



Quality of Legal Representation for Parents and Children involved in Child Abuse and Neglect Cases: A Research Summary

The importance of providing quality representation for both children and families in juvenile dependency cases has been emphasized by both independent experts and national organizations dedicated to improving outcomes for those involved in the child welfare system. Despite the advocacy surrounding quality representation, only a handful of studies have examined the effects of parent and child representation in dependency cases. The available research, however, has yielded promising findings.

Parent Representation

Evaluations of three enhanced parent representation programs indicate that quality representation for parents helps promote positive outcomes for children and families. All three programs aim to operate in accordance with the American Bar Association (ABA) standards for representing parents in juvenile dependency cases¹. For instance, the standards require attorneys to receive both orientation and ongoing training on topics specific to juvenile dependency law and working with parents, ensure that attorneys are assigned reasonable caseloads and receive adequate compensation, and provide representation early on in the case. In two of these programs, New York's Center for Family Representation (CFR) and the Detroit Center for Family Advocacy (CFA), multidisciplinary advocacy teams work with each referred family. These teams consist of an attorney, social worker, and a parent advocate or mentor who has successfully navigated the child welfare system themselves.

Both the CFR and CFA focus on prevention and are often assigned cases prior to the filing of a juvenile dependency petition. The Washington Office of Public Defense (OPD) enhanced parent representation program ensures that attorneys have constant access to social work staff who help parents engage in their case plans.²

The CFR has served nearly 6,000 families, and the most recent evaluation of CFR efforts indicates that the program successfully prevents families from entering the foster care system, and reduces the average time spent in care for children who do enter the system by more than six months.³ CFR clients re-enter the system at less than half the rate as their counterparts. The CFA has not been established for as long as the CFR, but the evaluation of the pilot period revealed that none of the 55 families served as part of prevention efforts entered the foster care system and that the pilot helped achieve permanency for children in almost all of the 69 other cases.⁴ Implementation of the OPD in Washington State was staggered, and a larger scale evaluation compared permanency timelines and outcomes in WA counties with and without OPD services, controlling for numerous potential confounds such as parent allegations and average county education and income levels. On average, permanency was achieved significantly earlier in the program counties regardless of the type of permanency outcome.⁵

FEATURES OF QUALITY REPRESENTATION:

- ❖ Early appointment
- ❖ Clear professional expectations and practice guidelines
- ❖ Oversight mechanisms to ensure adherence to performance standards
- ❖ Reasonable caseloads
- ❖ Adequate compensation
- ❖ Multidisciplinary collaboration and support
- ❖ Ongoing training and professional development
- ❖ Emphasis on cooperation and problem-solving

Other studies have simply examined the effects of the timeliness of parent representation, as attorneys may not be appointed for indigent parents until later on in the case in several states. One study examining over 400 cases from two states found that early appointment of mother's attorneys was associated with an increased likelihood of reunification⁶; another, smaller scale study of Texas dependency cases found that earlier appointment of parents' attorneys was overall associated with positive case outcomes, such as reunification and dismissals⁷.

Child Representation

Advocacy for quality representation for children involved in dependency cases has been equally strong, if not stronger, than advocacy for such representation for parents. Yet, there have been fewer empirical studies on the effects of child representation than on the effects of parent representation on juvenile dependency case processes and outcomes. An early study on quality of child representation revealed that clients served by child advocates who received enhanced training were less likely to be made "wards of the court" or spend time in foster care than clients served by advocates without such training.⁸ Interestingly, the four-day intensive training had the same effect regardless of advocates' specific background (i.e., attorney, student, volunteer). A more recent evaluation examined the outcomes of the Palm Beach County's Foster Children's Project (FCP), which incorporates ABA standards for representing children in dependency cases⁹. As in enhanced parent representation programs, FCP attorneys are appointed early, have reasonable caseloads, and receive adequate training, supervision, and compensation. They also advocate for the child's expressed interest, rather than what they believe to be in the child's best interest. A comparison of FCP cases with non-FCP cases within the same county (excluded due to legal/representation conflicts) revealed that permanency was significantly expedited for children with FCP representation, mainly due to shortened times to adoptions and guardianships.¹⁰ The rate of reunification was similar in both FCP and non-FCP case samples. An additional study suggesting that California children represented by private or court appointed attorneys experienced fewer foster care placements than those with public attorneys, but the reasons for this relationship are unclear.¹¹

Current Research and Future Directions

The National Quality Improvement Center on the Representation of Children in the Child Welfare System (*QIC-ChildRep*) is currently conducting experimental research, which involves random assignment of cases to attorneys who have received specialized training on the *QIC-ChildRep* Best Practice Model of Child Representation to attorneys who have not received such training. Data on case processes and outcomes have been collected in two jurisdictions, and results are expected soon.¹² Evaluation of enhanced models of parent representation such as CFR and CFA are ongoing, and there are plans for several smaller-scale evaluations of parent and child representation projects throughout the U.S. These efforts should provide a more thorough understanding of the influence of parent and child representation on case outcomes and cost savings. Future research also should examine the specific effects of quality indicators.

POSSIBLE OUTCOME INDICATORS FOR QUALITY REPRESENTATION:

- Increased case timeliness
- Increased compliance with service plans
- Decrease in out-of-home placements
- Increase in relative placements
- Increase in parenting time
- Decrease in length of time spent in care
- Expedited permanency
- Increased likelihood of reunification
- Improved child well-being
- Increased youth readiness for independent living
- Cost savings

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- ¹ American Bar Association (2006). *Standards of practice for attorneys representing parents in abuse and neglect cases*. Available at:
http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/parentrepresentation/parent_standards_passed.authcheckdam.doc
- ² Thornton, E. (2012). High-quality legal representation for parents in child welfare cases results in improved outcomes for families and potential cost savings. *Family Law Quarterly*, 46, 139-154.
- ³ Center for Family Representation (2014). *The Center for Family Representation 2014 report to the community*. New York: Author. Available at: <https://www.cfrny.org/about-us/annual-report/>
- ⁴ Detroit Center for Family Advocacy (2013). *Detroit Center for Family Advocacy pilot evaluation report 7/2009-6/2012*. Ann Arbor, MI: University of Michigan Law School. Available at:
<https://www.law.umich.edu/centersandprograms/pcl/cfa/Documents/evaluation.pdf>.
- ⁵ Courtney, M. E., & Hook, J. L. (2012). Evaluation of the impact of enhanced parental legal representation on the timing of permanency outcomes for children in foster care. *Children and Youth Services Review*, 34, 1337-1343.
- ⁶ Wood, S.M., & Russell, J. R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review*, 33, 1730-1741. Available at:
<http://www.ncjfcj.org/sites/default/files/Parental%20and%20Attorney%20Involvement%202011.pdf>
- ⁷ Wood, S., & Duarte, C. (2013). *Assessing a parent representation program in Texas*. Reno, NV: National Council of Juvenile and Family Court Judges. Available at: <http://www.ncjfcj.org/resource-library/publications/research-report-assessing-parent-representation-program-texas>
- ⁸ Duquette, D. N., & Ramsey, S. H. (1987). Representation of children in child abuse and neglect cases: An empirical look at what constitutes effective representation. *University of Michigan Journal of Law Reform*, 20, 341-392. Available at:
<http://www.improvechildrep.org/StateofChildRepresentation/EvaluationsofChildRepresentation.aspx>
- ⁹ American Bar Association (2011). *ABA Model Act governing the representation of children abuse, neglect, and dependency proceedings*. Available at: http://webcache.googleusercontent.com/search?q=cache:OBKCDM-p0hoj:https://apps.americanbar.org/litigation/committees/childrights/docs/aba_model_act_2011.pdf+&cd=1&hl=en&ct=clnk&gl=us
- ¹⁰ Zinn, A., & Peters, C. (2015). Expressed-interest legal representation for children in substitute care: Evaluation of the impact of representation on children's permanency outcomes. *Family Court Review*, 53, 589-601.
- ¹¹ Goodman, G. S., Edelstein, R. S., Mitchell, E. B., & Meyers, J. E. B. (2008). A comparison of types of attorney representation for children in California juvenile court dependency cases. *Child Abuse & Neglect*, 32, 497-501. Available at:
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- ¹² *QIC ChildRep* (n.d.) *Research design*. Available at:
<http://www.improvechildrep.org/DemonstrationProjects/ResearchDesign.aspx>