## Benefits of high-quality legal representation

<table>
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<tr>
<th>Benefits</th>
<th>Structuring a system of high-quality representation</th>
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<tr>
<td>Protects parents’ and children’s legal rights.</td>
<td>✔ Clearly define roles and expectations.</td>
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<td>Increases parties’ participation in and out of court.</td>
<td>✔ Set reasonable caseloads.</td>
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<td>Improves all parties’ perceptions of fairness.</td>
<td>✔ Offer fair compensation and benefits.</td>
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<td>Reduces delays in achieving permanency and helps children and families reach better, long-term outcomes.</td>
<td>✔ Follow standards of practice.</td>
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<td>Promotes tailored case plans and services.</td>
<td>✔ Provide specialized child welfare law training.</td>
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<td>Improves frequency and timeliness of parent-child and sibling visitation and family time.</td>
<td>✔ Ensure effective supervision.</td>
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<td>Empowers families and communities to keep children safe at home.</td>
<td>✔ Seek client feedback on representation.</td>
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<td>Informs better judicial decision making.</td>
<td>✔ Give attorneys access to an interdisciplinary model of representation.</td>
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<td>Saves jurisdictions money by reducing time children spend in foster care.</td>
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## How judges promote high-quality legal representation

- Ensure all parties have access to legal representation as early as possible in the case.
- Confirm all counsel have requisite training, experience and understanding of child welfare law to vigorously represent their clients.
- Establish an environment where parties are treated with respect, patience, dignity, courtesy, and as part of the problem-solving process.
- Understand the child welfare agency’s practices, procedures, and operations, and ensure it fulfills its legal duties.
- Require that all attorneys adopt a disciplined approach to processing cases and respect timely court hearings, court decisions, and implementation of court orders.
- Ensure the spirit of collaborative meetings and case management does not compromise any party’s rights and protections under the law.
- Seek opportunities to train child welfare attorneys.
- Solicit input from all parties to gain as complete a picture as possible to inform judicial decision making and promote child and family well-being.
Essential practices for all child welfare attorneys

- Advocate for your client.
- Ensure judges have information needed to make case decisions.
- Communicate with clients regularly.
- Know federal and state child welfare laws and keep current on new developments.
- Prepare for and attend court hearings and reviews.
- Seek court accommodations that promote equal access and full participation in proceedings.
- Prepare clients and witnesses for court.
- Maintain a reasonable caseload and devote sufficient time for advocacy.
- Conduct a thorough, independent investigation at every stage of the case.
- Provide ethical legal representation.
- Understand and effectively implement trauma-informed practice.
- Confirm clients receive proper notice and comply with court orders.
- Actively engage in conflict resolution and negotiation.
- Reduce case continuances and timely file all pleadings, motions, and briefs.
- Mentor and train others in the field.
- File motions and appeals to protect client rights and interests.
- Understand how cultural, social, and economic differences affect the attorney-client relationship and avoid personal and system bias.

Quality hallmarks

### Child attorney

**Role:** Protect and advance child’s interests in court, provide legal counsel, and help the child understand the legal process and feel empowered to participate.

**Quality hallmarks:**
- Understand the child’s wishes in the case.
- Understand the child’s strengths, needs, and resources.
- Ensure the child has an opportunity to attend and participate in court hearings.
- Advocate for the child to maintain contact with parents, siblings, and kin through visitation, placement, and permanency planning.
- Work with collateral contacts—teachers, foster parents, service providers.
- Collaborate with a multidisciplinary team.
- Promote tailored, specific case plans and services.
- Advocate for the child’s access to education and community supports.

### Parent attorney

**Role:** Protect the parent’s legal rights, advance the parent’s interests in court, and help the parent understand the legal process.

**Quality hallmarks:**
- Explain the child welfare legal system and the parent’s rights and duties.
- Ensure the parent’s voice is heard and understood in the proceedings.
- Help the parent problem solve and meet case goals.
- Build a relationship of trust and ensure the parent experiences fairness.
- Understand the parent’s life circumstances, including strengths, needs, and available resources.
- Advocate parent-child contact through visitation and permanency planning.
- Collaborate with a multidisciplinary team, including parent mentors and parent social workers.
- Address collateral legal issues that may affect the child welfare case in housing, employment, health care, disabilities, domestic violence, benefits, criminal justice, and immigration law.

### Agency attorney

**Role:** Represent the child welfare agency or jurisdiction and present evidence of the underlying case in court including agency compliance with federal and state child welfare laws.

**Quality hallmarks:**
- Provide guidance to agencies and caseworkers on child welfare law, procedures and policies.
- Consult on decisions to remove or return a child and ensure decisions meet legal standards.
- Prepare or help prepare the initial petition and subsequent pleadings.
- Promote quality casework and agency performance to support families.
- Ensure no undue delays in service provision, case planning, or other agency duties.
- Cooperate and communicate regularly with other counsel.
- Help the agency meet federal monitoring and continuous quality improvement requirements.
- Work with agency to ensure parties’ legal rights are protected.
- Train caseworkers on federal and state laws to ensure the agency maintains high-quality performance.

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