This document describes fundamental attributes of quality legal representation for parents and children in child welfare proceedings, beyond presumed competency and knowledge of the law, rules of procedure, and negotiation and trial skills. This document builds on existing Standards of Practice for attorneys representing children and parents in child welfare proceedings, and findings and recommendations from the U.S. Department of Health and Human Services, Children’s Bureau, National Quality Improvement Center on the Representation of Children in the Child Welfare System and Administration for Children and Families.

FUNDAMENTALS

Right to Counsel

A well-functioning child welfare system must recognize that children and parents are parties to child welfare proceedings and are entitled to all the rights of parties, including the right to notice of the proceedings and the right to appear before the court and present arguments, evidence, and sworn testimony. As parties to child welfare proceedings, children and parents must have a right, through either statute or case law, to independent legal counsel. Unfortunately, children and parents throughout the country do not consistently have a right to counsel in child welfare proceedings. This must change.

Prioritize Quality

The attributes/elements of quality representation identified in this document should be in place as soon as possible. Systems should ensure attorneys for parents and children have supports to provide quality representation to clients.
Be a Lawyer

First and foremost, children’s attorneys and parents’ attorneys in child welfare proceedings are lawyers who have ethical duties to their clients and to the administration of justice in an adversarial system. The adversarial nature of the legal system presumes disagreements can be resolved by a neutral arbiter, after hearing facts and legal arguments presented by opposing parties within a formal framework of evidentiary and procedural rules. Child welfare proceedings, in contrast, are often characterized as more informal or collaborative. While there may be instances where clients’ goals can be achieved through negotiation and cooperation, attorneys for parents and children must always remember their ethical duties are to their clients in an adversarial system, including their professional obligations of competency and diligence. Other system-actors, including judges and court administrators, also must not forget that children's and parents’ attorneys have ethical duties to their clients, which are paramount to expediency or cost-savings and are a cornerstone of the legal system.

Special Considerations for Children’s Attorneys

Significant debate surrounds the appropriate role for children's attorneys in child welfare proceedings, primarily around whether children's attorneys should, consistent with rules of professional conduct, “abide by the client's decisions concerning the objectives of representation” and help clients achieve their objectives; or whether attorneys should substitute their judgement for that of their clients and advocate for what they believe is best for their clients. Academics, and many practitioners, favor client-directed representation as the most appropriate model of representation for verbal children who can express a point-of-view. However, most states do not have a client-directed model of children’s representation, but rather follow a substituted judgement model.

When children are nonverbal, or if children's attorneys are required by the appointing statute to substitute their judgement for that of their clients, attorneys are advised to frame their role in the context of advancing their child-clients’ legal rights or legal interests (i.e., children have a legal right to live with their parents unless a court has found the parents unfit; children have a legal right to be placed with relatives, not in the most well-resourced home). To do otherwise invites children's lawyers to take on the role of the judge and determine what they believe to be in their client’s best interest based on factors which are not limited by the rules of evidence and procedure, and are not subject to review. At the very least, any analysis of what is in a child's best interest must focus on the child-client's wishes and objectives and preserving the child's family environment and maintaining familial relationships.

Individual and System Responsibilities

This document divides attributes/elements into those that must be met by individual parents’ and children's attorneys when representing their clients and those that must be addressed by the systems or structures governing legal representation for children and parents in child welfare proceedings.
The fundamental attributes of quality representation for both children and parents that must be met by individual attorneys are those attributes that are already required of attorneys under their codes of professional conduct. The fundamental attributes that must be met by systems or structures governing legal representation for children and parents in child welfare proceedings are those elements that must be in place to allow parents’ and children's attorneys to meet their individual obligations to their clients.

**Legal Advocacy**

- Diligently pursue clients’ case goals and, as needed and when consistent with client's interests and objectives, proactively drive the case forward:
  1. Develop a case theory and legal strategy for adjudication, and advance other client objectives and issues that support reunification (e.g., litigation to increase visitation).
  2. Engage in proactive case planning, develop and propose a case plan, identify service providers, and set a visitation schedule (if family maintenance or immediate family reunification is not possible).
  3. Litigate issues and use experts, as needed, to achieve clients’ case goals, including through active motion practice throughout proceedings, not only at statutorily set periodic review dates.
  4. Explain to clients their right to attend court hearings and advocate for clients who want to attend court proceedings to attend in person.

**Out-of-Court Advocacy**

- Engage with and know the clients.
- Understand trauma and client's specific trauma history, including:
  1. How client's trauma history impacts client's experience with the child welfare system and ability to engage in child welfare services; and
  2. How trauma impacts the attorney/client relationship.
- Meet and communicate regularly with client and well before any and all court hearings.
- Counsel clients about all legal matters related to the case, including the allegations related to dependency, the proposed service plan, and the client’s rights in the pending proceedings.
- Approach cases with a sense of urgency with an immediate focus on:
  1. Placement arrangements that support child's connection to family, siblings, education, language and culture (including in-home placement, with relatives, neighbors and fictive kin/close family friends);
  2. Visiting arrangements that, consistent with child safety, are: unsupervised whenever possible in child friendly places conducive to parent/child interaction and engagement, as frequent and long as possible, organized around activities that reflect the routine activities of the family, and progress through reduced supervision and increased frequency; and
  3. Services that appropriately address client’s strengths and needs.
- Conduct a thorough and independent investigation at every stage of the proceeding, before and after the jurisdictional/dispositional phase of the proceedings. This should include obtaining and reviewing on
an ongoing basis and to the extent allowable under state law (including via subpoena, discovery, or court order), child welfare agency records, service provider records, and all other relevant records for parents and children, including medical and education records.

- Research applicable legal issues and legal arguments.
- Engage in case planning and advocate for appropriate services and visitation, on an ongoing basis, including after the jurisdictional/dispositional phase of the proceedings.

**Cultural Humility**

- Understand how racial, cultural, social, and economic differences may impact the attorney/client relationship, avoid imposing personal values upon clients, and take these factors into account when working with clients to achieve their case goals, including identifying and accessing services.
- Understand and recognize the impact of personal and system bias stemming from race, gender identity, sexual orientation and expression, ethnicity, culture, country-of-origin, disability, and socioeconomic status, and develop strategies, including legal strategies, to mitigate the negative impact of personal and systems bias on clients’ case goals.
- Identify and use to clients’ advantage their individual, familial, cultural, and community strengths.

**Scope of Representation**

- Identify potential ancillary legal issues that could impact client’s dependency case and refer client to legal resources to address issues, or handle if competent to do so.
- Cooperate and communicate regularly with client’s other legal service providers to ensure dependency proceedings and other legal proceedings benefit client.

**System Attributes**

**Caseloads and Compensation**

- Ensure parents’ and children’s attorneys’ compensation rates are adequate for the attorneys’ practice, accounting for overhead and other costs borne by private professionals. At a minimum, parents’ attorneys’ and children’s attorneys’ compensation should be equal to county or child welfare agency attorneys’ compensation, and consistent with other publicly-funded attorneys’ compensation, including criminal defense attorneys.
- Ensure attorneys have a reasonable caseload of no more than 60 clients at a time for a full-time attorney, assuming a caseload that includes clients at various stages of the case. Generally, caseloads with over 60 clients will not be manageable for attorneys who lack supports of an interdisciplinary practice model, including access to social workers, investigators, and/or paralegals.14 Note, a caseload of 60 clients should be considered full-time work, and attorney compensation should support a full-time practice at this caseload level.

**Interdisciplinary Model**

- Ensure attorneys have access to work in an integrated manner with interpreters, experts, social workers, and investigators, as needed.
- Ensure attorneys have access to work in an integrated manner with parent allies/peer parent mentors and youth ambassadors, as needed.15

**Diversity/Cultural Humility**
- Ensure system provides attorney training around bias and cultural humility, including how racial, cultural, social, and economic differences may impact the attorney/client relationship, how personal and system bias may influence child welfare system decision making, and how attorneys can mitigate the negative impact of personal and system bias on clients’ case goals.
- Ensure attorney supervision and oversight includes an opportunity for attorneys to reflect on bias and cultural humility and to evaluate impact of attorneys’ personal bias on representation.
- Develop and implement a strategy to ensure a diverse attorney and staff workforce that mirrors the cultural, racial, and socioeconomic background of clients and communities served and which includes meaningful professional advancement and leadership opportunities.16

**Timing of Appointment**
- Ensure attorneys are appointed and have the opportunity to have a meaningful meeting with the client, before any court appearance, regarding any allegations of abuse or neglect, the attorney/client relationship, and the child welfare legal system process. The meeting should be held at the earliest to occur of: (1) the emergency removal of a child from his or her home; (2) an application for an order of removal, prior to the filing of a petition alleging abuse or neglect; or (3) the filing of a petition alleging abuse or neglect.17

**Support and Oversight**
- Define clear roles and expectations for attorneys and all members of the multidisciplinary team.
- Provide training and education opportunities.
- Provide oversight and performance evaluation.
- Provide the opportunity for clients to provide feedback on representation.

**Accountability/Use of Data**
- Use a continuous quality improvement process to measure qualitative and quantitative outcomes.18

**Endnotes**
1. ABA STANDARDS OF PRACTICE FOR ATTORNEYS REPRESENTING PARENTS IN ABUSE AND NEGLECT CASES (American Bar Association, 2006); ABA STANDARDS OF PRACTICE FOR LAWYERS WHO REPRESENT CHILDREN IN ABUSE AND NEGLECT CASES (American Bar Association, 1996); NACC RECOMMENDATIONS FOR REPRESENTATION OF CHILDREN IN ABUSE AND NEGLECT CASES (National Association of Counsel for Children, 2001).
2. DONALD N. DUQUETTE, CHILDREN’S JUSTICE: HOW TO IMPROVE LEGAL REPRESENTATION FOR CHILDREN IN THE CHILD WELFARE SYSTEM (American Bar Association, 2016).
4. Ibid.
5. In child welfare proceedings, often siblings’ interests are aligned and they may be represented as a group by counsel. However, there are instances when siblings’ interests are not aligned. In such cases, attorneys will not be able to represent the sibling group without resolving any conflicts of interest. When conflicts cannot be resolved, children should be appointed separate counsel. Similarly, because the potential for a conflict of interest is so high among parents in child welfare proceedings, in most cases parents should be appointed separate counsel as a matter of course.
9. See e.g., Martin Guggenheim, A Paradigm for Determining the Role of Counsel for Children, 64 FORDHAM LAW REVIEW 1399 (1996); see also Lisa Kelly & Alicia Levezu, Until the Client Speaks: Reviving the Legal Interest Model for Preverbal Children, 50 FAM L.Q. 3 (Fall 2016) (noting that when children’s legal rights conflict, the child’s attorney should present information on both options to the judicial officer without taking a position).

10. See Guggenheim, supra note 6, at 1431.

11. See e.g., DUQUETTE, supra note 2; see also U.N. Committee on the Rights of the Child, Convention on the Rights of the Child, General Comment No. 14 (2013) on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration (art. 3, para. 1), §§ 48-79, May 29, 2013.

12. See e.g., MODEL RULES OF PROF’L CONDUCT (2016).


14. Throughout the country, caseloads for parents and children’s attorneys vary significantly, and in many jurisdictions caseloads exceed 100 or even 150 open cases. Research has indicated that when parents have high-quality legal representation (and attorneys have lower caseloads) children achieve permanency faster. See e.g., MARK E. COURTNEY, JENNIFER L. HOOK, & MATT ORME, EVALUATION OF THE IMPACT OF ENHANCED PARENTAL LEGAL REPRESENTATION ON THE TIMING OF PERMANENCY OUTCOMES FOR CHILDREN IN FOSTER CARE (Partners for Our Children, Feb. 2011). Managers of parent representation programs indicate that attorneys are unable to consistently meet their obligations to their clients when caseloads exceed 60 clients, and in some jurisdictions caseloads are capped at 40 clients again as program managers have found that attorneys cannot meet their individual obligations to their clients with more cases. Researchers have found that children’s attorneys with more than sixty cases spent less time on investigation, document review, and legal case preparation. See DUQUETTE, supra note 2. Additionally, a comprehensive caseload analysis in Pennsylvania found that attorneys for parents and children could not meet their statutory obligations to clients with cases exceeding 61 clients for parent attorneys and 71 clients for children’s attorneys. See 2015 PENNSYLVANIA STATE ROUNDTABLE REPORT, LEGAL REPRESENTATION: A CALL TO ACTION (2015), at http://www.ocfcapcourts.us/assets/upload/Resources/Documents/2015%20Legal%20Representat ion%20Report3(1).pdf

15. This attribute is considered “ideal” and may be aspirational for many jurisdictions because of funding or other limitations.

16. Id.

17. Some jurisdictions have piloted appointing parents’ attorneys prior to removing a child from the home, or filing of a petition seeking removal or court oversight. Pre-petition/pre-removal appointment of parents’ attorneys has had promising results keeping families intact and preventing the unnecessary removal of children into foster care.

18. Continuous quality improvement generally means collecting data and using it to “identify, inform, monitor and improve progress toward outcomes in an ongoing fashion.” U.S. DEP’T OF HEALTH & HUM. SERVS., ADMIN. FOR CHILDREN & FAM., PROGRAM INSTRUCTION FOR STATE COURTS APPLYING FOR COURT IMPROVEMENT PROGRAM (CIP) FUNDS FOR FISCAL YEARS (FYS) 2012-2016, ACYF-CB-PI-12-02, 6 (Jan. 11, 2012). Collecting data is key to measuring and tracking the progress of legal representation, monitoring how well interventions and activities are working, and making any needed adjustments to meet your goals. See e.g., Andrew Davies & Angela Olivia Burton, Why Gather Data on Parent Representation? The Pros, Cons, Promise and Pitfalls, 34 ABA CHILD LAW PRACTICE 49, 54-57 (April 2015). Tools available to help with continuous quality improvement of legal representation for children’s and parent’s attorneys are available, as well as technical assistance regarding the same. See e.g., ABA CENTER ON CHILDREN AND THE LAW, INDICATORS OF SUCCESS FOR PARENT REPRESENTATION, (2015), at https://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/Indicators-of-Success.authcheckdam.pdf

The Family Justice Initiative (FJI) is a collaboration of the ABA Center on Children and the Law, the Children’s Law Center of California (CLC), the Center for Family Representation (CFR), and Casey Family Programs (CFP). The FJI unites professionals from around the country to ensure every child and every parent has high-quality legal representation when child welfare courts make life-changing decisions about their families. Through the FJI’s work, child welfare lawyers, researchers, judges, social workers, policymakers, families impacted by abuse and neglect, and others are reenvisioning how to best protect children, strengthen families and support communities.
In collaboration with a diverse team of partner organizations, the ABA Center on Children and the Law, the Children’s Law Center of California, the Center for Family Representation, and Casey Family Programs launched the Family Justice Initiative (FJI) in 2016 with one unified goal:

**To ensure every child and every parent has high-quality legal representation when child welfare courts make life-changing decisions about their families.**

**Background:**

In the United States, every day approximately 740 children are removed from their families with the goal of keeping them safe. A system of federal and state laws exists to support reunification between children and parents. However, the tragic result is that many families do not reach that outcome. Over 400,000 children are in foster care at any time and nearly half never return to their parents.

Rather than finding safety and stability, many children suffer significant trauma when they are removed from their parents and placed in the care of others. They often are cut off from existing support networks, separated from siblings, battle emotional and mental health problems, fall behind in school and run away. Experiences in foster care can also serve as a pipeline to incarceration, homelessness, sex trafficking and long-term institutionalization.

Despite the rights at stake in child welfare cases, many children and parents lack any, or adequate, legal representation. Children typically do not appear in their own court hearings and those who have a lawyer may never meet or talk with her. As a result, *youth express feeling isolated* by the very legal system designed to support them. Similarly, *parents feel terrified and disregarded* in a legal process that separates them from their children and can permanently sever their parental rights, sometimes in hearings as short as ten minutes.

**Families deserve better and we know we can do better.** Research shows high-quality legal representation for children and parents helps families achieve positive long-term outcomes, including higher reunification rates. In addition, high-quality legal representation provides a necessary check on well-intentioned, but often overreaching, government intrusion into families’ lives.

**Changing the Status Quo:**

The existing system often pits children and parents against one another as unnecessary adversaries. Since its inception in 2016, the FJI has worked to change this status quo by unifying a national collaborative of children’s attorneys, parents’ attorneys, educators, researchers, and national policy advocates who share a goal of expanding access to high quality legal representation for all children and all parents in child welfare cases.
FJI’s Three Main Goals Are:

1. **To replicate successful models of child and parent representation**, including examples where attorneys have reasonable caseloads, are trained to work with clients who have suffered trauma, and work as part of an interdisciplinary team with social workers and peer advocates.

2. **To evaluate models of representation** in practice and expand the body of existing evidence on legal representation and its impact on child and family outcomes.

3. **To build understanding and public support** for the essential role high-quality legal representation has in ensuring all families are treated fairly under the law.

Since its Launch in 2016, the FJI has:

- Built a national collaborative with representatives from twenty-three states who advocate for children and parents’ right to counsel in child welfare proceedings.
- Developed consensus around replicable FJI models of high quality legal representation for children and parents among a diverse range of child welfare and legal stakeholders.
- Collected existing research on the impact of legal representation on child welfare outcomes.
- Selected five demonstration sites throughout the country where the FJI models of representation can be implemented and evaluated in practice.
- Begun to design a national communication campaign targeting key audiences within and outside the child welfare field to build public support for the essential role of high quality child and parent legal representation in ensuring families are treated fairly under the law.
- Submitted policy statements to state legislatures and courts across the country advocating for increases in support for child and parent legal representation in child welfare proceedings.

More Work is Needed:

Building on these initial successes, much work remains. In the future, the FJI seeks to support more model representation projects in individual jurisdictions, launch a national communications strategy, advocate for increased state and federal child welfare legal representation resources, and fill gaps in research on the impact of legal representation in child welfare cases.

To learn more about how to support or join this initiative please contact the **FJI Executive Team:**

- Prudence Beidler Carr, ABA Center on Children and the Law, prudence.beidlercarr@americanbar.org
- Mimi Laver, ABA Center on Children and the Law, mimi.laver@americanbar.org
- Leslie Starr Heimov, Children’s Law Center of California, heimovl@clcla.org
- Sue Jacobs, Center for Family Representation, sjacobs@cfrny.org
- Elizabeth Thornton, FJI Attorney, eliz.thornton.sf@gmail.com
## Research on Legal Representation in Child Welfare Cases

This chart summarizes research on the impact of legal representation on child welfare outcomes and other aspects of child welfare attorney practice. Choose from the links to the right or the spreadsheet tabs below to view research on representation for children, parents, or children and parents together. Sort data by selecting the dropdown arrows next to the headings.

### Study Type | Date | Title | Brief Overview | Publisher
--- | --- | --- | --- | ---
Program evaluation/not experimental design | 2017 | Evaluation of Multidisciplinary Law Office Pilot Project Colorado Office of the Child’s Representative | The evaluation examined the relationship between a multidisciplinary approach to children’s representation and a number of projected outcomes, including predictable costs, heightened oversight and accountability, consistent high-quality advocacy, and amplified child’s voice in proceedings. Comparative analysis of independent attorney v. multidisciplinary law office attorney performance and case outcomes did not consistently favor the multidisciplinary law office structure. For example, clients of multidisciplinary law offices had a lower rate of attendance at court hearings, and a statistically significant higher rate of removal. | Colorado’s Office of the Child Representative

Quasi-experimental design | 2017 | The Nature and Determinants of Child Representation Practice in Child Welfare Cases | Using a sample of 168 child representatives in Georgia and Washington State, this study examines the relative significance of various case-related activities and how these vary as a function of case- and attorney-level characteristics. Based on the findings, the study concludes that attorney activities are influenced by a combination of case and attorney characteristics, suggesting several distinct avenues for improving legal representation for children in dependency cases. | Family Court Review

Quasi-experimental design | 2017 | The Organization of Child Representation Services in Child Welfare Cases: A Study of Washington State | This study of 126 attorneys in Washington State compares children’s lawyers working in solo practice, private law firms, and specialty staff attorney offices. The manner in which child representation is organized has lessons for the recruitment, training, and support of such lawyers. Staff attorney offices offer a number of advantages but rural areas with fewer cases may not be able to support such offices and the attorneys in specialty offices were less experienced and reported lower incomes. | Family Court Review


Overview | 2016 | Measuring the Impact of Children’s Right to Counsel Advancing Child Due Process and Well-being in the Juvenile Court Ecology | Overview of research challenges related to evaluating impact of client-directed children’s representation. Proposal re: what should be evaluated when reviewing this model of representation, including: due process outcomes (case outcomes and client engagement in proceedings); and well-being indicators (defining activities and advancing accountability). | First Focus/State Policy Advocacy & Reform Center
<table>
<thead>
<tr>
<th>Study Type</th>
<th>Year</th>
<th>Title</th>
<th>Summary</th>
<th>Author/Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation/not experimental design</td>
<td>2016</td>
<td>Defending Our Children: A Child’s Access to Justice in Washington State</td>
<td>Review of children’s representation in Washington State found 23% of children in observed hearings have neither a nonattorney guardian ad litem nor an attorney to represent them.</td>
<td>University of Washington School of Law</td>
</tr>
<tr>
<td>Quasi-experimental design</td>
<td>2015</td>
<td>Quasi-experimental design 2015 Evaluation/not experimental design</td>
<td>Looking at a combination of administrative data and court record review, study evaluated the impact of the Foster Children’s Project (FCP), which provides professional legal representation to children in foster care. Found that representation by FCP increased the rate of children’s exit to adoption, leading to faster permanence, but did not impact reunification rates.</td>
<td>Family Court Review</td>
</tr>
<tr>
<td>Experimental design</td>
<td>2015</td>
<td>Evaluation of The QIC-ChildRep Best Practices, Model Training for Attorneys Representing Children in the Child Welfare System</td>
<td>The rigorous evaluation conducted by Chapin Hall showed that treatment attorneys changed their behaviors to align with the intervention model compared to control attorneys who did not receive the intervention. For one subgroup of children—older children appointed an attorney early in their case—a statistically significant treatment effect was found for permanency within six months. The study also revealed that attorneys who were largely independent and isolated had an appetite for learning from experts and from each other.</td>
<td>Chapin Hall</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2012</td>
<td>Examining Regional Variation in Extending Foster Care Beyond 18: Evidence from Illinois</td>
<td>Found that court policy and practice affect duration of care for foster youth beyond 18. Contrary to author’s hypothesis, higher caseloads were associated with longer stays in care.</td>
<td>Children and Youth Services Review</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2010</td>
<td>Assessing the Quality of Child Advocacy in Dependency Proceedings in Pennsylvania</td>
<td>Evaluation of court-appointed lawyers for children in Pennsylvania found that many lawyers throughout the state do not comply with the juvenile act requirements, or ABA Standards of Practice.</td>
<td>Juvenile Law Center</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2010</td>
<td>NACC Study: Evaluation of Guardian Ad Litem System in Nebraska</td>
<td>Evaluation of children’s attorneys in Nebraska found that children’s attorneys generally act as a “rubber stamp” for child welfare agency actions. Attorneys routinely do not tell the court what their client wants, are insufficiently familiar with their client’s cases, and in some cases have excessively high caseloads.</td>
<td>National Association of Counsel for Children</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2009</td>
<td>Evaluation of the Guardian Ad Litem System in Nebraska</td>
<td>Evaluation of Nebraska guardians ad litem (GALs) found that Nebraska’s current structure for providing GAL services results in uneven performance and lack of accountability.</td>
<td>National Association of Counsel for Children</td>
</tr>
<tr>
<td>Program evaluation/not experimental design</td>
<td>2008</td>
<td>Practices Relating to the Appointment of Counsel for Adolescents in Juvenile Court Dependency Proceedings in Washington State</td>
<td>Assessment of practices related to appointing counsel for adolescents in dependency proceedings in Washington State. Evaluation found that practices relating to appointing counsel varied throughout the state, with a substantial percentage of youth being unrepresented. In addition, compensation rates and training of attorneys varied throughout the state.</td>
<td>Washington State Office of Civil Legal Aid</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2008</td>
<td>Continuing in Foster Care Beyond Age 18: How Courts Can Help</td>
<td>Finding that guardians ad litem in particular Illinois counties were reported to be the “strongest influence on the county’s high rate of retention” of youth in care beyond age 18, which in turn leads to improved outcomes for youth. Jurisdictions demonstrating high rates of court advocacy on behalf of foster youth exhibit the highest rates of retaining youth in care beyond age 18.</td>
<td>Chapin Hall</td>
</tr>
<tr>
<td>Design</td>
<td>Year</td>
<td>Title</td>
<td>Description</td>
<td>Source</td>
</tr>
<tr>
<td>-----------------</td>
<td>------</td>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Experimental design</td>
<td>2008</td>
<td>Expediting Permanency: Legal Representation of Foster Children in Palm Beach County</td>
<td>Children represented by Foster Children's Project of the Legal Aid Society of Palm Beach County, FL, were found to have significantly higher rate of exit to permanency (most notably adoption, but this was not offset by lower rate of reunification.) Children with FCP attorneys also had more individualized case plans.</td>
<td>Chapin Hall</td>
</tr>
</tbody>
</table>
### Research on Legal Representation in Child Welfare Cases

This chart summarizes research on the impact of legal representation on child welfare outcomes and other aspects of child welfare attorney practice. Choose from the links to the right or the spreadsheet tabs below to view research on representation for children, parents, or children and parents together. Sort data by selecting the dropdown arrows next to the headings.

<table>
<thead>
<tr>
<th>Study Type</th>
<th>Date</th>
<th>Title</th>
<th>Brief Overview</th>
<th>Publisher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program evaluation/not experimental design</td>
<td>2005</td>
<td>Detroit Center for Family Advocacy Pilot Evaluation Report</td>
<td>Evaluation of: (1) pre-petition parent representation; and (2) post-adjudication “permanency” cases (representing clients where there is a legal barrier to permanency). Multidisciplinary model. Evaluation findings: pre-petition cases resulted in no children entering foster care; for permanency cases the legal barrier to permanency was eliminated in 95.7% of cases. Surveys indicated high-levels of client satisfaction. This evaluation was not an experimental design.</td>
<td>University of Michigan Law School</td>
</tr>
<tr>
<td>Program evaluation/not experimental design</td>
<td>2016</td>
<td>Legal Representation in the Juvenile Dependency System: Texas’ Parent Representation Pilot Project</td>
<td>Pilot study in Texas found that cases where attorneys for parents were appointed within 10 days of petition filing had more permanent outcomes (e.g. reunification) than cases in which attorneys were appointed later.</td>
<td>Family Court Review</td>
</tr>
<tr>
<td>Program evaluation/not experimental design</td>
<td>2014</td>
<td>The Center for Family Representation: 2014 Report to the Community</td>
<td>Self-evaluation of multidisciplinary model of parent representation reported: 50% of clients’ children never enter foster care; 5 month shorter stay than city median of 11.5 months before multidisciplinary model implemented; 7% of children who reunify re-enter care within one year, as opposed to 15% of children in New York state who reunify.</td>
<td>Center for Family Representation</td>
</tr>
<tr>
<td>Quasi-experimental design</td>
<td>2013</td>
<td>Assessing a Parent Representation Program in Texas</td>
<td>Compared case-level differences between parents that were involved in an attorney representation pilot program versus those that were not. Comparison between different counties. Found appointed counsel sooner, attorneys in pilot cases were present at more hearings, and pilot cases were more likely to have a positive outcome (defined as return/dismissal or relative/guardianship).</td>
<td>National Council of Juvenile and Family Court Judges (website)</td>
</tr>
<tr>
<td>Quasi-experimental design</td>
<td>2013</td>
<td>Exploring Outcomes Related to Legal Representation for Parents Involved in Mississippi’s Juvenile Dependency System</td>
<td>Review of cases where parents were provided an attorney vs. cases where parents were not provided an attorney found “trend toward more positive outcomes when parents had an attorney.” Review sample size was small.</td>
<td>National Council of Juvenile and Family Court Judges (website)</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2013</td>
<td>Legal Representation for Parents in Child Welfare Proceedings: A Performance-Based Analysis of North Carolina Practice</td>
<td>Assessment of legal representation for parents in North Carolina looked at how well parent attorneys are meeting basic obligations (continuances were not problematic as had been found in other states, training was identified as an additional need); what is the quality of attorney/client relationships (need to focus on maintaining connection with client outside court); how well are attorneys prepared (not well as rated by judges); how good is courtroom advocacy (little use of experts and motion practice); how does the system structurally support quality representation (timing of appointment a strength, compensation a weakness).</td>
<td>American Bar Association &amp; North Carolina Office of Indigent Defense Services</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Experimental design</td>
<td>2011</td>
<td>Evaluation of the Impact of Enhanced Legal Representation on the Timing of Permanency Outcomes for Children in Foster Care</td>
<td>Evaluation of the impact of enhanced parent representation program of the Washington State Office of Public Defense on permanency outcomes for children in foster care. Found an 11% higher exit rate to reunification, meaning that children were spending almost a month less time in foster care. Additionally children in counties with enhanced parent representation reached guardianship and adoption outcomes more quickly. Components of enhanced parent representation include: reasonable compensation and reduced caseloads; oversight; access to experts and social workers; attorney evaluation.</td>
<td>Children and Youth Service Review</td>
</tr>
<tr>
<td>Quasi-experimental design</td>
<td>2011</td>
<td>Effects of Parental and Attorney Involvement on Reunification in Juvenile Dependency Cases</td>
<td>Reviewing a random selection of case files from four Colorado counties and three California counties (403 Colorado case files (28% ended in reunification) and 119 California case files (58% ended in reunification), researchers found the presence of mother and mother's counsel at early hearings (preliminary protective hearing, adjudication, and first review hearing) were significant predictors of the rate of reunification (i.e. more likely to reunify and more timely reunification). For fathers, the presence of father and counsel at the disposition hearing was a significant predictor of the rate of reunification.</td>
<td>Children and Youth Service Review</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2011</td>
<td>Legal Representation for Parents in Child Welfare Proceedings: an analysis of Wyoming practice</td>
<td>Assessment of legal representation for parents in Wyoming found that most attorneys have adequate court room skills, but that attorney training is not required, compensation is not uniform throughout the state, attorney/client relationships are weakened by lack of advocacy between court hearings, appointment of attorneys is not consistent.</td>
<td>American Bar Association</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2009</td>
<td>Legal Representation for Parents in Child Welfare Proceedings: A performance-based analysis of Michigan practice</td>
<td>Assessment of legal representation for parents in Michigan found parent attorneys had skills needed for in-court advocacy, but attorney-client relationships were impacted by use of substitute counsel, attorneys did not meet with parents between court appearances, parents needed to be treated with more respect, and compensation was inadequate.</td>
<td>American Bar Association</td>
</tr>
<tr>
<td>Overview</td>
<td>2007</td>
<td>Colorado Court Improvement Program: Respondent Parents’ Counsel Task Force Statewide Needs Assessment</td>
<td>Review and analysis of respondent parents’ counsel practices in three Colorado sites and barriers to effective representation of families in child dependency and neglect cases. Identified as barriers to parent attorney performance: high caseloads, compensation, lack of support services and resources, training, lack of services, and discovery issues. Found parent attorneys perform well given limited resources and opportunities but there is room for improvement that depends on reforming practice, administration, and court systems. Includes 15 global recommendations addressing attorney performance and systems change.</td>
<td>National Center for State Courts, National Council of Juvenile and Family Court Judges, National Association of Counsel for Children</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2003</td>
<td>Improving Parents’ Representation in Dependency Cases: A Washington State Pilot Program Evaluation</td>
<td>Evaluation of enhanced parent representation pilot program found increase in rate of reunification in pilot jurisdictions, as well as shorter stays in foster care.</td>
<td>National Council of Juvenile and Family Court Judges</td>
</tr>
<tr>
<td>Overview</td>
<td>2002</td>
<td>Implementing Equal Justice for Parents in Washington: A Dual Approach</td>
<td>Overview of enhanced legal representation program that has substantially improved case outcomes and discussion of a statewide committee using innovative means to examine systemic responses to the challenges of the Adoption and Safe Families Act.</td>
<td>National Council of Juvenile and Family Court Judges</td>
</tr>
</tbody>
</table>
## Research on Legal Representation in Child Welfare Cases

This chart summarizes research on the impact of legal representation on child welfare outcomes and other aspects of child welfare attorney practice. Choose from the links to the right or the spreadsheet tabs below to view research on representation for children, parents, or children and parents together. Sort data by selecting the dropdown arrows next to the headings.

<table>
<thead>
<tr>
<th>Type of Study</th>
<th>Date</th>
<th>Title</th>
<th>Brief Overview</th>
<th>Publisher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluation/not experimental design</td>
<td>May, 2011; May, 2012; 2013</td>
<td>Moving Children to Timely Permanence: Training for Legal Representation for Children and Parents</td>
<td>Evaluation of training for children’s and parents’ attorneys found that attorneys increased knowledge/understanding of new concepts after training.</td>
<td>Pennsylvania Office of Children and Families in the Courts</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2011</td>
<td>Legal Representation Study: Assessment of Appointed Representation in Texas Child-Protection Proceedings</td>
<td>Review of state of representation in Texas for dependency cases. Study found low compensation, varying quality, and little accountability among attorneys throughout the state.</td>
<td>Texas Children’s Commission</td>
</tr>
<tr>
<td>Overview</td>
<td>2008</td>
<td>The State of Juvenile Dependency Court Research: Implications for Practice and Policy</td>
<td>Overview of research related to child welfare courts between 1997 and 2007. Results found that 76 studies published. One quarter from academic journals and three-quarters non-peer reviewed publications. Few studies addressed outcome measures and most were descriptive. Few employed experimental design.</td>
<td>National Council of Juvenile and Family Court Judges (website)</td>
</tr>
<tr>
<td>Evaluation/not experimental design</td>
<td>2008</td>
<td>Dependency Counsel Caseload Standards: A Report to the California Legislature</td>
<td>Evaluation of parent/children representation program (involving training, oversight, and caseload standards) found that counties implementing program components had an increase in family reunification rates and greater placement with kin.</td>
<td>Judicial Council of California</td>
</tr>
<tr>
<td>Overview</td>
<td>2004</td>
<td>Dependency Counsel Caseload Study and Service Delivery Model Analysis</td>
<td>Study and analysis of caseload standards for children and parents’ attorneys, and service delivery models for dependency counsel.</td>
<td>California Administrative Office of the Courts</td>
</tr>
</tbody>
</table>