



2015 Pennsylvania State Roundtable Report



**Legal Representation Workgroup
A Call to Action**

Legal Representation

Workgroup Co-Chairpersons

Honorable Christylee Peck
Court of Common Pleas of Cumberland County

Shara Saveikis, Administrator
Westmoreland County Children's Bureau

Members

Jonathan Budd, Esquire
Associate Executive Director
Kids Voice, Allegheny County

Honorable Eleanor Bush
Court of Common Pleas
Allegheny County

Frank P. Cervone, Esquire
Executive Director
Support Center for Child Advocates
Philadelphia

Lauren Cummings
Human Services program Specialist
Program Policy Unit
Department of Human Services
Office of Children, Youth and Families

Sharon S England, JD, MSW, BSW
Curriculum and Instructional Specialist
Pennsylvania Child Welfare Resource Center

Gregory Ghen, Esquire
Parent Advocate
Berks County

Katherine J Gomez, Esquire
Managing Attorney
Family Advocacy Unit
Community Legal Services of
Philadelphia

Scott Hollander
Executive Director
Kids Voice, Allegheny County

Mimi Laver, JD
Director of Legal Education
ABA Center on Children and the Law

Marisa McClellan, Esquire
Solicitor
Dauphin County

Kerith Strano Taylor, Esquire
Guardian ad Litem
Jefferson County

Catherine Volponi, Esquire
Director
ACBF Juvenile Court Project
Allegheny County Parent Advocates

Guest Members

Kristen Hamilton, Esquire
Guardian ad Litem
Franklin/Fulton County

Tara Hines
Fiscal Policy Analyst
Fiscal Policy Unit
Department of Human Services
Office of Children, Youth and Families

Dan Worley
Parent Attorney
York County

Administrative Office of Pennsylvania/ Office of Children and Families in the Courts

Christy R Stanek, MSW
Judicial Programs Analyst

Lynne Napoleon, MS
Judicial Programs Analyst

Elke Moyer
Administrative Associate/Graphic Designer

Sandra Moore, MSW
Administrator

Background:

2009 Pennsylvania State Roundtable

In 2009, through the Pennsylvania State Roundtable system, leaders in the child welfare and child dependency system began discussing the need for well-trained legal representatives for children and parents. As a result, the State Roundtable convened and charged the Office of Children and Families in the Courts to develop a set of recommendations regarding pre-service and ongoing training for Guardians ad Litem and Parents' Attorneys, along with a Workgroup to lead this charge. As such, the Legal Representation Workgroup, chaired by the Honorable Kelley Streib, Court of Common Pleas of Butler County, was convened.

2010 Pennsylvania State Roundtable

At the 2010 State Roundtable, the Workgroup presented information supporting a national and statewide focus on enhancing quality representation for children and their parents in order to positively impact permanency. In addition, the Workgroup shared the results of a statewide survey conducted. The survey showed little Guardian ad Litem turnover. However, due to the number of part time parent attorneys across the state, the survey concluded that turnover is much greater for parent attorneys. The Workgroup emphasized the need to develop core training for both Guardians ad Litem and Parent Attorneys that would revisit key elements of representation for each hearing type, understanding of the Mission and Guiding Principles and a better understanding of key practices occurring in dependency.

The following recommendations were approved:

- 1. Continue meeting to address issues of curriculum development, roll-out, monitoring and evaluation of training;**
- 2. Commence a pilot core training in 2011 for Guardians ad Litem and Parent Advocates;**
- 3. Evaluate the training and provide a report to the 2011 State Roundtable;**
- 4. Develop a pre and post-test to be administered to training participants to aid in the evaluation process of the training;**
- 5. Explore ways to make training required for all Guardians ad Litem and Parent Advocates; and**

- 6. Explore the impact of training requirements on court appointed pro-bono attorneys and develop training recommendations specific to their involvement in child dependency cases.**

2011 Pennsylvania State Roundtable

On March 21 and 22, 2011, the “test-site” training for Core I was held at the Pennsylvania Judicial Center, Harrisburg. The training consisted of 50 experienced attorneys. The training was well received by this experienced group of attorneys and plans continued to roll-out Core I regionally across Pennsylvania.

The following recommendations were approved:

- 1. Continue work on issues pertaining to the legal representation of parties in Dependency proceedings;**
- 2. Develop a follow up training (Core II) for core issues not included in the Core I training, specifically Termination of Parental Rights hearings and Appeals;**
- 3. Explore the need for advanced training and provide further recommendations to the 2012 State Roundtable regarding such training;**
- 4. Explore ways to develop a network for Guardians ad Litem and Parent Attorneys and make recommendations to the 2012 State Roundtable; and**
- 5. Begin discussions regarding potential standards of practice, caseload size and compensation structure for Guardians ad Litem and Parent Attorneys as they relate to supporting best practice and high quality representation.**

2012 State Roundtable

At the 2012 State Roundtable, Core I training was highlighted. Also in 2011, the Honorable Wendy Demchick-Alloy, Administrative Judge, Court of Common Pleas of Montgomery County, joined the Workgroup as co-chair with the Honorable Kelley Streib, Court of Common Pleas of Butler County. With their leadership and the endless dedication of the Workgroup, the development of Core I was completed. Beginning in the Fall of 2011 and into early 2012, over 600 Guardians ad Litem, Parent Attorneys and Solicitors participated in Core I regional training throughout Pennsylvania. Training sites for Core I included the following:

- Wilkes Barre (North East Region) October 11th and October 12th
- Cranberry (North West Region) October 25th and October 26th
- Monroeville (South West Region) October 27th and October 28th

- Carlisle (Center Region) November 14th and November 15th
- Villanova (South East Region) November 16th and November 16th
- Philadelphia February 22nd and February 23rd
- State College Solicitor's Association Meeting January 26, 2012

Additional accomplishments included the following:

- Completion of an outline for standards of practice, as they relate to supporting best practice and high quality representation;
- Creation of a guide for children titled "What's Happening in Dependency Court? An activity book for children going to court in Pennsylvania"; and
- Creation of a pre-service DVD set, including resources for attorneys practicing in dependency, to ensure compliance with the Child Abuse and Prevention Treatment Act (CAPTA) and solidify quality training and funding for Guardian ad Litem services.

The following recommendations were approved:

- 1. Continued development of Core II training, to include issues related to Termination of Parental Rights, Appeals, Child Development and Trauma;**
- 2. Continued exploration of a process for ongoing, high quality, advanced legal representation training, which is relevant to child dependency matters;**
- 3. Continued exploration of ways for Guardians ad Litem and Parent Attorneys to Network;**
- 4. Continued exploration of standards, compensation, and caseload drafting a set of Guardian ad Litem and Parent Attorney standards to present to the 2013 State Roundtable; and**
- 5. Examination and drafting of a process whereby standards would be financed, monitored, maintained, and accounted.**

2013 State Roundtable

At the 2013 State Roundtable, Core II was highlighted. In 2012, the Workgroup spent much of their time on the development of Core II training and exploring the areas of practice standards, caseload size, compensation and oversight.

In the Fall of 2012, Core II was presented in three sites, with participation from over 250 Guardians ad Litem, Parent Attorneys and Solicitors. Because the Core II curriculum material differed from that of Core I, the Workgroup and core faculty from Core I thought it best to have presenters who were legal experts in the curriculum topics of Termination of Parental Rights and Appeals. The Legal Representation Workgroup Co-Chairs, Honorable

Kelley Streib and Honorable Wendy Demchick-Alloy, along with the Honorable Lois Murphy led an incredible training team of experts in each of the Core II areas. Core II faculty included:

- The Honorable Susan Peikes Gantman
- The Honorable Kelley Streib
- The Honorable Wendy Demchick-Alloy
- The Honorable Lois E. Murphy
- M. Joanne Dixon, Ph.D.
- Marguerite C. Gualtieri, MSW, Esquire
- Joyce A. Hatfield-Wise, Esquire
- Sandra Moore, MSW
- Elke Moyer
- Christy Stanek, MSW
- Benjaminn Zuckerman, Esquire

Core II was offered to 3 regional sites in the Fall of 2012. Those regional sites included:

- Mechanicsburg (Central Region) November 15, 2012
- King of Prussia (Eastern Region) November 16, 2012
- Cranberry (Western Region) November 30, 2012

Core II consisted of six Continuing Legal Education credits, including one ethics credit. Some of the content included:

- Permanency Hearing to Consider Goal Change
- Combined Goal Change and Termination of Parental Rights Hearing
- Appeals
- Advanced Elements of Trauma
- Vicarious Trauma: Understanding the effects on you as a professional

In addition to the Workgroup's efforts providing legal training, the sub-committee on standards conducted Attorney focus groups across the state. Information obtained was included in the following reports regarding standards of practice, caseload size, compensation and oversight of standard:

- Findings from the Statewide Focus Groups and Survey
- Draft Standards of Practice
- Draft Time Study Chart

The Workgroup also requested and was relieved of its charge to continue exploring ways for Guardians ad Litem and Parents Attorneys to network. Finally, the Honorable Wendy Demchick-Alloy shared that her new judicial assignment and additional responsibilities in Montgomery County would unfortunately cause her to step down as co-chair.

The following recommendations were approved:

- 1. The original charge of training dependency attorneys be considered fulfilled with the completion of Core I and Core II;**
- 2. Office of Children and Families in the Courts identify a process for how high quality, low cost and easily accessible advanced training will occur;**
- 3. Office of Children and Families in the Courts facilitate the convening of Core I faculty, 1 year prior to the offering of Core I training, which shall occur as deemed necessary, but no less often than every 5 years;**
- 4. Creation of final Standards of Practice with commentary and citations be submitted to the 2014 State Roundtable;**
- 5. Submission of a final proposal regarding caseload size, compensation and implementation strategies for enforcement recommendations be presented to the 2014 State Roundtable; and**
- 6. Continued examination and drafting of a process whereby standards would be financed, monitored, maintained, and accounted.**

2014 Pennsylvania State Roundtable

Following the 2013 State Roundtable, and with the original charge of training being completed, the Honorable Christylee Peck, Court of Common Pleas of Cumberland County and Shara Saveikis, Administrator, Westmoreland County Children's Bureau, assumed the new role of co-chairs. As co-chairs, they would now lead the Workgroup's new focus of finalizing standards of practice for attorneys, caseload size, compensation and accountability.

Throughout the Fall of 2013 and leading up to the 2014 State Roundtable meeting, sub-committees for standards, caseload size and compensation had numerous and extensive conference calls. Frank Cervone, Esquire and Katherine Gomez, Esquire led the work within their respective sub-committees. It should be noted that the standards and commentary, including the outline for both, were thoroughly analyzed by experienced and skilled practitioners over the course of the year. At various points in the work, weekly conference calls equaling hours of intensive collaboration and compromise, resulted in the impressive professional documents presented in the 2014 report to the State Roundtable.

In order to better understand the legal representation process for parent attorneys and guardians ad litem, the compensation sub-committee completed and released an extensive statewide survey in early 2014. With 54 of Pennsylvania's 67 counties responding, the sub-committee received detailed information pertaining to questions

surrounding the attorney appointment process, number of attorneys representing children and parents, type of counsel providing representation (i.e. private counsel vs. court appointed), compensation structures and overall cost per attorney. The data obtained from this survey will be further analyzed and used to guide a recommendation, around the charge of compensation, to the 2015 State Roundtable.

Accomplishments during this report period included the following:

- Completion of the Compensation Survey
- Finalization of Standards of Practice for Guardians ad Litem and Parent Attorneys
- Finalization of a process by which attorney caseload size could be analyzed

The following recommendations were approved:

- 1. Standards of Practice as FINAL;**
- 2. Time study chart and caseload size analysis process as FINAL;**
- 3. Continued work on the analysis of caseload size compensation and funding recommendations;**
- 4. Continued work on accountability and oversight of Standards of Practice;**
- 5. Creation of a Standards of Practice booklet, for attorneys representing children and parents, to be presented at the 2015 State Roundtable; and**
- 6. Development of a parent representation handbook or other educational tool, which would assist parents in understanding the dependency court process.**

Progress on the 2014 State Roundtable Approved Recommendations

Over the past year, the Legal Representation Workgroup has focused its work on the completion of the following recommendations:

- **Continued work on the analysis of caseload size, compensation and funding recommendations;**
- **Continued work on accountability and oversight of Standards of Practice; and**
- **Creation of a Standards of Practice booklet, for attorneys representing children and parents, to be presented at the 2015 State Roundtable.**

Much of the past year was spent analyzing data from the compensation survey completed by counties in the spring of 2014. Due to gaps in information from survey responses and the inconsistencies among counties, a small sub-committee of the Workgroup reached out to counties for clarification of their data. The results of the compiled data are contained within the attached appendices. Simultaneously, another sub-committee used the approved analysis process to calculate an appropriate caseload size for attorneys to provide quality representation to both children and parents. After determining an appropriate caseload size and consideration for compensation, the Workgroup identified recommendations for accountability and oversight of quality representation. The completion of these 2014 recommendations has been compiled into a final document, contained within this report, titled “Enhancing Legal Representation for Child and Parent Attorneys in the Dependency System: A Call to Action.”

The Legal Representation Workgroup respectfully submits to the Pennsylvania State Roundtable the following recommendations:

1. Endorsement and distribution of the report contained within titled “Enhancing Legal Representation for Child and Parent Attorneys in the Dependency System: A Call to Action” Attachment A and accompanying appendices;
2. Creation and delivery of an overview educational session regarding the Standards of Practice for Attorneys for Dependency Judges, Hearing Officers and Attorneys and other key stakeholders, as deemed appropriate.
3. Completion of 2014 State Roundtable charge to create and deliver a parent representation handbook or other educational tool, which assist parents in understanding the dependency court process to be presented to the 2016 State Roundtable.

Enhancing Legal Representation of Child and Parent Attorneys in the Dependency System:

A CALL TO ACTION

*RECOMMENDATIONS *

Recommendation 1: Devote time at a local Children’s Roundtable meeting to review and become familiar with the Standards of Practice for attorneys.

Recommendation 2: Convene a local group, including attorneys for parents and children, to examine the Task/Time Charts and determine the time required to complete the identified tasks in their county.

Recommendation 3: Use the results of the Task/Time Charts determinations to calculate manageable attorney caseload size.

Recommendation 4: Determine attorney compensation rates based upon the determinations of both the Task/Time Charts analysis and caseload calculations.

Recommendation 5: Develop an implementation process for Standards of Practice, manageable caseload size and appropriate compensation.

Recommendation 6: Engage all key professionals who have an authoritative role over the selection of attorneys, assignment of caseloads and approval of compensation, to establish mechanisms for accountability and oversight of the Standards of Practice.

Recommendation 7: Improve data collection and financial accounting.

Mission and Guiding Principle:

Ensure competent, trained legal counsel for children and parents who qualify for court-appointed legal counsel.

RECOMMENDATION 1: Devote time at a local Children’s Roundtable meeting to review and become familiar with the Standards of Practice for attorneys (*Appendix 1*).

Rationale:

- Representation of children and parents in dependency matters poses unique challenges including:

- Decisions to be made carry life-changing consequences;
- Dynamic nature of the cases;
- Need for extensive preparation and extensive out-of-court Advocacy;
- Tight time frames are required by such laws as the Adoption and Safe Families Act and Juvenile Act;
- Clients are often struggling with a myriad of issues including trauma, literacy issues, deep poverty, mental health and substance abuse; and
- Clients often need significant guidance to understand and navigate the child welfare system and court process.

Mission and Guiding Principle:

Recognize that families are capable of change and, with support, most can safely care for their children.

- There is need for consistent statewide legal representation practice.
- The Standards of Practice were drafted by the State Roundtable’s Legal Representation Workgroup, a committee of attorneys for children and parents, solicitors, judges, child welfare professionals and state and national partners who embarked on the process of drafting these standards after engaging with attorneys around the state.
- The Legal Representation Workgroup convened focus groups of attorneys, parents, youth and stakeholders to gather input, from various jurisdictions, on key elements to include in standards of Practice.
- The Standards of Practice, which were approved as final by the 2014 State Roundtable, present a consensus understanding of what is required for thorough and sound representation.
- Publication of the Standards of Practice and training is not enough to ensure consistent high quality representation statewide.
- All stakeholders and participants need to develop an understanding of the infrastructure necessary to permit, support, and ultimately demand legal practice that meets the Standards of Practice.
- Starting point is the close examination of the Standards of Practice themselves and commitment to a process to implement them in each county.

RECOMMENDATION 2: Convene a local group, including attorneys for children and parents, to examine the Time Charts and determine the time required to complete the identified tasks in their county.

Rationale:

- The Legal Representation Workgroup created four Time Charts to capture the time an attorney would reasonably spend on the tasks involved in representation that meets the Standards of Practice. The tasks listed in the Time Charts are all necessary to the provision of quality advocacy consistent with the Standards of Practice. The State Roundtable in 2014 approved the methodology of the Time Charts. The charts include suggested time values that were defined through work group and practitioner dialogue of parents’ and children’s attorneys from various sized jurisdictions in the Commonwealth. The Roundtable, in approving the methodology of the Time Charts, did not set specific hourly requirements for the individual or total tasks.
- Although the Juvenile Act and Rules of Juvenile Court Procedure delineate some tasks for Guardians ad Litem, the Legal Representation Workgroup Time Charts are more specific and comprehensive. The Time Charts makes the concept of quality representation concrete and measurable.
- The Standards of Practice will prove meaningless if attorneys do not have the time or do not devote the time necessary to meet them. For example, current practice encourages 90-day review cycles for court hearings. Attorneys must have the time available to prepare for and participate in these more frequent hearings.
- Each county is different and should review the Time Charts, suggested time values and note where their county may require adjustments. We suggest that each local group develop its own calculations of the hours needed to complete the required tasks, based upon the frequency of hearings, distance traveled to court and to visit clients. Attached is a flexible tool to assist counties in determining the hours needed to complete the tasks required for adequate representation (*Appendix 2*). The Time Charts are available in a downloadable electronic format at the AOPC website.

Mission and Guiding Principle:
*Ensure timely and thorough court hearings
and expeditious decisions for each child.*

RECOMMENDATION 3: Use the results of the Time Charts determinations to calculate manageable attorney caseload size.

Rationale:

- An attorney’s caseload size affects their ability to meet the Standards of Practice. Focus groups of attorneys identified caseload size as a barrier to meeting the Standards of Practice.
- Each county should make a conscious choice, driven by the Time Charts analysis, about what caseload size is both manageable and acceptable for ensuring quality representation for children and parents. Both the representing attorney and entity responsible for appointments will need to know the determined caseload size.
- The Legal Representation Workgroup has developed a tool that will allow counties to determine caseloads, the methodology of which was approved by the State Roundtable in 2014. The Caseload Calculation sheets (*Appendix 3*) allow for a calculation related to representation of parents and a separate calculation related to representation of children.

RECOMMENDATION 4: Determine attorney compensation rates based upon the determinations of both the Time Charts analysis and caseload calculations.

Rationale:

- If we expect representation that meets the Standards of Practice, then we must pay for adequate investment of time by a sufficient number of attorneys. Similarly, compensation rates and structure must support administrative, social work, investigative support or other costs attorneys will need to meet the Standards of Practice. Focus groups of attorneys identified compensation rates and structure of payment as barriers to meeting the Standards.
- In the dependency system, the courts and government agencies bear responsibility for assuring adequate compensation since most attorneys are appointed or contracted to provide representation.
- Different models for payment structure create both incentives and disincentives for quality practice. For example, a structure where payment rates diminish over time creates a disincentive for attorneys to invest the time necessary to prepare well for a case that remains longer in the system. Examples of compensation issues that will need to be addressed include:
 - Payment rates that have not changed in years, even as the State Roundtable and other stakeholders have encouraged implementation of best practices; and
 - Hourly or monthly rates that should recognize the need for out-of-court

Mission and Guiding Principle:
Advocate for stable and sufficient funding to support all aspects of service delivery and account for the expenditure of all such funds.

- work including participation in service planning as well as in-court work and waiting time.
- Fixed compensation models that effectively diminish hourly rates as more tasks are added to the practice.

Local Children's Roundtables must have a realistic discussion of what compensation is needed to support work that meets the Standards of Practice, upon the conclusion of the determination for appropriate caseload size. *Appendices 4 and 5* contains compensation information and analysis provided by various counties in response to a 2014 survey questionnaire and follow-up communications.

RECOMMENDATION 5: Develop an implementation process for Standards of Practice, manageable caseload size and appropriate compensation.

Rationale:

- The Standards of Practice, Time Charts analysis, and determination of caseload size will allow counties to be clear about the content of the legal services they are buying and what attorneys are expected to provide.
- Several practice models exist, and counties will need to choose the practice model that suits their needs.
- An attorney's ethical responsibility for advocacy must be assured under any practice model. Attorneys cannot be placed in a position where they may be penalized for positions they take in the course of their advocacy.
- Counties/Courts should have mechanisms in place to effectively count and report on the numbers of cases assigned to each attorney.
- In practice models where attorneys are individually appointed, it is recommended to designate one individual who oversees the process (see *Appendices 9 and 10* for further discussion of the role of this designated individual).
- A practice model should include a mechanism for selecting attorneys, agencies, or firms who apply for appointments, provide initial and continuing legal training requirements, as well as encouraging some opportunity for mentoring newer attorneys and courtroom observations.
- Contracting offers significant benefits for counties establishing a comprehensive system to implement the Standards of Practice. Counties are encouraged to consider suggested components of a thorough contract as presented in this report. Guidelines for consideration are included in *Appendix 10*.
- Each local group and relevant purchasing authority should review the options presented in this report and develop an implementation process that will allow them to move toward implementation of the Standards of Practice and other improvements in representation.

RECOMMENDATION 6: Engage all key professionals who have an authoritative role over the selection of attorneys, assignment of caseloads and approval of compensation, to establish mechanisms for accountability and oversight of the Standards of Practice.

Rationale:

- In this field, we cannot rely on market forces to ensure quality work. Rather, we must institute other structural protections.
- The Courts play a unique and significant role in ensuring quality, but all key professionals have a part to play.
- Key oversight and accountability components at the *local level* include:
 - Setting clear expectations that the standards of Practice are to be followed. Ideally this would be done through contract language.
 - Setting clear expectations about caseload limits.
 - Setting eligibility criteria and a process for selecting qualified attorneys, agencies and/or firms to be eligible for appointment.
 - Periodic evaluation of attorneys providing dependency representation,
 - Creation of a complaint mechanism, with a follow-up procedure,
 - Creation of a mechanism for consumer feedback, and
 - Regular collection, analysis and use of data at the local level.
- Key components at the *state level* include:
 - Regular collection, analysis and use of data,
 - Public reporting to build transparency and confidence,
 - Continued development and delivery of training, and
 - Ethics enforcement.
- Each local group should review the Accountability Checklist options presented in Appendix 6 and develop mechanisms to both support and hold accountable attorneys for children and parents in complying with the Standards of Practice.

Mission and Guiding Principle:
Establish and monitor accountability for all system participants.

Recommendation 7: Improve data collection and financial accounting.

Rationale:

- Compensation can affect the quality of legal services. Many attorneys experience financial pressure when making decisions about the investment of time and resources in their cases, citing the limits on rates and billing as a contributing factor.
- The survey of individual counties across Pennsylvania revealed a wide variety of models and rates of compensation for attorneys representing children and parents in dependency proceedings. The survey data showed:
 - Some compensation models encourage quality representation while other compensation models create disincentives to meeting the Standards of Practice.
 - Actual or effective (i.e., monthly rates divided by number of hours of service provided in a case) hourly rates vary widely, both statewide and in comparably sized jurisdictions.
 - Some counties pay differently for parent and child representation.
 - Compensation rates paid in many counties have not changed in years, or even decades.
- The survey provided some clarification for reasons why data was difficult to obtain, specific to dependency representation, including:
 - Variations in accounting and payment systems or appointment procedures, which required some individual county data to come from a variety of sources.
 - Some compensation structures or arrangements between the attorney and county/court require regularly submitted invoices, while others provide payments on a schedule without invoices.
 - Some compensation structures pay per dependency petition on a quarterly or other regular cycle.
 - Child and parent representation cost are combined together in some counties.
 - Child and parent representation cost for dependency and other legal services provided to or on behalf of the county are combined together in some counties (i.e., attorney fees for Guardian ad Litem and conflict-custody representation, orphan's court proceedings, etc. combined in one payment).
- Many county and court officials had difficulty obtaining data on attorney caseloads and compensation due to a lack of data/accounting system to break down the costs and number of assigned cases to each lawyer or organization.
 - *Appendix 7* provides a breakdown of the number of attorney appointments assigned to each child and each parent in calendar year 2014 (as recorded in the Common Pleas Case Management System (CPCMS)). Many inaccuracies are apparent in the report, suggesting need for continued improvement in data entry and content management.
- Caseloads cannot be analyzed or controlled, and compensation rates cannot be set or compared (i.e. hourly rates to monthly or yearly rates, parent versus child representation, etc.) unless a system knows how many appointments were made and how much is being paid for the service.

- It is nearly impossible to compare hourly rates in some counties to salaried, monthly or annual payment rates in other counties without knowing how many appointments were made or clients represented. Lack of sound data made it difficult to determine actual rates of payment in some counties. For this reason, the Committee was unable to reduce all of the survey data to like units for a comparative analysis.
- Better data collection and accountability should provide for necessary information to ensure adequate compensation rates.
- An attorney who is assigned a “full-time” caseload, which requires “full-time” hours, should not be compensated as a part-time lawyer.
- Through improved data collection and use of CPCMS, counties and members of the dependency bar will have a more complete understanding of caseload size and compensation for lawyers practicing in dependency and be able to ensure higher quality representation of children and parents across Pennsylvania.

Mission and Guiding Principle:

Ensure that the courts, child welfare agencies, permanent families, and all other participants in the child dependency system are provided with the necessary resources and capacity to implement these Guiding Principles and accomplish the mission to “protect children, promote strong families, promote child well-being, and provide timely permanency” in Pennsylvania.

APPENDIX 1 – Standards of Practice Booklet

[INSERT STANDARDS Booklet]

a. XX

APPENDIX 2 – Time Charts Analysis

1. Whether representing a child or a parent, diligent and effective legal representation is at the heart of access to justice. Quality representation leads to better outcomes for children and their families. What happens in these cases has a life-altering impact on children and families involved as decisions about whether to preserve, or reunite families or find another permanent home for a child and even to permanently terminate the parent-child relationship are made in these proceedings. These are matters where there is simply no time for anything short of zealous, quality advocacy. Achieving timely permanency is essential for children’s well-being and the Adoption and Safe Families Act (ASFA) has significantly shortened the time frame within which the unsafe circumstances which led to children’s out-of-home placement must be resolved to achieve both timely reunification and permanency.
2. Approved by the State Roundtable in 2014, the *Standards of Practice for Parents’ Attorneys, Guardians Ad Litem & Legal Counsel for Children in Child Welfare Dependency Cases in Pennsylvania* (“Standards of Practice”) for parent and child attorneys provide the foundation for thorough and sound representation in this challenging field. Implementing these Standards across Pennsylvania will require local county governments, courts and judicial districts, local bar communities and individual attorneys to together embrace the importance of improving representation and make the changes that are necessary to carry out this goal. Ultimately, counties and their courts are responsible for the quality of representation for vulnerable children and parents.
3. The Standards of Practice for child and parent clients in dependency cases require attorneys to perform specific tasks, each of which takes time. A key component of an attorney’s ability to implement the Standards for every client will be the size of the attorney’s caseload. Recognizing this, the Legal Representation Workgroup developed the Time Charts to identify the variety of tasks required to meet the Standards in a typical dependency case (see Appendix 3). The Workgroup convened committees of children’s and parents’ attorneys from differing size counties to validate the tasks and to determine a representative amount of time required for each task based on the attorneys’ experience in their own counties. The Workgroup used these Time Charts to develop Caseload Calculations - one for the Representation of Children and one for the Representation of Parents (see Appendix 5).
4. There are four Time Charts (see Appendix 3) which detail:
 - a. The tasks and time involved in representing a child in a one child dependency case;
 - b. The tasks and time involved in representing a parent in a one child dependency case;
 - c. The tasks and additional time involved in child and parent representation when there is an added sibling; and
 - d. The tasks and time involved in representing children or parents in a contested termination of parental rights case and appeal.

5. The Time Charts track the seven domains set forth in the Standards of Practice: Client Contact and Communication; Case Prep: Documents & Record Review; Case Prep: Investigation, Witness & Exhibit Preparation; Advocacy: Hearings; Advocacy: Out of Court; and Legal Research & Writing. In addition to the Standards of Practice, the Charts provide references to the Juvenile Act, Juvenile Court Rules of Procedure, American Bar Association *Model Act* and *Standards for the Representation of Children and Parents in Dependency Proceedings*.
6. The Time Charts itemize the distinct duties of child and parent attorneys on a “typical case” and then assign time values to each task (i.e., “x” minutes per hearing at “y” hearings per year; “x” minutes to “attend and advocate at meetings held out of court” at 2 meetings per year; time values for various elements of case preparation, etc.) for the first year of a case and separately for the second year of a case. Where possible, the separate time values for child and parent representation were reconciled to the same time estimate, though some elements (i.e. home visits for children’s attorneys) are different. The Time Charts distinguish the additional work required of both child and parent attorneys where there is a second sibling in the case-group, as well as complex case issues and for contested termination proceedings and appeals.¹

¹¹ Each additional sibling requires additional work in virtually every aspect of the case since each child has different needs and may be in different placements. However, the amount of additional work was less than a completely new child case since certain aspects of casework would not need to be duplicated or had economies, such as time to review a parent’s record or the additional time at a permanency hearing. In order to more accurately capture this reality, the LRWG created the “One Added Sibling” Chart which has virtually all the same tasks as the “One Child” Chart. We note that the additional time allotment for lawyers for children in additional sibling cases is higher in some key places than for parent attorneys. Also we did not distinguish among two-year-old and older cases, nor did we estimate the time differences among these, i.e., whether a two-year old case take more or less time than a four-year-old case.

Consistent with the Juvenile Rules, the recommendations of the Roundtable and emerging patterns of practice in most jurisdictions, the Time Charts are based on a 90-day hearing schedule, or approximately four permanency hearings per review. Adjustments are made in the time estimates to account for differences between first year cases (“Intake through 12 months”) which have shelter and adjudicatory proceedings, and second year cases (“Year 2 and per year to case discharge”).

The majority of dependency cases are viewed as presenting a moderate level of complexity, and yet each case is different. One challenge of this initiative was to decide how to account for the range of complexities and requisite time demands of a diverse practice, and the diverse levels of performance or zeal among the many lawyers providing representation services. For purposes of estimation, the Time Charts present the time requirements for a so-called “typical” case, that is, “typical -- what it should be, tempered by what is”. The Caseload Calculation projects 90% of cases as typical.

Therefore the typical case, and not an average or mean of all types of cases, is represented in the two main charts. A typical case involves one child, where parents are known and involved, the issues are serious, but not requiring special hearings, extensive motion practice nor expert witnesses, and the goal is family stabilization or reunification and the case does not require a contested TPR or appeal. A much smaller percentage, approximately 10% of cases are very complex prior to a TPR. This small percentage of cases involve an estimated 12 additional hours of work, mostly in case preparation, research categories, and occasionally time-intensive enforcement or criminal investigations (See “Time Study for Complex Cases”). Consequently in calculating the caseload for both parent and child representation, we added 12 additional hours to 10% of cases.

7. Waiting time at court was not calculated into the Time Charts. Waiting time can be productive and wholesome, allowing interaction with clients and others involved with the case, or wasteful and frustrating. Administrators and others addressing scheduling and case management should work to recognize the impact of waiting time on all the participants in the court process.
8. The purpose of disseminating the Time Charts is to facilitate discussion in each county regarding how much time per case it will take to implement the Standards and determine caseloads. The tasks listed in Time Charts are all necessary to the provision of quality advocacy consistent with the Standards. The Workgroup recognizes that there could be county-level differences in key assumptions (i.e. number of hearings per year) or differences in activity numbers (i.e. travel time) such that the time necessary to implement the Standards could vary by county. To that end, configurable time charts are available at The tasks and time involved in representing a parent in a one child dependency case;
9. The tasks and additional time involved in representing a child and parent when there is an added sibling; and
10. The tasks and time involved in representing children or parents in a contested termination of parental rights and an appeal hearing.
11. The purpose of disseminating these Time Charts with the Standards is to facilitate discussion in each county regarding how much time per case it will take to implement the Standards. The Workgroup recognizes that there could be county-level differences in key assumptions (e.g., number of hearings per year) or differences in activity numbers (e.g. travel time) such that the time necessary to implement the Standards could vary by County and by Attorney, depending on any private practice or other work commitments. To that end, configurable time charts are available at (<http://www.ocfcpacourts.us/childrens-roundtable-initiative/state-roundtable-workgroups/legal-representation>).
12. Similarly, the Caseload Calculation sheets are meant to provide a framework from which each County and Attorney can plug in their estimated hours from the time charts, as well their County-specific data, to determine the number of hours available to work per year, percentage of clients in their first year and second year, percentage of clients who have no siblings, percentage of cases that are complex, percentage of annual cases with contested Termination of Parental Rights, etc. Configurable Caseload Calculation Sheets are also available at (<http://www.ocfcpacourts.us/childrens-roundtable-initiative/state-roundtable-workgroups/legal-representation>).

TIME / TASK CHARTS

Appendix 3

CHILD REPRESENTATION: ONE CHILD

DUTY	SOURCE	SPECIFIC TASKS	RECOMMENDED TIME REQUIREMENTS			YOUR COUNTY	
			TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	Intake Thru 12 months	Year 2 & per year to Case discharge	Intake Thru 12 months	Year 2 & per year to Case discharge
CLIENT CONTACT AND COMMUNICATION							
Visit/Meet with minor client as soon as possible after appointment and on a regular basis thereafter.	42 PaCSA § 6311(B)(1), (8); Pa.R.J.C.P. Rule 1154(1), (8); ABA Model Act § 7(b)(5) and (8)	Have a significant initial client visit in their living environment. Visit with the client in their living environment at least once every six months thereafter. Meet with the client as needed including before and/or after a hearing and before and/or after a client-related meeting that the client attends. Explain role as the client's legal representative and expectations. Explain in a developmentally appropriate manner the child welfare process, allegations, what will happen in court etc. Establish a system that promotes regular contact, provide the client with contact information, be appropriately responsive and communicate regularly.	Time for initial visit: 1 hour	1.00	0.00		
			Time for subsequent visits & documentation: 1 hr (minimum 2 visits per year at 1 hr per visit) + 0.5 hr. doc/visit	3.00	3.00		
			Travel time for visits: 3 x 1.25 hr ([#] of visits at [x] time traveling per visit)	3.75	2.50		
			Time meeting with client one-to-one outside of visits (at court, meetings, office, etc.) + calls/emails/texts	2.50	2.50		
<i>subtotal: CLIENT CONTACT AND COMMUNICATION</i>				10.25	8.00	0.00	0.00
CASE PREP: DOCUMENT & RECORDS REVIEW							
Request and review relevant court and county agency records. Request and review other relevant records, for example, reports relating to parents or other custodian of client. Request and review client's records/reports.	42 PaCSA §6311(B)(2); Rule 1154(2); ABA Model Act § 7(b)(1) and (7)	Request and review CYS file and copy relevant portions of files; review pleadings Request and review reports of examinations of parents or other custodian of the child (including drug and alcohol reports, psychological reports, etc.). Request and review client records including school, medical, psychological, interactionals, and visitation records for each hearing. Obtain consent or court orders for release of records and send to records holders.	Time to review CYS file & related docs	1.50	0.00		
			Time to request and review parent related records (incl. time to obtain/provide consents or court orders): .75 hour	0.50	0.50		
			Time to request and review child-client related records: 3.5 hour	3.50	3.50		
			Travel time to access records	0.50	0.00		
<i>subtotal: CASE PREP: RECORDS REVIEW</i>				6.00	4.00	0.00	0.00
CASE PREP: INVESTIGATION, WITNESS & EXHIBIT PREPARATION, ETC							
Conduct such further investigation necessary to ascertain the facts. Interview potential witnesses, including parents, caretakers and foster parents. Prepare witnesses and evidence. Take steps to ensure that client appears in court at least once every six months. File motions as needed	42 PaCSA § 6311(B)(4),(5); Rule 1154(4), (5); ABA Model Act § 7(b)(1) and (7)	Contact and interview potential lay witnesses and expert witnesses for example: caseworker, therapist, teachers or daycare providers, service providers, foster parents or group home, etc. Prepare witnesses to testify. Subpoena witnesses. Gather and prepare documentary evidence. Make contact with client and client's foster parents and/or service providers to arrange and/or coordinate youth's appearance. Draft and file motions as needed	Contact & interview witnesses, document contact: 0.5 hr per potential witness X 5 potential witnesses per hearing = 2.5 hours per hearing X 4 hearings ; Prep witnesses for hearing: 1.5 hours for adj., 1 hour per reviews ;	12.00	11.00		

TIME / TASK CHARTS

Appendix 3

CHILD REPRESENTATION: ONE CHILD

DUTY	SOURCE	SPECIFIC TASKS	RECOMMENDED TIME REQUIREMENTS			YOUR COUNTY	
			TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	Intake Thru 12 months	Year 2 & per year to Case discharge	Intake Thru 12 months	Year 2 & per year to Case discharge
			Prepare documentary evidence:	1.00	1.00		
			Time to arrange child's appearance: .25 per hearing	1.00	1.00		
			Time to prepare and file motions, objections:	1.00	1.00		
<i>subtotal: CASE PREP: INVESTIGATION, WITNESS & EXHIBIT</i>				15.00	14.00	0.00	0.00
ADVOCACY: HEARINGS							
Participate in all court proceedings. Including Pre-hearing conferences and hearings on motions to change placement and other motions. Advise the court of the child's wishes and present whatever evidence exists to support the child's wishes.	42 PaCSA § 6311(B)(3),(7),(9); Rule 1154(3),(7),(9); ABA Model Act § 7(b)(7, 9, 10)	Attend and advocate at all hearings. Advocate to the court on key issues, for example : removal, adjudication, visitation, permanency, placement, and services, etc.	Time for Adjudicatory hearing: 1 hr.	1.00	0.00		
			Time for shelter hearings: .5	0.50	0.00		
		Prepare for and advocate at pre-hearing conferences	Time for Permanency hearings: .5 hr, 4 hearings per year	1.50	2.00		
			Pre-hearing conferences: .5 hr before adj. hearing	0.50	0.00		
Make specific recommendations relating to the safety and appropriateness of the child's placement and services necessary to address the child's needs and safety.		Make specific recommendations relating to the safety and appropriateness of the child's placement and services necessary to address the child's needs and safety. Make specific recommendations regarding: appropriateness/ stability of educational placement, if needed, appointment of education decision-maker, service plan to meet client's health care and disability needs.	Hearings on motions: .25 if just presenting or responding, .75 if contested hearing	0.50	0.50		
			Average travel time to court: .25 hr	1.00	1.00		
			Average time to prepare notes for file: .25 hr	1.00	1.00		
			<i>subtotal: ADVOCACY--HEARINGS</i>				6.00
ADVOCACY: OUT OF COURT							

CHILD REPRESENTATION: ONE CHILD

DUTY	SOURCE	SPECIFIC TASKS	RECOMMENDED TIME REQUIREMENTS			YOUR COUNTY		
			TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	Intake Thru 12 months	Year 2 & per year to Case discharge	Intake Thru 12 months	Year 2 & per year to Case discharge	
Attend and advocate at meetings held out of court which are important and relevant to the client's case. Maintain collateral contacts, communicate and collaborate where possible with other counsel, parties, providers, etc.		Attend and advocate at meetings held out of court which are important and relevant to the client's case, including, but not limited to meetings related to placement, treatment, family services, permanency, visitation, transition planning, and educational or school meetings. If needed, apprise clients promptly of the scheduling of any of these significant meetings. Provide a thorough explanation of the relevance of the meeting in the progression of the case. Secure attendance of necessary participants. Meet with clients and obtain necessary documents in advance.	Time FSP meetings per year ([#] meetings at x minutes per meeting): .75 hr, 2 mtgs per year	1.50	1.50			
		Other case meetings per year (of other case meetings at x minutes per meeting): 2-4 at .75	2.00	3.00				
		Follow up with CYS and providers to ensure court orders are implemented;	Average travel time for meetings ([x] minutes per meeting): 1 hr	3.00	3.00			
		Provide collateral information to providers for purposes of evaluation and	Average time to prepare notes for file: .25 hr	0.75	0.75			
			Average time for communication with collateral contacts:	1.00	1.00			
<i>subtotal: ADVOCACY--OUT OF COURT</i>			8.25	9.25	0.00	0.00		
LEGAL RESEARCH AND WRITING								
Case specific research and writing	ABA Model Act § 7(b)(1)	Research law and/or placement or service options	Case specific research 1 hr	1.00	1.00			
			Consultation with supervisor or colleagues:	0.50	0.50			
<i>subtotal: LEGAL RESEARCH AND WRITING</i>			1.50	1.50	0.00	0.00		
TOTALS:			47.00	41.25	0.00	0.00		

Parent Representation: One Child

DUTY	SOURCE	SPECIFIC TASKS	RECOMMENDED TIME REQUIREMENTS			YOUR COUNTY	
			TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	Intake Thru 12 months	Year 2 & per year to Case discharge	Intake Thru 12 months	Year 2 & per year to Case discharge
CLIENT CONTACT AND COMMUNICATION							
Communicate with client as soon as possible after appointment and on a regular basis thereafter.	ABA Parent Rep Standards 7-18, 20	Have a significant initial client meeting. Communicate with clients outside of court and regularly -- at a minimum, prior to each hearing with sufficient time to prepare. Explain role as the client's legal representative and expectations.	Significant initial client interview/visit:	2.00	0.00		
		Explain in an accessible manner the child welfare process, allegations, what will happen in court etc.	Time for subsequent substantive communication with client & documentation: (minimum 2 communications at 15 min time per hearing--may be pre & post). (meetings, calls, texts, prepping client for hearings and letters)	2.50	2.50		
		Establish a system that promotes regular client-attorney contact, provide the client with contact information and be appropriately responsive.	Average travel time for meetings with client:	0.00	0.00		
		Conduct diligent search and communicate with Incarcerated and hard to locate parents					
<i>subtotal: CLIENT CONTACT AND COMMUNICATION</i>				4.50	2.50	0.00	0.00
CASE PREP: DOCUMENT & RECORDS REVIEW							
Request and review relevant court and county agency records.	ABA Parent Rep 19, 21, 22, 23	Request and review CYS file as needed, especially early in the case and again prior to TPR. Review pleadings	Time to review CYS file and related documents:	1.50	0.00		
Request and review client related reports, evaluations and other relevant records		Request and review parent-related provider reports, reports of examinations (including drug and alcohol reports, psychological reports, interactional evaluations) anything else relevant prior to each hearing.	Time to request and review parent-related records (incl. time to obtain/provide consents or court orders):	2.00	2.00		
Request and review each child's medical, psychological and school records etc prior to each hearing as relevant.		Request and review each child's medical, psychological and school records etc prior to each hearing as relevant.	Time to review child's records/reports:	1.50	1.50		
		Obtain consent or court orders for release of records and send to records holders as needed	Travel time to review CYS or other records:	0.50			
<i>subtotal: CASE PREP--RECORDS REVIEW</i>				5.50	3.50	0.00	0.00
CASE PREP: INVESTIGATION, WITNESS & EXHIBIT PREPARATION, ETC							
Conduct a thorough and independent investigation at every stage.	ABA Parent Rep 20-31	In advance of hearing, address with client knowledge of witnesses and anticipated testimony; obtain records, reports or statements of other parties' witnesses	Contact & interview witnesses, document contact: 0.5 hr per potential witness X 5 potential witnesses per hearing = 2.5 hours per hearing X 4 hearings ; Prep witnesses for hearing: 1.5 hours for adj., 1 hour per reviews; Time to subpoena witnesses	12.00	11.00		
Prepare case for hearings.		Contact and interview potential lay witnesses and expert witnesses including: medical and mental health professionals, teachers or daycare providers, service providers, etc.					
		Prepare and secure attendance of witnesses, including expert witnesses.					
		Thoroughly prepare client for testimony; Plan effective organization of testimony based upon the theory of the case; Prepare evidence, including exhibits:	Time to gather documentary evidence and prep exhibits:	1.00	1.00		
		File objections and motions, including motion for reconsideration if appropriate.	Time to prepare and file motions, objections, etc:	1.00	1.00		

Parent Representation: One Child

DUTY	SOURCE	SPECIFIC TASKS	TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	Intake Thru 12 months	Year 2 & per year to Case discharge	Intake Thru 12 months	Year 2 & per year to Case discharge	
<i>subtotal: CASE PREP: INVESTIGATION, WITNESS & EXHIBIT PREPARATION</i>				14.00	13.00	0.00	0.00	
ADVOCACY: HEARINGS								
Participate in all court proceedings.	ABA Parent Rep 25-28, 32, 34	Prepare for and attend all hearings. Advocate to the court about key issues like: removal, adjudication, permanency, placement, services, visitation.	Time for Adjudicatory hearing: 1 hr.	1.00	0.00			
			Time for shelter hearings: .5	0.50	0.00			
Participate in all pre-hearing conferences and hearings on motions		Prepare for and attend prehearing conferences	Time for Permanency hearings: .5 hr, 4 hearings per year	1.50	2.00			
		Identify legal or evidentiary issues which require advance ruling by the court.	Hearings on motions: .25 if just presenting or responding, .75 if contested hearing	0.50	0.50			
			Pre-hearing conferences: .5 hr before adj. hearing	0.50	0.00			
		Where possible, reach stipulations as to legal or evidentiary issues. File objections and motions for reconsideration if appropriate.						
		Average travel time to court: .25 hr	1.00	1.00				
		Average time to prepare notes for file: .25 hr	1.00	1.00				
<i>subtotal: ADVOCACY--HEARINGS</i>				6.00	4.50	0.00	0.00	
ADVOCACY: OUT OF COURT								
Attend and advocate at meetings held out of court which are important and relevant to the client's case.	ABA Parent Rep 6, 7, 11, 26 -28	Attend and advocate at meetings held out of court which are important and relevant to the client's case, including, but not limited to meetings related to placement, treatment, family services, permanency, visitation, transition planning, and educational or school meetings. If needed, apprise clients promptly of the scheduling of any of these significant meetings. Provide a thorough explanation of the relevance of the meeting in the progression of the case. Secure attendance of necessary participants. Meet with clients and obtain necessary documents in advance.	Average time FSP meetings per year ([#] meetings at x minutes per meeting) :	1.50	1.50			
			Other case meetings per year (of other case meetings at x minutes per meeting): 2-4 at .75	2.00	3.00			
Maintain collateral contacts, communicate and collaborate where possible with other counsel, parties, providers, etc.		Maintain communication with other counsel, caseworkers; Work with other parties to reach stipulations and joint recommendations for placement, services, visitation, etc.; follow up with CYS and providers to ensure court orders are implemented; provide collateral information to providers for purposes of evaluation and the preparation of various plans (e.g., ISP, treatment, etc).	Average travel time for meetings ([x] minutes per meeting): 1 hr	3.00	3.00			
			Average time to prepare notes for file: .25 hr	0.75	0.75			
			Average time for communication with collateral contacts:	1.00	1.00			
<i>subtotal: ADVOCACY--OUT OF COURT</i>				8.25	9.25	0.00	0.00	
EXPERTISE AND KNOWLEDGE								
Develop and maintain expertise and knowledge	ABA Parent Rep 1, 2	Engage in training and continuing education specific to child welfare representation.	Case specific research 1 hr	1.00	1.00			
Case-specific research and writing		Case-specific research on law and/or placement or service options.	Consultation with supervisor or colleagues:	0.50	0.50			
<i>subtotal: EXPERTISE AND KNOWLEDGE</i>				1.50	1.50	0.00	0.00	
TOTALS				39.75	34.25	0.00	0.00	

**CHILD AND PARENT REPRESENTATION:
ONE ADDED SIBLING**

DUTY	SOURCE	SPECIFIC TASKS	RECOMMENDED TIME REQUIREMENTS				YOUR COUNTY		
			TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	Intake Thru 12 months	Year 2 & per year to Case discharge	PARENT REP FOR ADDED SIB CASE	Intake Thru 12 months	Year 2 & per year to Case discharge	PARENT REP FOR ADDED SIB CASE
CLIENT CONTACT AND COMMUNICATION									
GAL and counsel for children: Visit/meet with minor client as soon as possible after appointment and on a regular basis thereafter. Parent lawyer: Visit/meet with parent about additional child.	42 PaCSA § 6311(B)(1), (8); Pa.R.J.C.P. Rule 1154(1), (8); ABA Model Act § 7(b)(5) and (8)	Have a significant initial client visit with the child in their living environment. Visit with the child client in their living environment at least once every six months thereafter. Meet with the client as needed including before and/or after a hearing and before and/or after a client-related meeting that the client attends. Explain role as the client's legal representative and expectations. Explain in a developmentally and language appropriate manner the child welfare process, allegations, what will happen in court etc. Establish a system that promotes regular contact, provide the client with contact information, be appropriately responsive and communicate regularly.	Time for initial visit: 1 hour (diff. pl.), .25 (same pl.)	0.67	0.00	0.25			
			Time for subsequent visits: 1 hr (diff. pl.) .25 (same pl.) minimum 2 visits a year at 0.67 hr. per visit)	1.34	1.34	0.00			
			Travel time for visits: 1.25-1.5 hr per visit (diff. pl.), 0 (same pl.)	1.87	1.87	0.00			
			Time to document a visit: 0.5 hr (diff. pl.), 0 (same pl.)	0.25	0.25	0.00			
			Time meeting with client one-to-one outside of visits (at court, meetings, office, etc.) + calls/emails/texts	0.50	0.50	0.25			
<i>subtotal: CLIENT CONTACT AND COMMUNICATION</i>				4.63	3.96	0.50			0.00
CASE PREP: DOCUMENT & RECORDS REVIEW									
Request and review relevant court and county agency records. Request and review relevant records, evaluations, reports concerning the parent/legal custodian. Request and review relevant records, evaluations, reports concerning the child.	42 PaCSA §6311(B)(2); Rule 1154(2) ; ABA Model Act § 7(b)(1) and (7)	As needed request and review CYS file; obtain copies of relevant documents in CYS file; review pleadings Request and Review parent/legal custodian records/reports pertaining to court ordered services and evaluations (including drug and alcohol treatment and screens, psychological evaluations, domestic violence counseling, parenting instruction, visitation, etc.). Request and review child's records and evaluations including school, medical, psychological records for each hearing. Obtain consent or court orders for release of records and send to records holders.	Time to review CYS file & related docs: .25 hour	0.25	0.00	0.25			
			Time to request and review parent-related records:	0.00	0.00	0.00			
			Time to request and review child-related records:	3.50	3.50	1.00			
			Average travel time to access records: 0 hr	0.00	0.00	0.00			
<i>subtotal: CASE PREP--RECORDS REVIEW</i>				3.75	3.50	1.25			0.00
CASE PREP: INVESTIGATION, WITNESS & EXHIBIT PREPARATION, ETC									

**CHILD AND PARENT REPRESENTATION:
ONE ADDED SIBLING**

DUTY	SOURCE	SPECIFIC TASKS	RECOMMENDED TIME REQUIREMENTS				YOUR COUNTY		
			TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	Intake Thru 12 months	Year 2 & per year to Case discharge	PARENT REP FOR ADDED SIB CASE	Intake Thru 12 months	Year 2 & per year to Case discharge	PARENT REP FOR ADDED SIB CASE
Conduct such further investigation necessary to ascertain the facts. Interview potential witnesses, caretakers and foster parents). Prepare witnesses and evidence. Take steps to ensure that child client appears in court at least once every six months. File motions as needed	42 PaCSA § 6311(B)(4),(5); Rule 1154(4), (5); ABA Model Act § 7(b)(1) and (7)	Contact and interview individuals for case investigation and to determine potential witnesses, i.e., caseworker, therapist, teachers or daycare providers, service providers, foster parents or group home, etc. Prepare witnesses to testify. Subpoena witnesses. Gather and prepare documentary evidence. Document investigation and interviews in file as needed for case and hearing prep.	Contact and interview witnesses: 0.5 hr per potential witness X 4 potential witnesses per hearing = 2.0 hours per hearing X 4 hearings per year; time to subpoena witness: prep witnesses for hearing: .25-.5 hours for adj., .25-.5 hour per reviews. Adjusted for parents.	7.50	7.50	3.00			
		Make contact with client and client's foster parents and/or service providers to arrange and/or coordinate youth's appearance.							
		Draft and file motions as needed							
		Prepare documentary evidence:	0.25	0.25	0.25				
		Time to arrange youth's appearance:	0.38	0.38	0.00				
		Time to prepare and file motions, objections:	0.38	0.38	0.38				
<i>subtotal: CASE PREP--INVESTIGATION, WITNESS & EXHIBIT</i>				8.50	8.50	3.63			0.00
ADVOCACY: HEARINGS									
Participate in all court proceedings. Including Pre-hearing conferences and hearings on motions to change placement and other motions. Advise the court of the child's wishes and present whatever evidence exists to support the child's wishes.	42 PaCSA § 6311(B)(3),(7),(9); Rule 1154(3),(7),(9); ABA Model Act § 7(b)(7, 9, 10)	Attend and advocate at all hearings. Advocate to the court on key issues, for example : removal, adjudication, visitation, permanency, placement, and services, etc.	Time for Adjudicatory hearing: 1 hr.	0.25	0.00	0.25			
		Prepare for and advocate at pre-hearing conferences	Time for shelter hearings: 0	0.00	0.00	0.00			
		Identify legal or evidentiary issues which require advance ruling by the court. Where possible, reach stipulations as to legal or evidentiary issues. File motions, objections, including for reconsideration if appropriate.	Time for Permanency hearings: 4 hearings per year	0.75	0.75	0.75			
		Make specific recommendations or argument relating to the safety and appropriateness of the child's placement and services necessary to address the child's needs and safety.	Pre-hearing conferences: 0 hr before adj. hearing	0.00	0.00	0.00			
Make specific recommendations or argument relating to the safety and appropriateness of the child's placement and services necessary to address the child's needs and safety.		Make specific recommendations or argument relating to the safety and appropriateness of the child's placement and services necessary to address the child's needs and safety. Make specific recommendations or argument regarding: appropriateness/ stability of educational placement, If needed, appointment of education decision-maker, service plan to meet client's health care and disability needs.	Hearings on motions:	0.25	0.25	0.25			
		Travel time to court: 0 hr	0.00	0.00	0.00				
		Time to prepare notes for file: 0 hr	0.00	0.00	0.00				
<i>subtotal: ADVOCACY--HEARINGS</i>				1.25	1.00	1.25			0.00
ADVOCACY: OUT OF COURT									

**CHILD AND PARENT REPRESENTATION:
ONE ADDED SIBLING**

DUTY	SOURCE	SPECIFIC TASKS	RECOMMENDED TIME REQUIREMENTS			YOUR COUNTY			
			TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	Intake Thru 12 months	Year 2 & per year to Case discharge	PARENT REP FOR ADDED SIB CASE	Intake Thru 12 months	Year 2 & per year to Case discharge	PARENT REP FOR ADDED SIB CASE
Attend and advocate at meetings held out of court which are important and relevant to the client's case. Maintain collateral contacts, communicate and collaborate where possible with other counsel, parties, providers, etc.		Attend and advocate at meetings held out of court which are important and relevant to the client's case, including, but not limited to meetings related to placement, treatment, family services, permanency, visitation, transition planning, and educational or school meetings. If needed, apprise clients promptly of the scheduling of any of these significant meetings. Provide a thorough explanation of the relevance of the meeting in the progression of the case. Secure attendance of necessary participants. Meet with clients and obtain necessary documents in advance.	Time FSP meetings per year ([#] meetings at x minutes per meeting): .25 hr, 2 mtgs per year	0.50	0.50	0.50			
			Other case meetings per year (of other case meetings at x minutes per meeting): 2 at .75, 1 at .25	1.75	1.75	1.75			
			Average travel time for meetings: 1 hr per mtg	2.00	2.00	2.00			
			Time to prepare notes for file: .25 hr per	0.50	0.50	0.50			
			Time for communication with collateral contacts:	0.50	0.50	0.50			
<i>subtotal: ADVOCACY: OUT OF COURT</i>			5.25	5.25	5.25			0.00	
LEGAL RESEARCH AND WRITING									
Case specific research and writing		Research law and/or placement or service options	Case specific research .5 hr	0.50	0.50	0.50			0.50
			Consultation with supervisor or colleagues:	0.25	0.25	0.25			0.25
<i>subtotal: LEGAL RESEARCH AND WRITING</i>			0.75	0.75	0.75			0.75	
TOTALS:				24.13	22.96	12.63			0.75

Appendix 3

TIME / TASK CHARTS

Contested Termination of Parent Rights and Appeal

CONTESTED TERMINATION CASE TASK	RECOMMENDED TIME REQUIREMENTS		YOUR COUNTY	
	TIME ESTIMATE-- CHILD	TIME ESTIMATE -- PARENT	TIME ESTIMATE-- CHILD	TIME ESTIMATE -- PARENT
Prepare/file entry of appearance	0.5	0.5		
Review file, records	6	6		
Communicate & prep client		2.5		
Contact with/prep potential witness(es)	3	3		
Contact with other counsel	0.5	0.5		
Prepare and serve subpoena(s)	0.5	1		
Conduct legal research	2	2		
Prepare/file pre-trial statement	1.5	1.5		
Prepare for hearing/case prep/exhibits	6	6		
Attend termination hearing(s), including travel	4	4		
Write proposed findings of fact/conclusions of law, closing argument – (6 hours but doesn't happen in all cases; adjusted to 2 hours)	2	2		
TOTAL: CONTESTED TERMINATION CASE	26	29		0

TPR (OR OTHER) APPEAL

TASK	RECOMMENDED TIME REQUIREMENTS		YOUR COUNTY	
	TIME ESTIMATE-- CHILD	TIME ESTIMATE -- PARENT	TIME ESTIMATE-- CHILD	TIME ESTIMATE -- PARENT
Client consultation		1.5		
Notice of appeal, Rule 1925(b) Statement & related docs		1.5		
Review transcript(s), trial court opinion, briefs	5	5		
Review appellate record, including travel	1	1		
Conduct legal research	4	4		
Write appeal brief	25	30		
Prepare brief for filing	4	4		
File brief, including travel	0.5	0.5		
Prepare for oral argument	10	10		
Attend oral argument, including travel and down time in court	4	4		
TOTAL: APPEAL	53.5	61.5		

APPENDIX 4 – Caseload Calculation Analysis

1. A core responsibility of those overseeing the appointed or contracted attorneys is to examine individual attorney caseloads so that attorneys are not being assigned such a high volume of cases that they could not possibly adhere to the Standards of Practice.
2. The combination of Time Chart data, assumptions about first versus second year, and about sibling versus no-sibling, allow for computation of reasonable caseloads for child and parent lawyers. This data has been compiled in two “Caseload Calculation” Charts, separately presenting total annual adjusted caseloads for full-time children's and parents attorneys.² According to these estimates (adjusting for turnover and complexity but not including TPRs and appeals), a child attorney can handle 44.74 clients at any given time (i.e., “static caseload”), however, because cases open and close throughout the year, a child attorney can handle 71.59 clients during the course of the year, assuming a 60% turnover rate (“dynamic caseload”). Similarly, based on the Time Charts, a parent attorney can handle 61.13 clients at any given time and will handle 98.13 clients during the course of the year, without additional time invested in TPRs or appeals. **Thus, we conclude that the total annual adjusted caseload per full-time attorney, assuming a turnover rate of 60% close during year and**

² Assumptions on sibling groups, time of service and rate of TPRs and appeals are based on preliminary data supplied by KidsVoice, Allegheny County Bar Foundation Juvenile Court Project and the Allegheny County DHS Office of Data Analysis, Research & Evaluation (DARE).

A caseload of a full-time child or parent attorney can be characterized as follows:

- *Approximately 45% of cases involve only one child, with 55% cases involving siblings.*
- *Approximately 60% of cases are in their first year and 40% are in their second or later year.*
- The majority of dependency cases are viewed as presenting a moderate level of complexity, and yet each case is different. One challenge of this initiative was to decide how to account for the range of complexities and requisite time demands of a diverse practice, and the diverse levels of performance or zeal among the many attorneys providing representation services. For purposes of estimation, the Time Charts present the time requirements for a so-called “typical” case, that is, “typical -- what it should be, tempered by what is”. The Caseload Calculation projects 90% of cases as typical.
- Therefore the typical case, and not an average or mean of all types of cases, is represented in the two main charts. A typical case involves one child, where parents are known and involved, the issues are serious, but not requiring special hearings, extensive motion practice nor expert witnesses, and the goal is family stabilization or reunification and the case does not require a contested TPR or appeal. A much smaller percentage, approximately 10% of cases are very complex prior to a TPR. This small percentage of cases involve an estimated 12 additional hours of work in mostly the case preparation and research categories (See “Time Study for Complex Cases”). These are cases where there are allegations of sexual abuse, serious physical abuse, alleged aggravated circumstances, or significant cognitive or other disabilities that are alleged to affect parenting capacity or the child has very high medical or other needs. These cases are more time-intensive as they involve significant medical or other types of records and evaluations, specialized treatment services, locating, communication and preparation of expert and other non-typical witnesses, the need for expert reports, the potential for concurrent law enforcement or criminal investigations. Consequently in calculating the caseload for both parent and child representation, we added 12 additional hours to 10% of cases.

APPENDIX 4 – Caseload Calculation Analysis

including time for complexity, TPRs and appeals is or should be 66 (65.83) child clients or 87 (86.59) parent clients.³

3. The configurable Caseload Calculation sheets (see Appendix 5) are meant to provide a framework from which each county can enter their hours-estimates from the Time Charts as well their county-specific data for: hours available to work per year, percentage of clients in their first year and second year, percentage of clients who have no siblings, percentage of cases that are complex, percentage of annual cases with contested TPRs, etc. Configurable Caseload Calculation Sheets are also available at The tasks and time involved in representing a parent in a one child dependency case;
4. The tasks and additional time involved in representing a child and parent when there is an added sibling; and
5. The tasks and time involved in representing children or parents in a contested termination of parental rights and an appeal hearing.
6. The purpose of disseminating these Time Charts with the Standards is to facilitate discussion in each county regarding how much time per case it will take to implement the Standards. The Workgroup recognizes that there could be county-level differences in key assumptions (e.g., number of hearings per year) or differences in activity numbers (e.g. travel time) such that the time necessary to implement the Standards could vary by County and by Attorney, depending on any private practice or other work commitments. To that end, configurable time charts are available at (<http://www.ocfpcourts.us/childrens-roundtable-initiative/state-roundtable-workgroups/legal-representation>).
7. Similarly, the Caseload Calculation sheets are meant to provide a framework from which each County and Attorney can plug in their estimated hours from the time charts, as well their County-specific data, to determine the number of hours available to work per year, percentage of clients in their first year and second year, percentage of clients who have no siblings, percentage of cases that are complex, percentage of annual cases with contested Termination of Parental Rights, etc. Configurable Caseload Calculation Sheets are also available at (<http://www.ocfpcourts.us/childrens-roundtable-initiative/state-roundtable-workgroups/legal-representation>).

³ Based on data provided by one county, we have projected that approximately 7% of cases involve a contested Termination of Parental Rights hearing, and an additional 2% of cases involve an uncontested Termination of Parental Rights hearing which requires some additional tasks and additional time allotment Actual data from AOPC or a broader sampling of counties may lead to adjustment of this assigned rate. To reflect the reduced the number of hours required in voluntary relinquishment or uncontested involuntary TPR cases, we deducted 10 hours from the sum total of hours calculated in involuntary cases. We have projected that approximately 2% of cases involve appeals as either appellant or appellee, and which may arise following involuntary termination or to challenge rulings in the dependency case itself. Appellate practice requires substantial additional time in research, writing and argument, etc. for those lawyers who litigate their own appeals (See “Caseload Calculation” Chart). Actual data from AOPC or a broader sampling of counties may lead to adjustment of this assigned rate.

1536 hours = hours available to work per year (i.e., 32 hours/week x 48 weeks)

- 47 # hours per year for One Child representation in the first year (See "One Child" Chart)
- 41.25 # hours per year for One Child representation in the second year (See "One Child" Chart)
- 24.13 # hours per year for One Added Sibling representation in the first year (See "Added Sibling" Chart)
- 22.96 # hours per year for One Added Sibling representation in the second year (See "Added Sibling" Chart)

60% Assume 60% of clients are in their first year and 40% are in the second year
 40% Assume 40% are in the second year

45% % of clients have no sibs (assumption) and 55% have sibs
 55% % of clients have sibs (assumption)

- 44.70 hours = average hours per year for clients with no sibs (i.e., combination new and 2d year cases)
- 23.66 hours = average hours per year for clients with sibs (i.e., combination new and 2d year cases)
- 33.13 hours = average hours per year per client for all "typical" clients
rate: 90% of caseload is typical
- 45.13 hours = average hours per year per client for "complex" cases (i.e., 33.54 + 12 hours per complex case; See Complexity Chart)
rate: 10% of caseload is complex

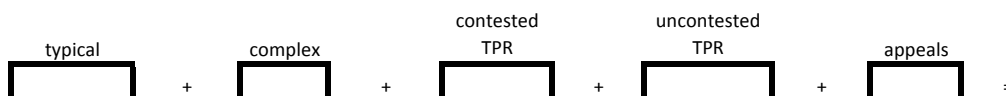
34.33	hours = average hours per year per client for all cases (90% typical + 10% complex case)
44.74	CLIENTS PER YEAR (i.e. total hrs per yr/average hrs per yr per client for all clients; <u>static caseload</u> -- assumes all cases are open the whole year)(90% "typical", 10% complex)
71.59	TOTAL ANNUAL CASELOAD PER FULL-TIME LAWYER (i.e., clients per yr x 1.6; <u>dynamic caseload</u> -- assumes turnover rate of 60% close during year; <u>not</u> including TPRs or appeals)

ADDITIONAL CALCULATIONS:

- 26 hours = **contested TPR** (See TPR & Appeal Chart): 7% of caseload is contested TPR [104/1467]= 0.0709
 1.843 = total hours per case for contested TPRs
 - 18 hours = **uncontested TPR** (See TPR & Appeal Chart): 2% of caseload is uncontested TPR [26/1467]= 0.0177
 0.319 = total hours per case for uncontested TPRs
 - 53.5 hours = **appeals** (See TPR & Appeal Chart): 2% of caseload is appeals [23/1467]= 0.0157
 0.839 = total hours per case for appeals
- 3.00 = total hours for all TPRs and appeals (to be applied for all cases)**

37.33 hours = average hours per year per client for all cases (including TPRs and appeals)

65.83	TOTAL ANNUAL ADJUSTED CASELOAD PER FULL-TIME CHILDREN'S LAWYER (dynamic caseload-- assumes turnover rate of 60% close during year; including time for complexity, TPRs, appeals)
--------------	---



** Assumptions on sibling groups, time of service and rate of TPRs and appeals based on preliminary data supplied by KidsVoice, Allegheny County Bar Foundation Juvenile Court Project and Allegheny County DHS Office of Data Analysis, Research & Evaluation (DARE).

CASELOAD CALCULATION

Appendix 5

REPRESENTATION OF

PARENTS

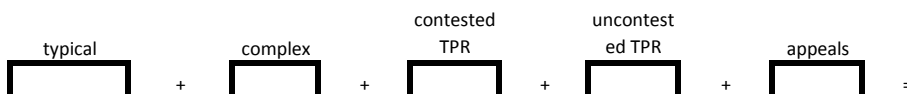
- 1536 hours = hours available to work per year (i.e., 32 hours/week x 48 weeks)
- 39.75 # hours per year for One Child representation of parent in the first year (See "One Child" Chart)
- 34.25 # hours per year for One Child representation of parent in the second year (See "One Child" Chart)
- 12.63 # hours per year for One Added Sibling representation of parent in the first year (See "Added Sibling" Chart)
- 12.63 # hours per year for One Added Sibling representation of parent in the second year (See "Added Sibling" Chart)
- 60% Assume 60% of clients are in their first year and 40% are in the second year
- 40% Assume 40% are in the second year
- 45% % of clients have one child (assumption)
- 55% % of clients have more than one child (assumption)
- 37.55 hours = average hours per year for parents of children with no sibs (i.e., combination new and 2d year cases)
- 12.63 hours = average hours per year for parents of children with sibs (i.e., combination new and 2d year cases)
- 23.84 hours = average hours per year per client for all "typical" clients
rate: 90% of caseload is typical
- 35.84 hours = average hours per year per client for "complex" cases (i.e., 23.84 + 12 hours per complex case; See Complexity Chart)
rate: 10% of caseload is complex

25.04	hours = average hours per yr per client for all clients (90% "typical", 10% complex)
61.33	CLIENTS PER YEAR (i.e. total hrs per yr/average hrs per yr per client for all clients; <u>static caseload</u> -- assumes all cases are open the whole year)(90% "typical", 10% complex)
98.13	TOTAL ANNUAL CASELOAD PER FULL-TIME LAWYER (i.e., clients per yr x 1.6; <u>dynamic caseload</u> -- assumes turnover rate of 60% close during year; <u>not</u> including TPRs or appeals)

ADDITIONAL CALCULATIONS:

- 29 hours = **contested TPR** (See TPR & Appeal Chart): 7% of caseload is contested TPR [104/1467]= 0.0709
2.06 = total hours per case for contested TPRs
- 18 hours = **uncontested TPR** (See TPR & Appeal Chart): 2% of caseload is uncontested TPR [26/1467]= 0.0177
0.319 = total hours per case for uncontested TPRs
- 61.5 hours = **appeals** (See TPR & Appeal Chart): 2% of caseload is appeals [23/1467]= 0.0157
0.964 = total hours per case for appeals
3.34 = total hours for all TPRs and appeals (to be applied for all cases)
- 28.38** hours = average hours per year per client for all cases (including TPRs and appeals)

86.59	TOTAL ANNUAL ADJUSTED CASELOAD PER FULL-TIME PARENT LAWYER (dynamic caseload-- assumes turnover rate of 60% close during year; including time for complexity, TPR, appeals)
--------------	--



** Assumptions on sibling groups, time of service and rate of TPRs and appeals based on preliminary data supplied by KidsVoice, Allegheny County Bar Foundation Juvenile Court Project and Allegheny County DHS Office of Data Analysis, Research & Evaluation (DARE).

APPENDIX 6 – Compensation Survey Analysis

1. The Legal Representation Workgroup (LRWG) of the Pennsylvania Children’s Roundtable conducted a statewide survey in fall 2014, to collect information on compensation rates and total expenses incurred by local governments and the courts to provide representation to children and to parents in dependency proceedings. The survey distinguished between representation provided by private court-appointed lawyers and by organizations such as the local Public Defender or Legal Aid Office. Data was provided for either fiscal year or calendar year 2013, though some rate data has been updated with more current information. Sixty-three counties responded to the survey, and fifty-five of these respondents provided information on the compensation rates paid to private attorneys who are appointed to represent children or parents. See Appendix 7, Chart A, below.
2. LRWG also received data from the Judicial Automation Unit of the Administrative Office of Pennsylvania Courts, on the total numbers of children and parents who were provided lawyers in 2013 and 2014. This data was obtained from the statewide Common Pleas Case Management System (CPCMS). We note that use of CPCMS remains in early stage for many counties, and the quality of the data entry and reporting in some jurisdictions appears to need improvement. Still the count of the total census of children and parents involved in court, and the numbers who are reported in CPCMS to have a lawyer assigned to represent them, provides a useful snapshot of representation. Total counts are provided for 2014 only, since it has been generally observed that data entry and overall use of CPCMS has and will improve over time. See Appendix 7, Chart B, below.⁴
3. The survey of individual counties across Pennsylvania revealed a wide variety of models and rates of compensation for attorneys representing children and parents in dependency proceedings.⁵ Some compensation models encourage quality representation while other compensation models create disincentives to performing the tasks necessary to meet the Standards.⁶ Through the survey as well as information received during the LRWG focus

⁴ Appendix 8, Chart B lists the numbers of children and parents who had lawyers assigned to represent them in 2014, and also distinguishes when a child or parent had more than one lawyer assigned during the year. According to the data in CPCMS, some children and parents had as many as seven lawyers noted in the database; further research will be needed to determine whether the counts on representation are accurate.

⁵ Compensation rates are typically established by county commissioners or by the court, and vary across the Commonwealth (i.e., Allegheny: \$50.00/hour; Butler: \$60.00/hour; Jefferson: \$65/hour for parents and child-conflict cases; Washington: \$50/hour; and Westmoreland \$45.00/hour. Alternatively some counties pay per hearing (i.e., Philadelphia: \$250/hearing to cap of \$500 in first year of a case, \$150/hearing to maximum of \$300 in second year of case, and \$60/hearing to cap of \$120/year for third and all subsequent years). See Appendix 7, Chart A for complete statewide data on compensation rates.

⁶ Cumberland County recently instituted a promising model: an annual-contract model, with one full-time GAL and 2 full-time parent attorneys (full-time with exception they can do non-litigation other work and so long as they are fulfilling all dependency requirements) that each gets paid \$7,500 per month (\$90,000 per year, or equivalent of \$54 per hour). The attorneys are court-appointed under the terms of an administrative order issued by the county (the administrative order sets

groups conducted in 2013, we learned that compensation rates paid in many counties have not changed in years, or even decades, while some other counties have made substantial improvements in compensation rates or structures in the last two years.

4. We note that numerous counties did not have or use a data or accounting system to break down the costs of representation in dependency cases, nor to track the numbers of cases assigned to each lawyer or organization.⁷ Some attorneys submit invoices or are paid per dependency petition on a quarterly schedule, sometimes across two different fiscal years, while others are paid on a schedule without invoicing. Some counties reported on all guardians ad litem and/or parent representation data in a combined category across all appointments in custody, dependency, juvenile and/or orphan’s court proceedings. In general, as reported by survey respondents, it was difficult for many local officials to obtain reliable data concerning both total expenditures and rates of pay for the legal work we are focused on, as well as, the number of attorney appointments.
5. Because of variations in accounting and payment systems or appointment procedures, some individual county data had to come from a variety of sources. This meant that the data available for reporting in some counties was the aggregate cost or total number of appointments of child and/or parent representation across custody, dependency and/or orphan’s court proceedings. In other counties, dependency appointments were tracked and paid separately. Another complicating factor is that it is nearly impossible to compare hourly rates in some counties to salaried, monthly or annual payment rates in other counties without knowing how many appointments were made or clients represented. For this reason, the Committee was unable to reduce all of the survey data to like units for a comparative analysis.

out certain terms which include attendance at summits, trainings and CLEs). The salary is meant to compensate the lawyers (at least in part) for the benefits and support staff. Both parent and child lawyers are required to perform the following amount of hours: 1680 per year ~ 32 per week (assuming 52 work weeks), minimum of 12 hours a month client contact outside of hearings.

⁷ Individual respondent notes to the Survey revealed broad difficulty accessing cost and census numbers, offering statements including the following:

- “unable to determine without considerable research”;
- “could not ascertain because did not receive responses from all parent counsel”;
- “[no] Independent Verification. Often not complete.”;
- “includes delinquency because unable to separate.”;
- “county is unable to calculate pro bono costs”;
- “Due to attorneys being paid in different ways, annual vs hourly, they could not calculate data to know how many served which is the reason they could not complete the survey.”;
- “no data: lawyers submit invoices per petition quarterly.”; and
- “[t]he county does not have a system to track this information. Deputy Ct Admin had to review ... bills submitted by court appointed attorneys which had combined information on them and he attempted to break down the costs while cross checking court calendars that are developed by the CYS paralegals. This was definitely a difficult task to accomplish for ... County.”.

6. It is important that counties establish models and rates of compensation to ensure quality legal representation which meets the Standards of Practice in dependency cases. As determined through focus groups across the state, various models of attorney engagement are in use by courts and communities around the Commonwealth.⁸ These models are generally tied to the system that a court or county uses to compensate its lawyers appointed to represent children

⁸ The models of engagement and compensation include:

- i. *Inside-government staff attorney model:* Full- or part-time child or parent lawyers who are county or court employees, work in a unit of government that is organized to represent such clients. These include, for example, the Office of the Guardian ad Litem of Bucks County (i.e., lawyers represent only children in dependency cases); Public Defender of Centre County (i.e., one staff attorney primarily assigned to all dependency and delinquency cases); Public Defender of Montgomery County (i.e., lawyers rotate through criminal, juvenile and dependency dockets); and Berks (i.e., 3 permanent, full-time attorneys who are county employees serve as GALs and counsel for all children, with occasional private-attorney appointments for conflicts). Compensation rates are typically established by county commissioners.
- ii. *Private agency staff attorney model:* Full- or part-time child or parent lawyers who are employees of private not-for-profit agencies that are organized to represent such clients, and the agency is funded either wholly by government funds or with mix of government and private charitable funds. These include, for example: Child Advocacy Unit of the Defender Association of Philadelphia (i.e., dependent children only); KidsVoice (i.e., dependent children only in Allegheny County); (i.e., North Penn Legal Services (i.e., dependent children only in Luzerne and Lackawanna Counties); Legal Aid of Southeastern PA (i.e., serving Bucks, Delaware, Montgomery Counties -- parents only); Community Legal Services Family Advocacy Unit (i.e., parents only in Philadelphia); and Southwestern PA Legal Services (i.e., parents only in Fayette and Washington Counties). While compensation rates for agency staff are established by the private agency's board of directors or other personnel structure, the funding provided to the agency necessarily effects the number of attorneys and social work staff the agency can hire to do the work,
- iii. *Private attorney contract model:* Full- or part-time child or parent lawyers who are independent contractors of county government or court, receive lump-sum fixed rate regardless of number of cases (i.e., flat-fee or monthly stipend) to represent children or parents, while also maintaining their own private practices. Counties using some form of this model include, for example: Berks (i.e., a group of 6 attorneys represent parents and work as independent contractors based on an oral agreement with the Court), Bucks, Chester, Cumberland and Delaware (i.e., engage a set group of lawyers to represent parents, and who are paid a monthly rate to accept all cases assigned to them); Indiana (i.e., combination of appointments as either monthly/annual contract or hourly rate); and Jefferson. Compensation rates are typically established by county commissioners or by the court.
- iv. *Private attorney fee model:* Child or parent lawyers who are individually appointed, case by case, and compensated on some locally-established fee structure. This approach is often used in conflict situations where another model is also in use (i.e., agency attorney has conflict of interest, and court appoints conflict counsel).
- v. *Pro bono attorney with staff support:* Private not-for-profit agencies provide case management or other support for volunteer lawyers serving clients in the dependency system, and funded by a mix of government funds and/or private charitable funds. These include, for example: Support Center for Child Advocates (i.e., children only); Montgomery Child Advocacy Project (i.e., children only); ReedSmith Adoption Program (i.e., adoptive parents only); various Legal Aid and other volunteer lawyer programs with pro bono panels (i.e., parents); and various law school clinical programs (i.e., parents and children).

APPENDIX 6 – Compensation Survey Analysis

and parents. While there may be good reasons to employ one model over another, courts and counties should be mindful of the ways different models may support or undermine the adherence to the standards and take corrective measures to incentive better practices.

7. Compensation affects the quality of legal services. Many attorneys experience financial pressure when making decisions about the investment of time and resources in their cases, citing the limits on rates and billing. Regardless of what payment structure ultimately is chosen by the county, it must result in adequate compensation. For example a county should not be assigning a number of cases that would require someone to work “full-time” and yet not compensate them at a full-time attorney level that reflects this reality.
8. As noted above, waiting time at court was not calculated into the Time Charts or Caseload Calculation models. A county/court program which requires lawyers to be present at court for long hours, while waiting for an assigned case, should account for waiting time in compensation and caseload calculations.
9. Hourly compensation models which have low per-year or per-case financial caps, or do not permit reimbursement for case meetings, client interviews, transportation time to visit children in placement all disincentivize the work needed in these cases and encourage increasing payments by taking on more cases than are feasible. Similarly, hourly, flat rates or contract terms that are too low create disincentives to spending the needed time on these cases and encourages taking on a larger caseloads than can be handled while meeting the Standards. Fee structures that pay a diminishing rate on a case as it progresses provide a strong disincentive to work on cases after the first year and to properly prepare for cases that may proceed to termination of parental rights proceedings.
10. There are also some systemic realities that may be influencing the rate of pay for parent and child attorneys. For example, the Pennsylvania Department of Human Services recently began disallowing partial Act 148 reimbursement for the cost of parent representation. Thus while there is a statutory right to counsel for both children and parents, that right does not receive equal funding from the state.
11. Counties should consider whether the *status quo* in compensation should be maintained in light of the current push to improve practice, especially in counties where rates have not increased in many years, or are substantially lower than market rates, or where child and parent attorneys have different rates/amounts.
12. Both data collection and financial accounting should be improved in most jurisdictions. Caseloads cannot be analyzed or controlled, and compensation rates cannot be set or compared (i.e. hourly rates to monthly or yearly rates) unless a system knows how many appointments were made and how much is being paid for the service. The Survey demonstrated that we need better record keeping in this area. With improved data collection and use of CPCMS, as well as

improved reporting and tracking of caseloads and compensation, government leaders and members of the dependency bar will have a more complete picture of representation of children and parents across Pennsylvania.

APPENDIX 7

County	Count of Child Attorneys (GAL & Counsel) -- 2014										
	Count of Children	<i>(number of attorneys appointed per child)</i>									
		0	1	2	3	4	5	6	7	8	9
Adams	79	0	75	4	0	0	0	0	0	0	0
Allegheny ¹	3,084	3,074	10	0	0	0	0	0	0	0	0
Armstrong	89	2	46	34	7	0	0	0	0	0	0
Beaver	97	1	70	22	4	0	0	0	0	0	0
Bedford	72	0	63	9	0	0	0	0	0	0	0
Berks	1,398	15	1,093	268	20	1	1	0	0	0	0
Blair	366	22	337	7	0	0	0	0	0	0	0
Bradford	164	0	149	13	2	0	0	0	0	0	0
Bucks	920	8	239	654	13	6	0	0	0	0	0
Butler	217	7	181	23	3	3	0	0	0	0	0
Cambria	284	0	133	150	1	0	0	0	0	0	0
Cameron	21	0	17	3	1	0	0	0	0	0	0
Carbon	64	11	46	6	0	1	0	0	0	0	0
Centre	128	0	59	68	1	0	0	0	0	0	0
Chester	316	3	86	202	23	1	1	0	0	0	0
Clarion	41	0	0	33	7	1	0	0	0	0	0
Clearfield	258	16	180	44	14	4	0	0	0	0	0
Clinton	94	3	49	29	12	1	0	0	0	0	0
Columbia	278	6	207	65	0	0	0	0	0	0	0
Crawford	233	7	183	36	5	2	0	0	0	0	0
Cumberland	499	6	342	141	10	0	0	0	0	0	0
Dauphin	625	30	572	22	1	0	0	0	0	0	0
Delaware	1,138	1	1,072	64	1	0	0	0	0	0	0
Elk	26	7	15	3	1	0	0	0	0	0	0
Erie	629	3	57	169	267	110	18	1	0	2	2
Fayette	658	15	534	99	8	1	1	0	0	0	0
Forest	2	0	2	0	0	0	0	0	0	0	0
Franklin	185	0	148	34	3	0	0	0	0	0	0
Fulton	17	0	12	5	0	0	0	0	0	0	0
Greene	171	2	144	20	4	1	0	0	0	0	0
Huntingdon	139	1	125	13	0	0	0	0	0	0	0
Indiana	155	86	45	21	3	0	0	0	0	0	0

APPENDIX 7

County	Count of Child Attorneys (GAL & Counsel) -- 2014										
	Count of Children	<i>(number of attorneys appointed per child)</i>									
		0	1	2	3	4	5	6	7	8	9
Jefferson	120	0	99	20	1	0	0	0	0	0	0
Juniata	63	43	12	8	0	0	0	0	0	0	0
Lackawanna	580	39	478	57	6	0	0	0	0	0	0
Lancaster	826	10	628	130	42	14	2	0	0	0	0
Lawrence	319	4	187	121	4	3	0	0	0	0	0
Lebanon	153	0	59	90	4	0	0	0	0	0	0
Lehigh	461	0	431	26	3	1	0	0	0	0	0
Luzerne	1,289	44	1,216	27	1	1	0	0	0	0	0
Lycoming	71	0	67	3	1	0	0	0	0	0	0
McKean	159	1	140	18	0	0	0	0	0	0	0
Mercer	150	10	110	21	8	1	0	0	0	0	0
Mifflin	66	0	65	1	0	0	0	0	0	0	0
Monroe	315	3	244	65	3	0	0	0	0	0	0
Montgomery	1,108	1	1,061	43	3	0	0	0	0	0	0
Montour	36	2	33	1	0	0	0	0	0	0	0
Northampton	488	71	287	115	15	0	0	0	0	0	0
Northumberland	411	0	240	153	17	1	0	0	0	0	0
Perry	15	0	6	8	1	0	0	0	0	0	0
Philadelphia	8,911	176	6,204	1,774	572	135	42	7	1	0	0
Pike	51	3	37	9	2	0	0	0	0	0	0
Potter	13	3	9	1	0	0	0	0	0	0	0
Schuylkill	929	12	694	213	10	0	0	0	0	0	0
Snyder	50	0	36	12	2	0	0	0	0	0	0
Somerset	92	1	50	40	1	0	0	0	0	0	0
Sullivan	10	0	10	0	0	0	0	0	0	0	0
Susquehanna	85	0	9	64	9	2	1	0	0	0	0
Tioga	122	0	113	7	1	1	0	0	0	0	0
Union	32	0	17	15	0	0	0	0	0	0	0
Venango	51	1	28	21	1	0	0	0	0	0	0
Warren	29	0	26	3	0	0	0	0	0	0	0
Washington	641	25	556	52	5	3	0	0	0	0	0
Wayne	105	11	65	21	7	1	0	0	0	0	0
Westmoreland	417	2	361	51	2	1	0	0	0	0	0
Wyoming	32	3	26	3	0	0	0	0	0	0	0
York	764	30	603	106	18	5	1	1	0	0	0
TOTAL	31,411	3,821	20,498	5,560	1,150	301	67	9	1	2	2

1. Allegheny County data does not include children assigned to representation by KidsVoice.

APPENDIX 7

County	Count of Parent Attorneys -- 2014									
	Count of Parents	<i>(number of attorneys appointed per parent)</i>								
		0	1	2	3	4	5	6	7	8
Adams	154	72	74	8	0	0	0	0	0	0
Allegheny ¹	2,446	2,445	1	0	0	0	0	0	0	0
Armstrong	171	55	93	22	1	0	0	0	0	0
Beaver	183	47	117	19	0	0	0	0	0	0
Bedford	134	51	76	5	2	0	0	0	0	0
Berks	2,762	755	1,413	456	100	34	4	0	0	0
Blair	642	79	383	156	24	0	0	0	0	0
Bradford	304	195	96	12	1	0	0	0	0	0
Bucks	1,708	675	887	118	23	5	0	0	0	0
Butler	426	36	259	101	28	1	1	0	0	0
Cambria	502	305	161	26	5	4	1	0	0	0
Cameron	39	24	10	4	1	0	0	0	0	0
Carbon	116	87	17	12	0	0	0	0	0	0
Centre	247	78	145	20	4	0	0	0	0	0
Chester	610	183	374	40	13	0	0	0	0	0
Clarion	76	14	55	7	0	0	0	0	0	0
Clearfield	478	217	194	55	11	1	0	0	0	0
Clinton	183	21	146	15	1	0	0	0	0	0
Columbia	495	379	83	25	6	2	0	0	0	0
Crawford	426	80	258	75	13	0	0	0	0	0
Cumberland	982	66	789	112	13	2	0	0	0	0
Dauphin	1,107	990	117	0	0	0	0	0	0	0
Delaware	2,082	884	885	220	66	23	3	1	0	0
Elk	48	23	22	3	0	0	0	0	0	0
Erie	1,214	337	584	213	58	12	3	1	6	0
Fayette	1,250	512	645	72	16	2	3	0	0	0
Forest	4	3	1	0	0	0	0	0	0	0
Franklin	345	161	155	26	0	3	0	0	0	0
Fulton	32	7	15	10	0	0	0	0	0	0
Greene	314	169	138	6	1	0	0	0	0	0
Huntingdon	281	53	205	19	4	0	0	0	0	0
Indiana	264	157	83	18	5	1	0	0	0	0

APPENDIX 7

County	Count of Parent Attorneys -- 2014									
	Count of Parents	<i>(number of attorneys appointed per parent)</i>								
		0	1	2	3	4	5	6	7	8
Jefferson	236	107	110	16	3	0	0	0	0	0
Juniata	115	85	28	2	0	0	0	0	0	0
Lackawanna	1,048	234	759	51	4	0	0	0	0	0
Lancaster	1,731	313	1,072	282	52	11	1	0	0	0
Lawrence	615	24	505	67	16	2	1	0	0	0
Lebanon	288	122	146	14	6	0	0	0	0	0
Lehigh	861	12	623	192	20	11	3	0	0	0
Luzerne	2,409	560	1,179	436	151	68	12	1	2	0
Lycoming	119	61	43	8	6	1	0	0	0	0
McKean	307	72	215	20	0	0	0	0	0	0
Mercer	293	15	219	50	6	3	0	0	0	0
Mifflin	128	20	95	13	0	0	0	0	0	0
Monroe	586	396	150	37	3	0	0	0	0	0
Montgomery	1,541	1,193	334	14	0	0	0	0	0	0
Montour	53	45	5	3	0	0	0	0	0	0
Northampton	934	277	587	63	7	0	0	0	0	0
Northumberland	784	279	279	207	17	2	0	0	0	0
Perry	28	16	8	3	1	0	0	0	0	0
Philadelphia	18,081	4,292	10,000	2,807	753	182	32	9	4	2
Pike	97	20	70	3	3	1	0	0	0	0
Potter	23	8	9	6	0	0	0	0	0	0
Schuylkill	1,786	1,150	559	61	15	1	0	0	0	0
Snyder	95	11	61	21	2	0	0	0	0	0
Somerset	158	68	89	1	0	0	0	0	0	0
Sullivan	14	11	3	0	0	0	0	0	0	0
Susquehanna	168	64	62	28	12	2	0	0	0	0
Tioga	237	14	196	18	6	3	0	0	0	0
Union	56	14	34	8	0	0	0	0	0	0
Venango	81	29	48	4	0	0	0	0	0	0
Warren	58	17	39	2	0	0	0	0	0	0
Washington	1,146	676	345	105	19	0	1	0	0	0
Wayne	183	87	89	6	1	0	0	0	0	0
Westmoreland	783	175	544	58	4	2	0	0	0	0
Wyoming	59	27	30	2	0	0	0	0	0	0
York	1,381	653	664	63	1	0	0	0	0	0
TOTAL	56,507	20,307	27,680	6,546	1,504	379	65	12	12	2

1. Allegheny County data does not include parents assigned to representation by Allegheny County Bar Foundation Juvenile Court Project.

APPENDIX 8 -- COMPENSATION FOR COURT-APPOINTED COUNSEL

TABLE A		Compensation Unit-rates for Private Court-Appointed Lawyers (not Organizations)									
<i>Note: Data presented for all counties that submitted private attorney compensation information</i>											
Leadership Roundtable	County Name:	PARENT REPRESENTATION (per attorney)					CHILD REPRESENTATION (per attorney)				
		Cost per Hour	Cost per Month	Cost per Year	Cost per Case (i.e., beginning to end)	NOTE	Cost per Hour	Cost per Month	Cost per Year	NOTE	
1	Allegheny			\$ 32,000		Rate shown is for representation provided in cases for whom Allegheny County Bar Foundation Juvenile Court Project has conflict.					KidsVoice reps children. Conflict rep of children provided by Allegheny County Office of Conflict Counsel.
	Bucks			\$ 18,750			\$ 40				
	Delaware	varies \$40 to \$150		varies \$26268 to 40,996+ben					25,500 + ben		3 part-time GALs
	Montgomery				\$ 1,000				\$194,580		Public Defender cost for 1 attorney & 1 paralegal
	Philadelphia			\$500-Yr 1, \$300-Yr 2, \$120-Yr 3 & beyond					\$500-Yr 1, \$300 Yr 2, \$120-Yr 3 & beyond (per family of children)		
2	Berks			\$ 42,000		Parent representation by contract			\$ 42,000		\$154,533 plus approx. \$75,000 ben. for 3 full time county EEs
	Chester		\$ 1,894				\$59.75				
	Lancaster			\$ 20,000		2 Parent lawyers & 1 GAL serve on each of 6 teams			\$43,500 for fulltime		2 Parent lawyers & 1 GAL serve on each of 6 teams
	Westmoreland	\$ 60					\$ 60				
	York	\$ 75					\$ 75				
3	Dauphin	\$ 50		\$ 30,000		Contract			\$ 42,000		1 fulltime county EE + benefits
	Lackawanna			\$ 18,000		6 Parent lawyers, engaged by County Commissioners					
	Lehigh	\$ 50		\$ 24,000		12 attys under contract. Conflicts = \$50/hr	\$ 50		\$ 24,000		12 attorneys under contract. Conflicts = \$50/hr
	Luzerne		\$3100/atty				\$13.63 per hr		"cap" of \$15,000 per 6 months		
	Northampton					North Penn Legal Services reps parents					no child rep rate info provided
4	Beaver	\$ 75					\$ 60				
	Butler	\$ 60							\$ 40,000		
	Cumberland		\$ 7,500	\$ 90,000		Contract-- 2 fulltime parent lawyers		\$ 7,500	\$ 90,000		Contract--1 fulltime GAL
	Erie		\$ 2,000					varied			
	Washington	\$ 50		\$ 25,000					\$ 35,000		

APPENDIX 8 -- COMPENSATION FOR COURT-APPOINTED COUNSEL

TABLE A		Compensation Unit-rates for Private Court-Appointed Lawyers (not Organizations)									
Leadership Roundtable		Note: Data presented for all counties that submitted private attorney compensation information									
County Name:	PARENT REPRESENTATION (per attorney)					CHILD REPRESENTATION (per attorney)					
	Cost per Hour	Cost per Month	Cost per Year	Cost per Case (i.e., beginning to end)	NOTE	Cost per Hour	Cost per Month	Cost per Year	NOTE		
5 / 6	Adams	\$ 65					\$ 65				
	Blair	\$ 65	\$ 1,750				\$ 65	\$ 1,750			
	Cambria	\$ 80					\$ 80				
	Centre					no parent rate provided				Public Defender reps children	
	Fayette					Legal Aid reps parents				no child rep rate info provided	
	Franklin	\$ 50					\$ 50				
	Fulton	\$ 45					\$ 80				
	Lycoming										
	Monroe										
	Northumberland	\$ 59	\$ 820	\$ 9,839			\$ 59	\$ 142	\$ 1,710		
Schuylkill	\$ 75						\$ 7,000				
7	Armstrong	\$ 60	\$ 3,600	\$ 43,200	unable to determine without considerable research		GAL @ \$65; children's counsel @ \$60	\$ 1,944	\$ 23,931		
	Bedford	\$65 IC/\$55 OOC					\$75 IC/\$55 OOC				
	Cameron	\$ 40					\$ 50				
	Clarion	OC: \$65/hr up to 3 hrs				\$150 per hearing				\$150 per hearing	
	Clearfield					no parent rate provided				no child rep rate info provided	
	Crawford			\$ 33,500					\$ 33,500		
	Elk	\$ 40					\$ 140	\$ 924			
	Forest	\$ 70					\$ 82				
	Greene						\$ 65				
	Huntingdon	\$ 50					\$ 70				
	Indiana	\$ 55	\$ 1,500			Contract = \$1,500/month; Conflicts: \$55/hr.		\$70 CYS \$55 County		Contract = \$35,000/yr; or \$70/hr	
	Jefferson	\$ 65						\$ 1,000			
	Juniata	\$ 50					\$ 50				
	Lawrence		\$ 1,875					\$ 1,875			
	Lebanon	\$ 100					\$110				
	McKean					no parent rate provided				no child rep rate info provided	
	Mercer					no parent rate provided				no child rep rate info provided	
	Mifflin	\$ 50		\$ 34,000		Contracts: \$34,000/yr mother rep; \$10,000/yr father rep; Conflicts: \$50/hr	\$ 50		\$ 24,000		
	Perry	\$ 85					\$ 75				
	Somerset					Varied annual and hourly rates				no child rep rate info provided	
Venango	\$ 60		\$ 24,000			\$ 60		\$ 36,500			
Warren	\$ 80					\$ 80					
8	Bradford									no child rep rate info	
	Carbon	\$75 IC; \$50					\$75 IC; \$50 OOC				
	Clinton	\$ 60									
	Columbia					legal aid or pro bono		\$ 500			
	Montour					no parent rate provided				no child rep rate info provided	
	Pike	\$ 100					\$ 100				
	Potter	\$ 50					\$ 50				
	Snyder	\$ 75					\$ 75	\$ 750			
	Sullivan	\$ 50					\$ 60				
	Susquehanna						\$ 60				
	Tioga			\$ 20,000						no child rep rate info provided	
	Union					Union Co. Public Defender Office rep parents	\$ 85				
	Wayne	\$ 65					\$ 85				
Wyoming	\$ 50								North Penn Legal Aid reps children		

IC = In Court OOC = Out of Court

1. The improvement of attorney practice in dependency proceedings requires a mix of legal and ethical requirements, training programs, public reporting and formal oversight. Both the requirements of accountability and the mechanisms of their enforcement will be achieved through an interconnected quilt of work that courts and the legal profession can create together create and share responsibility for its advancement.
2. A reasonable set of training requirements should include the following:
 - a. Initial Training: An attorney seeking to receive appointments in dependency proceedings should complete one introductory training of not less than six hours in the field of dependency law and practice, and one Courtroom Observation Program of not less than three (3) hours. Initial training should be completed prior to or within three (3) months of commencing representation.
 - b. Continuing Education: Each year, attorneys should complete not less than three hours of Continuing Legal Education in the field of dependency law and practice, or related topics as described below to maintain eligibility to receive appointments.
3. Curricular offerings of various types in dependency practice and related topics continue to emerge across the Commonwealth, through the Administrative Office of Pennsylvania Courts (AOPC), Pennsylvania Bar Association and other entities.
4. Beyond attending trainings, practitioners should have opportunity to observe attorneys and judges in actual cases as a form of experiential learning. Organized and well-planned Courtroom Observation Programs are invaluable vehicles for practitioners who may not have experience in this unique forum. Bar groups, legal aid offices and law schools might assist in creating and conducting these programs. To complement training programs, jurisdictions and local bar associations should consider developing mentor programs for court-appointed attorneys who are new to dependency practice. For example, a local court could designate that the new attorney work with a court-appointed mentor for one year. The relationship could include additional court observations and regular discussions about case-specific practice. Small counties can offer cross-county, collaborative programs.
5. To augment training, all of the institutional law offices include supervision and consultation in their practice models.⁹ Typically, senior attorneys meet with their junior colleagues in regular scheduled sessions to review case strategy, goals and tactics. Like other law offices, these environments also facilitate dialogue and collaborative problem-solving. Few of the private court-appointed lawyers have this type of resource available to them. Discussion groups, list serves, local training programs and roundtables, and consultative “buddy” linkages all could have salutary effects without additional financial costs.

⁹ These include, for example, KidsVoice, Allegheny County Bar Foundation Lawyer Project, Support Center for Child Advocates, Defender Association of Philadelphia Child Advocacy Unit, and the Pennsylvania Legal Aid Network (PLAN) agencies such as Community Legal Services, North Penn Legal Services, Southwestern PA Legal Aid.

6. The county/court should design a process of periodically evaluating attorneys to determine which attorneys should continue to receive appointments or have their contracts renewed. This process could include the following:
 - a. Ongoing CLE requirements and a determination about whether the attorney has met the minimum requirements of related CLE;
 - b. Input from judges who have cases with the attorney;
 - c. Input from other professionals who interact on cases with the attorney;
 - d. Surveys of clients about their satisfaction with the attorney;
 - e. Review of any complaints the court/county received about the attorney;
 - f. Resubmission of an application;
 - g. Interview with the attorney about the strengths and areas needing improvement of the attorney's representation.

The independence and integrity of court-appointed practice must be protected in any evaluation process. See Appendix 10 on Contracting Considerations.

7. Because the marketplace does not govern the hiring and firing of counsel for indigent parents and children, it is incumbent on the court to identify strategies to receive both positive and negative feedback from both child and adult consumers regarding their receipt of services. Each court must provide an accessible single-point-of-contact for consumers and other court participants to report their problems and concerns. The Administrative Office of Pennsylvania Courts should consider developing a template for consumer feedback. While in theory, an intermediary entity such as a bar association could administer an evaluation and complaint program, we note that because bar associations are member organizations, these may not be readily able to receive and resolve complaints about matters that require quick resolution, nor disposed to mete out discipline to their members.
8. In particular, it is critical that courts have a mechanism for taking in and following up on complaints by parents and children (whether or not they are also formally requesting new counsel be appointed to represent them). In many jurisdictions there is simply no place to call. Ideally there would be a person designated at the court to receive such complaints and to follow-up with the attorney outside of court hearings to try to resolve any minor issues (for example failure to return phone calls can be resolved by the court person simply contacting the attorney to alert them that the client wants to be reached. More serious issues may require that the judge be notified that the client wants a new counsel or other true relationship breakdown. Having a designated person also permits the court to monitor and discern any trends (for example if there are certain specific attorneys were routinely getting complaints that the mailbox is full, not returning calls, attending meetings). This person could be a judge, clerk of court or other government employee. This person could collect and aggregate multiple reports on the same

attorney. Having this designated court person also allows the judge to avoid involvement in minor complaints that do not require judicial involvement and in *ex parte* communication problems inadvertently created by frustrated litigants, and will also reduce the likelihood of counsel making a request to withdraw to avoid later conflict, as some complaints are likely to be resolved.

9. Some elements of an attorney’s performance of contracted duties can be objectively evaluated, based on clear and measureable benchmarks (i.e., appearance at hearings, filing pre-trial memoranda, caliber of feedback from consumers, etc.). Others can be more subjective or qualitative in nature. Asking judges for feedback on the lawyers practicing before them can provide valuable information that helps determine whether that attorney should continue receiving appointments, while also recognizing that the need for independence must be protected in a way that encourages aggressive advocacy rather than discouraging it. Judicial expectations should be communicated clearly if this approach is employed.
10. Accountability Checklist: Counties should consider how to create accountability to ensure that attorneys representing children and parents in dependency cases comply with the Standards. Accountability mechanisms could include most or all of the following:
 - a. Training (initial and ongoing)
 - b. Mentoring of New Attorneys
 - c. Observation/Shadowing of Experienced Practitioners
 - d. Evaluation of Attorneys, Including Client Feedback and Surveys of Judges and Other Attorneys
 - e. Complaint Mechanism/Investigation
 - f. Application to Renew Contract

APPENDIX 10 – Contracting Considerations

1. Government payers (i.e. court administrator, county agencies, etc.) must be responsible for the quality of the services they are purchasing. Institutional offices and some individual contract-attorney models providing representation in Pennsylvania typically demonstrate a practice model with explicit tasks and duties to be performed, and a supervisory structure that works to ensure fidelity to their agency standards and any contractual requirements. Yet much of court-appointed representation is provided by private practitioners. One need not infer inadequate practice to recognize the disparity under the current approach in many Pennsylvania counties where, one parent or child client might receive 10 hours of lawyer service and another client with a similar fact situation will receive 100 hours of service. Standardization of service delivery is imperative and the use of contracts/agreements with appointed attorneys is recommended.
2. The appointment mechanism sets the stage for ensuring that attorneys representing children and parents in child welfare cases are adequately trained and thoroughly aware of the law, regulations, rules of procedure and the *Standards of Practice for Parents’ Lawyers, Guardians Ad Litem & Legal Counsel for Children* (“Standards of Practice”) that they are expected to comply with. To ensure consistent and quality representation, each county/court should establish a process by which attorneys will qualify to receive appointments and enter into contracts or other agreements to represent children and parents. Each county/court should have an individual designated to oversee the process. This person could be a judge, a clerk of court or other government employee.
3. Each county/court should design a system of selection and appointment that suits their individual needs, but should include consideration of:
 - Participation in Core Training, as well as a minimum number of hours of related CLE prior to appointment/contract.
 - Engagement with a mentor (i.e. another attorney who has been practicing in the jurisdiction’s child welfare court for at least 3 years) and “second chair” a minimum number of cases.
 - Court observation of a minimum number cases, including at least one of each type of hearing.
 - Submission of a proposal/application setting out the attorney’s qualifications and questions to elicit information about the attorney’s commitment to quality representation (including spending time with the client out of court).
 - An interview with the presiding judge including a review of the attorney’s resume/related experience.
4. The Legal Representation Workgroup (LRWG) recommends that the contracts for court-appointed counsel for parents and children be administered in a manner that insulates representation from undue influence and avoids both actual and perceived conflicts of interest. One concern noted by the LRWG is the potential conflict of interest or other inappropriate pressures that may be placed on a lawyer, when funding for the attorney’s service is provided by a party-opponent or by an entity that is closely connected to that party. For example, court-appointed counsel for parents and children generally receive some form of county funding, and even the appointment process is sometimes influenced by county commissioners or other similar mechanisms. In some counties, the parent and

APPENDIX 10 – Contracting Considerations

or child attorney's compensation is managed or dispensed by the county children and youth agency, which is also the opposing party in the dependency case at bar. An attorney who presses the court to order the expenditure of county funds may experience undue pressures through such appointment or compensation processes. Similarly, an attorney who appeals a judge's decisions should not worry that she will not be appointed to future cases by the court.

5. Well-designed contracts can include performance requirements, address the responsibility to comply with the Standards of Practice or other benchmarks related to in-court appearances and out-of-court work, as well as require lawyers to obtain malpractice coverage, submit detailed and accurate invoices and information, and other features.
6. Models that have attorneys with high turnover and lack of continuity for individual clients and/or use parent or child representation as a training ground for new attorneys should be reconsidered. The nature of this work strongly suggests that both parent and child attorneys should have adequate training and experience and that continuity of the attorney on the case is important given the dynamic nature of the case and the importance of the relationship between the attorney and the client.
7. The following are key elements to a contract for engagement of attorneys for children and parents, and may serve as a "checklist" in contract development and drafting:
 - a. Contracts should have an explicit "scope of services" section that clearly articulate the work required, including work required under the standards of practice.

As an example, a "scope of services" might include text that is similar to the following:

- *Represent the [parent/child] in accordance with the Standards of Practice, adopted by the Pennsylvania State Roundtable, which includes, but is not limited to:*

1) When appointed, represent individual [parents/children] at all of their dependency court hearings for the life of the current dependency case.

2) Represent the [parent/child] in appeals to the PA Superior Court arising from the instant dependency case that are as of right and/or upon professional judgment and responsibility are meritorious and not frivolous

3) Represent [parent/child] at all court conferences scheduled in the matter including any pre-hearing and pre-trial conferences.

4) Represent [parent/child] and participate in CYS case planning meetings, such as Family Service Plan (FSP) meetings/ individual case plan meetings.

5) Maintain a modern and efficient case management system, (including a system to check conflicts).

6) Communicate with clients who have limited English proficiency (LEP) or are deaf or hard of hearing using qualified interpreters and advocate for accessible services for these clients.

APPENDIX 10 – Contracting Considerations

7) Representation includes significant regular communication with client before court hearings and between hearings, including interviewing clients before each hearing in time to use client information for case investigation and preparation, providing information, court orders, reports to client, providing advice to the client, preparing the client for hearings.

8) Representation includes advocacy between hearings, including communication with client and parties as needed to ensure implementation of court orders and ensure client is receiving the assistance needed as well as advocating at meetings held out of court which are important and relevant to the client's dependency case, such as case planning meetings/conferences.

9) Representation includes being available and responsive to meet their professional obligations to their clients and to the courts. This includes establishing a system that promotes regular lawyer-client two-way communication, including provide clients and parties with phone numbers, emails and contact information and maintaining voicemail and email accounts.

- b. Definition of case: clear statement of how a case is defined (i.e., child or sibling group) and how service is commenced (i.e., by appointment, docketing of Order, etc.).
- c. Termination of Parental Rights/Appeals: clear indication of whether termination of parental rights hearings and appeals are included in the scope of services.
- d. Caseload: clarity about how many cases the attorney/agency/firm will handle, either within a certain time, or at any given point in time. This includes clarification that the attorney should know how many cases are assigned to the attorney, and how the attorney/agency/firm should notify the court if they are at their limit and may not accept new appointments or will require another solution.
- e. Standards of Practice: clear statement that the attorney will comply with the Juvenile Act, Juvenile Court Rules of Procedure, Standards of Practice and the Rules of Professional Conduct of the Supreme Court of Pennsylvania.
- f. Training/CLE requirements: a statement regarding required training, and any ongoing training and CLE requirements in order to maintain current working knowledge of the various issues involved in dependency practice.
- g. Continuity of representation: a statement clarifying if and when it is appropriate for court-appointed counsel to have another attorney represent a client when the assigned attorney is on vacation or otherwise unavailable. Similarly, for law firms with more than one attorney providing legal representation under the terms of the contract, the law firm should agree to designate an attorney assigned to a client and to continue the assignment absent good cause.
- h. Social worker and expert services: clarification that attorneys are expected to seek and utilize the services of investigators, social workers, experts as needed and agreed to by the court/county and the attorney. The attorney should clarify the mechanism to be used to seek additional funds for such services as needed.
- i. Accountability and reviews: the attorney will participate in evaluation, contract review and case review processes as required by the county agency. The attorney will also cooperate

APPENDIX 10 – Contracting Considerations

with the county agency and the court in efforts to improve representation and monitor compliance with the Standards of Practice within the limits of confidentiality.

- j. Resolution of complaints: the attorney will establish a procedure for responding to complaints regarding the performance of any attorney(s) under the contract. If after utilizing the attorney’s complaint procedure, the client states he or she continues to have a complaint, then the attorney will provide the client with appropriate contact information so the client may pursue the complaint.
- k. Bar Complaints: the attorney will immediately notify the county agency/court in writing when it becomes aware that a bar complaint has been lodged with the _____ against the attorney or any member of the attorney’s firm.
- l. Time Records: the attorney will accurately maintain and document individual case time records using an application or software designated by the county/court or that enables reports required by the county/court, and submit monthly case reports when invoicing for monthly payment to the attorney by county/court.