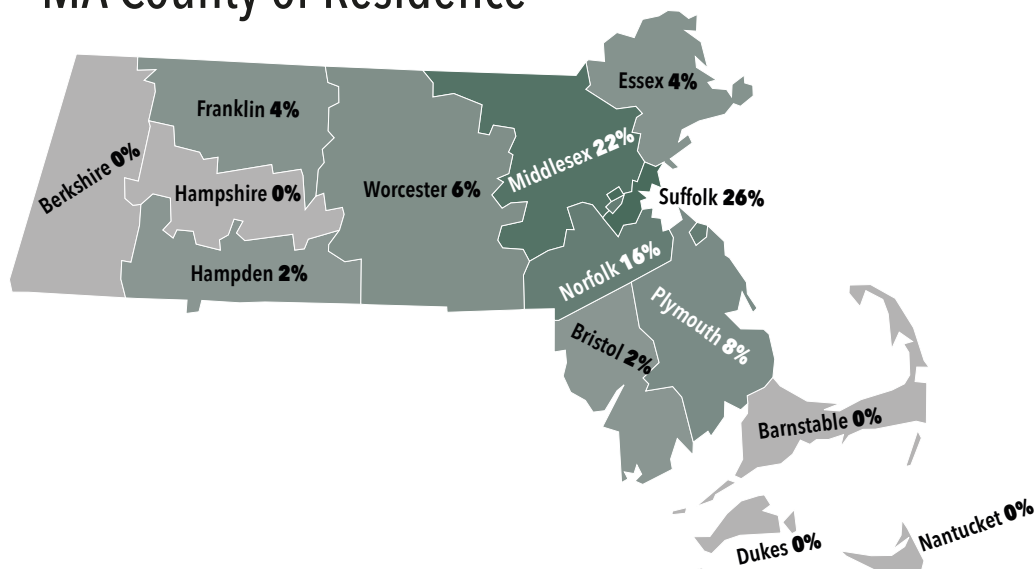


Table 1. Client Characteristics (September 1, 2018 - August 31, 2019) (N = 50)

| Characteristic | N (%) |
|------------------------------|--------------|
| Gender | |
| Women | 38 (76) |
| Men | 12 (24) |
| Age (years) | |
| 18-59 | 49 (98) |
| Unknown | 1 (2) |
| Income ^a | |
| Below 125% of FPL | 32 (64) |
| Between 125% and 200% of FPL | 9 (18) |
| Above 200% of FPL | 7 (14) |
| Unknown | 2 (4) |
| Race/Ethnicity | |
| Asian | 0 (0) |
| Black | 11 (22) |
| Hispanic | 6 (12) |
| Pacific Islander | 0 (0) |
| Non-Hispanic White | 32 (64) |
| Native American | 0 (0) |
| Other | 1 (2) |
| County Residency | |
| Essex | 2 (4) |

| | |
|--------------|---------|
| Middlesex | 11 (22) |
| Norfolk | 8 (16) |
| Suffolk | 13 (26) |
| Barnstable | 0 (0) |
| Bristol | 1 (2) |
| Dukes | 0 (0) |
| Nantucket | 0 (0) |
| Plymouth | 4 (8) |
| Worcester | 3 (6) |
| Berkshire | 0 (0) |
| Franklin | 2 (4) |
| Hampden | 1 (2) |
| Hampshire | 0 (0) |
| Out of State | 5 (10) |

Note: Data based on the final report submitted to the Massachusetts Bar Foundation by the MHLAC.

^a 2018 HHS Poverty Guidelines: Yearly salary at 125% for a single person: \$15,175; for a family of 4: \$31,375. Yearly salary at 200% for a single person: \$24,280; for a family of 4: \$50,200.

4. Methodology

This project is part of the National Research Center for Parents with Disabilities (www.centerforparentswithdisabilities.org), a larger, multi-year collaborative project that aims to support parents with disabilities. The Institutional Review Boards (IRB) at Brandeis University and the Massachusetts Department of Mental Health approved this project. This study was designed to evaluate the Family Law Project from the perspectives of former clients. Specifically, we sought to understand these parents' experiences and identify their recommendations for improving both the Family Law Project and legal services for parents with psychiatric disabilities, generally.

4.1. Sampling and Recruitment

Our inclusion criteria for participation in the evaluation were: (1) be a parent with a psychiatric disability; (2) received legal representation from the Family Law Project between 2011 and 2016; (3) speak English; (4) be aged 18 years or older; and (5) have income below 200% of the federal poverty level. Psychiatric disability and low-income status were assumed because the Family Law Project screens all individuals for a psychiatric disability and income eligibility. The sample included individuals living across the Commonwealth of Massachusetts.

Participants were recruited using convenience sampling.²³ To maintain client confidentiality, the Family Law Project oversaw all aspects of recruitment. The Brandeis University research team did not have any names or contact information for former clients unless the clients contacted the research team in order to participate in the study. Recruitment occurred between April and September 2017.

In April 2017, Family Law Project staff mailed an informational flyer (**Appendix A**) to approximately 50 former clients who were served between 2014 and 2016. During this first wave of recruitment, only three individuals expressed interest in participating in the study, and many flyers were returned undeliverable, indicating the clients were no longer living at the same addresses. In May 2017, we expanded recruitment to individuals who had been served between 2011 and 2016; flyers were mailed to approximately 40 additional individuals. Again, many flyers were returned as undeliverable; three additional individuals contacted us to join the study. In May and September 2017, the Family Law Project emailed the flyer to former clients they served between 2011 and 2016.

Twenty individuals contacted the research team to express interest in participating. One individual was ineligible because he did not speak fluent English. Seven individuals missed their scheduled interviews and did not respond to follow-up correspondence. The final sample included 12 former Family Law Project clients.

4.2. Data Collection

Interested individuals contacted the research team by telephone or email. During the initial communication, we explained the study and screened the individual for eligibility. Interviews were scheduled with individuals who met the inclusion criteria and were interested in participating.

Verbal consent was obtained before the telephone interview began. Specifically, the interviewer read the verbal consent script (**Appendix B**) to the participant, summarized the study, described the potential risks and benefits of participating, explained the confidentiality measures taken to protect the participant's privacy, and requested permission to audio-record the interview. The interviewer answered the participant's questions and obtained verbal consent, which was documented. All eligible parents agreed to participate.

One of two trained research assistants conducted the semi-structured telephone interviews. Each interview lasted approximately one hour. Interviews followed an interview guide (**Appendix C**), which was developed by the research team and based on a comprehensive literature review. Before we began collecting data, we conducted cognitive interviews with two former clients of the Family Law Project to pilot the interview guide and ensure interview questions were clear and understandable.²⁴⁻²⁵ No changes were made to the interview guide because no problems arose during the pilot test, and pilot participants did not make any suggestions to change the interview guide.

Interviews were audio-recorded and professionally transcribed. A member of the research team reviewed each transcript to ensure accuracy and redact identifying information. All participants received a \$50 gift card to thank them for their time and contribution to the evaluation.

4.3. Data Analysis

We used traditional content analysis to iteratively and inductively analyze the data.^{23, 26-27} A member of the research team first reviewed five randomly-selected transcripts, conducted line-by-line, in-depth analysis, and identified a preliminary set of

codes. The research team reviewed the codes, and a codebook with themes and sub-themes was developed. Next, under the supervision of the study's principal investigator, a research team member coded all transcripts. Throughout the coding process, the codebook was refined as new themes emerged. The final codebook, which included themes, sub-themes, and definitions, was approved by the entire research team. We used the online software *Dedoose* to manage analysis.

5. Findings

This section describes findings from our interviews with former clients ($N = 12$) of the Family Law Project. First, we report the demographic characteristics of the study participants. Next, we organize study findings thematically, based on needs identified by the participants. We conclude this section with the participants' recommendations for improving both the Family Law Project and legal services for parents with psychiatric disabilities, generally. These findings are presented with case participant quotes.

5.1. Participant characteristics

Table 2 presents the participants' demographic characteristics. Most interviewees were women (83%) and self-identified as white (59%). Half of the participants had one child, and half had more than one child. Only 25% of the participants lived with their children at the time of the interview. Most participants' (84%) youngest child was seven years of age or older.

All participants had household incomes below \$45,000, and more than half (58%) had household incomes below \$10,000. Nearly all (92%) participants received at least one public social welfare benefit. Three-quarters of participants received Supplemental Security Income (SSI) or Social Security Disability Income (SSDI), and three-quarters received Medicaid. Four participants (34%) received Supplemental Nutritional Assistance Program (SNAP) benefits (formerly food stamps), and only one participant (8%) received Temporary Assistance for Needy Families (TANF; welfare) benefits.

Table 2. Demographic Characteristics of Sample (N = 12)

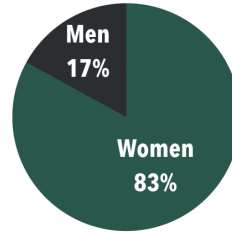
Participant Demographics



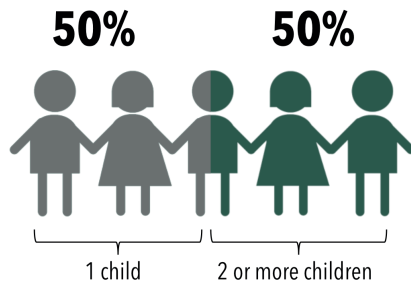
12 participants



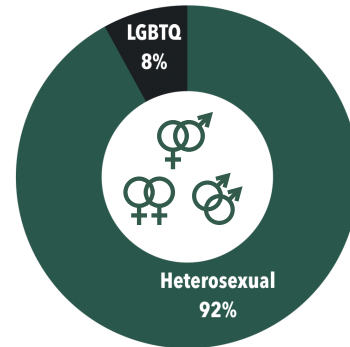
Gender



Number of Children



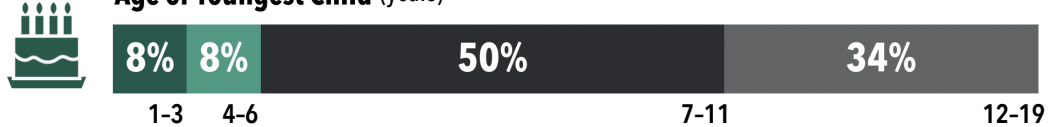
Sexual Orientation



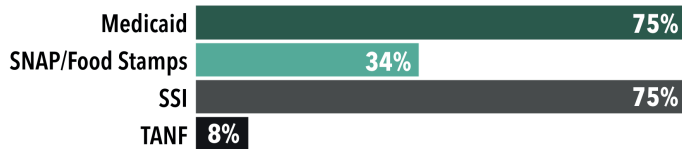
Household Income



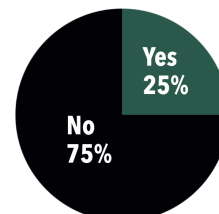
Age of Youngest Child (years)



Public Benefit Use



Children at Home?



5.2. Needs of Parents

We identified four broad themes indicating the supports parents reported needing around the time the Family Law Project represented them: (1) meaningful legal services; (2) social support networks; (3) comprehensive community-based services and supports to assist parent and family; and (4) financial assistance. Not all of these needs can be satisfied by the Family Law Project or similar legal services programs. Nonetheless, they shed light on what parents with psychiatric disabilities perceive as important as they face the possible loss of child custody. Further, addressing the needs parents report having indicate they may be critical in helping parents build their legal cases and support their families. Thus, legal services organizations should consider these needs and refer parents to community-based services and supports as appropriate.

5.2.1. Meaningful legal representation

Nearly all participants identified the importance of having access to meaningful legal representation as an essential support need. Such legal services must include attorneys who have a strong understanding of psychiatric disabilities, according to the participants. To that end, most participants reported positive experiences with the Family Law Project, primarily because they felt their attorney understood their psychiatric disabilities. For example, reflecting on her experience with an attorney at the Family Law Project, one participant remarked, *“she had a complete understanding of mental health, especially bipolar disorder.”* This participant further explained that she appreciated her attorney’s understanding of how her disability affected her day-to-day activities as well as how certain situations, such as interactions with her ex-husband, triggered her symptoms. Feeling like their attorney understood psychiatric disabilities also empowered some participants to speak more freely. One participant was impressed her attorney wanted to hear directly from her about her disability: *“...we talked about my case, about my mental health. . .*

Lawyers need some education on mental health and how to treat people like they’re people, really...Especially at a time when someone is so desperate, in need of help and has nowhere else to turn.

Former client of the Family Law Project

[S]he wanted to know exactly about my mental health, bluntly, no hiding things, so she can help me.” Another participant remarked, “I didn’t have to hide anything about how [my case] inflamed my disorder. I wouldn’t have been able to get that at any other law firm, I’m sure.”

Several participants explained how their Family Law Project attorney’s knowledge about psychiatric disabilities was demonstrated by actions their attorney took. For example, one participant stated, *“She’s very understanding. She understands when I’m on the phone and I’m rushing, talking over like adrenaline, every situation that’s causing severe anxiety. She’s very good at advising me when I’m having a panic attack regarding a paper my ex-husband sent.”* Another participant appreciated her attorney’s ability to keep her calm during stressful situations, such as in the courtroom. That participant also reported liking

how her attorney checked in with her before going to court and asked, *“How are you feeling? Are you feeling good? Did you take your meds this morning?”* Other participants

similarly reported their attorney’s understanding of psychiatric disabilities made interactions less stressful. For example, a participant felt his

Family Law Project attorney responded well to his anxiety: *“...she basically explained... situations to put my anxieties at ease.”*

Participants also reported valuing their Family Law Project attorney’s understanding of their medications and treatments. One participant explained how her attorney’s knowledge about her medication and its side effects helped during her case. Another participant reportedly appreciated her attorney’s encouragement to see her therapist weekly. Further, one participant explained that her attorney understood her disability and treatment, and was able to explain it to the judge and opposing counsel. This participant also noted their attorney was able to provide such explanations in a non-derogatory manner.

Several participants noted the importance of receiving attorney assistance with tasks beyond the courtroom. For example, custody and visitation cases often involve significant paperwork, and many participants explained how they valued their attorney’s help with gathering and completing necessary documents and information. In particular, some participants found the paperwork demands were highly stressful. One participant

She’s very understanding. She understands when I’m on the phone and I’m rushing, talking over like adrenaline, every situation that’s causing severe anxiety. She’s very good at advising me when I’m having a panic attack regarding a paper my ex-husband sent.

Former client of the Family Law Project

described how much she appreciated her attorney's assistance, remarking, *"I don't know what I would have done on my own."* Receiving paperwork-related assistance was reported as especially helpful for participants with strict court-imposed timelines.

Many participants also reported appreciating the extra time their attorney took to explain the legal process and terminology. One participant said having his attorney explain things as his case progressed was *"an essential service."* Another participant noted his attorney *"is very knowledgeable, and she knows how to explain things to me the way that I would understand."* Other participants indicated their attorney used *"simple words"* to explain what was happening throughout their case. One participant liked how her attorney's intern sat with her in the courtroom and explained things as they happened. Frequent communication, including emails, was also noted by participants as an essential way their attorney explained things.

Additionally, some participants appreciated the time their Family Law Project attorney took to coordinate with others (e.g., opposing counsel, the other parent, family members, and service providers) and refer them to additional community-based supports and services. Although some coordination or referrals were not directly related to their cases, parents felt this type of assistance ensured their family was supported best. For example, some participants had their attorney communicate with their case managers from mental health services agencies or therapists to learn more about the participant's mental health diagnosis and services and supports they were receiving. Other participants explained that having their attorney communicate with their informal support system, such as family members, *"helped a lot"* because their support person could then better explain the case and provide help as needed. Further, some participants noted that their attorney referred them to useful community-based supports and services, including therapists, government benefits, insurance, and transportation.

Although most participants generally reported positive experiences with the Family Law Project, some expressed frustration because they were unable to receive legal representation beyond their original case. In some instances, they described legal issues as a continuation of or related to their representation by the Family Law Project. In other instances, participants needed legal representation for matters not directly related to child custody or visitation.

Several participants explained issues related to their custody or visitation cases extended beyond their representation. These participants had contacted the Family Law Project for additional assistance but were told their case could not be reopened. Participants also described difficulty obtaining representation from other legal services organizations or private firms, in part because attorneys often lack knowledge about

psychiatric disabilities. One participant who needed legal representation because she had not seen her son in over a year remarked, *“I’m not...a normal average person, I have a mental condition. It’s not like I can just get off the phone, get in my car, and go to the courthouse and wait to get a lawyer...file all these and file all that. I have no idea – I know the system but I’m just not capable. I need help.”*

Another participant similarly reported having trouble finding an affordable and knowledgeable attorney to assist her seek visitation with her daughter. She explained, *“I wish I could get the help legally that I need because I need to understand how to go about seeing my daughter again. And I need somebody...on my side.”* Other participants noted issues related to custody and visitation disputes often continue beyond the time at which their case was closed. For example, one

reported the Family Law Project told her they could not help her get the other party to comply with a visitation agreement: *“I felt like I was back on my own again and I do feel that way now... I wish there was a little bit of follow-up...I understand they have limited resources and that they’re not going to always be here for everybody.”*

I just kind of gave up. It’s mentally draining.

Former client of the Family Law Project

Similarly, another participant reported being told the Family Law Project could not represent her with her visitation problems. The participant said she *“just kind of gave up. It’s mentally draining.”*

Additionally, some participants explained having difficulty securing legal representation for issues not directly related to their original cases. Participants expressed challenges finding assistance with matters related to denials for government benefits, housing discrimination, and criminal cases. One participant described trouble retaining an attorney to assist her with issues related to her son’s psychiatric disabilities: *“I really need... consistent legal advocacy for me and my son.”*

5.2.2. Social support networks

Custody and visitation disputes are often stressful, and several participants noted how important their strong social support networks were to help them throughout their case. Specifically, informal supports (e.g., spouses, family members, friends, peers, church members) often provided needed emotional support. One participant explained, *“...my family has been supportive. They’ve always been there with my kids...”* Another participant felt her fiancé provided valuable support during her custody case, noting he drove her

meetings with her attorney, helped her financially, and attended court hearings with her. She went on to explain how his understanding of her psychiatric disability helped her, *“So, he has a very good idea of what’s one thing and what’s not. So, he knows when I’m not feeling okay, he’s like ‘okay here’s your medication. You need to go to bed early and relax, listen to some music or go to the gym.’ He’s been a massive support. I can basically solely rely on him to back me up, and then not just like to be able to go to court...But I’ve seen him in my good and my bad days, you know. But he’s very supportive of listening and so is his mother.”*

Peer support from others with similar lived psychiatric disability experiences was reportedly useful for some parents. One participant mentioned, *“I do have lots of support from group therapy. So, you know, I’ve met friends from there but, those are my biggest supports.”* Friends and fellow church members were also important. One participant described, *“I became very involved with the church and have very good friends for the family and support through my church. So, it’s just been clinging to all of that stuff and using it and getting myself better.”*

While some participants benefited from having strong social support networks, others described social isolation and wishing they had informal supports. One participant remarked: *“Right now, I’m going to say, I’m not sure. I think my friends. I have a therapist, too...And, I grew up in a family-oriented culture and society and to me, my parents and siblings and my husband are supposed to be a support, but I don’t have a husband right now. I have a minor child.”*

Another participant explained her parents went to court with her to give her emotional support; however, she has since lost contact with them.

Some participants felt their psychiatric disabilities impacted their ability to develop strong social support networks. One participant, for example, noted, *“I have depression, major chronic depression and because of that, I kind of just got uninvolved with people, you*



I grew up in a family-oriented culture and society and to me, my parents and siblings and my husband are supposed to be a support, but I don’t have a husband right now. I have a minor child.

Former client of the Family Law Project

know. Didn't feel like doing anything or talking to anyone so I lost friends and stuff." Another participant said, "I've been a hermit the last two years, the only one I talk to is my friend [name]. I don't talk to anybody else. So, that's why my drinking and my bulimia got really bad because I just isolated myself." Further, one participant felt her psychiatric disabilities affected how others view her, stating, "My mental health is a sickness, people don't see mental health as that – they see it more like 'she's crazy, like she's bat shit crazy, like she'll do this and that.' So, you know, I isolated from my friends because of the lack of understanding."

5.2.3. Comprehensive community-based services to assist parent and family

Several participants described the importance of having comprehensive community-based services and supports to help with coping throughout their cases and caring for their children after their cases ended. In particular, access to comprehensive mental health services, especially therapists and psychiatrists, was crucial for many participants' well-being. One participant described her mental health care providers as her "biggest supports." Another participant noted that her therapist was far more supportive than her family. Several participants discussed how having access to mental health care was important while dealing with custody or visitation disputes. For example, one participant appreciated her attorney's encouragement to continue seeing her mental health care providers throughout her case so she could demonstrate to the court she was receiving adequate services and was emotionally supported. Another participant explained, "I think all of these things play into my case that I am absolutely dedicated to my recovery, never-ending recovery."

Case management services, visiting nurses, and peer supports were also identified as necessary community-based services and supports. For example, one participant explained he attended a clubhouse where he received help applying for government benefits, locating mental health services, and accessing peer supports. Another participant

Community-Based Support Systems



Case Management



Household Services



Domestic Violence Shelters



Clinicians



Peer Mentors



Counseling and Therapy



Benefit Assistance

indicated her case manager assisted her with household chores: *“Because when I get stressed, everything is around [the house] and then I get worse and I go into manic depression.”* One participant also mentioned the importance of receiving domestic violence shelter services.

Some participants also described the comprehensive services they received to support both them and their children. For example, one participant had wrap-around services, including a clinician, peer mentor, and parenting support. The parent reported that this *“team of support”* helped her to adequately care for her child, who also had a psychiatric disability. Other participants similarly valued counseling services and in-home therapy for themselves and their children.

Conversely, inadequate community-based supports and services for the parent and family were identified as unmet needs by some participants. For example, one participant discussed needing dual-diagnosis services to treat her psychiatric disabilities, including an eating disorder, as well as her substance use disorder. After having trouble finding useful services, she committed herself to a hospital. She explained she had been trying to find a rehabilitation facility but could not locate one that would accept her. Other participants discussed wishing they could attend support groups for parents with psychiatric disabilities or have access to peer supports.

In addition to having access to comprehensive mental health care for themselves, some participants wanted support for their whole family. One participant remarked, *“I wish there would be somebody who could help me and walk with me in a way during the emergency situation and difficult time.”* Some participants reported needing childcare assistance. A few participants described difficulty finding childcare as they were dealing with their cases. For example, one participant had trouble finding someone to watch her child while she was in court or meetings: *“I wanted to start some kind of daycare every week where people can almost share the care.”* Not having someone to care for her son was *“a big problem.”* A single father explained he was unable to work because he did not have access to affordable childcare.

I wish there would be somebody who could help me and walk with me in a way during the emergency situation and difficult time.

Former client of the Family Law Project

5.2.4. Financial assistance

Parents' Financial Barriers

 **Housing**
"How do you explain to people when you're in the middle of a case, that 'oh, by the way, I'm on the street?'"

 **Income**
Expenses like child support payments, legal fees, and other custody- and visitation-related needs may cause or exacerbate financial hardship among parents with psychiatric disabilities.

 **Food**
"Even today, my kids aren't in school and I'm supposed to have them for a few days. But because I'm broke until the end of the week and I don't really have food or anything, he's not going to help. And so, I just don't get to see my kids."

 **Transportation**
Some parents couldn't afford cars or car repairs they needed to visit their children and attend meetings.

Finally, some participants reported chronic economic hardships and material deprivation, suggesting a need for financial assistance. The hardships these participants reported are particularly notable since most received government assistance (e.g., SSI, SSDI). Thus, it seems these services may not be sufficient for families. Some participants had difficulty affording legal representation and matters related to their custody or visitation cases. For example, one participant said she had *"no money"* because she had to pay her ex-husband both child support and a portion of the mediation costs. Another participant said she wanted to modify her custody agreement but could not find an attorney because she was *"very poor."*

Financial and material hardships also affected some participants' abilities to care for their children. One participant said she

only receives SSDI and because she has to pay child support, this creates *"a lot of challenges financially."* She further explained how her limited income impacted her ability to visit her

children: *"Even today, my kids aren't in school and I'm supposed to have them for a few days. But because I'm broke until the end of the week and I don't really have food or anything, he's not going to help. And so, I just don't get to see my kids."*

Another participant was concerned that her homelessness during her custody case could affect the case's outcome: *"How do you explain to people when you're in the middle of a case that, oh by the way, I'm on the street?"* She also worried her attorney and therapist would be unable to

How do you explain to people when you're in the middle of a case that, oh by the way, I'm on the street?

Former client of the Family Law Project

contact her since she did not have an address. Other participants said they could not afford a vehicle. One participant was concerned about managing an emergency with her children because she did not have a car. Another participant explained that since they could not afford to fix their car, they were unable to visit their children. Further, some participants noted difficulties affording food for themselves and their children.

5.3. Recommendations for improving legal services for parents with psychiatric disabilities

Participants provided recommendations to improve legal services for parents with psychiatric disabilities. Some were general and some were specific to the Family Law Project. **Table 3** presents five themes related to recommendations for improving legal services: (1) ensuring parents have a voice; (2) understanding of psychiatric disabilities; (3) continuity of services; (4) access to additional services and supports; and (5) responsive and reflective services. These themes overlap.

Table 3. Recommendations for improving legal services

| | |
|---|---|
|  <p>Ensuring parents have a voice in the services they receive Legal services personnel must listen to the wants and needs of parents with psychiatric disabilities</p> |  <p>Understanding of psychiatric disabilities Legal services personnel must have an in-depth knowledge about psychiatric disabilities</p> |
|  <p>Continuity of services Legal services for parents with psychiatric disabilities should be ongoing and wide-ranging</p> |  <p>Access to additional services and supports Legal services personnel should ensure that parents with psychiatric disabilities have access to community-based services and supports</p> |
|  <p>Responsive and reflective services Legal services must respond to the needs of parents with psychiatric disabilities and should include personnel with lived experience</p> | |

5.3.1. Ensuring parents have a voice in the services they receive

Parents with psychiatric disabilities are a marginalized population. Several participants reported feeling “*voiceless*.” They felt they lacked control of their cases and reported feeling their attorneys often ignored them. While most of these negative experiences did not involve Family Law Project attorneys, some did. One participant felt

frustrated because her attorney did not always consider her opinions. She went on to say she thinks attorneys should “...listen a little bit more to their client, you know, like really listen to the client.” Similarly, another participant explained, “I needed a very strong advocate for me to help my son and my voice was totally not heard. I felt very voiceless and very humiliated.” She went on to say, “It would have been very helpful if [the attorney] had thoroughly worked my voice into consideration.” Another participant reported her attorney “ignored and stigmatized” her, and did not support her in gaining custody of her children.

Ensuring parents with psychiatric disabilities have a voice also means viewing them as experts on themselves and their family. For example, one participant felt everyone else knew what was best for her child: “It seems like the social worker or the lawyer or somebody else knew about my child more than I do...but I know my son, my child, more than anybody else, I believe. I was not considered an expert of my life or my child’s life, and that was the most hurtful thing.”

5.3.2. Understanding of psychiatric disabilities

Improving Parents’ Interactions with Attorneys



Attorneys need comprehensive training and education on psychiatric disability and parenting



Attorneys can learn about the experiences and needs of parents with disabilities by getting to know them personally

As previously described, many participants described the need for attorneys to have a strong understanding of psychiatric disabilities. Most participants felt the Family Law Project attorneys possessed this knowledge but most attorneys did not understand mental health. Thus, several participants discussed knowledge of mental health by the legal profession as a recommendation for improving legal services. While one participant felt her attorney understood the law, she did not think the attorney considered her psychiatric disabilities: “I think as far as the mental health issues, [the attorney] just has to be more aware of why the person’s there. We’re here because we need help because obviously mental problems are the reason we aren’t seeing our child.” Another participant recommended: “Lawyers need some education on mental health and how to treat people like they’re people, really. You know, especially at a times when someone is so desperate, in need of help and has nowhere else to turn. And then they get a lawyer who makes them feel worse. But you need that lawyer. I don’t know if other lawyers are the same but they really need some empathy courses.”

Some participants explained an attorney's understanding of psychiatric disabilities was demonstrated through interactions. One participant felt it was important for the client and attorney to be candid with one another, explaining attorneys should encourage their clients to *“seek help and be honest.”*

5.3.3. Continuity of services

As described above, some participants identified a need for ongoing access to legal services to assist them with additional matters. Notably, several participants recommended continuity in representation as essential for improving legal services. For example, one participant said, *“If something happens in the future because of my mental health status, I think there should be some kind of help.”* This participant went on to explain frustration because she had trouble finding an attorney to assist her once her case with the Family Law Project was complete. Another participant who had requested additional assistance from the Family Law Project remarked, *“They will not take your case back. What’s up with that? Because I needed legal help again I had to power through.”* Likewise, another participant wanted to go back to court to modify her visitation agreement noting, *“I wish there was a little bit of follow-up...I understand they have limited resources and they’re not always going to be there for everybody and be able to solve [everyone’s issues].”* One participant reported the Family Law Project suggested she go to the courthouse and get a court-appointed attorney. However, she felt uncomfortable doing so as most attorneys lack understanding of psychiatric disabilities. One participant remarked, *“I wish the help was continuous,”* and another said, *“People will need to reopen the cases if it doesn’t go smoothly...Normally you can call your lawyer if you have money.”* Numerous participants reiterated the need for continuing legal services related to their original cases. One noted: *“I wish I could go back to the Mental Health Legal Advisors Committee and I wish I could get the help legally that I need because I need to understand how to go about seeing my daughter again. And I need somebody on my side that I feel is on my side.”*

5.3.4. Access to additional services and supports

Participants also described the importance of having access to community-based services and supports to assist with their parenting roles. While providing these services may be beyond the scope of legal services, attorneys need to ensure their clients are connected to community-based services providers. For example, one participant recommended parenting classes specifically for parents with psychiatric disabilities: *“I*

know people in Massachusetts have a parent class before divorce. But classes for parents with mental health issues would be ideal.” She also said the parent without psychiatric disabilities should attend a program to learn about mental health: *“The other parent should understand that mental health does not mean you’re crazy or that you’re going to harm or do crazy shit with a child.”*

Several parents recommended more mental health services. One participant explained the need for peer supports for parents with psychiatric disabilities: *“There really should be some type of support group for – actually, I was going to say mothers, but no. Fathers that are single and single parents period, especially with mental health issues.”* Participants also reported attorneys must be proactive in assisting clients access mental health services. One participant explained that attorneys should *“give the client avenues to stay healthy and get help for their mental disabilities.”* Another participant stated it was important for attorneys to *“help them get better, not just like help them with the court issues, but to help them seriously with their mental health. If they’re not in counseling, encourage them to go get some counseling.”*

While most participants were experiencing problems with custody or visitation matters, a few were involved with the child welfare system. Those participants explained it was difficult to retain adequate, informed representation in child welfare cases. Accordingly, these participants recommended increasing legal services for parents with psychiatric disabilities who are involved with the child welfare system.

5.3.5. Responsive and reflective services

A few participants felt legal services should be more responsive to their needs. One participant explained, *“I know [the attorney] had a heavy caseload, and I don’t know if anything else could have been done. It just felt like maybe [the attorney] could have been more proactive in helping me get my kids back.”* Another participant reported wanting more contact with her attorney. Her case took over a year, and she felt she was often unaware of what was happening with her case.

Further, participants recommended that legal services for parents with psychiatric disabilities reflect their clients better. One participant said, *“I wish they had more resources and more staff and more diverse people working with them. I think there needs to be a collaboration with somebody like me.”* In addition to greater racial and ethnic diversity, to reflect the parent population, this participant’s comments also demonstrate the importance of peer supports, including peer advocates.

6. Discussion and Conclusion

This report describes findings from interviews with 12 former clients of the Family Law Project. Their experiences provide valuable information for improving both the Family Law Project and legal services for parents with psychiatric disabilities, generally, including the development of future programs, services, and supports. Specifically, data from this project illustrates both challenges and promising practices for meeting the needs of parents with psychiatric disabilities. Findings from this study also demonstrate the importance of integrated community-based services that can meet the psycho-social and legal needs of parents.

6.1. Strengths and limitations

A key strength of this project is the inclusion of new and much-needed information about the experiences and perspectives of parents with psychiatric disabilities who are facing the loss of child custody. Limited information exists about legal representation for parents with psychiatric disabilities, and this project begins to fill that void. Additionally, our interviews were comprehensive, which allowed us to understand these parents' needs and experiences both inside and outside of the legal system. Certainly, the inclusion of the perspectives of parents with psychiatric disabilities is essential to developing and implementing interventions that support them and their families adequately.

We also acknowledge several limitations of this project. The study's sample is modest and was limited by significant recruitment challenges. Recruitment of people from marginalized communities, including people with psychiatric disabilities, is an ongoing problem for researchers,²⁸ and proved difficult here. Many of the recruitment flyers returned as undeliverable, suggesting many former Family Law Project clients moved since receiving services. This pattern is consistent with the significant housing instability experienced by people with psychiatric disabilities.²⁹ Importantly, however, we did have some success recruiting through email, indicating that technology may be an effective way to reach this population in future research.

In addition to recruitment challenges, this study lacks generalizability. Participants were limited to former Family Law Project clients and may not reflect the perspectives and experiences of the general population of parents with psychiatric disabilities. Study participation was voluntary, and participants may have had experiences that are not representative of former Family Law Project clients who declined to participate in the

study. Recall bias is also possible as some participants had received services several years ago. This sample lacks heterogeneity, as most participants were white and mothers, and future research about parents with psychiatric disabilities should include a more diverse sample. Future studies should explore additional ways to recruit parents who may experience housing insecurity.

6.2. Summary of Key Findings

Key Findings: Needs of Parents with Psychiatric Disabilities



Access to long-term, wide-ranging legal services for parents



Comprehensive and holistic legal services from legal service organizations



Professional knowledge and understanding of psychiatric disabilities



Formal and informal community-based supports for parents and their families

In the context of these strengths and limitations, we can point to some key findings from the evaluation:

- **Access to wide-ranging and ongoing legal services is essential for parents with psychiatric disabilities.** Parents with psychiatric disabilities are highly vulnerable to loss of child custody and child welfare system involvement. It is imperative that these parents have access to adequate and affordable legal services for both family law and child welfare matters. Legal services should be ongoing to address custody-related matters as well as provide representation for other civil and criminal cases, as this is a population that experiences a range of vulnerabilities and related legal needs.
- **Understanding parents with psychiatric disabilities is crucial for legal professionals.** Attorneys and judges often lack expertise about psychiatric disabilities, which may negatively affect parents and their children. Limited knowledge may lead attorneys to overlook important case issues (e.g., the

importance of treatment and medication), or judges to erroneously determine custody or visitation.

- **Legal services organizations must provide comprehensive, holistic services to parents with psychiatric disabilities.** Parents with psychiatric disabilities may need greater assistance from legal services organizations compared to what is typically needed by other parents. Specifically, they may need information in plain language, help with administrative tasks (e.g., paperwork assistance), and coordination and referral to other supports and services (e.g., therapists, public benefits, housing). Such assistance should be provided by a program that offers both attorneys and social workers.
- **Community-based services and supports are important. Informal (unpaid, e.g., friends, neighbors, family) and formal (paid, e.g., social service agencies, therapists) supports can be crucial for parents with psychiatric disabilities.** Legal services organizations should work with community-based supports to meet their client's emotional, financial, health, housing, and transportation needs. Some families may need comprehensive services for multiple family members.

6.3. Conclusion

The Family Law Project provides unique and innovative services to parents with psychiatric disabilities. In particular, the program's in-depth familiarity with psychiatric disabilities distinguishes it from other legal services organizations. Overall, study participants reported positive experiences while also identifying areas for improving both the Family Law Project and legal services, generally. Based on participants' experiences, other legal organizations should adopt the Family Law Project's model, as well as the recommendations provided by the study participants.

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Appendix A: Recruitment Flyer

If You Are a Parent Who Has Been Served by Mental Health Legal Advisor Committee's Family Legal Support Project, the Lurie Institute for Disability Policy Wants to Talk to You!

If you are a parent who has been served by Mental Health Legal Advisor Committee's Family Legal Support Project, the Lurie Institute for Disability Policy wants to talk with you about your experiences! Specifically, we are seeking parents to share their experiences with the program as well as ideas to make it better.

To volunteer, you must:

- Speak English
- Be 18 or older
- Have been served by MHLAC between 2010 and 2016

To thank you for being interviewed, we will pay you a \$50 gift card.

Interested? Please contact Robyn Powell at rpowell@brandeis.edu or 781-736-5328

Privacy: Your participation is completely voluntary. Nothing will happen to any services you receive if you decide not to take part. A summary of the interview will be shared in our publications but will not identify you in any way. Mental Health Legal Services will not know if you participate.

Appendix B: Verbal Consent Script

Research Subject's Name: _____

Interviewer's Name: _____

Date: _____

Thank you for speaking to me today. I am [*name of interviewer*], from the Lurie Institute for Disability Policy at Brandeis University. We conducting a research study on people's experiences with the Mental Health Legal Advisor Committee's Family Legal Support Project. The research will help me understand your experiences with the programs and ways the program can be made better.

Today you will be participating in an individual phone interview, which will take about an hour. Your participation is voluntary. Being in research is always your choice. Deciding that you don't want to be in research is also a human right. If you don't wish to participate, you may stop at any time. You can also refuse to answer any questions you choose. [*Do you have any questions so far?*]

What you tell me and your identity will be confidential. Your name will not be used in anything we write about for the project. In order to ensure confidentiality, pseudonyms will be used in place of your name and other identifying information in oral or written reports resulting from the study. [*Do you have any questions about this?*]

Any services you receive will not be affected by speaking to me. No one at Mental Health Legal Advisors Committee will know if you participate. Also, your decision to speak with me or to not speak with me will not affect your access to Department of Mental Health services. [*Do you have any questions about this?*]

There is one exception: If you tell us that you are in danger, we have to report it. We also have to report it if you tell us that your child is in danger. We would tell the Department of Children and Families, also called DCF, if your child was in danger. If you were in danger, we would tell the Disabled Persons Protection Commission or the police. We would tell to help you and your child get safe.

To thank you for your time, we are giving all participants a \$50 gift card. I will mail you the gift card. I will need your mailing address, which I will keep in a locked filing cabinet. This information will be kept separate from other study documents. All study documents will be destroyed at the end of the study, including your address.

If you would like a copy of this information for your records, please let me know and I will mail it to you. If you have any questions about the project, you can call Dr. Monika Mitra at 781-736-3807. If you have any questions regarding your rights as a research subject, you can call the Institutional Review Board at 781-736-8133.

Do you have any questions about what I just told you or the project? I want to make sure that you understand everything and don't have any questions. (answer all questions to the person's satisfaction)

Great, and are you interested in being interviewed for this project? Remember, it's your decision. (if they express they are not interested, thank them for their time and conclude)

Yes

No

If they agree: Finally, I need to know whether it's ok to audio record you. Recording the interview will allow me to accurately capture what you tell me. The recording will be transcribed, which means that after the interview, a professional will type everything you and I said. I will keep the recording in a password protected computer folder. Once I receive the transcription and make sure it is correct, I will delete the recording. The transcription will be kept in a password-protected folder until the study is over. I will then delete it. Is that alright or would you rather I don't record you?

Yes

No

Appendix C: Interview Protocol

Begin by reading verbal consent script and getting verbal consent.

1. I'd like to start by learning a bit about you.
 - a. Who are the support people in your life?
 - a. Who helps with work, home, parenting, etc.?
 - b. This can be informal supports like friends, family, neighbors, etc. as well as formal supports like DMH, case managers, clubhouse staff, peer supports, etc.
 - b. Are you facing any current challenges or problems, particularly related to your children or your family situation?

2. Now I'd like to learn about your experiences with the legal system in general, and with the Family Legal Support Project.
 - a. Have you worked with any attorneys or other legal support to assist with family law issues before you worked with FLSP?
 - i. Can you tell me about your previous experiences?
 1. Would you characterize your previous experiences as generally positive or negative or somewhere in between?
 - a. Is there an experience that stands out as particularly good or bad? What made it good or bad?
 - ii. Did your previous attorney understand your mental health? How so? Was it ever called into question or did it ever become an issue in any of these other legal situations?
 - b. How did you learn about the Family Legal Support Project and their services?
 - c. Why did you seek out their services?
 - d. What happened first and then next? (try to get an overview of the participant's involvement with FLSP (e.g., steps in the process, goals, and then what happened, etc.)
 - e. How did the FLSP attorney handle these steps/events/issues?
 - i. What was particularly helpful? Please describe.
 - ii. Can you think of anything that was not helpful? Please describe.

- iii. Is there anything you would have changed if you could? Please describe.
 - f. What specific things did your FLSP attorney provide? (e.g., helped me understand the issues the court was dealing with and why, helped me prepare for trial, helped me understand my children's needs, etc.)
 - i. Do you think these services were helpful? How?
 - ii. What would make these services more helpful? Would anything else have been helpful? Like what?
 - g. In general, how do you feel about how you and your family were treated by the FLSP?
 - i. Can you give me an example?
 - h. Did FLSP refer you to any resources, services or supports that you never had before?
 - i. If so, what were these and how were they helpful or not?
 - ii. If not, was there anything you might have needed that would have helped, apart from legal services?
 - iii. What services were you receiving prior to your involvement with FLSP and did they continue throughout your involvement?
 - i. What ended up happening with your case? How was that for you? Your family?
3. I'd like to ask you about your mental health issues and how they were dealt with by FLSP.
 - a. Can you share your diagnosis?
 - b. Do you think the FLPS attorney understood your mental health issues? How could you tell? (i.e., did they talk specifically about them, did the attorney give advice about how to present yourself in court, etc.?) Why or why not?
 - c. When you first started working with FLSP, how were you feeling?
 - d. While you were working with FLSP, were there any changes in how you were feeling? How so?
 - e. How did the outcome of your FLSP case affect your mental health?
4. Before ending our conversation, I have a few more questions about you and your family.
 - a. In what town do you live?
 - b. Who do you live with?
 - c. How many children do you have? What are their ages?
 - d. Are you living with your child(ren)? If not, where do they live?
 - e. Do you receive any of the following government benefits?

- i. Social Security
 - ii. TANF or welfare
 - iii. SNAP or Food Stamps
 - iv. MassHealth or Medicaid
 - f. How do you identify your race and ethnicity?
 - g. How do you identify your gender?
 - h. How do you identify your sexual orientation?
 - i. Is your family income above or below \$20,000?
 - i. If below: Is your family income above or below \$10,000?
 - ii. If above: is your family income above or below \$30,000?
 - iii. If above: is your family income above or below \$45,000?
5. Before we end, do you have any advice for us as we try to help other parents?
6. Do you have any feedback we should give to FLSP?
7. Is there anything else you think I should know?

Thank you for your time. As we discussed, we will send you a gift card to thank you for your time (ask for address to send gift card to).