January 2010

A Statewide Assessment of Georgia Parent Representation in Child Welfare Proceedings

Submitted to
Supreme Court of Georgia Committee on Justice for Children
Staffed by the Administrative Office of the Courts

Prepared by
Governmental Services and Research Division
Carl Vinson Institute of Government

Carl Vinson Institute of Government
The University of Georgia

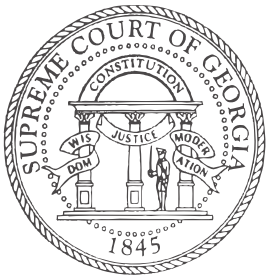
A Statewide Assessment of Georgia Parent Representation in Child Welfare Proceedings

Submitted to

Supreme Court of Georgia Committee on Justice for Children
Staffed by the Administrative Office of the Courts

Prepared by

Melinda Moore and Allison McWilliams
Governmental Services and Research Division
Carl Vinson Institute of Government
University of Georgia



January 2010

Acknowledgements

The authors of this report gratefully acknowledge the time and input of judges, attorneys, and court administrators across the state. Additionally, the authors acknowledge the following individuals who helped to gather research, conduct focus groups, and develop and analyze the survey: Sarah Jane Baskin, Rich Clark, Rachel Hagues, Terrence James, Sarah Catherine Williams, and Nicole Woolfork.

Table of Contents

Executive Summary 2

Assessment 7

Introduction 7

Methodology and Findings 18

Recommendations and Conclusions 61

Appendix 69

References 86

Executive Summary

In January 2009, the Georgia Administrative Office of the Courts at the request of the Supreme Court of Georgia Committee on Justice for Children contracted with the Carl Vinson Institute of Government (CVIOG) at the University of Georgia (UGA) to get assistance in conducting a statewide assessment of current parent representation practices in deprivation cases throughout the state of Georgia. Over the course of a year, CVIOG conducted its assessment through research, analysis, and synthesis of information, including:

1. Background information on current policy and practice in Georgia
2. Best practice research on other state models and practices
3. Notes and observations from the National Parent Attorney Conference held in Washington, D.C. May 13-17, 2009
4. Notes and observations from a visit to the Center for Family Representation, located in New York City, June 23-34, 2009
5. Notes and observations from the Georgia Youth Law Conference held in Atlanta November 2-4, 2009
6. Interviews and focus groups held with parent attorneys, judges, and court administrative staff in various locations of the state
7. Statewide survey of parent attorneys, judges, and court administrative staff

Additionally, CVIOG developed a social worker pilot model for parent attorneys in the state of Georgia. Through the course of their study, CVIOG researchers found that a social worker could provide assistance, similar to those that child advocate attorneys use in their practice, with home evaluations and reviews, with the provision of resources recommended in a Division of Family and Children's Services (DFCS) case plan which would allow the client quicker and greater access to services, in interpretation and provision of psychological evaluations, in follow up with clients for the attorneys with burdensome case loads, and in client interviews and explaining the process for visitation. All of this information informed the recommendations for improving parent attorney policy and practice.

Findings

In Georgia, the current practice of parent representation is fragmented and different models/practices are implemented across the state. In recent years, other states have studied their practice of parent representation and identified similar needs and barriers, and the American Bar Association (ABA) is bringing attention to parent attorney practice at both the national and state levels.[1]

Through focus groups and interviews with judges, parent attorneys, and court administrators throughout Georgia, several overarching themes were identified to inform the statewide survey:

- There is variation across the state in the quality of parent representation
- There is variation in the attorney appointment process
- Attorneys are given little time to prepare for cases and often make their first contact with a client in the courtroom
- Methods of compensation and low pay impact an attorney's ability to provide quality representation

The statewide survey was developed in collaboration with CVIOG's Survey Research Unit and the Georgia Public Defender Standards Council through the AOC. Requests to complete the surveys were sent to a total of 336 individuals representing judges, attorneys, and court administrators in the state; 97 surveys were returned, for a response rate of 28.87%. Highlights of survey responses include:

- The majority of the survey's respondents was judges (39%) or private attorneys (32%), with court administrators (12%), public defenders (6%), and self-identified "other" (11%) making up the rest.
- The majority of the attorney respondents (76.5%) reported representing both parents and children.
- The most common models of representation reported were contract attorneys (36%) and panel attorneys (33%).

- The most common model of compensation reported by circuit was hourly (69% of judges, 91% of private attorneys, 40% of public defenders, 56% of court administrators).
- The rate of hourly compensation was reported to be $40 to $45 out of court and $60 in court for 59% of the respondents.
- The top three resources that would improve parent representation were access to experts (23%), more funding (17%), and more training (15%).
- Finally, when asked for suggestions to improve the quality of parent representation in Georgia, respondents cited better compensation (25%), more training (19%), improved communication between agencies (19%), and more/better attorneys (17%).

Recommendations

Based on the research gathered for this report, including background information on parent representation within the state of Georgia and across the country, an analysis of national best practices models, interviews and focus groups with attorneys, judges, and court administrators, results from a statewide survey of attorneys, judges, and court administrators, and an evaluation of a social worker pilot model in the state, CVIOG provides the following recommendations for improving parent attorney practice in the state of Georgia:

1. Develop Uniform Standards of Practice

   Uniform standards of practice for parent representation will assist in increasing accountability and clarify expectations for all parties. Standards could also mandate a required level of proficiency through training, mentoring, and even evaluation of practice. Furthermore, it would be wise for the state to develop clearly stated measures for oversight and compliance with the standards.

2. Examine the Current Model of Representation

   Georgia has a fragmented system of parent representation, including contract attorneys, panel attorneys, and public defenders both with and without a conflict list. Additionally, these models vary by circuit and/or county, and the compensation also varies, with some attorneys receiving an hourly wage (which varies as well), and some receiving an annual salary. This fragmented structure contributes to the uneven quality in representation

across the state and contributes to the lack of accountability and unclear expectations for performance. Some states have moved towards a uniform model of representation which may be worth consideration by Georgia.

3. Examine the Current Compensation Levels for Representation

   Related to the reexamination of the current model of representation, it is recommended that the state of Georgia examine the current compensation levels. The current level of compensation may affect recruiting and retention, and makes it difficult for many attorneys to practice full-time in the field of parent representation.

4. Provide Access to Resources

   One of the barriers to effective representation is the need for better access to, or better knowledge of available resources for parent attorneys. Resources that would improve practice if made available that were identified through interviews and the survey included: access to a trained social worker, or training on how to provide that resource; access to experts; more funding; more training; access to psychologists; access to investigators; more/better information/communication with DFCS; more attorneys; and parent advocates.

5. Provide Training and Mentoring

   One of the needed resources identified in the survey was more access to training. In focus groups and interviews participants commented that there is little formal training offered on a regular basis that is pertinent to parent attorney's needs, and that it is difficult to get to training sessions held in Atlanta by those who live in other parts of the state. The state may want to consider alternative methods of delivery, such as webinars or other online classes, as well as offering more opportunities for cross-training with other child welfare attorneys and stakeholders.

6. Foster Relationships with Partners

It is recommended that the state continue to engage in collaborations with all partners in the parent representation process, including Special Assistant Attorney Generals, Guardian ad Litem, CASA, other attorneys, and DFCS case workers. This may be achieved by building upon or enhancing the model court efforts in the state. Additionally, further training and conferences such as the recent Youth Law Conference may improve understanding of each party's roles and responsibilities.

Introduction

In January 2009, the Georgia Administrative Office of the Courts at the request of the Supreme Court of Georgia Committee on Justice for Children contracted with the Carl Vinson Institute of Government (CVIOG) at the University of Georgia (UGA) to get assistance in conducting a statewide assessment of current parent representation practices in deprivation cases throughout the state of Georgia.

Based on that discussion, faculty and staff from CVIOG's Governmental Services and Research division were asked to research, analyze, and synthesize information, including:

1. Background information on current policy and practice in Georgia
2. Best practice research on other state models and practices
3. Notes and observations from the National Parent Attorney Conference held in Washington, D.C. May 13-17, 2009
4. Notes and observations from a visit to the Center for Family Representation, located in New York City, June 23-34, 2009
5. Notes and observations from the Georgia Youth Law Conference held in Atlanta November 2-4, 2009
6. Interviews and focus groups held with parent attorneys, judges, and court administrative staff in various locations of the state
7. Statewide survey of parent attorneys, judges, and court administrative staff

The results of this information gathering, analysis, and synthesis are found in the pages that follow. This information has informed the final section of this report, which articulates recommendations for improving parent attorney practice in deprivation cases in the state of Georgia.

Background Information

Georgia's Administrative Office of the Courts

The Georgia General Assembly established the AOC in 1973 to provide administrative support to judges and court officials. The AOC provides assistance to courts in ways that range from analyzing data or certifying court reporters to promoting court automation.

The AOC reports to the Judicial Council: a 24-member body chaired by the Chief Justice of the Supreme Court with representation from the court of appeals, as well as from the superior, state, juvenile, probate, and magistrate courts. Georgia's 10 superior court district administrative judges are also members. The AOC assists judges, administrators, clerks of court, and other court officers and employees as requested, proposes improvements in courts, recommends procedures to expedite the handling of cases, and recommends ways to improve the judicial system, among other duties.[2]

The Supreme Court of Georgia Committee on Justice for Children (formerly known as the Child Placement Project) was created in 1995 to assess and improve court proceedings involving abused and neglected children in the courts. The Committee on Justice for Children (J4C) is supported by the AOC and funded by Federal Court Improvement Project (CIP) grant funds from the U.S. Department of Health and Human Services, Administration on Children and Families, Children's Bureau.

Each recipient state of CIP funds is required to complete an assessment of court improvement progress periodically, to make recommendations to improve the court system, and to implement the recommended improvements. The first assessment was conducted in 1995-1996 and set goals related to record-keeping and court management, development of standards of practice, education of juvenile court stakeholders, access to representation, and an increase in state funding for juvenile courts.

The J4C's mission is: striving to improve Georgia's court process for civil child abuse and neglect cases.[3] The work of the Committee is focused on nine goals:

1. Improving the quality of representation for all parties
2. Improving the appellate process
3. Developing, reporting, and actively using data measures for courts
4. Increasing placement stability for children in foster care
5. Family presentation with a special focus on children ages zero to three
6. Cold Case Project
7. Interstate Compact for the Placement of Children Project
8. Foster Parents Notice and Right to be Heard Project
9. Title IV-E Reimbursement Project[4]

Sponsored by the J4C and the Georgia Public Defender Standards Council, the Parent Attorney Advocacy Committee (PAAC) was formed in 2008 for the purposes of organizing parent attorneys as a group to improve the quality of representation for parents and to assure justice for children. PAAC activities are funded and supported through a grant from the J4C. To achieve its goals, PAAC provides its members with information, training, and practice support.
The mission of PAAC is: to unify and strengthen the voice of parent attorneys concerned about families involved with the child welfare system, to support a broad agenda for advocacy, to improve the quality of representation for parents, to provide a forum for information sharing and discussion, and to assure justice for children and families.[5]

PAAC hosts a website, parentattorney.org, and a listserv for disseminating information about meetings, trainings, and other resources that may be of use to attorneys representing parents.

Parent Representation

An attorney for a parent in deprivation cases advocates for the rights and interests of the parent or guardian.[6] Parent attorneys may represent their clients in either deprivation or delinquency cases, and often attorneys who represent parents will also represent children, depending on the case. Deprivation hearings occur when a noncustodial parent, a school, or the Division of Family and Children Services (DFCS) makes child deprivation allegations. A parent may lose their parental rights if found responsible for these allegations.

Child deprivation is defined in the Official Georgia Code Annotated (O.C.G.A) § 15-11-2(8)(A-D) as:

A. Is without proper parental care or control, subsistence, education as required by law, or other control necessary for the child's physical, mental, or emotional health or morals;
B. Has been placed for care of adoption in violation of law;
C. Has been abandoned by his or her parents or other legal custodian; or
D. Is without a parent, guardian, or custodian.[7]

Allegations of delinquency occur when the state accuses a child of a delinquent act, such as:

A. An act designated a crime by the laws of this state, or by the laws of another state if the act occurred in that state;
B. The act of disobeying the terms of supervision contained in a court order which has been directed to a child who has been adjudged to have committed a delinquent act; or
C. Failing to appear as required by citation issued with regard to a violation of Code Section 3-3-23.[8]

Due to the separation of deprivation and delinquency cases in the state of Georgia, and the fact that the funding for this project was meant to improve the deprivation court process, the assessment of parent attorney practice in Georgia described in this report focuses solely on deprivation cases.

In order to go forward with an assessment of current parent attorney practice in Georgia, it is important to place that practice in context and understand current practices across the nation. In 2004, the Pew Commission released a report on children in foster care that examined legal representation (for both children and parents) in the context of the child welfare system.[9] In addition to identifying models for parent/child representation, the Pew Commission also reported on the current status of parent attorney practices nationwide:

- 39 states require that indigent parents be appointed representation
- 11 states do not normally require that counsel be appointed for parents
- 6 states report requirements for counsel in all dependency cases
- 3 states provide counsel only in cases regarding termination of parental rights
- 3 states do not specifically address the appointment of parent attorneys

In recent years other states have also examined their parent representation policy and practice. For instance, in 2005 the Colorado Supreme Court created the Respondent Parents' Counsel Task Force, a group of child welfare professionals and academics, to review the issues facing respondent parents' counsel and to make recommendations to the Supreme Court and the Colorado Legislature.[10] As a result of that study, released in March 2007, the Task Force identified a number of barriers to effective performance and findings to improve performance and administration and developed recommendations relating to role clarity and definition; training; standards of practice; workloads; compensation; recruitment; turnover; resources; contracting and oversight; appointment, appearances, and continuance; professionalism and protocol; case preparation; knowledge and utilization of community services and tools; client and party communication; and, courtroom/trial skills.

In 2009 the American Bar Association Center on Children and the Law released its report on *Legal Representation for Parents in Child Welfare Proceedings: A performance-based analysis of Michigan practice*.[11] The report is the fourth in a series of independent assessments "examining core systemic issues in Michigan's child protection system." The assessment provided the following recommendations: adopt a statewide administrative structure; regularly survey local practices; improve training; establish and maintain a parents' attorney listserv; adopt rules of court; encourage enhanced judicial attention to the representation of parents; establish case processing protocols; expand the existing parent partner program throughout the state; establish a rule of court requiring appointment of counsel before the first court hearing; and, evaluate the effect of improved representation on case outcomes over time.

National attention is also being paid to parent representation practice. The American Bar Association (ABA) has recently drafted "Standards of Practice for Attorneys Representing

Parents in Abuse and Neglect Cases."[12] As reported by Mimi Laver, director, legal education, ABA Center on Children and the Law, the committee strived to encourage superior and consistent practices while not only clarifying the role of a parent attorney, but also assisting attorneys in managing and prioritizing their practices. After identifying three key themes to excellent parent representation (preparedness, client-centered representation, and cross-disciplinary practice), the group came up with 44 "basic obligations" for attorneys, along with obligations and suggestions for managers and courts.[13] The standards were then separated into eight categories:

- General obligations
- Relationship with the client
- Investigation
- Informal discovery
- Formal discovery
- Court preparation
- Hearings
- Post hearings/appeals[14]

The ABA House of Delegates accepted the Standards in August 2006, and state and local jurisdictions were encouraged to put them into practice as official ABA policy. Georgia has been working to develop its own set of state standards for parent representation; a draft of those standards along with the ABA Standards can be found on the PAAC website.

Laver goes on in 2008 to expand on the ABA Standards by identifying specific best practices among parent attorneys.[15] These best practices include investing time in learning more about the client, thus enabling the attorney to identify the strengths the client has as a parent; and reaching out to other resources for help, such as social workers, parent advocates, or interpreters, because work outside of the courtroom is often more important than that done inside the courtroom. Additionally, national experts are beginning to recognize that some of the work that must be done outside of the courtroom by parent attorneys involves advocacy. For example, Gottlieb and Pitchal (2007) realized that by advocating on behalf of parents and their rights, parent attorneys

are better able to serve their clients.[16] The authors note that the importance of early support in a case cannot be understated, as this can help avert future preventable crises and help ensure that reunification services are offered.

There are several different models of parent advocate programs that have been put into practice nationwide and the ABA's *Summary of Parent Representation Models* in different states can be found in the Appendix of this report. The following are the most commonly used models:

- *Panel Attorney/Contract Attorney Programs*
  This program operates by having a pool of attorneys that are available to be called upon by the courts to represent parents in various proceedings.
- *Institutional Programs*
  Under this program attorneys work with their clients from day one until the case is closed. Attorneys are organized and supervised by an institutional provider.
- *Interdisciplinary Program*
  This program uses various community and social service resources along with the attorney to rectify problems and aid the client and child.[17]

In Georgia, the current practice of parent representation is fragmented and different models/practices are implemented across the state. There is no formal training process to become a parent attorney, and according to at least one juvenile court judge (and former parent attorney) the practice is at a disadvantage due to being formed from a defender versus procedural standpoint.[18]

According to background information provided by the Public Defenders Standards Council (PDSC), there are several parent representation models operating in Georgia:

- Panel/contract attorneys: a pool of attorneys is available to be called upon by the courts to represent parents in various proceedings. Depending on the circuit, some of these attorneys are salaried, while others work on an hourly billing cycle.

- Circuit public defender offices: public defender offices are contracted through the GPSDC to provide representation to those who cannot afford it otherwise.
- Conflict Attorney: an external pool of attorneys provides representation when there is a case conflict within the public defender's office or juvenile court.

Not only is there not a uniform model of parent representation across the state, but there are variations in compensation, as well as a lack of uniform standards for qualification and evaluation of practice. As of 2009, there were 46 states that mandated Continuing Legal Education (CLE) credits for attorneys. It is up to each state to designate how many hours are required, in what subjects, and what form the classes may take.[19] The State Bar of Georgia reports on their website that Georgia lawyers are required to have 12 CLE hours annually. These hours must include one hour in ethics, one hour in professionalism, and three trial hours (specifically for trial attorneys).[20] There are no separate CLE requirements for parent attorneys required by the State Bar of Georgia; however, the new Georgia Parent Attorney Standards recommend, at a minimum, that parent attorneys should: observe ten hours of juvenile court, including every stage of a deprivation/termination of parental rights (TPR) proceeding; obtain six hours per year of training in relevant areas of practice; and, either work with a mentor before taking a case or have a mentor available to consult on a case.[21]

Parent Attorneys and the Economy

As with other professions, the 2009 recession has impacted the practice of law in the United States. *The Los Angeles Times*, *The Boston Globe* and *The New York Times* each have run articles this past year discussing the uncertain employment outlook for recent and upcoming law school graduates, stating that where a few years ago students were confident that top firms would compete for their loyalty, there is now concern that these students will graduate with large debt and less lucrative job offers.[22] The result is a potential influx of attorneys into areas of the law they may not have considered previously, including juvenile law.

Some of the top firms are offering their new hires a stipend to take public service positions for a year or two (Barlow, 2009; NALP, 2009; Shih, 2009; Williams, 2009).[23] For example, the Boston Globe (April 27, 2009) reported that:

> Boston's Ropes & Gray has offered stipends to new hires and current associates who'd like to do a year in public service, according to a statement from the firm. Staff lawyers, whose starting salaries are $160,000, receive $60,000 and health insurance coverage; deferred hires get those benefits plus moving expenses, coverage of bar preparation and exam fees, and eligibility for a $20,000 advance, to be repaid after the public service.[24]

For the public sector, a potential influx of lawyers could have both positive and negative effects. Because there is a high correlation between economic downturns and increased child abuse and family violence (Green, 1999; Hemphill, 2009), the increase in lawyers who may be interested in work as parent attorneys is a welcome surprise.[25] The question becomes, how long will these new recruits stay in the field? In other words, are these attorneys only interested in the short term, while the economy is lagging, or are they here to stay, and what are the implications of this trend? Those accepting deferred employment will return to their high-dollar jobs after one or two years. And, without standards of practice and rigorous training, there is great potential for clients to be irreparably harmed by those "trying out" public sector work.

One of the biggest challenges in recruiting and retaining parent attorneys has always been the relatively low fee they are able to collect for service. The National Association for Law Placement (2008) reported that the median entry level salary for a public sector job is $40,000. Even with 11-15 years of experience the median income only rises to $60,000, as compared to the median starting salary in the private sector, which is $125,000.

As with any profession, attorney salaries vary depending on years of experience and type of practice. According to IHirelegal.com, a job search engine, attorneys earning lower-end base salaries typically make anywhere from $15,000 to $30,000 less than those earning median base salaries, who in turn make from $40,000 to $70,000 less than upper-end base salary employees. The following charts compare Georgia attorney salaries with states that have different models of parent representation (the salaries represent all attorneys, not just parent attorneys).

Attorney Salaries Based on Experience[26]

State	Lower-end Base Salaries (least experience)	Median Base Salaries (average experience)	Upper-end Base Salaries (most experience)
Connecticut	$60,000	$80,000	$150,000
Georgia	$60,000	$75,000	$124,000
Massachusetts	$50,000	$80,000	$120,000
Washington	$45,000	$60,000	$100,000

Indeed.com lists salaries by practice area, allowing for a different comparison. In all four states examined, attorneys practicing family law earn anywhere from $13,000 to $18,000 less than criminal attorneys.

Attorney Salaries Based on Practice[27]		
State	**Family Lawyer**	**Criminal Lawyer**
Connecticut	$59,000 - $61,000	$74,000 - $75,000
Georgia	$58,000 - $60,000	$75,000 - $76,000
Massachusetts	$59,000 - $61,000	$77,000 - $78,000
Washington	$47,000 - $49,000	$61,000 - $62,000

The Bureau of Labor Statistics breaks attorney wages down by percentile. This breakdown shows "the percentage of workers in an occupation that earn less than a given wage and the percentage that earn more."[28] Looking at the national statistics, this data shows that the bottom 10% of attorneys earns $26.18 per hour or less; whereas the top 10% earn more than $80 an hour. Examining the data for annual wages, in the United States, half (50%) of all attorneys earn

less than $110,590, and half earn more than that same amount. The mean wage is the average wage for attorneys; so on average an attorney in the United States makes $59.98 an hour or $124,750 a year. Georgia's average is slightly above that amount.

Attorney Hourly Wages by Percentile[29]						
State	**Hourly Mean Wage**	**Percentiles**				
		10%	**25%**	**50% (median)**	**75%**	**90%**
United States	$59.98	$26.18	$36.05	$53.17	$78.52	>$80
Connecticut	$59.68	$28.45	$37.81	$54.26	$75.09	>$70
Georgia	$63.59	$26.01	$36.00	$56.84	>$70	>$70
Massachusetts	$61.88	$28.64	$37.42	$54.08	>$70	>$70
Washington	$52.44	$25.02	$32.56	$46.56	$65.44	>$70

Attorney Annual Wages by Percentile[30]						
	Annual Mean Wage	**Percentiles**				
		10%	**25%**	**50% (median)**	**75%**	**90%**
United States	$124,750	$54,460	$74,980	$110,590	$163,320	>$166,400
Connecticut	$124,140	$59,180	$78,650	$112,850	$156,190	>$145,600
Georgia	$132,280	$54, 090	$74,870	$118,240	>$145,600	>$145,600
Massachusetts	$128,700	$59,580	$77,830	$112,490	>$145,600	>$145,600
Washington	$109,080	$52,050	$67,720	$96,850	$136,120	>$145,600

Methodology and Findings

In order to better understand current parent attorney practice in Georgia, including barriers to effective practice and needs for improving practice, CVIOG faculty and staff gathered further information on national best practice models by attending the National Parent Attorney

Conference held in Washington, D.C. May 13-15, 2009 and through a visit with the Center for Family Representation in New York City in June, 2009; attended the statewide Georgia Youth Law Conference in Atlanta November 2-4, 2009; conducted interviews and focus groups with judges, parent attorneys, and court administrators, and disseminated a statewide online survey. The findings from that information gathering are presented in the pages that follow.

National Best Practices

National Parent Attorney Conference, Washington, D.C.

On May 13-15, 2009, the ABA hosted the first National Parent Attorney Conference in Washington, D.C. The overarching theme of the conference focused on the current state of parent representation as well as best practices in the field. The ABA is currently providing a state-by-state evaluation of practice through the National Project to Improve Representation for Parents Involved in the Child Welfare System, and recently released the report examining Michigan's legal representation for parents.[31] The project also aims to provide training and technical assistance for parents' attorneys, courts, and legislators.

In the conference plenary, several themes were introduced, primarily centered on the issue that representation of children and families in deprivation cases has been focused on what is good for a child, versus looking at the process from a family-strengthening standpoint. It was also stated that there is a need for more parent and family involvement in the process to provide advocacy for those involved with the state and the courts.

Throughout the conference, there were individual sessions addressing best practices and other technical assistance for parent attorneys; an overview of pertinent session information can be found in the Appendix. Several best practice programs highlighted during the conference stood out as promising practices for the state of Georgia: Connecticut's Commission on Child Protection, which was created through enabling legislation and is focused on building key partnerships; Massachusetts' Committee for Public Counsel Services, which manages a statewide list of 3,000 certified private contract attorneys; and, Washington State's Office of

Public Defense, which manages statewide contract attorneys through a unique combination of support and accountability.

Connecticut's Commission on Child Protection

According to the Connecticut Commission on Child Protection's website[32] their mission is to "ensure that children and indigent parents who require legal services and guardians ad litem in child protection, child custody and child support cases in Superior Court, receive high quality, competent and zealous representation." The Commission provides training and support to child protection attorneys and guardians ad litem in order to better guarantee knowledgeable and proficient advocacy on behalf of their clients. Governed by enabling legislation, the Commission is made up of 11 appointed members and is housed within the Division of Public Defender Services.

The Commission on Child Protection will be working with the Center for Children's Advocacy and Lawyers for Children America, among others, to provide training opportunities for lawyers practicing in the field of Child Protection. These partnerships will help parent attorneys comply with new training regulations for both new (pre-service training) and current (in-service training) contract attorneys, all of which "provide courses in subject areas pertinent to the well-informed practice of Child Protection Law." In addition to providing training to contract attorneys, the Commission also provides resources in the form of internet links to legal updates, practice tips, certified behavioral health providers, translation services, and information on billing and reimbursements.

Massachusetts Committee for Public Counsel Services

Appointed by the Massachusetts Supreme Judicial Court, the 15-member Massachusetts Committee for Public Counsel Services "oversees the provision of legal representation to indigent persons in criminal and civil court cases and administrative proceedings in which there is a right to counsel."[33] More specifically, the Children and Family Law (CAFL) Division represents parents and children in "child welfare matters, including care and protection proceedings, children in need of services cases (CHINS), actions to terminate parental rights, state agency-sponsored guardianships, and any other child

custody proceeding" involving the Department of Children and Families (DCF). CAFL serves its clients by offering a list of 3,000 certified private contract attorneys to provide representation.

In order to be granted admission onto the trial panel as an attorney, CAFL offers a required 5-day training program that combines both "substantive law and trial skills" and pairs experienced CAFL attorneys as mentors of newly certified attorneys. There are around 60 mentors who get extra compensation for that work. The mentors are then monitored by regional coordinators. Once accepted as a member of the trial panel, attorneys must complete 8 hours of continuing legal education. When accepting cases, attorneys agree to "abide by the CPCS Performance Standards Governing Representation of Children and Parents in State Intervention and Parental Rights Termination Cases." In order to be assigned to appellate cases, the attorney must go through a separate certification.

The representatives from Massachusetts that presented at the National Parent Attorney Conference in May 2009 in Washington, D.C. reported that the starting salary for new Public Defender Division attorneys is $37,500. There is a caseload limit and a billing limit of 1800 hours/year, 10 hours/day.

Washington State Office of Public Defense

Washington State's Office of Public Defense (OPD) houses the state-funded Parents Representation Program. The program provides "attorney representation and case support services to indigent parents, custodians and legal guardians involved in child dependency and termination of parental rights proceedings."[34]

In 1999, the Washington State Legislature asked the Washington State Office of Public Defense (OPD) to report on inequalities in attorney funding in dependency and termination cases. OPD conducted an investigation of Washington's juvenile courts, finding severe disparities between state funding for the Attorney General's Office (AGO) for the initiation and processing of these cases compared to the funds provided by

counties for legal representation of the indigent parents involved. In 2000, OPD sought a legislative appropriation to create an innovative state-funded enhanced parent representation pilot program in the Benton-Franklin and Pierce county juvenile courts.

The Legislature established five program goals to enhance the quality of defense representation in dependency and termination hearings:

1. Reduce the number of continuances requested by attorneys; including those based on their unavailability;
2. Set maximum caseload requirements per full-time attorney. In 2003, OPD set the fulltime maximum caseload at 80 open cases per attorney.
3. Enhance defense attorneys' practice standards, including reasonable time for case preparation and the delivery of adequate client advice;
4. Support the use of investigative and expert services in dependency cases; and
5. Ensure implementation of indigent screenings of parents, guardians, and legal custodians.

The program has expanded to operate in 25 of Washington's 39 counties. To achieve the goals set by the Washington State Legislature, program implementation now includes "reasonable compensation for attorneys, reduced caseloads, access to social worker staff, expert and investigative resources, periodic attorney trainings, and oversight of attorneys' performance."[35]

According to representatives from Washington State who presented at the National Parent Attorney Conference in DC, there are 120 contract attorneys who solely represent parents. Approximately 60% of these are full-time. Compensation ranges from $105-124k per year (a flat monthly fee); they report that this substantial fee helps with recruitment. OPD provides services including: accountability through practice standards, one social worker for every four attorneys, and expert/evaluation funds to be used in appropriate cases. Attorneys have to provide documentation each month before they get

paid which then is entered into a state database and used in an annual review. There are three attorney program managers.

OPD contracts with over 50 attorneys to represent indigent appellants in cases where federal and state constitutions and state statutes guarantee the right to counsel. Those include criminal cases as well as other cases involving basic rights such as dependency proceedings, parental rights terminations, criminal contempt convictions, and involuntary civil commitments.

The Parents' Representation Program has succeeded in meeting its goals, according to evaluations and juvenile court stakeholders. It has resulted in better outcomes for children, including increased family reunifications, continuance reductions, improved case participation by parents, and better access to services, among other benefits.
The website provides links to attorney standards and guidelines and social worker standards, and a brief bank with more than 10,800 briefs filed for indigent appeals in the Washington State Courts of Appeal and Washington State Supreme Court in the past ten years.

Center for Family Representation, New York City

In June 2009, CVIOG representatives traveled to New York for the purpose of gathering information on the Center for Family Representation (CFR), considered a best practice model of parent representation. CFR representative were also present at the National Parent Attorney Conference in Washington, D.C. speaking on the use of social workers and attorneys in their offices. Additionally, Sue Jacobs, the executive director, served as the keynote speaker at the Georgia Youth Law Conference in November 2009.

While in New York, CVIOG met with Anne Williams-Isom, the Deputy Commissioner of Community and Government Affairs with the New York City Administration for Children's Services (ACS), in order to further understand the collaborative efforts in New York regarding parent attorney practice in Manhattan, and more specifically the relationship with CFR. The collaboration and relationship-building between ACS and CFR began early, as the current ACS

Commissioner was instrumental in funding CFR while working with the Annie E. Casey Foundation prior to his current post. There is also a parent advocate workgroup at ACS that advises the Commissioner, and Ms. Jacobs sits on the Commissioner's Advisory Board.
One of the major themes Ms. Williams-Isom mentioned repeatedly was the great level of trust between ACS and CFR that was developed over the years. Ms. Williams-Isom stated that the success of this relationship, and of CFR, has a lot to do with key visionaries in various levels of the community (such as ACS) who were in a position to look at innovation in parent representation.

CVIOG met with several representatives of CFR, including Ms. Jacobs, Maura Keating (Litigation Supervisor), Jill Cohen (Social Work Supervisor), and several parent advocates. They also visited several courtrooms to observe CFR attorneys and social workers in practice and to talk with the judges.

CFR assists families through the provision of an attorney, social worker, and a parent advocate, known as its Community Advocacy Teams, or CAT. Through its Cornerstone Model, which advocates for intensive work in the first 60 days of a case, CFR emphasizes four priority areas or "cornerstones" for practice:

- Visitation
- Placement
- Services
- Conferences and Meetings[36]

CFR's theory regarding visitation is that if parents have quality visitation experiences, they will stay engaged in services and the likelihood of reunification goes up. CFR currently has a reunification rate of three to four months, as opposed to the statewide and citywide rate of one to four years. Additional CFR statistics, from reported on the CFR website:

- As of September 2008, Community Advocacy Teams (CAT) has served more than 600 families, including more than 1200 children, in New York City.

- Children of CAT families spend, on average, 84% less time in foster care than children in the city and state and in 50% of cases children never enter foster care at all, but receive in-home services to help them stay safe and thrive.
- The average length of foster care is just under 4 months compared to more than 11 months for children citywide who return home in less than a year and nearly 4 years for all other children in care.
- Less than 1% of children of CAT families return to foster care, compared to a city rate of re-entry of nearly 12%.
- 87% of CAT families are people of color and 80% are headed by women. Close to a quarter are headed by a single parent between 17 and 25 years old. 25% of CAT parents were diagnosed with a mental illness, either recently or in the past. 33% struggle with problems of addiction, and 9% are homeless. More than a fifth are victims of domestic violence.
- Foster care costs between $18,000 and $49,000 per child per year; the annual cost of CFR's teams is between $4,000 and $6,600 per family.[37]

CFR began their work in 2004 in order to focus on three issues: that primarily children of poor families of color end up in foster care and that poor parents end up charged with neglect; foster care can have long term, negative effects on children; and, children who have been in foster care often become adults whose children go into foster care. [38]

Today CFR has 46 employees; however, in the beginning, CFR consisted of Ms. Jacobs, Michele Cortese (CFR's Deputy Director), a Litigation Supervisor, and an intern. When asked about its origin, Ms. Jacobs expressed that CFR was envisioned fully formed, but that she quickly realized it was going to take many small steps to get to the final product. She brought together a consortium of individuals to form their board, and found a fiscal host for CFR. Sue stated that it was critical to have an "umbrella of respectability and creditability" through their fiscal host, as well as through the initial hires of staff with many years of experience in juvenile court.

CFR's model of practice has evolved over the years. In their early conversations regarding the development of CFR, the vision was for a freestanding, interdisciplinary legal service program

intervening in the life of a child welfare case. In order to get to that point, there were ongoing and multiple conversations with large institutions in the city, such as the Legal Aid Society, Legal Services, and ACS, whose "toes were being stepped upon."

Additionally, these same conversations brought the use of parent advocates to the attention of CFR. ACS and other agencies were beginning to look at advocacy for parents in child welfare cases, and CFR began looking at the use of parent advocates in their practice. As a result of this relationship-building process, CFR now assists ACS with their visitation policies and updates to those policies. A parent advocate attends every conference that is held, as well as a social worker, in order to look at client issues that might be missed in legal practice.

Other issues that came out of these conversations were:

- CFR supervisors initiated outreach efforts with ACS supervisors in order to build rapport and relationships. ACS supervisors were resistant at first, but now there is an understanding of the work of CFR, which has led to advance notices of family team meetings and conferences.
- Parent advocates are not placed on every case but when there is a need for one.
- Parent advocates are particularly useful for clients with distrust of the system or substance abuse issues.
- There is a debriefing held after every new intake. CFR does a lot of initial work on a case, and social workers, lawyers, and advocates meet to discuss findings.
- Social workers must be comfortable working in a legal environment, and CFR hires those with a vision of the bigger picture of child welfare and/or an interest in social justice. Additionally, they must have advocacy and diplomacy skills, while simultaneously addressing issues head on.
- All of the judges spoken with were positive in their support of the CFR model, and the impact it has had in "raising the bar" on parent representation in NYC.

Georgia Youth Law Conference, Atlanta

On November 2-4, 2009, the Georgia Association of Council for Children hosted the 2009 Georgia Youth Law Conference in Atlanta. The conference offered general sessions and workshops to help attendees gain a better understanding of the law as it relates to child clients, as well as underlying factors that can affect dependency and delinquency cases. Professionals in attendance included juvenile defenders, guardians ad litem, children's legal counsel, parent attorneys, agency attorneys, and other child welfare professionals.

Founding Director of the Center for Family Representation, Sue Jacobs, was the keynote speaker at the opening session on *Engaging the Entire Family in Dependency and Delinquency Proceedings*. This theme of involving both the parents and children in welfare proceedings was continued throughout the conference. Sessions related to this theme included presentations on the constitutional rights of DFCS-involved parents and children, representing criminally exposed parents, safety decision making for attorneys, and effective case plan advocacy.

Many of the sessions reflected the need to pair attorneys with social workers and other professionals who possess deeper understandings of child and family development. To help bridge this gap, presentations were given on how to interview child clients, toxic stress in children, cultural competency, working with incarcerated mothers, and what children's lawyers need to know about child development.

Focus Groups

Members of the CVIOG research team interviewed judges, parent attorneys, and court administrators in several locations around the state. These interviews were not intended to be exhaustive nor representative; the purpose of these discussions was to inform the development of a statewide survey. That being said, many of the themes reported by the judges, attorneys, and court administrators echoed other recent examinations of parent attorney practice, namely:

- There is variation across the state in the quality of representation for parents.
- The attorney appointment process varies; in some locations appointments do not occur in a timely fashion.

- Attorneys are given little time to prepare for cases and often make their first contact with a client in the courtroom.
- Both the method of compensation (hourly, salaried, contracted) and the low amount of pay inhibit the attorneys' ability to provide quality representation and lower the number of attorneys willing to do the work.[39]

Access and Process

There is an ongoing conversation among attorneys and judges regarding the attorneys' access to information from the Division of Family and Children Services (DFCS), the state's child welfare agency that is pertinent to the case. This can take the form of access to case plans, services for the parent, notification of meetings, child's placement changes, and service and notice for court hearings.

Other process themes that emerged from the interviews and focus groups:

- *Discovery*: obtaining access to DFCS records by the parent attorney is an ongoing issue. This may be from a lack of training on the parent attorney side or a lack of communication on the DFCS side; varying time limits in obtaining information affect the ability to get discovery before a hearing. There are counties with a protocol regarding discovery, but there is not a standardized protocol in the state for each county.
- *Continuity of Representation*: Continuity of representation is mixed around the state. Some counties adhere to a One Attorney/One Family protocol, which enables the parent attorney to remain with their client through the entirety of the process, while other counties report clients appearing in court with no representation, or various representation throughout the case process.
- *Notice*: Parent attorneys report issues with receiving notices in a timely manner. This may lead to clients appearing in court without representation, or learning of a hearing at the last minute.
- *Service on Petitions*: Clients may not receive petitions to appear in court, which affects the case.

Barriers/Needs

The topic of barriers and needs for quality representation brought out multiple areas of needs. Parent attorneys reported that they are often working for lower pay than other attorneys, and there is little training that prepares attorneys for practice that involves social work alongside representation. It was mentioned on several occasions that there is a lack of training and guidelines available for parent attorneys in the state, although this is changing through the Public Defender's Standards Council providing more training and access to a statewide listserv for parent attorneys. Attorneys are not paid the same fee across the state, and are paid in different ways. A suggestion for improvement in quality of representation that emerged from the interviews is to provide a yearly salary to include benefits; several of the attorneys who were interviewed noted that they would like to do parent representation full-time but that they simply cannot afford it at current compensation levels.

Resources

One of the main themes from the interviews and focus groups was a lack of resources for clients independent of DFCS providers. Examples of resources include counseling, parenting classes, drug testing, and substance abuse counseling. Additionally, a central location that could provide mentoring on juvenile court policy and practice for parent attorneys, access to forms, and answers to questions was suggested as being beneficial. Another suggestion along these same lines was to create Family Center Offices: an office that would encompass all of the players in the deprivation court process under one roof, where attorneys can receive direction, resources, and training run by the state.

Most of the attorneys and judges discussed the dynamics of the relationships with child advocate attorneys, Special Assistant Attorney Generals, Guardian ad Litem, and CASA staff, and how the fostering of improved relationships with the other players in court can ensure that everyone is working towards the best interest of the child.

Training

There was general agreement from the interviews and focus groups that there is little formalized training, and that it is not given on a regular basis. Additionally, it is difficult for attorneys

outside of Metro Atlanta to attend trainings offered at the State Bar. This affects the ability to monitor and control quality of representation. It was mentioned in several interviews that juvenile court is often used as a stepping-stone for attorneys starting their careers; therefore, attorneys often enter juvenile court practice without training or experience in the field. Informal mentoring of new attorneys currently is one of the methods of training for juvenile court.
Other:

- Scholarships: The state has started offering scholarships for conferences and training. The scholarships make it easier for rural area attorneys to make it to various training and conferences.
- State Bar: It is suggested that the State Bar could host specialized trainings or webinars for rural areas.
- Cross training: It would be beneficial for attorneys on both sides of the case to understand the other attorney's process.

Suggestions for Improvement

When asked for areas of improvement that fall outside the areas listed above, several participants mentioned practices that currently work well in their area, including: using attorneys who represent both children and parents, and therefore have improved understanding of all of the roles in the process; judges who set the next court date before the parties leave court; and, joint staffing between the multiple players in the process.

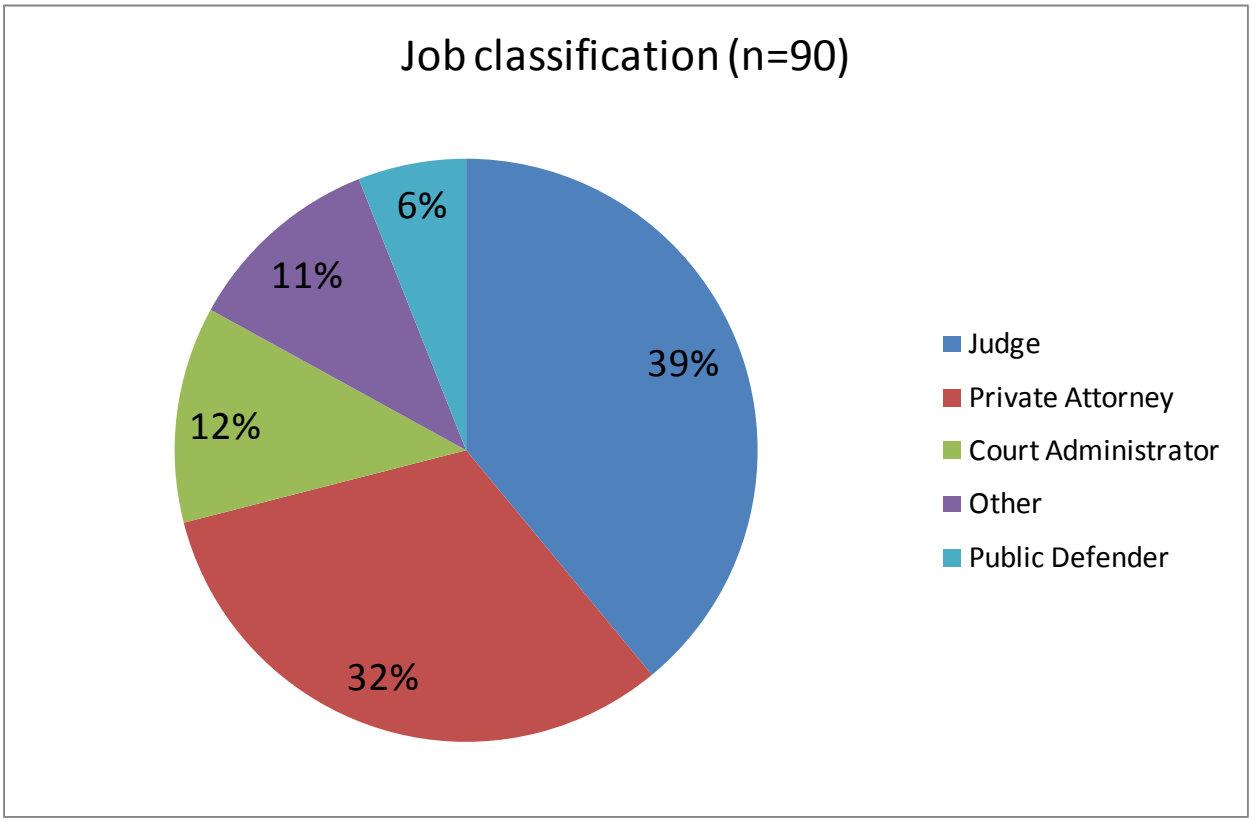
Statewide Survey

The interviews and focus groups informed the development of a statewide, web-based survey that was sent to judges, court administrators, and parent attorneys around the state. Since there is not a statewide model of parent representation in Georgia, one of the goals of the survey was to try to determine where parent attorneys are practicing and what model of representation they are using; however, this also proved to be a limitation to the survey's dissemination (see more on limitations at the end of this report).

The survey was developed in collaboration with CVIOG's Survey Research Unit and the Georgia Public Defender Standards Council through the AOC. Requests to complete the surveys were sent to a total of 336 individuals representing judges, attorneys, and court administrators in the state. Out of the 336 invitations, 97 surveys were returned, for a response rate of 28.87%, comparable to other similar surveys across the nation.[40] Of the 97 surveys returned, 26 were incomplete. The survey remained in the field for four full weeks, and two requests were sent as a follow-up from the initial invitation to complete the survey.

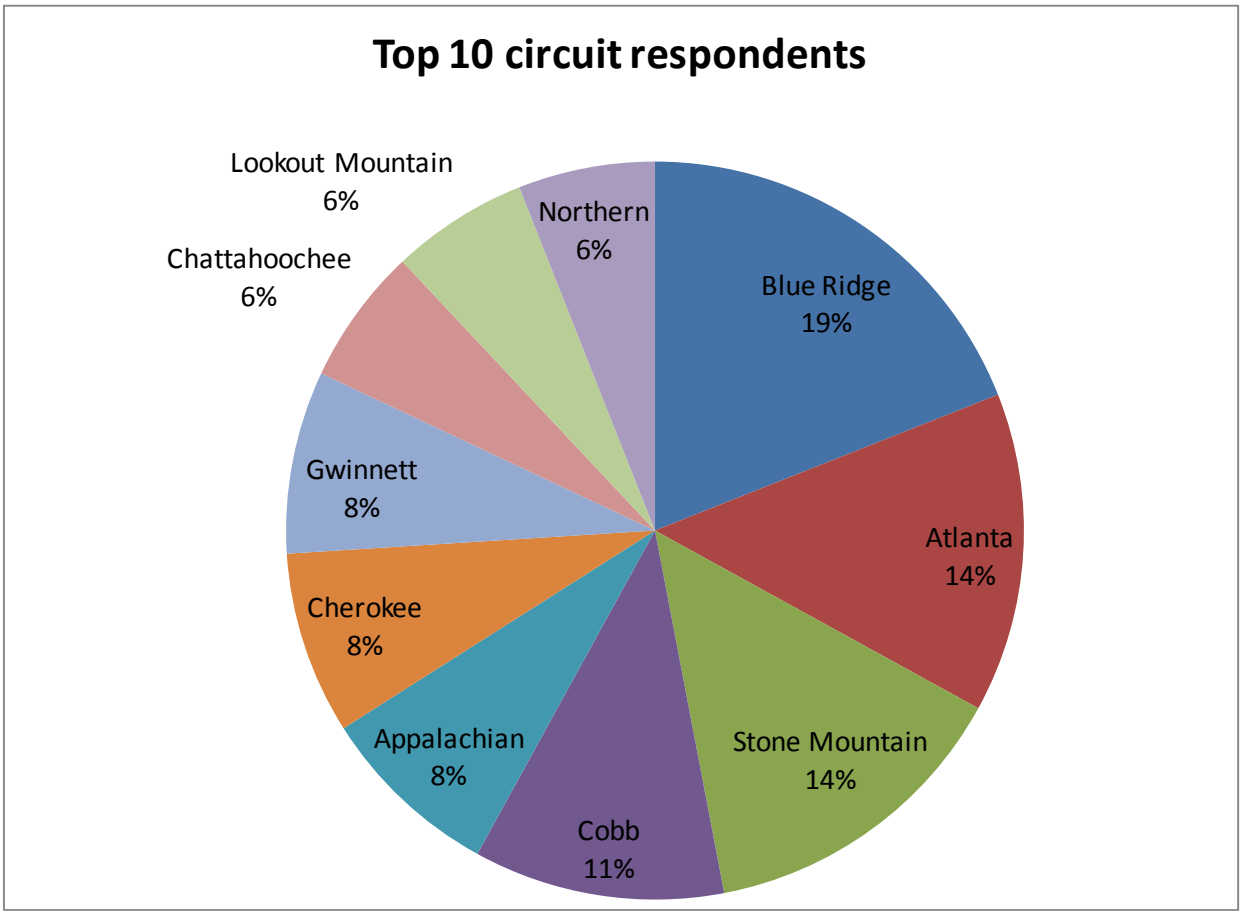
JOB CLASSIFICATION

90 out of 97 individuals responded that they represented either judges (39%) or private attorneys (32%), with court administrators (12%), public defenders (6%), and "other" (11%) making up the rest. The 11% that responded "Other" wrote in that they were both court-appointed and privately retained; were a clerk of court; or a Child Advocate Attorney/GAL. 7 participants did not respond to this question.



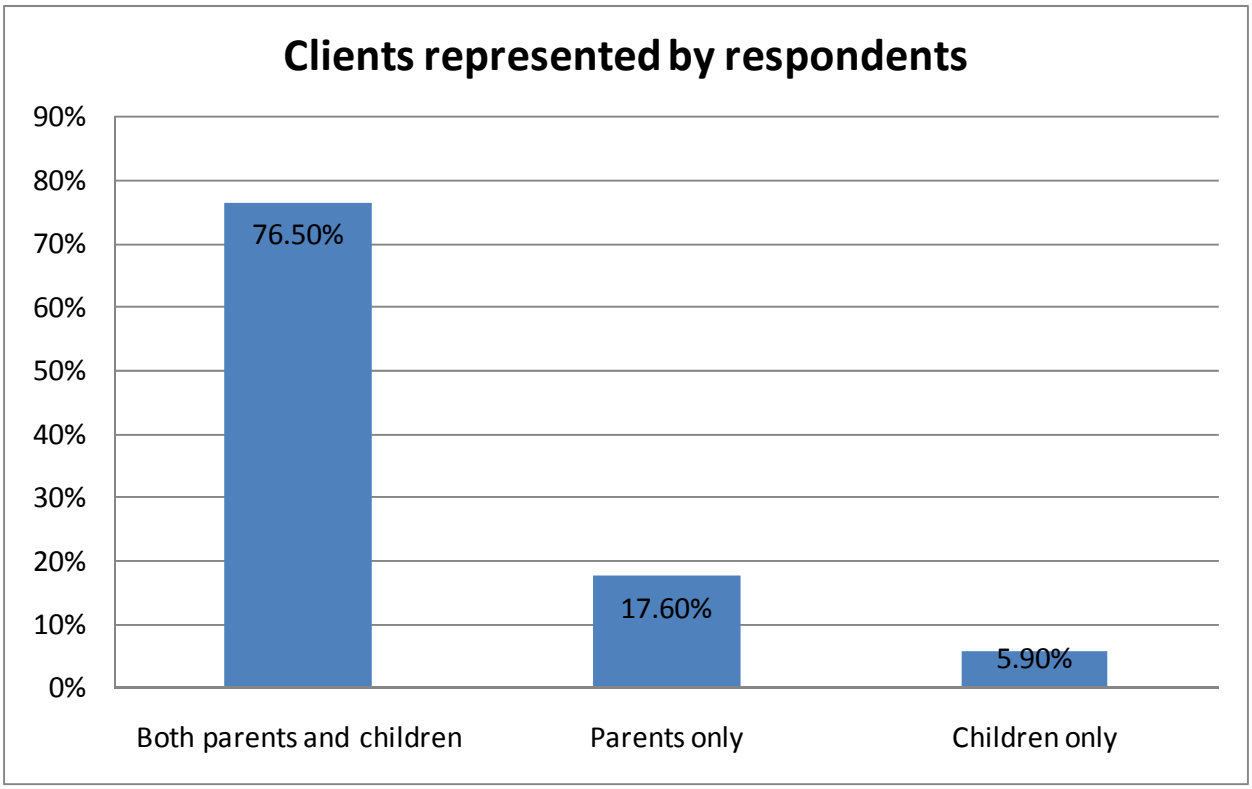
CIRCUIT RESPONDENTS

These 10 circuits represented over 60% of the responses to the survey. The top four circuit respondents were Blue Ridge, Atlanta, Stone Mountain, and Cobb.



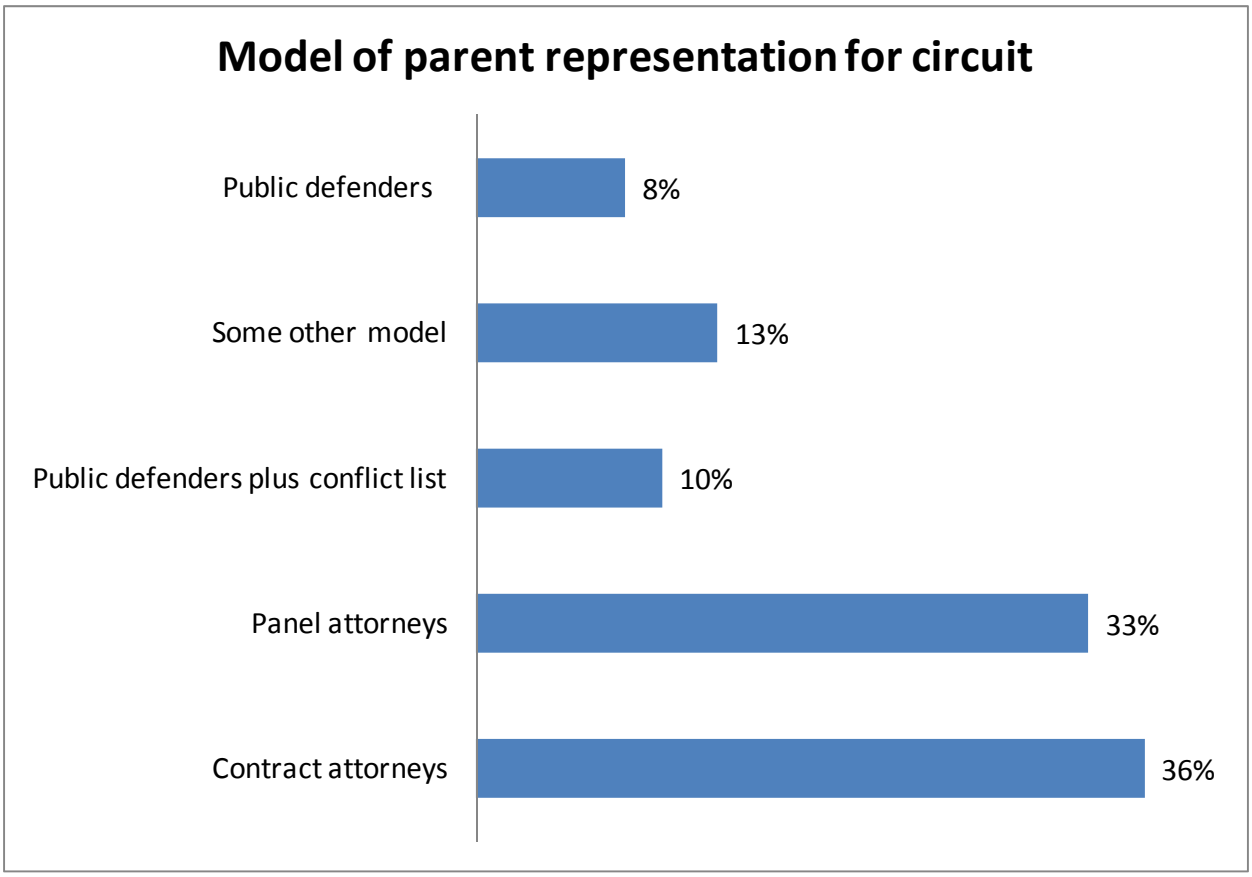
CLIENT REPRESENTATION

When asked about who they represent, the overwhelming majority (76.5%) of respondents reported representing both parents and children, followed by parents only (17.6%), and children only (5.9%).



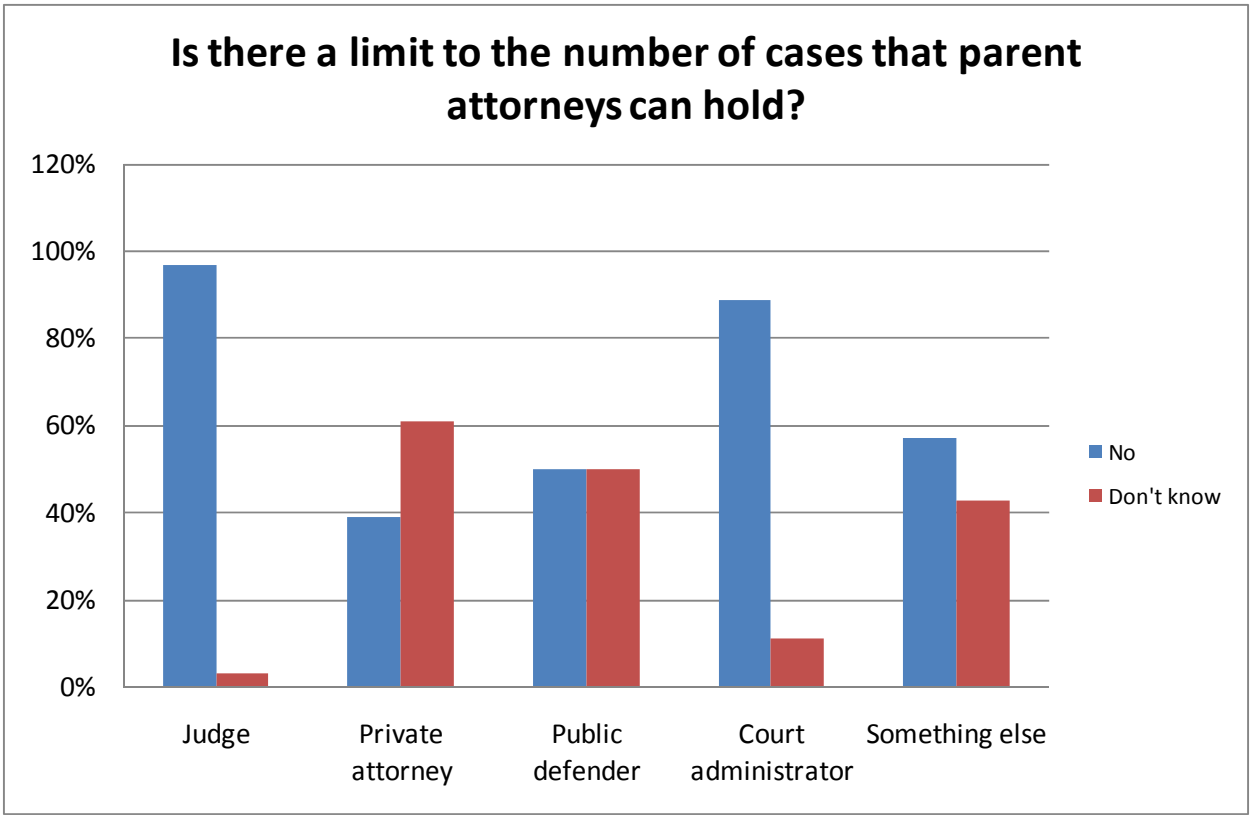
MODELS OF REPRESENTATION

The most common models of parent representation (by circuit) are contract attorneys (36%), and panel attorneys (33%), followed by public defenders plus conflict list (10%) or public defenders (8%). Out of the 13% who selected "Some Other Model," responses included informal panels of attorneys; court appointed; and panel and public defender models.



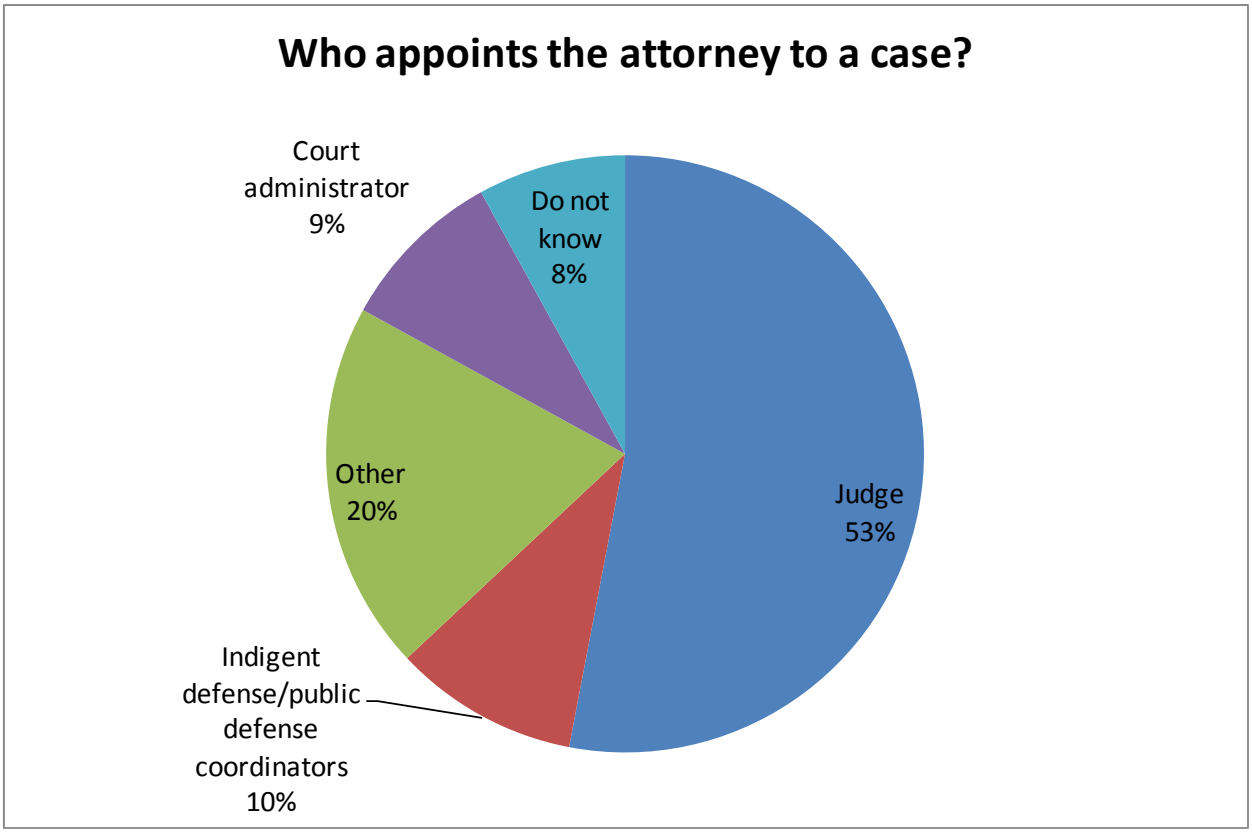
CASELOADS

When asked if there currently is a limit to the number of cases that parent attorneys can hold, 96.7% of judges and 88.9% of the court administrators thought that there is no limit to the number of cases that parent attorneys can hold; attorneys themselves, however, were not so sure. Only 33.3% of private attorneys thought there was no limit, while the rest did not know.



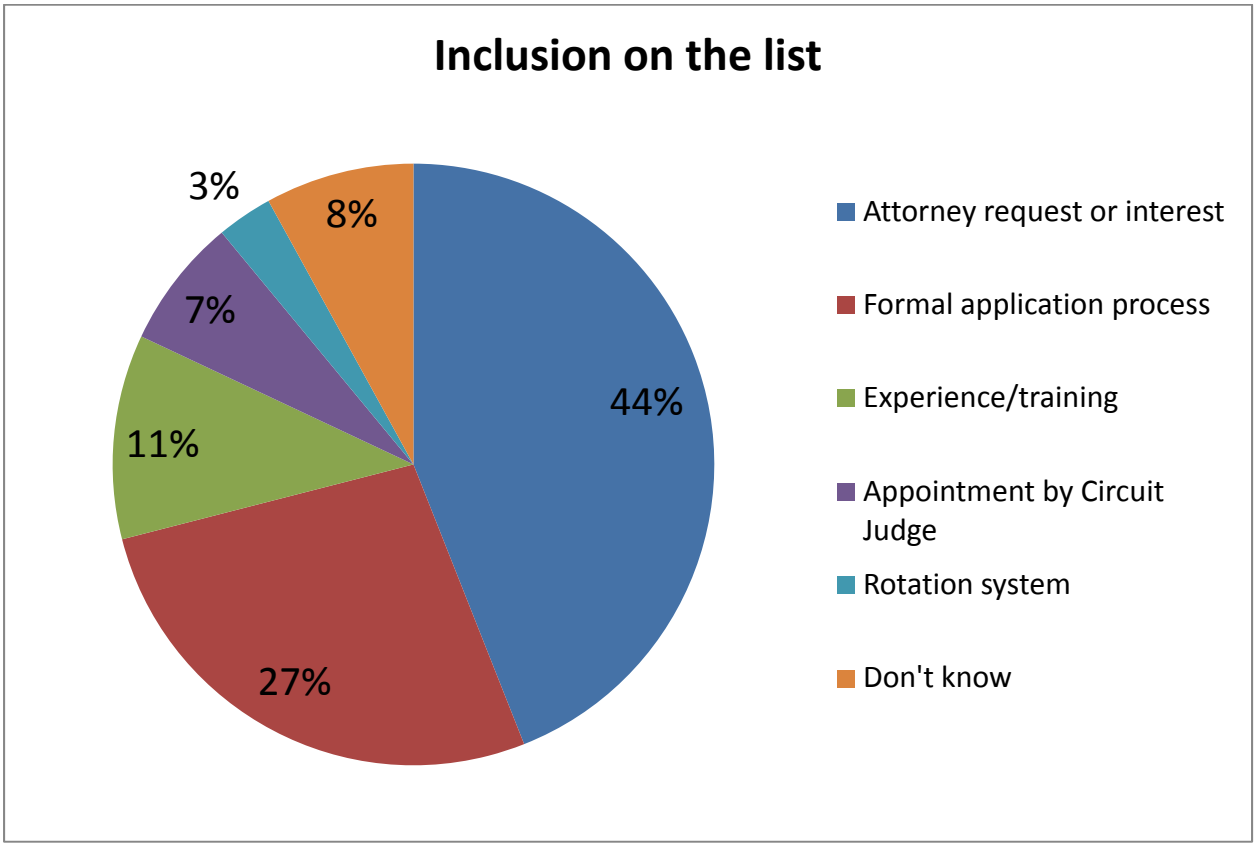
APPOINTMENT

In most cases (52.6%), a judge is responsible for making the final decision as to who is appointed to the case. Other decision-makers were public defense/indigent defense coordinators (10.5%), court administrators (9.2%), or someone else (19.7%), while 7.9% of respondents reported that they did not know who assigned attorneys. Those that responded that they were appointed by someone "other" than a judge, court administrator or public/indigent defense coordinator stated they were appointed by clerks of court, judges' secretaries, or on a rotation basis.



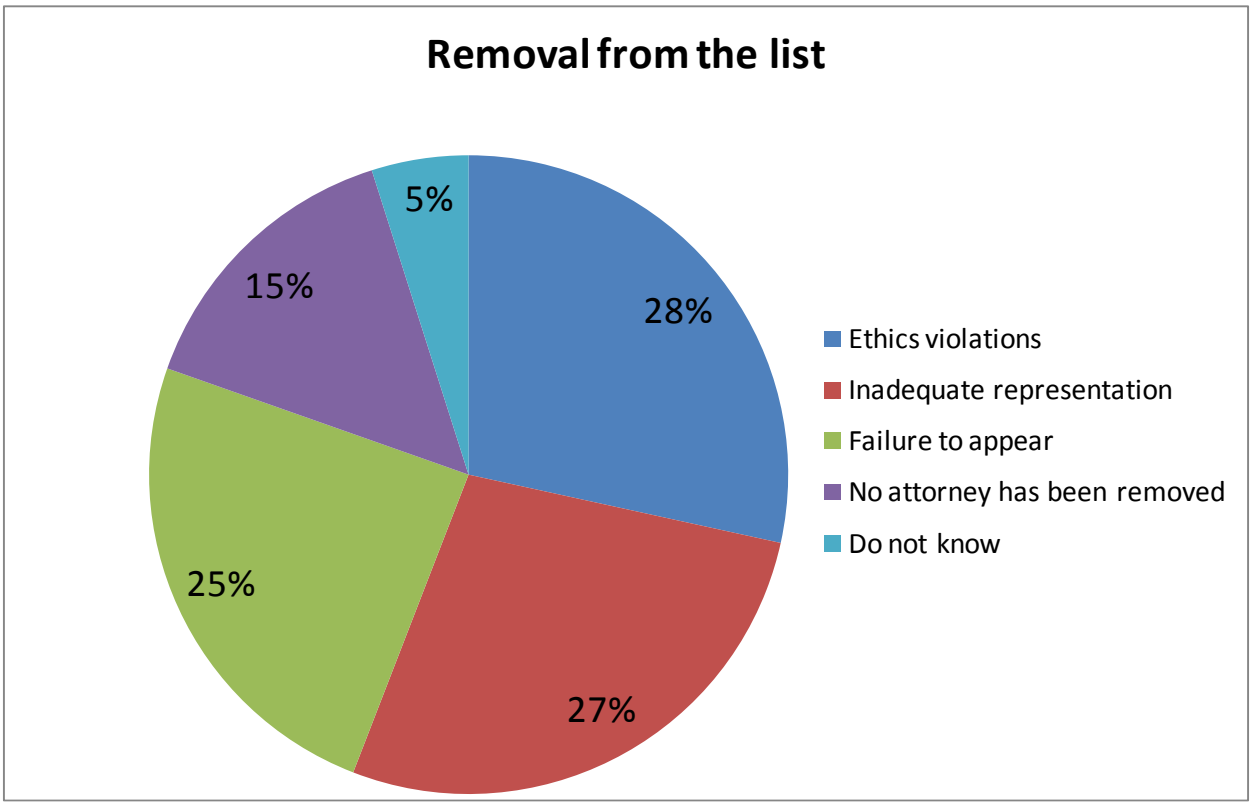
INCLUSION ON LIST

When asked how attorneys are selected for inclusion on the list of available attorneys, 27 of the 61 respondents to this specific question said that it was based on attorney request or interest (44%), and 17 reported some sort of formal application process (27%). Other responses included decisions based on experience/training (11%), appointment by a circuit judge (7%), a rotation system (3%) and 8% of the respondents did not know how the list is made. 36 participants did not respond to this question.



INVOLUNTARY REMOVAL FROM LIST

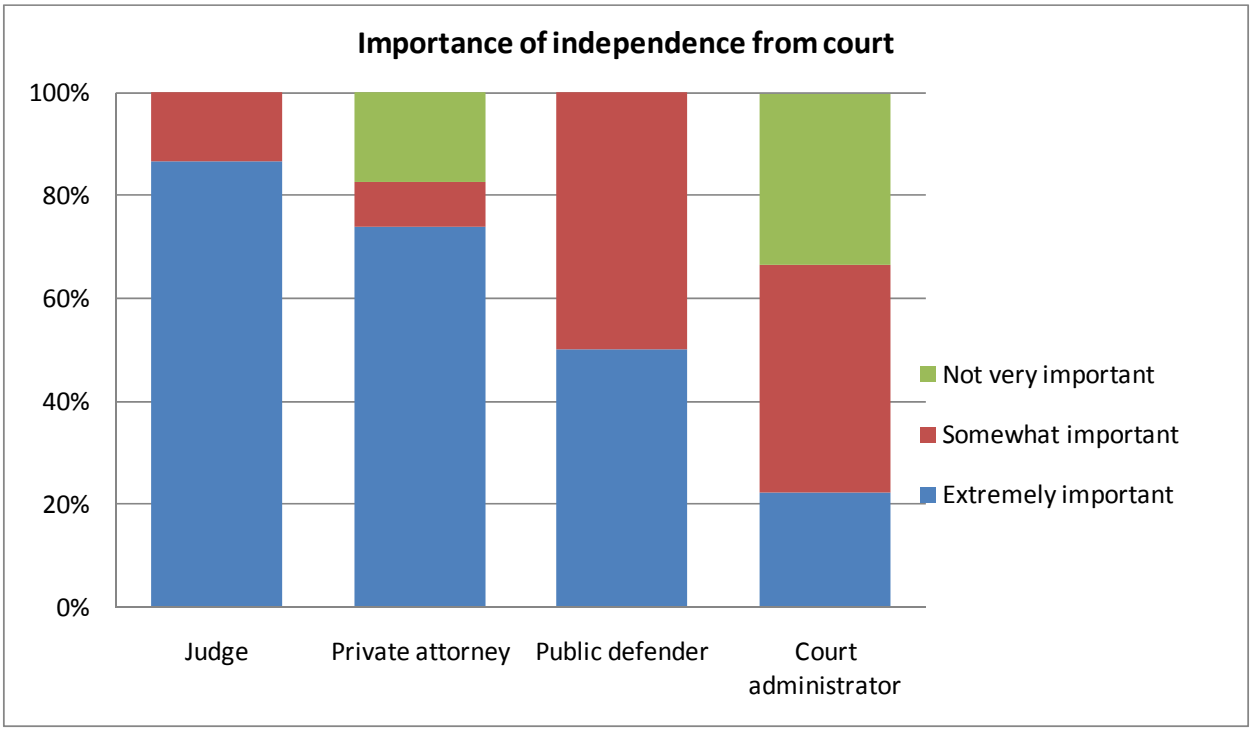
The three main reasons cited for involuntary removal from the list of parent attorneys for deprivation cases were ethics violations (29%), inadequate representation (28%), or failure to appear in court (25%). 6 of the 40 respondents said that no attorneys had been removed from the list (15%), and 5% did not know the reasons behind removal from the list. 57 respondents did not answer this question.



IMPORTANCE OF INDEPENDENCE FROM THE COURT

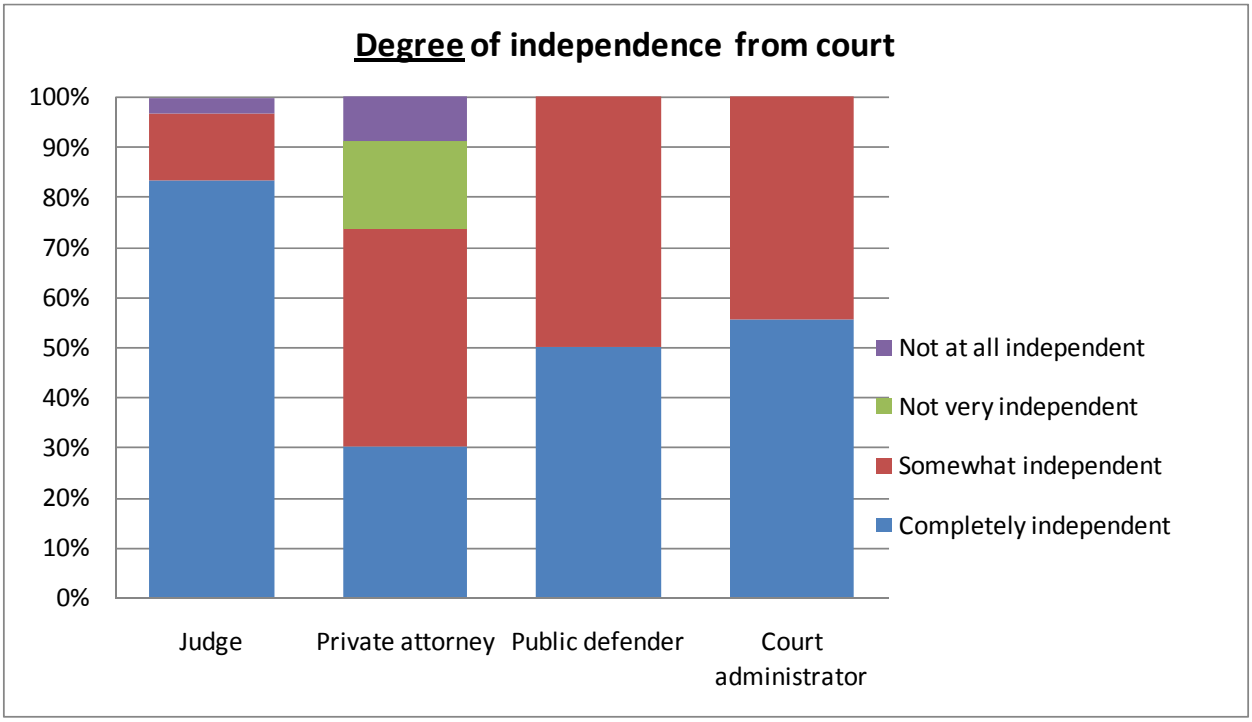
When asked about the importance of independence from the court, both judges (86.7%) and private attorneys (73.9%) agreed that independence is extremely important. Public defenders were split 50/50 as to the importance of independence from court. Only 22.2% of court administrators found independence from the court to be extremely important, with the majority finding it somewhat important.

It should be noted that even thought the majority of private attorneys found independence from the court to be extremely important, 17.4% of private attorney respondents found it not very important. 22.2% of court administrators also found independence from the court to be not very important. These were the only two groups that selected "not very important."



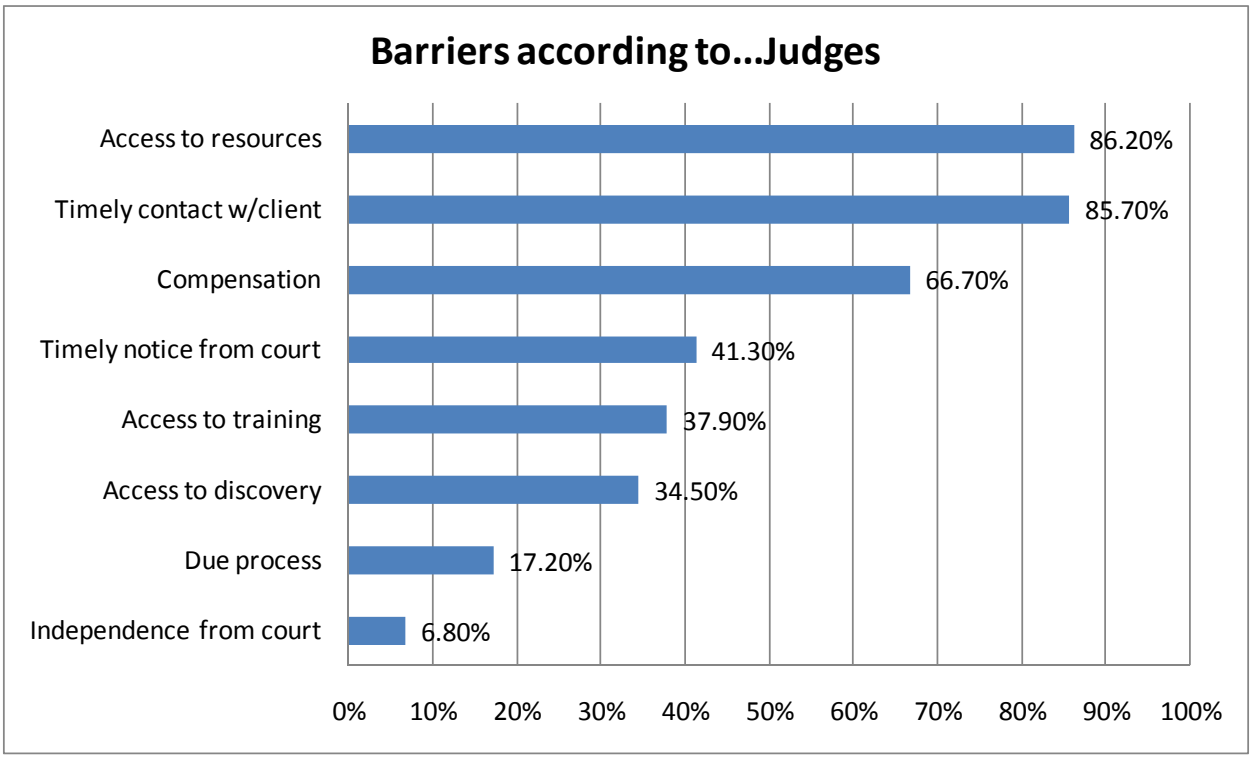
DEGREE OF INDEPENDENCE FROM THE COURT

When asked to gauge the actual degree of independence from the court that currently exists, the majority of judges (83.3%) rated parent attorneys as completely independent from the court; only 30.4% of the private attorneys thought the same. 43.5% of private attorneys rated parent attorneys as somewhat independent, 17.4% as not very independent, and 8.7% thought they were not at all independent. Public defenders were split 50/50 as to completely or somewhat independent. 55.6% of court administrators answered completely independent, and 44% of court administrators answered that parent attorneys are somewhat independent from the court.



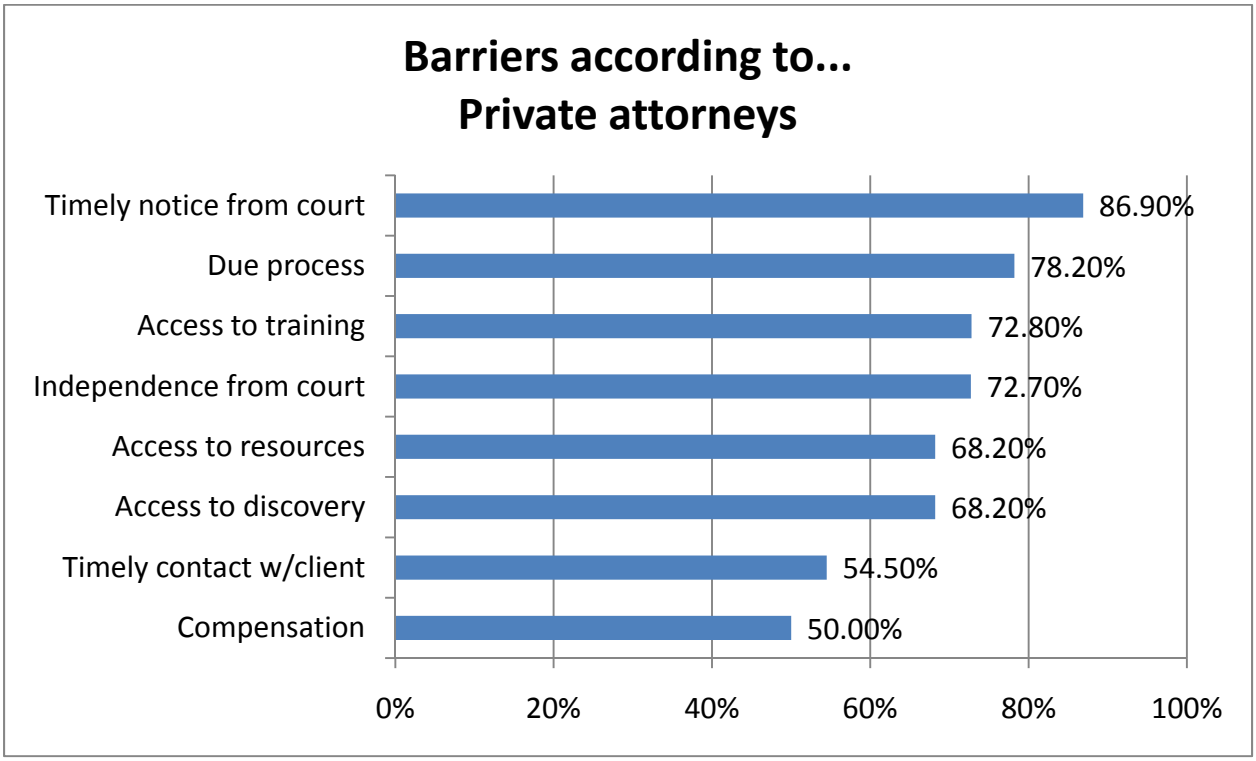
BARRIERS TO EFFECTIVE REPRESENTATION

Judges rated the top four barriers as: access to resources (86.2%), timely contact with client (85.7%), compensation (66.7%), and timely notice from court (41.3%). The barrier reported least frequently by judges was independence from court, with only 6.8% of judge respondents citing it as a barrier.

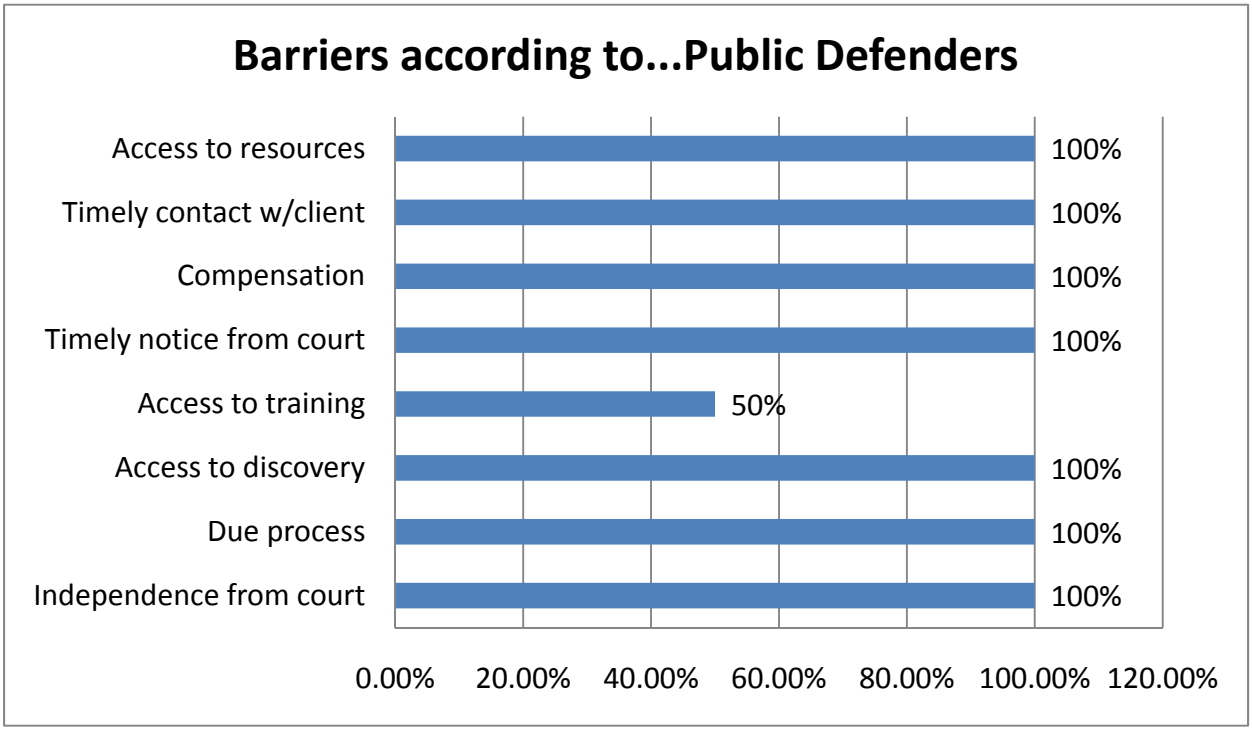


According to private attorneys, the top four barriers are: timely notice from court (86.9%) due process (78.2%), access to training (72.8%), and independence from court (72.7%). The barrier reported least frequently by attorneys (compensation) was reported by half of the attorney respondents.

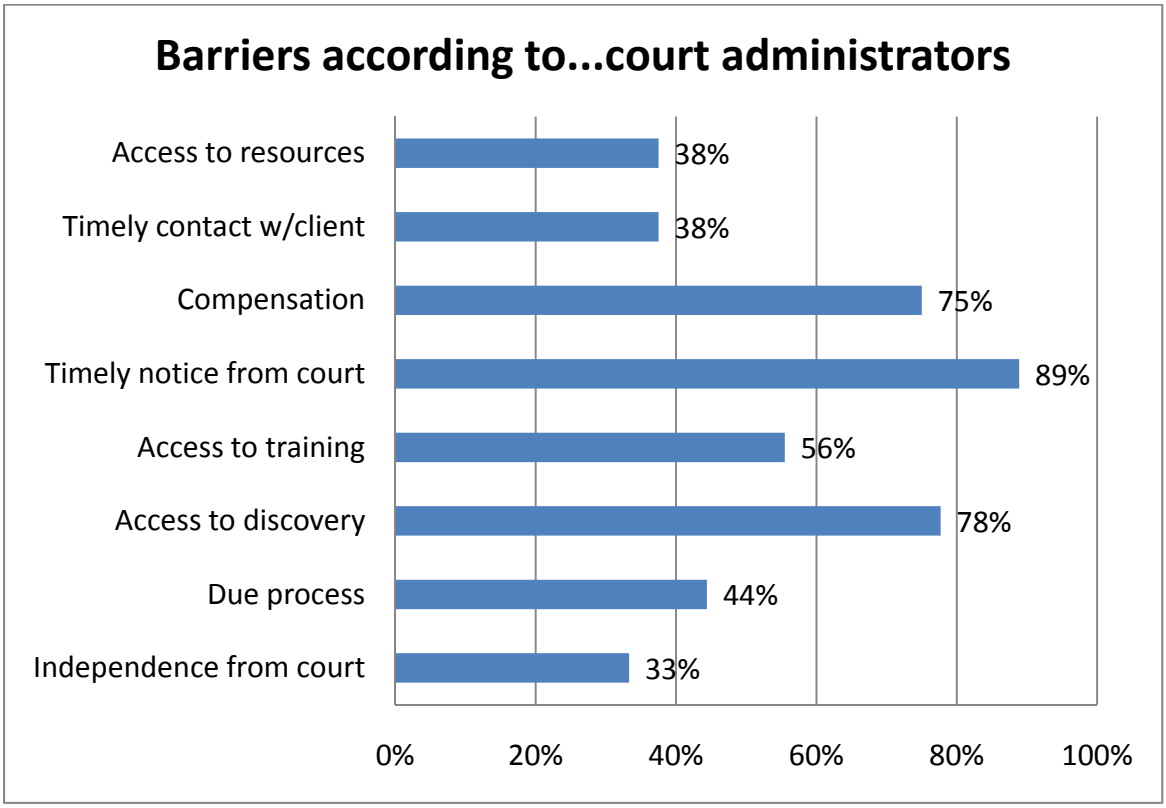
Due process issues were identified by the attorneys as lack of hearings, hearings that are set outside of the time limits, ex parte with court, lack of being served for motions, and holding hearings without the parent.



Public defenders listed all of the choices as barriers to effective representation (100%), except for access to training. However, only 2 public defenders in total responded to this specific question.

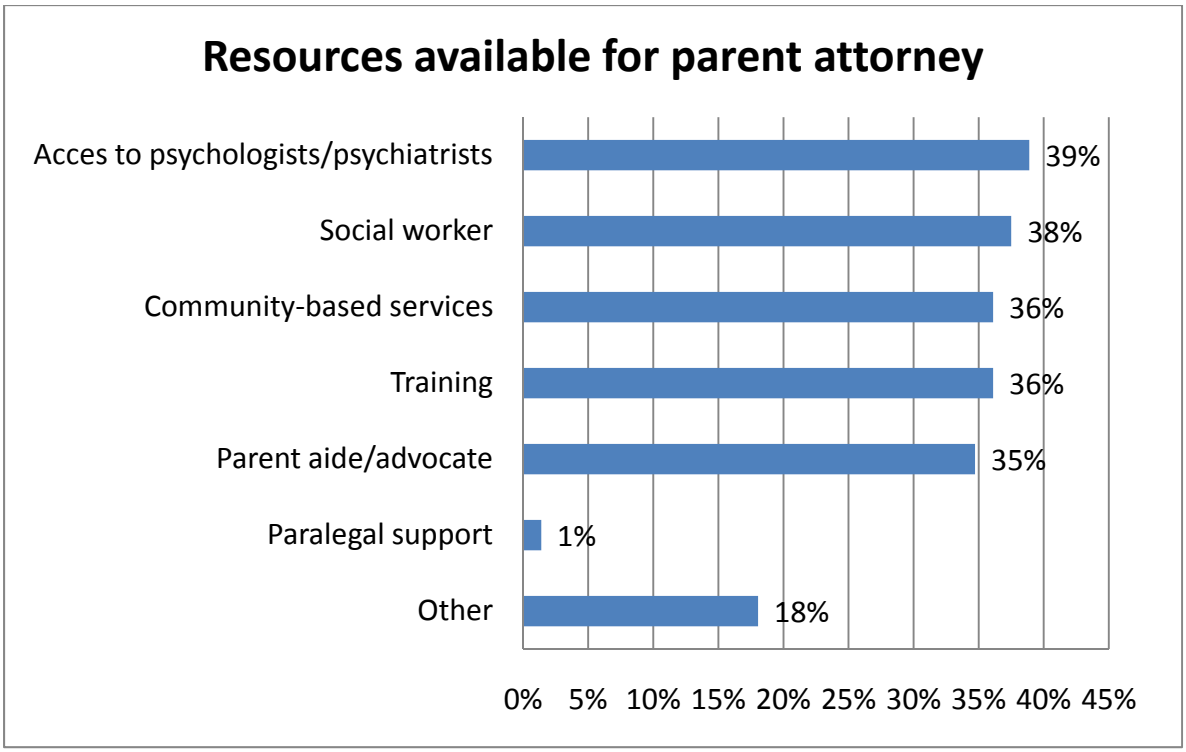


Court administrators listed access to resources, timely notice from the court, and access to training as the top three barriers to effective representation. Court administrators saw due process, independence from the court, and timely contact with the client as less of a barrier.



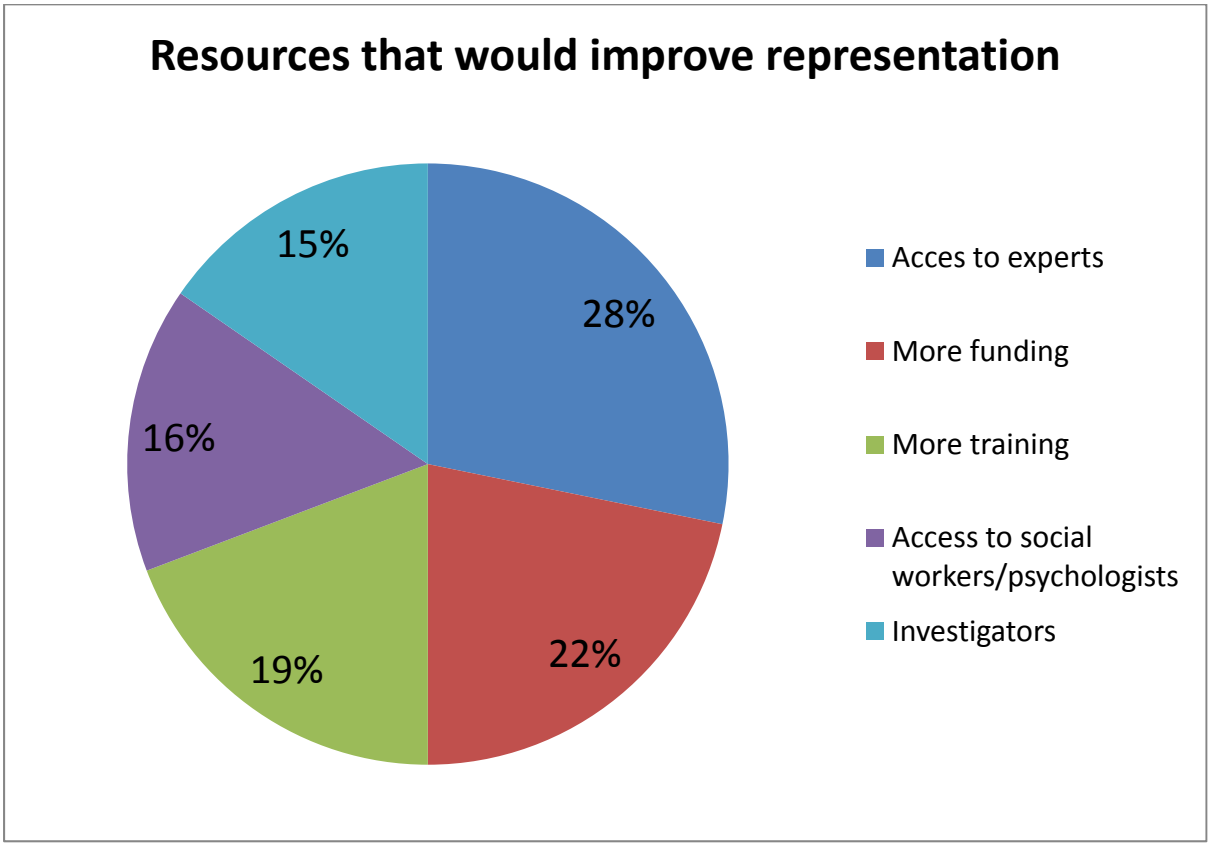
RESOURCES AVAILABLE FOR PARENT ATTORNEYS

As far as resources available to parent attorneys, the following were commonly reported by respondents: access to psychologist/psychiatrists (38.9%), social worker (37.5%), community-based services (36.1%), training (36.1%), and parent aide/advocate (34.7%). These percentages are reflective of all respondents combined, but when it is examined by respondent group, judges see attorneys as having more resources than the attorneys see themselves as having. The only instance when it was about the same was in reference to training, where roughly half of judges and attorneys both saw the resource as available. 18.06% of the respondents who selected "other resources" reported that those other resources included DFCS providers and CASAs. Three respondents reported that there were no resources available in their area.



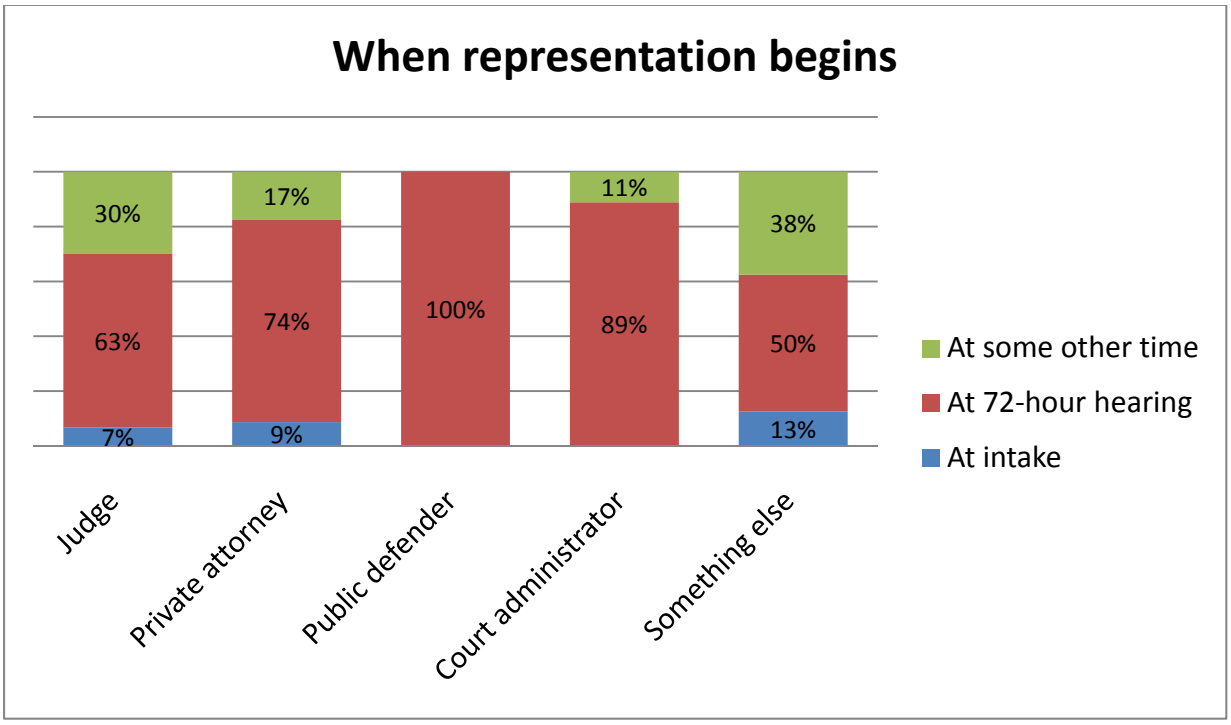
RESOURCES THAT WOULD IMPROVE REPRESENTATION

When asked what resources not currently available in their circuit that would improve parent representation if made available, the top three most common responses given by the 52 respondents were: access to experts (12 respondents, 23%), more funding (9 respondents, 17%), and more training (8 respondents, 15%). Other suggestions were access to social workers or psychologists (6 respondents, 12%), access to investigators (6 respondents, 12%), more/better information/communication with DFCS (5 respondents, 9%), more attorneys (4 respondents, 7%), and parent advocates (3 respondents, 6%). Two respondents mentioned needing public transportation services for their clients, as well as translation services.



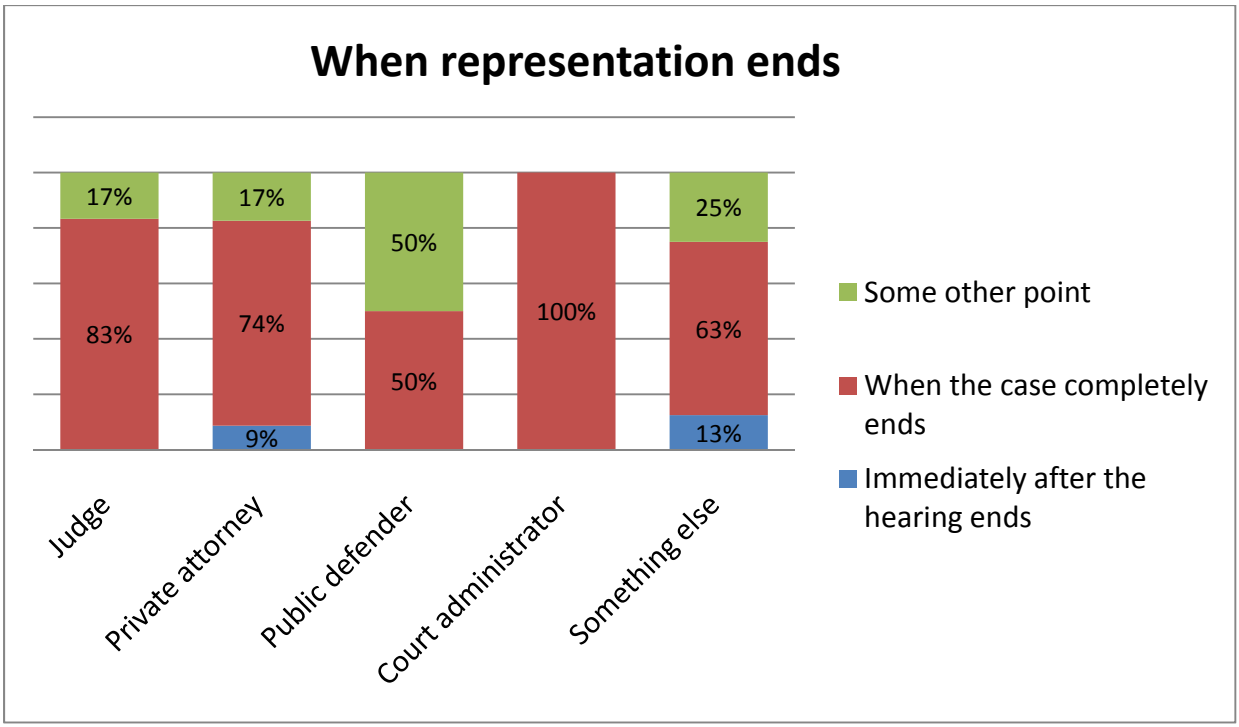
BEGINNING AND END OF REPRESENTATION

Respondents were asked to tell us when representation for parents in deprivation cases both begins and ends. The majority of all respondents (judge = 63%, private attorney = 74%, public defender = 100%, and court administrator = 89%) reported that representation begins at a 72-hour hearing. Among judges, 30% thought it begins at some other time, along with 17% of private attorneys and 11% of court administrators. A few judges (7%) and private attorneys (9%) cited intake as the beginning of representation. The majority of respondents answering "something else" stated that representation either began after the 72 hour hearing or when the parent requested representation.



When asked when representation ends, the majority of all respondents (judge = 83%, private attorney = 74%, public defender = 50%, and court administrator = 100%) report that representation ends when the case completely ends. Half of public defenders thought that the case ends at some other point, as well as 17% of both judges and private attorneys. Only private attorneys and those self-identified as "something else" thought the case ends immediately after the hearing ends.

Some of the descriptions of "at some other point" included after disposition, evaluated after each hearing, through the final 10 day hearing, when the appeal time has ended, and once a case plan is completed or failed.



WHEN *SHOULD* REPRESENTATION BEGIN

When asked their opinion of when representation *should* begin, 38% of the 63 respondents to this question thought that it should begin where it currently begins, which is at the 72 hour hearing. But, more than half of respondents (55%) think that representation should begin at some other point, including intake (14 respondents), as soon as possible (9), as soon as requested by the parent (5), at first contact with the family (4), or at some point prior to the 72 hour hearing (3).

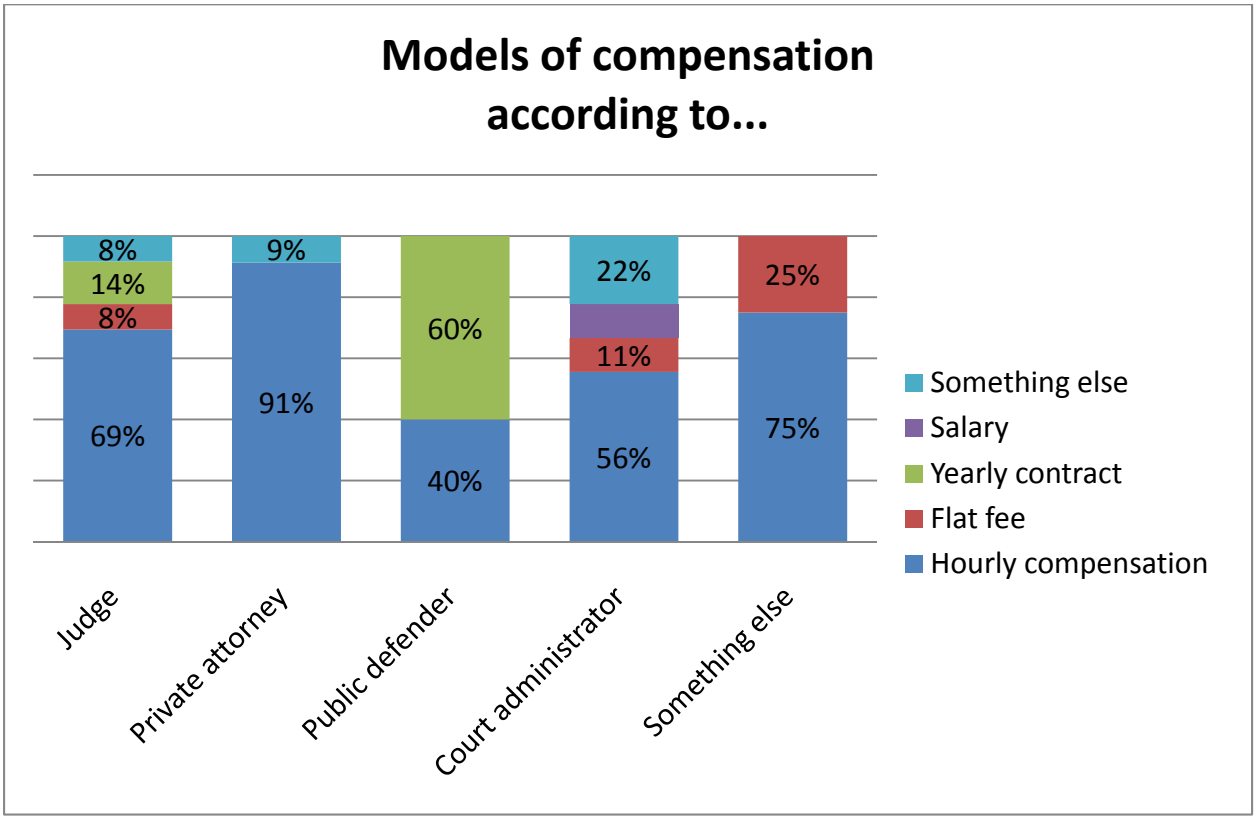
WHEN *SHOULD* REPRESENTATION END?

The opposite was seen when asked their opinion of when representation *should* end, where more than half (61%) of the 55 respondents to this question said that it should end where it currently ends, which is at the close of the case. Other opinions were after any appeals are completed (4 respondents), becoming the attorney of record (3), after "10day" (2), when the child reaches 18 years of age (2) or at reunification or permanency (2).

MODELS OF COMPENSATION

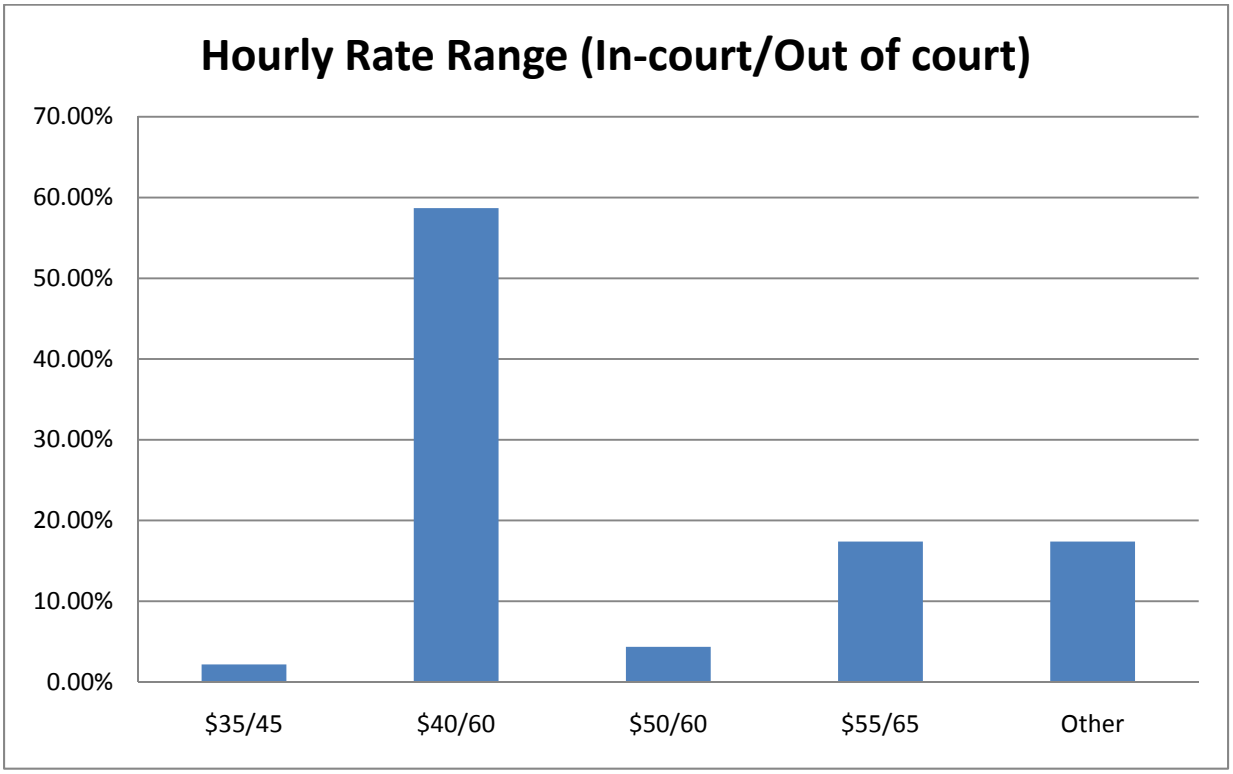
When asked to describe the model of compensation for parent attorneys in their respective circuit, there was variation among responses given that models differ from circuit to circuit. Judges reported hourly compensation (69%) as the model of compensation for their circuit, followed by yearly contracts (14%), flat fees (8%) or something else (8%). Private attorneys cited hourly compensation (91%) as their model, with something else making up the rest of the responses. Public defenders named yearly contracts (60%) or hourly compensation (40%). Court administrators responded that hourly compensation (56%) or something else (22%) was their model of compensation.

Those that chose "something else" stated that compensation was a combination of a set fee and hourly billing.



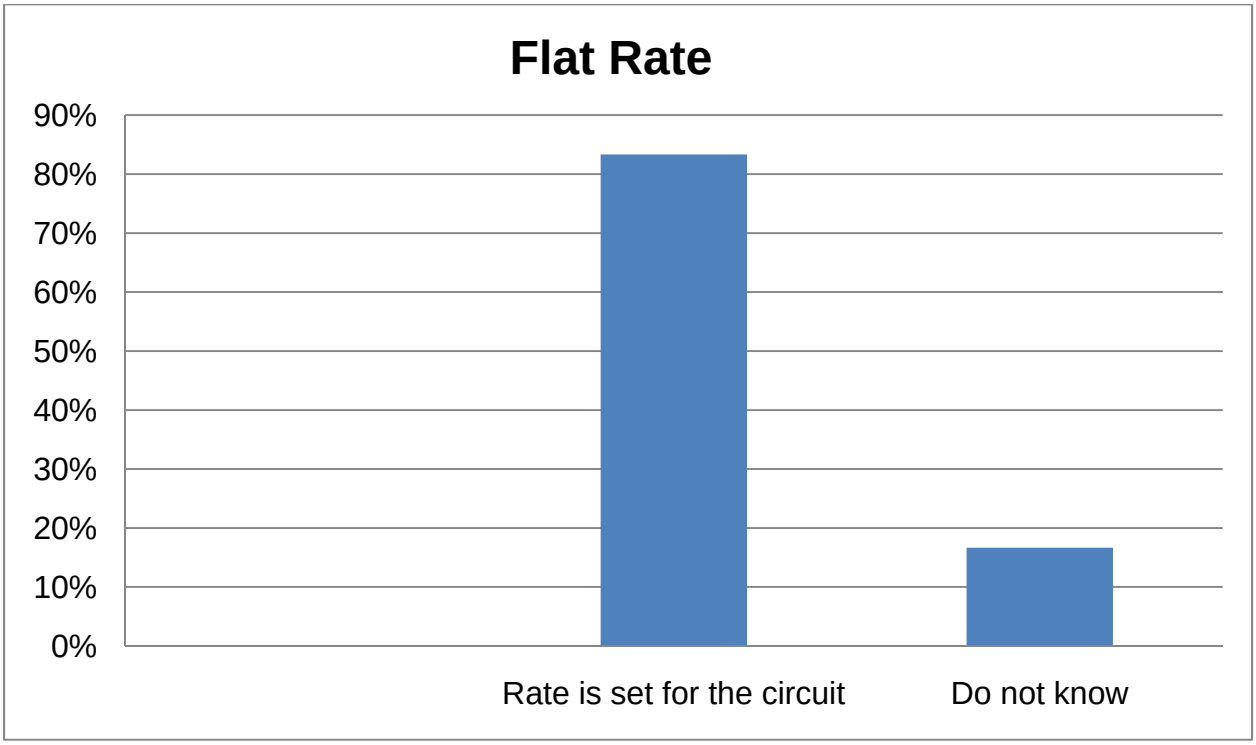
HOURLY RATE

Hourly compensation was the most common form of compensation reported by respondents. When asked the amount or range of the hourly rate, the majority (58.70%) said they make either $40 or $45 per hour for out of court, and $60 for in court. Other rate scales included $55/$65 (17.40%), $50/$60 (4.35%), and $35/$45 (2.17%). Other respondents said that they receive a flat fee, regardless of in or out of court, of $60 an hour (8.70%), $65 an hour (6.52%), or $50 (2.17%) an hour.



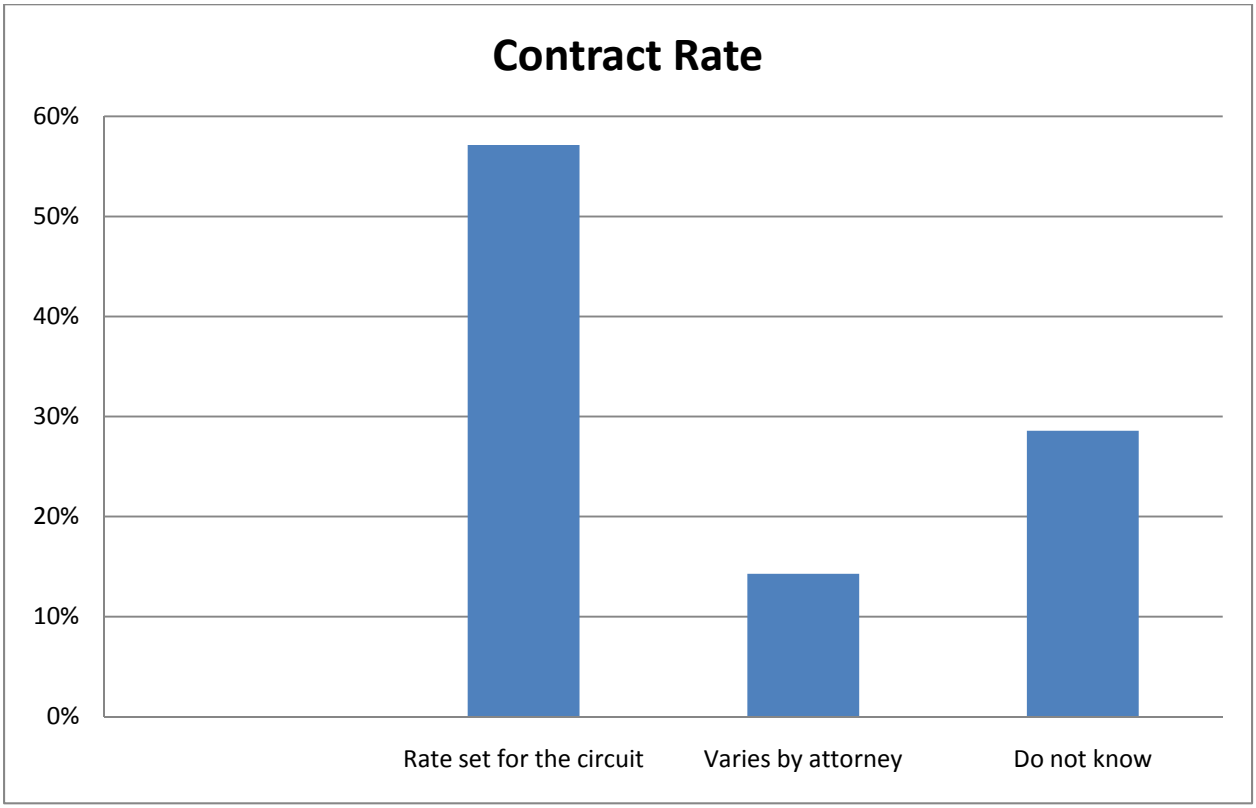
FLAT RATE

Of the 6 people who reported receiving a flat rate, 5 of them said that the rate is set for the circuit, but one person did not know if it is set or not. Two respondents said that the range of the flat fee was $25/$45, but did not specify if this rate is per hour. One person reported that the range of the flat fee was $1,000 a month.



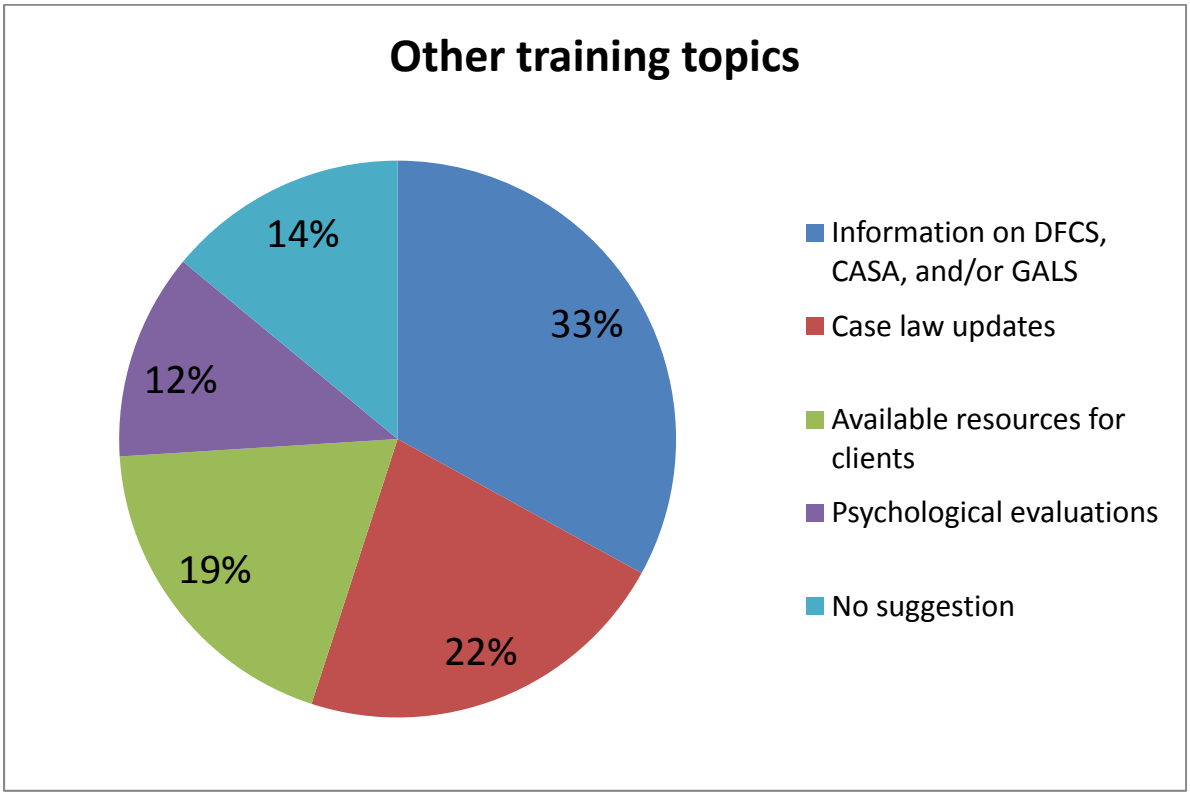
CONTRACT RATE

Of the 7 people who responded when asked about yearly contract rates, 4 said that the rate is set for the circuit (57.14%), 2 did not know (28.57%), and 1 said it varies by attorney (14.28%). The amount or range of the contracts ranged from $40,000 (1) to $60,000 or more (3). None of the respondents cited a limit to the number of cases in the contract.



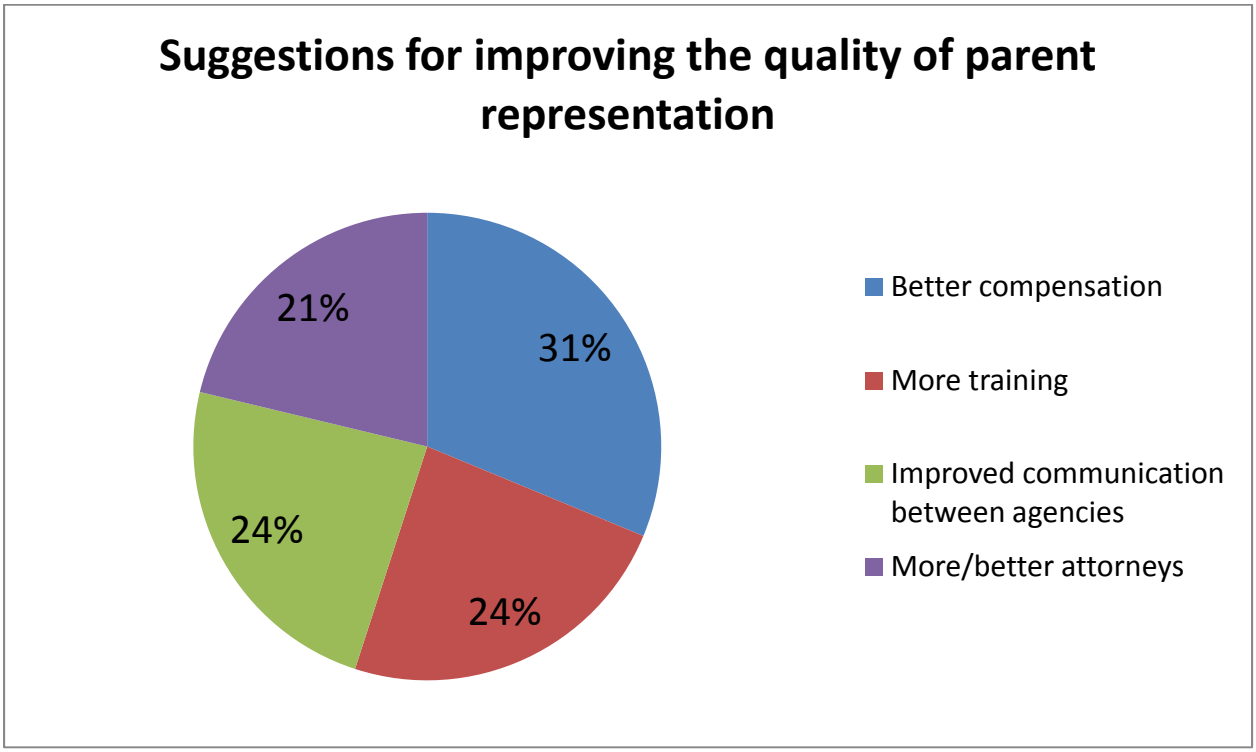
DESIRED TRAINING TOPICS

Of the 50 respondents who answered the question about what type of training topics should be offered to parent attorneys, almost half (46%) wanted more information on court procedures. Other topics included more information on DFCS, CASA, or GALs (14 respondents, 28%), case law updates (9 respondents, 18%), information on available resources for their clients (8 respondents, 16%), evidence (8 respondents, 16%), or how to interpret psychological evaluations (5 respondents, 10%). Six respondents said that the training they already receive is adequate, and had no suggestions (12%). Respondents could select more than one response to this question.



IMPROVING QUALITY OF PARENT REPRESENTATION

Participants were asked an open-ended question for suggestions to improve parent representation. Specifically, participants were what one thing can be done to improve the quality of parent representation. The 52 respondents to this question reported: better compensation (13 respondents, 25%), more training (10 respondents, 19%), improved communication between agencies (10 respondents, 19%), and more/better attorneys (9 respondents, 17%). No other responses were provided.



National Models of Social Work Practice

Through focus groups and interviews with stakeholders and representatives from nationally recognized models of parent representation, it was articulated that in best practice models social worker staff assist parent attorneys with case planning, parent support, advocacy, as well as investigative needs. Several best practice programs highlighted in these interviews and at the National Parent Attorney Conference in Washington, D.C., provide experience and practical wisdom for the consideration of a model of parent representation with social worker staff: New York City's Center for Family Representation, which pairs a social worker, parent advocate, and an attorney (known as a Community Advocacy Team) for families; and Washington State's Office of Public Defense, which provides one social worker for every four attorneys, and provides a comprehensive set of social worker standards of practice for the Parent Representation Program. Additionally, the state of Kentucky's use of social workers in public defender offices and the Detroit Center for Family Advocacy, which provides legal advocacy and social work services to low income families, have been identified as promising practices.

New York City – Center for Family Representation (CFR)

During the June 2009 site visit, representatives of CFR stated that social workers in their offices work as a clinical practice within the larger parent attorney office.[41] When hiring social workers, the primary candidates are individuals who are comfortable in a legal environment and have a background in social justice. Usually these candidates are right out of school and are familiar with the related systems and are experienced with home visitation. They have strong skills in advocacy and diplomacy, as well as an ability to be direct with clients, attorneys, and other state agencies.

CFR reported that the creation of custom teams for each client is a challenge, because each family has different and complex needs. As with other social work positions the work/life balance is important to consider and social workers must have strong boundaries and outside supervision. However, CFR stated that social workers are uniquely trained in the management of boundary issues, and often possess the skills to engage clients who are unresponsive or difficult to reach, making them a beneficial part of the CFR approach.

Washington State

The Washington State Office of Public Defense (OPD) employs social workers as part of their Parents Representation Program. The mission of a Parents Representation Social Worker is to "strengthen and empower families by providing high-quality, strength based, compassionate, accessible, non-biased, culturally relevant, and comprehensive social work services to parents in dependency and termination proceedings, thus allowing them to participate fully and meaningfully in their case planning."[42] The main function of the social worker is to assist Parents Representation Program Attorneys and the parents involved in dependency and termination proceedings. In order to offer the highest quality service, the OPD established and adopted minimum practice standards for social workers, which are in line with the National Association of Social Work (NASW) Code of Ethics. These practice standards address issues of professional conduct, mandated reporting, and confidentiality of social workers working in an attorney support role.[43]

Social workers in the OPD office fulfill many roles including: parent supports, investigators, parent advocates, and witnesses. They communicate, engage, and motivate parents to participate in their case plan. They attend court hearings in support of the parents, observe visits, conduct home studies, assist attorneys in preparing alternative reunification plans, and they participate in community child welfare and court improvement meetings.

Additionally, there are currently Parent Representation Programs in 25 out of 39 counties in Washington, all of which provide access to independent social workers.[44]

Kentucky

In 2006, the Kentucky General Assembly approved funding for social workers to be employed in public defender offices to work towards reducing the state's recidivism rate by addressing defendants' "root" problems.[45] The results from the first two years of the program indicate that it has been effective. For instance, the recidivism rate for program participants was 15-18% compared to 34% statewide. Of adults who received drug or alcohol treatment through the program, 93% abstained from those substances after

release. For every dollar invested, the program saved $3.25. Each social worker was reported as saving "10,000 days of incarceration," which is equal to 27 years.[46]

Social workers serve a variety of functions in the office. They locate drug, alcohol, and mental health treatment options for adult and youth clients in the communities where they live. They generate intervention plans based on court decisions, write recommendations for pre-trial diversion, participate in identifying reasonable alternatives for juvenile detention, and help the clients as they reenter their communities.

Proponents of the program applaud social workers for filling a "gap in the criminal justice system" by applying their training and professional standards to advocate for defendants with "chronic socio-economic problems."[47] Social workers are able to connect people with resources in ways in which judges and attorneys cannot, thus empowering defendants to overcome their "root" problems and become more "self-sufficient."[48]

Detroit Center for Family Advocacy (CFA)

The Detroit CFA provides legal advocacy and social work services to low income families to prevent the unnecessary placement and prolonged stay of children in foster care. They aim to preserve families while at the same time keeping children safe. By doing so, they "allow the foster care system to focus its resources on children who need its protection."[49]

The program model is preventative in nature, focusing mainly on families who are at risk and working to intervene *before* a problem gets out of hand. Families are referred to CFA by collaborating non-profit organizations in an effort to keep them from becoming involved with DHS. In these cases the CFA forms a team consisting of an attorney, a social worker, and a parent advocate who prepare plans to address safety risks with the goal of keeping the child with their family. In cases where foster care is necessary, the members of the CFA team serve as advocates for the parent so that they might "receive appropriate services and to maintain an ongoing relationship with the child".[50]

The unique role of the social worker is to provide case management and to perform analysis of the family's strengths and weaknesses. By working with community partners, the parent and family is offered a variety of services to which they would not otherwise have access. The social worker also participates with DHS in the creation of a safety plan. Services are offered on a *pro bono* basis, and utilize graduate level professional students (MSW and law students) in an effort to educate a new work force in interdisciplinary legal representation. The program does not, however, mention training opportunities for current professionals.

Social Worker Pilot Project

One of the areas the J4C was interested in exploring for future consideration was the use of social workers in the parent representation process in Georgia. The social worker would provide a case management role on the parent attorney side of the process. Through focus groups and interviews, CVIOG identified areas in which the availability of a social worker could be useful:

- Assistance with home evaluations and reviews similar to those that Child Advocate Attorneys use in their practice; this would assist with the long wait on home evaluations on the DFCS side
- Assistance with the provision of resources recommended in a DFCS case plan that will allow the client quicker and greater access to services
- Assistance in interpretation and provision of psychological evaluations that are provided by DFCS
- Assistance in follow up with clients for the attorney when there is a burdensome case load
- Assistance in client interviews and explaining the process for clients
- Visitation

Available starting September 1, 2009, parent attorneys in the state of Georgia were able to access a social worker through CVIOG for phone- and email-based advising and recommendation

services. The social worker was available in a limited capacity for 10 hours per week, and all requests for services were made through an email submission form. Services offered included:

- Information/orientation on the deprivation process
- Advisement on the obtainment of court ordered services
- Assistance in locating relevant child welfare research
- Assistance in researching DFCS Policies and Procedures
- Assistance in locating expert services
- Assistance in the interpretation of psychosocial assessments
- Other research, advisory or recommendation based services as needed

The services were available in a limited capacity in the pilot phase. While every effort was made to assist parent attorneys with their requests, there were certain circumstances where the social worker was unable to do so. In this pilot phase the social worker was not available for home visits or investigations, and was unavailable for court appearances. Attorneys were advised to keep the confidentiality of their client in mind when requesting services.

The majority of the requests focused on counseling referrals or resources. Descriptions of the requests received from September 1 through January 31, 2010 include:

1. Community supports/resources on paranoid schizophrenia
    a. Information supplied: Local support groups and agencies that offer supports in this area were provided
2. Spanish-speaking therapists
    a. Information supplied: Information on local agencies/contacts for Spanish-speaking therapists specializing in play therapy; follow up with therapists and counselors to locate appropriate programs
3. Resources for Residential Treatment programs/Substance Abuse treatment programs
    a. Information supplied: Local agencies and state resources for treatment programs; follow up with the agencies to determine availability and information necessary for treatment

4. Parental Fitness Evaluation
    a. Information supplied: Unfulfilled because the request was outside the scope of the pilot, but it should be noted that this is a resource that is needed for parent attorneys
5. Home study request
    a. Information supplied: Unfulfilled, beyond scope of pilot, but provided other avenues and resources to pursuing a home study
6. Sexual Offender Counseling Resources
    a. Information supplied: counseling centers and therapists who were able to counsel the client
7. Domestic Violence Programs for Men (beyond the typically recommended programs)
    a. Information supplied: Initial information on programs in the Atlanta area

This pilot was completed in January 2010.

Recommendations and Conclusions

Based on the research gathered for this report, including background information on parent representation within the state of Georgia and across the country, an analysis of national best practices models, interviews and focus groups with attorneys, judges, and court administrators, a statewide survey of attorneys, judges, and court administrators, and an evaluation of a social worker pilot model in the state, CVIOG provides the following recommendations for improving parent attorney practice in the state of Georgia:

1. **Develop Uniform Standards of Practice**

   It was evident from the interviews and focus groups that there is a strong interest from all parties in developing clear expectations for parent representation, including statewide standards for appointment to a case, notice of hearings, timeframes, access to discovery, and continuity of representation. Uniform standards would also assist in developing a measure of accountability for the practice, by clarifying what it means to effectively represent parents in child abuse and neglect cases. Standards could also mandate a required level of proficiency through training, mentoring, and even evaluation of practice. It would be wise for the state to develop as well clearly articulated measures for oversight and compliance with the standards.

   Uniform standards of practice for parent representation across the state will assist in increasing accountability and clarify expectations for all parties. Standards should include protocols for developing a productive relationship with the client, access to discovery, court preparation, the appointment process and provision of notice, continuity of representation, and level of independence from the court. Additionally, clear timelines should be established for all points in a case. It is worth noting that in several instances on the statewide survey participants responded that they did not know or were unclear of the answers to questions including caseload limits and how attorneys are appointed to cases, and there were disagreements on when representation both begins and ends; uniform standards would remove these grey areas and others from the practice.

The ABA has recently developed national Standards of Practice which are divided into eight categories. Georgia could model statewide standards after this national document. Additionally, several other states, including Arkansas, Montana, North Carolina, and Washington have developed standards that could serve as models for the state of Georgia. *Note: Georgia is currently developing standards of practice.*

2. Examine the Current Model of Representation

Currently, Georgia has a fragmented system of parent representation, including contract attorneys, panel attorneys, and public defenders both with and without a conflict list. Not only does the model of representation vary by county and/or circuit, the compensation also varies, with some attorneys receiving an hourly wage (which varies as well), and some receiving an annual salary. While the structure of the system was not mentioned directly by participants in either the interviews or the survey as a barrier or an area needing improvement, this fragmented structure does contribute to the uneven quality in representation across the state that was mentioned by several of those interviewed, and certainly contributes to the lack of accountability and unclear expectations for performance that has been noted. Additionally, the current model which allows for the court to control the selection of attorneys for cases may contribute to the feeling by the majority of private attorneys that there is less than complete independence from the court and may impact the quality of representation if there is fear that they could be removed from the list.

At least two counties in Georgia have implemented an indigent panel model for their district, which provides an independent panel to oversee the hiring and termination of attorneys. The panel removes the judge from parent attorneys in this process, which maximizes independence from the court. Additionally, these attorneys are paid an annual salary versus an hourly rate. This model of representation appears to hold promise for improved outcomes and should be evaluated for potential replication in other areas of the state.

Some states have moved towards a uniform model of representation which may be worth consideration by Georgia. For example, the state of Washington has a statewide model that includes considerable annual (salaried) compensation for attorneys, resources including social workers and experts as needed, and an annual evaluation and review process. Massachusetts' Children and Family Law Division of the Committee for Public Counsel Services oversees a statewide list of 3,000 certified private contract attorneys. Certification requires attendance at a 5-day training program, work with an experienced mentor, and completion of CLE hours.

Another model that might prove instructive for Georgia is the best practice model provided by the Center for Family Representation in New York City, which provides an attorney, a social worker, and a parent advocate to each client. Implementation of a similar model in Georgia would require an investment of resources, including time, money, and personnel, but the example of CFR has shown impressive results for the children and families of New York City, and saved thousands of dollars per family served.

3. Examine the Current Compensation Levels for Representation

Related to a reexamination of the model of representation, it is recommended that the state of Georgia reexamine the current compensation levels. No matter the model, the current level of compensation may affect recruiting and retention, and requires attorneys to be "part-time attorneys" in the field of parent representation. Several attorneys interviewed in focus groups indicated they would like to do this work full-time, but they simply could not afford it. The current economic situation in this country only serves to make this situation more dire; not only is it more difficult for attorneys to make ends meet through parent representation practice, but research also shows that economic hardships result in more cases of abuse and neglect in the court system, requiring additional attorney services.

Currently the majority of parent attorneys in Georgia are paid on an hourly rate, with out of court/in court pay scales ranging from $35/$45 to $40 or $45/$60 to $50/$60 to

$55/$65. A few noted that they were paid a flat rate of $50, $60, or $65 per hour, for both out of court and in court time. Not only is this an enormous variation in compensation, there does not seem to be a clear, uniform definition of what "counts" as out of court time, which again results in a lack of clarity around expectations. If parent attorneys are increasingly asked to serve as advocates and social workers for their clients outside of the courtroom, they will need to be compensated for that work. A yearly salaried pay structure would eliminate some of this issue, if the salary is set at a competitive level. According to the Bureau of Labor Statistics, the average hourly wage for all attorneys in the U.S. is $59.98 and the average hourly wage for all attorneys in Georgia is $63.59; the overwhelming majority of respondents who claimed an hourly rate in the survey indicated that they received $40 for out of court time and $60 for in court time, both of which are below the state average.

It should be noted that in the survey responses, "Compensation" was the least selected response (albeit still selected by 50% of respondents) by private attorneys as one of the current barriers to effective representation. However, it might be assumed that this does not imply that attorneys feel that they are being adequately compensated for the work that they do, but that they will not let the low compensation prevent them from providing effective representation; indeed, the number one suggestion for improving parent representation was better compensation.

4. Provide Access to Resources

One of the often-cited barriers to effective representation is the need for better access to, or knowledge of available resources, such as independent social workers, interpreters, and psychologists/psychiatrists/other medical experts. Not only do attorneys note that they do not have the time to find these resources, due to the low compensation levels they do not have the financial resources to pay for them if they found them. In the focus groups and interviews, attorneys suggested that access to a trained social worker, or training on how to provide that resource would be helpful. In the survey, resources requested by participants included: access to experts, more funding, more training, access to social workers or psychologists, access to investigators, more/better

information/communication with DFCS, more attorneys, and parent advocates. Two respondents mentioned needing public transportation services for their clients, as well as translation services. Many of these resources, if provided, will, of course, require a significant financial investment by the state.

Again, Georgia may want to consider a pilot program of the Center for Family Representation model, which would place a trained social worker and parent representative within a parent attorney practice. Several of the attorneys interviewed suggested that a central location which could provide these resources, as well as mentoring, access to forms, and answers to questions about parent representation would be helpful. Even if the state does not pilot the CFR model, restructuring the system so that one entity has oversight for parent representation across the state would provide for more and better coordination of services and resources. As part of this assessment, the state provided access to social worker services through CVIOG in a pilot program. Feedback to this resource was positive; however, use was somewhat limited and may require further outreach to get the word out about availability if the model is continued. As well, it is possible that the state could partner with one or more university social work programs in the state, which would achieve two goals: parent attorneys would have the benefit of social work expertise available; and, social work students would acquire valuable real-world experience.

5. Provide Training and Mentoring

One of the needed resources specifically mentioned in the survey was more access to training. Suggested training topics by participants included: discovery and preparation for cases, case law, social work/advocacy aspects to parent representation, and juvenile court/parent attorney training and guidelines. In the focus groups and interviews it was noted that there is little formal training offered on a regular basis that is pertinent to parent attorneys' needs, and that it is difficult to get to training sessions held in Atlanta by those who live in other parts of the state. The state has started to offer some scholarships for conferences and training to make this travel and time away from work less of a burden. Additionally, the parentattorney.org website hosts a listserv that is

working to provide information on upcoming training opportunities and to share information between attorneys as needed. The state may also want to consider alternative methods of delivery, such as webinars or other online classes, as well as offering more opportunities for cross-training with other child welfare attorneys and stakeholders.

The draft parent attorney standards for the state of Georgia recommend, at a minimum, that parent attorneys should: observe ten hours of juvenile court, including every stage of a deprivation/TPR proceeding; obtain six hours per year of training in relevant areas of practice; and, either work with a mentor before taking a case or have a mentor available to consult on a case. If the state moves forward with implementing these standards, resources will need to be put in place to provide the required training and mentoring. As well an extensive mentoring program could serve as a means of extending training and development opportunities throughout the state. Additionally, the state may want to consider moving towards a structure of certifying parent attorneys, much in the same way that Massachusetts has done, which then provides oversight and accountability for the training and developmental process.

6. Foster Relationships with Partners

Finally, it is recommended that the state continue to engage in collaborations with all partners in the parent representation process, including CASAs, SAAGs, GALs, other attorneys, and DFCS case workers. This may be possible through building upon or enhancing the model court efforts in the state, with specific outreach to parent attorneys, many of whom are individual attorneys and are more difficult to locate. Additionally, further training and conferences such as the recent Youth Law Conference may improve understanding of each party's roles and responsibilities.

Cross-training on roles and protocols should serve to improve understanding, thereby leading to better outcomes for children and families. In the survey, the overwhelming majority of respondents noted that they represent both children and parents in their practice, and therefore they have a strong need to know all sides of a case. Some of these individuals may be excellent resources as peer mentors or trainers. Additionally, in focus

groups participants mentioned on several occasions the need for fostering improved relationships with other individuals in the court process to ensure that everyone is working towards the best interest of the child. At the National Parent Attorney Conference in D.C., several representatives from other states noted successes they have had in fostering these relationships from ongoing conferences with all of the parties involved in child abuse and neglect cases. The state of Georgia would do well to encourage similar activities at all levels.

This study, which was based on best practice research, limited focus groups and interviews, and a statewide survey, was limited itself due to time and resources. These limitations provide some opportunities for the state moving forward:

- The study did not include case reviews or in-court observations, other than the observation that was done during the visit to CFR in New York City. As such, the study cannot make any assertions as to the effectiveness of certain practices or models being implemented within the state. It is recommended that some sort of ongoing, yearly evaluation of practice, in order to gather data related to impact, be implemented after publication of this assessment.

- One of the goals of the statewide survey was to get a sense of where parent attorneys were practicing, and how they were practicing. Inherent in that goal, however, is a limitation: since the researchers did not know where most of the attorneys were located, they were dependent upon word-of-mouth forwarding of the survey to cast a wider net. This was not, it would appear, accomplished, and indeed the survey response was quite low (although comparable to other, similar surveys). Again, it is recommended that the state continue to do this information-gathering, either through a regular survey of practice, through the parentattorney.org listserv, or through a more sophisticated data system that would capture where, when, and how attorneys are practicing within the state.

In conclusion, the Carl Vinson Institute of Government researchers find that there are dedicated individuals across the state of Georgia who are working tirelessly on behalf of children and

families and that there is a commitment to improving parent representation from state level leadership, attorneys, judges, and court staff across the state. However, in order for parent representation policy and practice to improve, it will be essential for the state to commit the needed resources to support effective representation, a challenge in even the best of economic times. These resources include competitive compensation for attorneys, standards of practice and a system of accountability and oversight, access to resources including social workers and training opportunities, and fostering collaborative relationships with other stakeholders in the deprivation process. By taking steps to improve in each of these areas, the state will achieve more for the children and families of Georgia.

Appendix

Summary of Parent Representation Models[51]

This summary was put together by the American Bar Association to provide "a snapshot of what different jurisdictions are doing to provide quality representation to parents and/or to improve representation for parents" (p 1). The summary focuses on three types of representation models: institutional parent representation organizations, contract or panel systems of representation, and a hybrid parent representation office and contract/panel system.

Arkansas: Attorneys must complete 10 hours of initial training followed by a mentorship with an experienced attorney, plus 4 additional hours of training on child welfare issues. The state has implemented parent attorney practice standards, but has no mention of employing social workers in their practice model. (http://courts.state.ar.us/juvenile/parent_counsel.cfm)

California: The Dependency Representation, Administration, Funding and Training Program (DRAFT) includes the following components: caseload limits of 188-200 clients per attorney (assuming there is a "half-time social worker/investigator per full-time attorney"), compensation standards and performance standards, reporting requirements, training and technical assistances for attorneys, and outcome evaluations. Representation models vary by county, some of which only have social workers and investigators available upon request or based on need. These programs have been successful in increasing the rate of reunification, rate of siblings that are placed together, and the rate of children placed with relatives. (http://www.courtinfo.ca.gov/programs/cfcc/programs/description/DRAFT.htm)

District of Columbia: The Counsel for Child Abuse and Neglect (CCAN) has a list of qualified attorneys available for representation. CCAN offers training for both new and current child welfare attorneys and helps attorneys who have "legal and social work questions regarding child abuse and neglect cases." The central CCAN office houses a Branch Chief (an attorney), a social worker, and 3 deputy clerks. The social worker assists the Branch Chief with training attorneys and providing them with social work updates. (http://www.dccourts.gov/dccourts/superior/family/ccan.jsp)

Illinois: The Legal Assistance Foundation of Metropolitan Chicago (LAF) takes referral cases from attorneys handling non-child welfare cases, prior clients, and agency caseworkers. They utilize a team model of representation which is a collaboration of attorneys, law students, and social workers. The office consists of one supervising attorney, three staff attorneys and one social worker. (http://www.lafchicago.org/content/view/74/88/)

New Jersey: The Office of Parental Representation (OPR) houses six attorneys in six regional offices as well as a pool of contract attorneys, who are required to go through child welfare trainings. There is no mention of social workers specifically, but they have "support staff" and parent advocates who help identify and secure services for parents, as well as "provide traditional investigative services." (http://www.nj.gov/defender/div_opr.shtml) Representation is also provided to parents by the Family Representation Project (FRP) and their six staff attorneys, as well as social workers. FRP works closely with OPR "sharing resources and information." (http://www.lsnj.org/represent.htm#assigned)

New York: The Bronx Defenders uses an institutional model of representation and employs salaried lawyers, investigators, social workers, and parent advocates who form interdisciplinary teams paired with every parent. These teams advocate for parents in and out of court, as well as to develop comprehensive service plans, and now represent over half of all parents accused of neglect or abuse each year. (http://www.bronxdefenders.org/?page=content&param=family_defense) Also in NY and much like the Bronx Defenders, the Brooklyn Family Defense Project (BFDP) employs a team model of representation, utilizing a social worker, a paralegal, and a parent advocate. (http://www.legalservicesnyc.org/index.php?option=com_content&task=view&id=89&Itemid=129)

North Carolina: The Office of Indigent Defense Services (IDS) oversees the Office of Parent Representation (OPR) which offers training, consulting services, and information sharing resources to attorneys who represent parents. Although the OPR does not seem to employ social workers, a "parent respondent is appointed counsel upon the filing of the petition by a county

department of social services."
(http://www.ncids.org/Parent%20Representation/ParentRepHomePage.htm)

North Dakota: Parent representation is provided by the Commission on Legal Counsel for Indigents (LCI), but they do not have a specific family representation office. The LCI has, however, "set state-wide eligibility, compensation, training and practice standards for attorneys representing parents in child welfare cases." (http://www.nd.gov/indigents/standards/)

Pennsylvania: Community Legal Services (CLS) has a Family Advocacy Unit (FAU) that utilizes an institutional model of representation employing attorneys, social workers, and paralegals "who receive significant training and supervision." (http://www.clsphila.org/Content.aspx?id=179) In Allegheny County, representation is provided by the Juvenile Court Project (JCP) which is structured similarly to the FAU, but with the addition of a community liaison to promote awareness in the community of the program's services. The JCP also provides legal trainings for the child welfare community. (http://www.acbfparentadvocates.org/index.html)

Texas: The Office of Parental Representation (OPR) in Travis County, TX, employs four full time attorneys and four full time support staff (including a social worker). They also utilize social work students from the University of Texas to work with clients as necessary.

Vermont: The Vermont Parent Representation Center, Inc. (VPRC) is in its start-up stage and is using the Community Advocacy Team (CAT) model based on the Center for Family Representation in New York. A CAT consists of an attorney, social worker, and parent advocate.

National Parent Attorney Conference

Washington, D.C., May 13-15, 2009

Pertinent Session Summaries

The Child in Context: The Family Centered Approach to Representing Parents[52]

Attorneys who represent parents in child abuse/neglect cases play many roles. Two major roles include being translator for their client through the process (i.e., explaining each stage, etc.) and being an advocate for the client both in and out of court. In court, the attorney should take the opportunity to present the client's progress. Out of court, the attorney must make sure that appropriate services and visitation are both arranged and that the client will be able to follow through with the arrangements.

A few things to remember:

- Use of the strengths-based approach can help the attorney lay the foundation for establishing a healthy parent-child relationship
- Allow the client to participate in as many decision-making opportunities about the welfare of the child as possible
- Help the parent understand the court process at each stage. Help the parent realize that her actions will be reviewed as evidence in court and will be one of the major determinates in the outcome of the case.
- Find a way to highlight the client's progress before the court in a quick but precise way.

Client Counseling and Case Preparation

(Center for Family Representation)

At the beginning of the case, find out from the client:

- Does the client want the children removed?
- Does the client have relatives who could take temporary custody of the children?
- Any history of involvement in rehab?
- Does the client keep documentation of child (ex: school performance, immunizations, etc.) that would indicate good parenting?

In court:

- Make a verbal request for discovery and ask for a copy of all of DFCS documents (including any on the investigation as well as any Service Plans). Ask to obtain these before the next hearing.
- Ask that your client be allowed at least 2 hours a week of supervised visits with the child.

After court:

- Remind the client to document any phone calls, visits, letters, emails, and any other sort of contact he/she has with the child.
- Consider having a social worker work with you on the case.

Case Conference Best Practices[53]

(Brooklyn Family Defense Project)

- Learn from the parent what he or she would like to accomplish and what his/her most pressing concerns are. Explain the conference details: the purpose, structure, and ground rules, who is expected to attend, and how long it is expected to take. Find out what services and visitation rights the client would like to establish and explain the likelihood of them being established.
- Ensure services are not redundant and are useful.
- Be sure the client is actively engaged in developing the service and visitation plan.

Practice Tips for Preparing the Client for Family Team Conferences[54]

(Cohen and Cortese)

- Be sure the parent knows that she should not agree to services she does not understand, doesn't need, or will be unable to accomplish/fulfill.
- Your client should document the positive, and then be prepared to use that documentation in her defense or to advocate. Examples of positive things to document include: involvement in the community, schools, and faith community, services she sought, and support from family/friends.

Representing Parents during the Investigation Stage of a Case[55]

(Center for Family Representation)

The Center for Family Representation provides the following guidelines for attorneys or advocates when preparing themselves or their client for investigations:

- Try to gain knowledge of actual CPS practice (vs. published policy). Consider having the CPS agency provide trainings for the other agencies involved in child welfare cases (parent attorneys, etc.).
- Have a list of resources that the parent might need, along with their contact information.
- Lawyers often have trouble getting access to records, etc. Send a non-lawyer (like a social worker) if that is the case.
- Help parents understand the court process.

Employing Social Workers and Experts: Integrating Strategies to Promote Reunification and Prevention Termination[56]

(NASW)

The National Association of Social Workers handout, "Legal and Ethical Issues in Social Worker - Lawyer Collaborations" was distributed during one of the conference sessions. It presented some issues that social workers and lawyers can run into when working together in the same practice. Because social workers are mandated reporters of child abuse and neglect and lawyers are required to keep their client's confidentiality, parent attorney/social work collaboration must address these issues at the beginning of working together. Several models of interdisciplinary representation include:

- Consultant model—social worker is used as a consultant and does not provide direct service to the client
- Direct service provider model—social worker's practice is either independent of the lawyers or they serve together in a multi-function agency
- Employee model—social worker is hired by the lawyer or law firm. This model may potentially present ethical issues for the social worker.
- Consent model—lawyers have the clients' consent to disclosing child abuse/neglect information with the social worker. This is potentially an ethical issue for lawyers, as they are supposed to vigorously represent their client.
- Confidentiality model—lawyers screen their clients for child abuse/neglect before bringing a social worker onto the team.

- Notice model—clients are given notice of a social worker's mandated reporter status before the social worker is brought onto the team.

Social workers and lawyers should discuss potential conflicts of partnerships *before* entering into those partnerships. Both should get familiar with the state's laws, ethics, and practice requirements of both social workers and lawyers.

Representing Parents with Disabilities in the Child Welfare System[57]

(Ella Callow)

Through the Looking Glass (TLG) is a model program that helps parents overcome barriers that disabilities may cause, helping to make it possible for them to be able to keep their children. According to Callow, "independent organization research indicates removal ranges from 40-60% for parents with developmental disabilities to as high as 70-80% for those with psychiatric disabilities". TLG provides practical interventions so that parents who are mentally capable of caring for their children but may be physically disabled do not lose their rights by providing adaptive equipment, adaptive techniques, or adaptive services.

Achieving Reunification[58]

(Center for Family Representation)

The Center for Family Representation (CFR) in New York uses "Cornerstone Advocacy" as a promising approach for the parent's or the child's attorney to use. It supports reunification of the family. It encourages intense advocacy on the case during the first 60 days in the areas of visiting, placement, services, and family conferences.

The CFR encourages the 60-day mark not only because it is the best practice benchmark set by the National Council of Juvenile and Family Court Judges, but also because it is easier to gather support for the family at the beginning of the case, before parents and children are frustrated with the system. The course the case takes at the beginning will often impact where the case goes in the long run.

Research has shown that meaningful, frequent visiting is the number one best predictor of safe, lasting reunification of the family. Visits should take place at least once a week, for more than two hours, in the most natural environment possible. Within the first four weeks, attorneys should evaluate how the visits are going, and determine if the parent and child need more support before, during, or after the visit. If problems arise, a social worker or social work intern should attend visits to observe.

The parent attorney should be concerned about where the child is placed. The best foster placements are those that are willing to host family visits, encourage phone contact, and are supportive of the child's relationship with his/her parent. This allows the parent to stay involved in the child's life, and helps the parent find the willpower to stay engaged in services.

When services are being selected for the family, be sure that they are services that the family needs. Be sure the services build upon the family's strengths and do not require "unnecessary demands" of the parent, which could cause him/her to disengage.

During the family conferences, be available to your client by phone if you cannot attend. Ask the parent to contact you after the conference if any problems arise. If you cannot attend the conference, be sure your client has copies of all the court orders so that he or she can advocate for him/herself.

Other State Models[59]

State	Administration of Respondent Parents' Counsel ("RPC")	Selection/ Oversight (attorney performance measurement, existence of standards)	Caseload Maximum	Appointment of attorneys—timing and conflict issues	Compensation for RPC	Training and Mentoring programs	Has Program Evaluation occurred?
ARKANSAS Contact: Teri Hays, Ad Litem Coordinator 501-682-9404 Teri.hays@arkansas.gov	RPC are administered & compensated on a statewide basis through the AOC. In the interest of administrative independence, the attorney in charge of the program is an employee of the legal aid office. The AOC contracts and pays the legal aid office to cover her salary. Attorneys are selected by AOC staff and the RPC coordinator (housed at the legal aid office). Effective 7/1/07, the Arkansas Public Defender Commission handles appeals on behalf of parents in D&N cases.	Attorneys hold year-long contracts that are renewable up to seven years. Judicial feedback is considered in contracting, but judges cannot approve or disapprove of the selection. Newer attorneys are sometimes put on provisional status. Attorney performance is assessed through court observation, monitoring of invoices, and other feedback. Arkansas Supreme Court Administrative Order 15 sets forth standards for parent attorneys.	NA	Only parents from whom custody of the child was removed are entitled to a state-paid attorney. Representation continues throughout all phases of a proceeding. Conflicts do not arise because attorneys are contract attorneys.	As of 2007, the state transitioned from an hourly rate of $75 to to a contract/ flat rate. Attorneys are selected to provide a proportionate number of appointments in a judicial district and are paid an annual rate, divided into twelve monthly installments. The pay is based on the percentage of cases in a particular area that an attorney covers. Arkansas seeks an increase to pay $800 per case. Attorneys submit a monthly invoice of their activities.	Attorneys must attend a 10 hour course prior to appt. They are also expected to 2nd chair trials to gain practical experience prior to their first appt. 4 hours of CLE specific to D&N required per year. Training is provided by the AOC. Checklists and practice tips for various phases of D&N proceedings and overall case advocacy are available on the courts' website at http://www.courts.state.ar.us/juvenile/parent_counsel.cfm.	

	ADMINISTRATION	OVERSIGHT	CASE MAX	APPT/CONFLICTS	$$$	TRAINING	*EVALUATION*
CALIFORNIA Contact: Leah Wilson 415-865-7977 **SAME PROGRAM FOR MINORS' COUNSEL & PARENTS' COUNSEL**	DRAFT was put in place to increase compensation and resources for child and parent attorneys in D&N proceedings. The program is administered through the AOC. Staff: 2 analysts (one contract, one budget); 2 support staff; one accountant. Committee is comprised of one judicial and one court administration from each participating court, and additional juvenile court judicial officers, court administrators, and trial and appellate court attorneys.	DRAFT contract process assists with selection of attorneys. Through RFP, proposals are submitted to serve as contract entity for Child or Parent Representation. A committee comprised of staff members and district representative select the attorneys and entities from the RFP process to act as minors' counsel and parents' counsel in their jurisdiction. DRAFT Committee is responsible for all aspects of DRAFT program oversight (including development of detailed operational guidelines, rate structures, and identification of conflicts, proposed attorney qualifications and training requirements, and an attorney performance management tool and process).	141 clients are recommended for base level performance; 77 clients are what are recommended for optimal/ best practice performance. Modified standard is 188 clients per attorney with .5 investigator/social work position.	Since multiple agencies/attorneys are selected to handle the needs of the district, enough attorneys are available in each district to handle the appointments in a conflict-free manner.	Depends on region in which attorney practices and their bid in response to RFP. RFP process involves a price quote for the cost of representation by the entity, so compensation varies depending on the contract. For individual attorneys, hourly rates are used. Four regional rates state-wide, structured to promote parity with county counsel. Flat fees are not used because of view that they do not support quality practice.	8 hours prior to case; 8 hours every three years (or per year, not sure . . .); 20 hours within first year. Innovative distance learning is used to provide training.	*Dependency Caseload Standards: A Report to the California Legislature* (April 2008) Findings: 2.4% increase in reunification (versus 2.0 for non-DRAFT counties) .9% decrease in reunifications (as opposed to 8% increase in non-DRAFT counties) .2% increase in guardianship (opposed to .6% decrease in Guardianship in non-DRAFT counties) 2.4% increase in kinship placement (as opposed to .4% increase in non-DRAFT counties)

CONNECTICUT Contact: Carolyn Signorelli, Chief Child Protection Attorney 203-596-4144 Carolyn.signorelli@po.state.ct.us Website: http://www.ct.gov/ccpa/site/default.asp **BOTH PARENTS' AND CHILDRENS' ATTORNEYS**	**P**ublic Act 05-3-44, codified in Connecticut General Statute 46b-123. 11 member commission with appointments from chief justice, speaker of house, president of senate, and minority leader from both senate and house. Commission is within division of public defender services for administrative purposes only. Public Defender Commission is "an autonomous body within the judicial department for fiscal and budgetary purposes only." Staff (in 2007): Chief Commissioner, Administrative Services Coordinator; Paralegal; three fiscal staff; two temporary employees who help with payment and auditing.	Annual contracting process involving surveys to parents, judges, attorneys, and some juveniles. References are called, as are courts in juvenile districts. Informal oversight process due to staffing limitations (check to see if this is still the case)	Instituted as office converted to hourly; 75 cases per year for solo practitioner; 100 if staff support and 100 if in law firm. Numbers are adjusted for mixed practices.	Court requests attorneys, and office makes appointment, monitoring for caseload requirements.	$40 per hour, but if NACC certified child welfare law specialist, $75 per hour. Typically no cap on work, but asked to notify office if plan to bill over 50 hours in one year or a total of 100 at any point during the life of the case—office has never denied payment for going above these thresholds.	Three days of training are required for all new attorneys; attorneys are also required to attend two trainings per year (offered by office).	Setting up two multidisciplinary offices to represent children; and the commission will report on efficacy of these offices.

MASSACHUSETTS **Mike Dsida** **Carol Rosenwig** **BOTH PARENTS' AND CHILDREN'S ATTORNEYS**	Litigation over rates prompted a rate increase in rates, a permanent commission to study decriminalization and a temporary commission to study alternative funding for indigent defense Committee for Public Counsel Services is a line item in judicial budget, but it is not subject to judicial approval. Supreme Court role in Committee is limited to appointment of members—Supreme Court does not oversee/ influence activities of Committee. Some staff offices, but 95% of cases are handled by private parties. Regional coordinators provide additional support (14 regions).	Attorneys are placed on provisional certification for approximately 18 months; whether they get off of provisional certification status depends in part on mentor recommendation. Committee decides whether to move attorneys out of certification. Certification and mentorship period can be extended when necessary. Auditing unit in agency provides oversight; mostly in the form of monetary audits. Complaint process—complaint is filed with CAFL, and is usually resolved by agreement (extra CLEs,	Caseload cap is 75 at any given time, and no more than 300 total per year.	Once affidavit is filed by DCF (begins court proceeding), counsel is appointed by court. Some —courts go down list of counsel (provided by CPCS) and assign next attorney on list. Other courts require CPCS-certified attorneys to sign up to indicate availability to take new cases on particular days. Counsel begins working on case before the 72 hour hearing. (not unusual to have a multi-day 72 hour hearing). Separate attorneys/firms/agencies are appointed to represent each party in the case.	$50 per hour No presumptive limits on billing.	Week-long training for new attorneys. Training concerns role-focused anatomy of case and application/ trial skills component. Attorney must perform well at training in order to become provisionally certified. All attorneys must attend 8 hours of approved CLE annually (with much of it provided by CPCS or its Regional Coordinators). New attorneys are also required to attend a day-long training regarding anti-psychotic medication. Mentoring program—mentor is assigned to new attorneys, paid $60 per hour, and attends training on how to be a mentor.	

MONTANA *Contact:* *Website:* ***MATERIAL WAS OBTAINED ONLY FROM WEBSITE*** http://www.publicdefender.mt.gov/forms/pdf/OrgChartforLegis.pdf.	Statewide office created in July 2006, prompted by ACLU lawsuit. Public Defender Commission is established in Executive Branch through Department of Administration. Budget requests and staff hiring are performed independently by commission and chief defender. Appx 17 staff oversee criminal and juvenile defense, parents' counsel, and mental health appointments/ employees. Combination of regional offices and contract attorneys. Combination of Public defenders and court-appointed counsel.	Contract attorneys sign a memorandum of understanding. Contract attorneys are supervised by regional deputy. If conflict attorney appointed, conflict attorney si overseen by conflict coordinator. Qualification requirements include 16 hours of training, with 4 hours dedicated to ICWA. Standards outline areas in which counsel shall be knowledgeable. Annual requirement of 15 CLEs. Database of attorneys applying to provide services in each of 11 regions. If attorney meets qualification standards, is given a MOU to sign.		In locations with regional offices, regional office attorneys represent respondent mother; contract attorneys represent respondent father. If no regional office, all appointments are through contract attorneys.	$60 per hour as of July 2006 + mileage and costs. $71 hourly rate proposed for 2007.		

NORTH CAROLINA Wendy Sotolongo SotolongoWendy.C.Sotolongo@nccourts.org **http://www.ncids.org/Parent%20Representation/ParentRepHomePage.htm**	North Carolina Court System Office of Indigent Defense Services has both a Juvenile Division and a Criminal Division. The parent program is not legislatively its own division, but in practice a division exists and staff are designated to work on parent representation issues. A commission appoints the executive director and the heads of the juvenile and criminal divisions. As part of its mission, the Office of Indigent Defense Services has worked to create public defender offices in many counties. In some of those counties, those offices also represent parents in D&N proceedings.	Depending on the region, these selection methods apply: In counties where a public defender office has been selected, attorneys are hired by the public defender office to represent parents. The public defender office also creates the list of conflict counsel. In counties in which a PD office does not exist, a local commission selects the attorneys eligible for appointments. The Office of Indigent Defense services also contracts directly with some attorneys to provide representation to parents in some counties. Model standards have been promulgated, but it is up to each local district to decide whether and to what extent to adopt/ promulgate the standards.	NA	Attorneys are appointed when the petition is filed. How much advance preparation is allowed prior to the initial hearing depends on local rules regarding the timing for setting such hearings (range is 1 to 5 days).	$75 per hour. Attorneys who contract directly with the Office of Indigent Defense Services are paid a flat rate, which is calculated in light of the hourly rate paid to attorneys the previous two fiscal years in the applicable district. Attorneys track activity on cases, and at the end of the contract period, if the rate does not seem fair in light of the work actually performed, it can be renegotiated.	Whether training is required depends on local rule. The Office of Indigent Defense partners with other agencies and entities (e.g., UNC School of Government, bar associations) to maximize training opportunities for RPC.	At this point, there is not a formal program evaluation process. Discussions are currently taking place regarding the possibility of a program evaluation, which will likely start in the criminal arena.

OHIO Crowder, Marjorie crowderm@sconet.state.oh.us Jennifer Thomspon	Local oversight and selection of attorneys.	Local oversight and selection of attorneys. A pilot program is currently underway to implement the ABA standards for parent attorneys in six of Ohio's 88 counties.		Varies by county.	Varies by county.	In the counties in which ABA standards have been implemented, a two-hour CLE is provided to the attorneys in that county. Attorneys and judges in the pilot counties were also invited to a 5-hour CLE in Columbus at the inception of the program.	Evaluation of the program is planned, but the details of the evaluation questionnaire are currently being developed.
VIRGINIA Lelia Hopper lhopper@courts.state.va.us	Parents involved in child dependency matters are represented by private attorneys who are either appointed by the court, or hired by a parent. Parent attorneys accepting court appointments may volunteer to be on a list of attorneys maintained by the local courts. The Office of the Executive Secretary (Virginia's "AOC") administers the compensation fund once payment is approved by the local court.	Parent attorneys accepting court appointments may volunteer to be on a list of attorneys maintained by the local courts. The Office of the Executive Secretary (Virginia's "AOC") administers the compensation fund once payment is approved by the local court. All attorneys in Virginia must abide by the Rules of Professional Conduct.	None.	In cases involving child abuse or neglect or when subject to the loss of residual parental rights, a parent has "a right to counsel" - See VA Code 16.1-266 (D) - Appointment of Counsel and GAL. VA Code 16.1-266(D). also requires the court to consider appointing an attorney to represent a parent (or guardian) whose child is in foster care. Ideally, the same attorney would be appointed to represent that parent at all stages.	Court-appointed attorneys who represent parents receive $120 per appealable order entered by the court. (This is compared to GAL rate of $75/hour for in court services and $55/hour for out of court services) .	In October 2008, CIP provided training to over 400 attorneys representing parents in child dependency cases. Trainings were held in 6 regions across the state. Attorneys who attended received a copy of the book Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases, Edited by Marvin Ventrell and Donald N. Duquette. Attorneys who attended also committed to serving as parents' counsel on 2 cases over the next year in a local juvenile court in which the attorney practices.	

WASHINGTON **Amelia Watson** **Amelia.watson@opd.gov**	The statewide parent representation program began as a pilot in a few WA counties. Positive results from the pilot led to continued expansion of this program. Washington State Office of Public Defense Parent Representation Program administers approximately 70% of the RPC appointments in WA. The rest of the program is county administered.	Attorneys contract with the Parent Representation Program and are monitored by the program. Standards have been promulgated for parents' counsel.	80 caseload max (point in time). TPRs count as separate cases in determining number of active cases.		Compensation of between $100,000 to $120,000 per year, paid in monthly installments.		Dependency and Termination Parents' Representation Program Evaluation Report 2005 Oetjen, Jason. Improving Parents' Representation in Dependency Cases: A Washington State Pilot Program Evaluation. *Technical Assistance Bulletin* (August 2003)

[1] American Bar Association. (n.d.). *The National Project to Improve Representation for Parents Involved in the Child Welfare System* . Retrieved November 28, 2009, from American Bar Association: http://www.abanet.org/child/parentrepresentation/home.html

[2] Administrative Office of the Courts of Georgia. (2008). *About Us*. Retrieved November 2009, from Administrative Office of the Courts of Georgia: http://www.georgiacourts.org/aoc/about.php

[3] Supreme Court Committee on Justice for Children. (2008). *About Us*. Retrieved November 2009, from Administrative Office of the Courts of Georgia: http://www.georgiacourts.org/agencies/cpp/cms

[4] Supreme Court Committee on Justice for Children. (2008). *About Us*. Retrieved November 2009, from Administrative Office of the Courts of Georgia: http://www.georgiacourts.org/agencies/cpp/cms

[5] Parent Attorney Advisory Committee . (2009). *About Us*. Retrieved November 2009, from parentattorney.org: http://parentattorney.org

[6] Barton Law Clinic. (2004). *A Reference Manual for Attorneys Representing Parents.* Retrieved June 22, 2009, from Barton Law and Policy Clinic of Emory University School of Law: http://childwelfare.net/resources/JuvenileCourtRefManuals/200405/ParentAtty_Manual1.html

[7] State of Georgia. (2010). Official Code of Georgia Annotated. Retrieved January 10, 2010 from O.C.G.A. § 15-11-2

[8] State of Georgia. (2010). Official Code of Georgia Annotated. Retrieved January 10, 2010 from O.C.G.A. § 15-11-2

[9] Outley, A. (2008). *Representation for Children and Parents in Dependency Proceedings.* Retrieved June 2009, from The Pew Commission on Children in Foster Care: http://pewfostercare.org/research/docs/Represenation.pdf

[10] Colorado Court Improvement Program Respondent Parents' Counsel Task Force. (2007). *Statewide Needs Assessment: Final report.* Denver: National Center for State Courts.

[11] *Legal representation for parents in child welfare proceedings: A performance-based analysis of Michigan practice*. (2009). American Bar Association Center on Children and the Law: DC.

[12] Laver, M. (2007). Promoting quality parent representation through standards of practice. *Child Law Practice , 26* (1), 1, 6-8.

[13] Laver, M. (2007). Promoting quality parent representation through standards of practice. *Child Law Practice , 26* (1), 1, 6-8.

[14] Laver, M. (2007). Promoting quality parent representation through standards of practice. *Child Law Practice , 26* (1), 1, 6-8.

[15] Laver, M. (2008). A cut above: What makes a parent attorney great. *Child Law Practice , 27* (4), 62.

[16] Gottlieb, C. & Pitchal, E.S. (2007). Family values: How children's lawyers can help their clients by advocating for parents. *Juvenile and Family Court Journal, 58*(1), 17-35.

[17] Outley, A. (2008). *Representation for Children and Parents in Dependency Proceedings.* Retrieved June 2009, from The Pew Commission on Children in Foster Care: http://pewfostercare.org/research/docs/Represenation.pdf

[18] The Honorable Vincent Crawford (personal communication, February 10, 2009)

[19]American Bar Association. (2009). *Mandatory Continuing Legal Education Requirements*. Retrieved December 14, 2009, from American Bar Association : http://www.abanet.org/cle/mandatory.html?gnav=global_cle_mcleinformation

[20] The State Bar of Georgia. (2005-2009). *Rule 8-104. Education Requirements and Exemptions.* Retrieved December 14, 2009, from The State Bar of Georgia: http://gabar.org/handbook/part_viii_continuing_lawyer_competency/rule_8-104_education_requirements_and_exemptions/

[21] Parent Attorney Advocacy Committee . (2007). *Georgia Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases.* . Retrieved December 14, 2009, from Parent Attorney Advocacy Committee : http://parentattorney.org/wp-content/uploads/2007/06/fd_gaparentattorneystandards.pdf

[22] Barlow, R. (April 27, 2009). For law graduates, a public-service detour on road to success. *The Boston Globe.* Retrieved October 14, 2009 from http://www.boston.com/news/education/higher/articles/2009/04/27/for_law_graduates_a_public_service_detour_on_road_to_success/; Shih, G. (August 25, 2009). Downturn Dims Prospects Even at Top Law Schools. *The New York Times.* Retrieved October 15, 2009 from http://www.nytimes.com/2009/08/26/business/26lawyers.html?sq=Harvard%20lw&st=nyt&scp=16&pagewanted=print; Williams, C. J. (April, 6, 2009). Law firms give associates a chance to build skills while doing good. *Los Angeles Times*. Retrieved October 22, 2009 from http://articles.latimes.com/2009/apr/06/local/me-loaner-lawyers6

[23] Barlow, R. (April 27, 2009). For law graduates, a public-service detour on road to success. *The Boston Globe.* Retrieved October 14, 2009 from http://www.boston.com/news/education/higher/articles/2009/04/27/for_law_graduates_a_public_service_detour_on_road_to_success/; Shih, G. (August 25, 2009). Downturn Dims Prospects Even at Top Law Schools. *The New York Times.* Retrieved October 15, 2009 from http://www.nytimes.com/2009/08/26/business/26lawyers.html?sq=Harvard%20lw&st=nyt&scp=16&pagewanted=print; Williams, C. J. (April, 6, 2009). Law firms give associates a chance to build skills while doing good. *Los Angeles Times*. Retrieved October 22, 2009 from http://articles.latimes.com/2009/apr/06/local/me-loaner-lawyers6

[24] Barlow, R. (April 27, 2009). For law graduates, a public-service detour on road to success. *The Boston Globe.* Retrieved October 14, 2009 from http://www.boston.com/news/education/higher/articles/2009/04/27/for_law_graduates_a_public_service_detour_on_road_to_success/

[25] Green, D. (1999). Hate Crime and the Economy. *Harvard Mental Health Letter, 15*(9), 6. Retrieved October 14, 2009 from http://search.ebscohost.com.proxy-remote.galib.uga.edu; Hemphill, S. (April, 15, 2009). Child Abuse Escalates as Parents Face Overwhelming Economic Stress. Retrieved October 14, 2009 from: http://medheadlines.com/2009/04/15/childabuseescalates-as-parents-faceoverwhelming-economic-stress/ on October 2, 2009.

[26] iHire LLC. (1999-2010). Retrieved October 21, 2009, from Legal Jobs at IHirelegal: http:// www.IHirelegal.com

[27] Indeed. (2009). *Salary Search.* Retrieved October 21, 2009, from Indeed, One Search. All Jobs. : www.Indeed.com

[28]United States Department of Labor. (2007). *What are Percentile Wages?* Retrieved October 29, 2009, from Bureau of Labor Statistics: http://www.bls.gov/oes/oes_perc.htm

[29] United States Department of Labor. (2008, May). *Occupational Employment and Wages.* Retrieved October 21, 2009, from Bureau of Labor Statistics: *http://www.bls.gov/oes/2008/may/oes231011.htm#%285%29*

[30] United States Department of Labor. (2008, May). *Occupational Employment and Wages.* Retrieved October 21, 2009, from Bureau of Labor Statistics: *http://www.bls.gov/oes/2008/may/oes231011.htm#%285%29*

[31] American Bar Association. (n.d.). *he National Project to Improve Representation for Parents Involved in the Child Welfare System* . Retrieved November 28, 2009, from American Bar Association: http://www.abanet.org/child/parentrepresentation/home.html

[32] State of Connecticut. (2002). *Commission on Child Protection*. Retrieved November 28, 2009, from State of Connecticut: http://www.ct.gov/ccp

[33] The Commonwealth of Massachusetts. (n.d.). *Committee for Public Counsel Services*. Retrieved from The Commonwealth of Massachusetts: www.publiccounsel.net

[34] Washington State Office of Public Defense. (2005). *Parent Representation.* Retrieved October 28, 2009, from Washington State Office of Public Defense: http://www.opd.wa.gov/PRP-home.htm

[35] Washington State Office of Public Defense. (2005). *Parent Representation Program History*. Retrieved October 28, 2009, from Washington State Office of Public Defense: http://www.opd.wa.gov/PRP-home.htm

[36] The Center for Family Representation. (n.d.). *A New Model of Legal Services* . Retrieved June 22, 2009, from The Center for Family Representation: http://www.cfrny.org/new_legal.asp

[37] The Center for Family Representation. (n.d.). *A New Model of Legal Services* . Retrieved June 22, 2009, from The Center for Family Representation: http://www.cfrny.org/new_legal.asp

[38] The Center for Family Representation. (n.d.). *A New Model of Legal Services* . Retrieved June 22, 2009, from The Center for Family Representation: http://www.cfrny.org/new_legal.asp

[39] Outley, A. (2008). *Representation for Children and Parents in Dependency Proceedings.* Retrieved June 2009, from The Pew Commission on Children in Foster Care: http://pewfostercare.org/research/docs/Represenation.pdf

[40] American Bar Association. (2009). *Legal Representation for Parents in Child Welfare Proceedings: A performance-based analysis of Michigan Practice.* Retrieved from http://courts.michigan.gov/scao/services/cip/cip.htm

[41] Center for Family Representation (personal communication, June 25, 2009).

[42] Washington State Office of Public Defense. (n.d.). *Parent Representation Program*. Retrieved July 29, 2009, from Washington State Office of Public Defense: http://www.opd.wa.gov/PRP-home.htm

[43] Washington State Office of Public Defense. (2006). *Social Worker Practice Standards.* Retrieved July 29, 2009, from Washington State Office of Public Defense: http://www.opd.wa.gov/ParentsRepresentation/080618%20Social%20Worker%20Practice%20Standards-%20Final.pdf

[44] Washington State Office of Public Defense. (n.d.). *Parent Representation Program*. Retrieved July 29, 2009, from Washington State Office of Public Defense: http://www.opd.wa.gov/PRP-home.htm

[45] Kentucky Department of Public Advocacy. (2008). *Legal Update.* Retrieved October 21, 2009 from the Kentucky Department of Public Advocacy: http://apps.dpa.ky.gov/library/legupd/2008/JanLegUpdate.pdf

[46] Kentucky Department of Public Advocacy. (n.d.). *Public Defender Social Workers.* Retrieved October 21, 2009 from the Kentucky Department of Public Advocacy: http://dpa.ky.gov/ci/sw.htm

[47] Kentucky Department of Public Advocacy. (n.d.). *Public Defender Social Workers.* Retrieved October 21, 2009 from the Kentucky Department of Public Advocacy: http://dpa.ky.gov/ci/sw.htm

[48] Kentucky Department of Public Advocacy. (n.d.). *Public Defender Social Workers.* Retrieved October 21, 2009 from the Kentucky Department of Public Advocacy: http://dpa.ky.gov/ci/sw.htm

[49] University of Michigan Law School. (n.d.).The *Detroit Center for Family Advocacy (CFA.)* Retrieved September 5, 2009 from the University of Michigan Law School: http://www.law.umich.edu/centersandprograms/ccl/cfa/Pages/default.aspx

[50] University of Michigan Law School. (n.d.).The *Detroit Center for Family Advocacy (CFA.): An Innovative Model To Reduce The Number of Children In Foster Care* Retrieved September 5, 2009 from the University of Michigan Law School: http://www.law.umich.edu/centersandprograms/ccl/calc/Bergstrom/Documents/Detroit%20Center%20for%20Family%20Advocacy%20(8-29-07)1.doc

[51] American Bar Association. (2009). *Summary of Parent Representation Models.* Retrieved October 21, 2009 from the American Bar Association: http://www.abanet.org/child/parentrepresentation/Summary%20of%20Parent%20Representation%20Models.pdf

[52] Cozzola, R. & Soprych, A. (2009). Representing parents in civil child protection cases. *Family Advocate.* Retrieved from the American Bar Association: http://Hwww.abanet.org/family/advocateH.

[53] New York City Legal Services. (n.d) *The Brooklyn Family Defense Project.* Retrieved from New York City Legal Services: http://www.legalservicesnyc.org/index.php?option=com_content&task=view&id=89&Itemid=129

[54] Cohen, J. & Cortese, M. (2009). Cornerstone advocacy in the first 60 days: Achieving safe and lasting reunification for families. *ABA Child Law Practice, 28*(3).

[55] The Center for Family Representation. (n.d.). *Representing parents during the investigation phase of a case*. http://www.cfrny.org/new_legal.asp

[56] The National Association of Social Workers. *Legal and Ethical Issues in Social Worker - Lawyer Collaborations.*

[57] American Bar Association Center on Children and the Law. (2009). Conference Materials from the National Conference on Children & the Law, held May 13-16, 2009. Washington, D.C.

[58] The Center for Family Representation. (n.d.). *Representing parents during the investigation phase of a case*. http://www.cfrny.org/new_legal.asp

[59] Information in this chart was provided by the Georgia Administrative Office of the Court's Public Defenders Standards Council on January 7, 2009.