

Court Improvement Program Parent Attorney Survey Results

American Bar Association, Center on Children and the Law National Project to Improve Representation for Parents Involved in the Child Welfare System

In January 2011, the ABA conducted a survey of state Court Improvement Programs (CIPs) on parent representation in child welfare. We received responses from 79 individuals, largely CIP staff and in some cases from committee members and consultants. The responses represented 47 states and the District of Columbia.¹ Results were sorted and analyzed by state. Multiple choice and numeric results, except as otherwise noted, are the combined responses for the 48 states. Open-ended text responses were often not duplicative and are presented in their entirety except as noted. Semicolons delimit multiple responses from the same state.

1. Overall Quality of Parent Representation

Question:

Overall, how would you rate the quality of representation parents receive from appointed attorneys in your state?

For most survey questions, responses for a state were very consistent. However, responses to this subjective question often varied within a state and did not thus lend themselves to quantitative state by state analysis.

Comments to this question often indicated that there was a lot of variation across the state and with individual attorneys. The full text of all comments is below:

Comments to question regarding overall quality of representation	
State	Comment
CT	The quality of representation here in CT has improved considerable in the last four years with the creation of the Office of the Chief Child Protection Attorney (CCPA). CCPA contracts with private attorneys to provide representation. CCPA provides training and on going mentoring for attorneys. Budget constraints in their office have impacted their efforts to make further improvements.
DC	Some attorneys are excellent, some are competent, and some could use some improvement.
FL	There are some really bad attorneys but the really good attorneys balance it out.; As with most things it depends on the individual. I have found that many private attorneys assigned/appointed to dependency cases in this state are adequate, but their loyalties lie in two separate often diametrically opposed directions. The need for them to defend their clients, and the clients' rights, are all too often not served by the attorney's desire to be paid for her/his work on the case.
FL	I hesitate to say excellent because many of the private attorneys do not show up for hearings. Additionally, due to the nature of many of the allegations, it is difficult to contact many of the parents prior to hearings to discuss upcoming legal issues.
ID	It is done on a county level. Some Counties have excellent representation. Some counties have few or no attorneys in the county. They hire outside lawyers as public defenders who do the work. The fewer the cases and the smaller the county, the norm is lower quality of representation.
IL	Quality of representation varies
LA	We have a new system of representation in child welfare cases where all indigent parents are represented by local indigent defenders under a centralized system administered by the Louisiana Public Defender Board.
MI	I believe that two years ago it was poor but that we are steadily improving and attorneys are taking this work more seriously.
MN	In July 2008, the Minnesota State Public Defender system discontinued representing parents in child protection cases (they continue to represent only children age 10 and older). This is because Minnesota's statutes provide that the State Public Defender is required to represent children, but the statutes are silent about who is to represent

¹ 'state' is used hereafter for simplicity to include D.C.

	parents. A 2009 Minnesota Supreme Court case resulting from the decision of the State Public Defender holds that counties are responsible for paying for parent legal representation unless and until the legislature creates a statewide system for parent legal representation. As a result, each county had to find attorneys to represent parents and find a way to fund them. Consequently, there are now 87 different ways of recruiting, paying, supervising, and monitoring attorneys. None of the 87 counties provides pre-service or in-service training for their parent attorneys. The attorneys struggle to understand the overall purpose and process of the child protection court system, their role and responsibilities within that system, and the role of others.
MS	Mississippi does not appoint attorneys to represent parents.
NC	Quality of representation varies across the state. In some court communities, representation is excellent whereas in other areas it is much less so. Much of this has to do with experience in court with these cases as well as interest in this area of court practice. We have an agency focusing resources to improve representation and we think it is working very well. The only problem is that there are not enough of these resources. But, we are not alone with this challenge.
NM	The feedback I have received from judges and others suggests that the quality of representation varies across the state. All of the feedback, is however, anecdotal. While we have "standards of practice" we do not have any sort of standardized evaluation process.
NV	The above average rating is due to the efforts of the Special Public Defender's office. Privately appointed counsel's representation of parents may fall below this standard depending upon the attorney.; My responses will reflect the practice in Northern Nevada only. Las Vegas and the rural counties of our state may be completely different.; Clark County Special Public Defender's office primarily represents the parents. Office coordinates with in house social workers to maximize access to limited services. SPD has recently published guide for parents in the system which the Nevada State Bar has distributed throughout the State.
NY	My comments are only for New York County (Manhattan) as that is the only county with which I am familiar in New York State, regarding parent representation.
OH	Quality varies widely from county to county
PA	Depends on the county as some have very sophisticated training processes
TX	The quality of representation runs the gamut from exceptional to poor/non-existent. This appears to be the case in many jurisdictions across the state.
VA	As with any professional service, Virginia has lawyers who go beyond the call of duty in representing parents and others who carryout these responsibilities in a minimal way. The Virginia scheme for compensation of parents' counsel does not support excellent practice, in my opinion.
WA	This depends upon the county. 25 of 39 counties in Washington State have the Washington State Office of Public Defense Parents Representation Program which provides excellent representation. Attorneys in these counties have case load standards of no more than 80 open cases, are compensated fairly, are well trained and have demonstrated improvements in case outcomes as a result (www.opd.wa.gov). The remaining counties do not have this program. The attorneys are poorly compensated, do not have case load standards, have very little training, and as a result, provide below average representation.

2. Training Prior to Appointment

Question:

“Are there requirements for training for parents' attorneys prior to appointment in your state?”

Answer	Number of Responses
Yes	13
No	19
Varies by location	11
Total	43

3. State Standards

Question:

“Does your state have parent attorney standards?”

Answer	Number of Responses
Yes	16
No	28
Total	44

Comments to questions regarding training requirements and standards

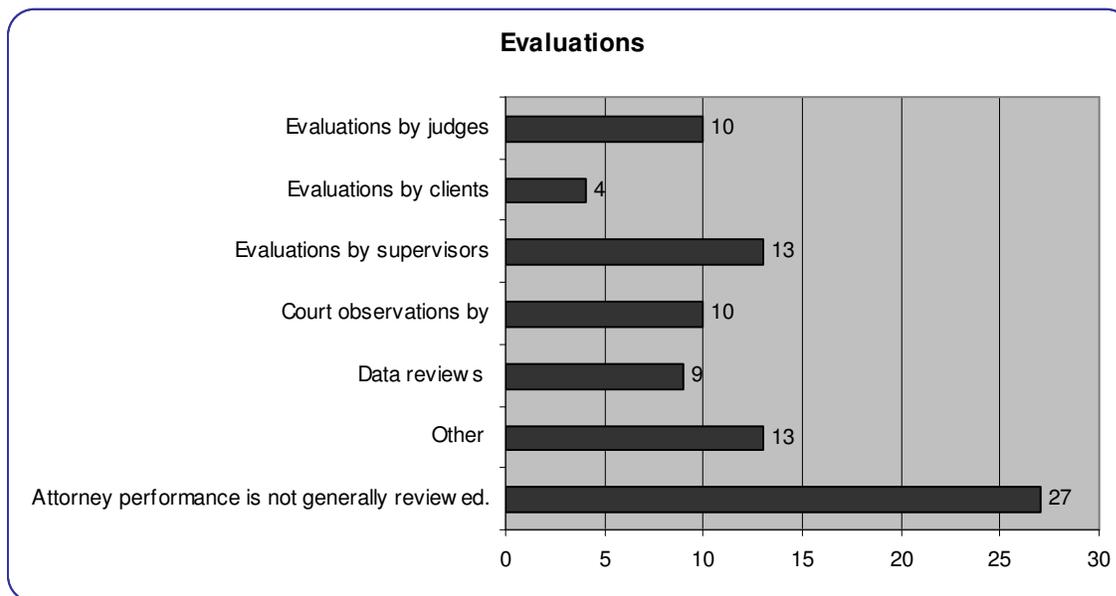
<i>State</i>	<i>Comment</i>
AR	Attorneys contracted with the state to be appointed to represent parents in Dependency-Neglect cases must be certified in accordance with and comply with standards of Arkansas Supreme Court Administrative Order No. 15. Further, contract attorneys who represent parents must comply with their contract with the state, which further outlines the expectations and standards of practice.
CT	These standards were established by the CCPA.
DE	They must be Delaware-barred attorneys in good standing.
FL	The answer of no must be qualified to the extent that all attorneys must represent clients according to the applicable code of ethics.
HI	Responsibilities are established by contract with the attorneys and the Judiciary.
IA	We are working on now with a full-time task force.
LA	The LPDB is implementing a system that requires specialized attorney training and has enacted policies that reflect model parent attorney standards.
MD	No special attorney standards, Office of the Public Defender's position is that MD Rules of Professional Standards are sufficient to govern the practice of for parents' attorneys. OPD will be working on Guidelines with CIP in 2011.
MI	We have a Parent Attorney Protocol but no requirement to follow it.
MS	Mississippi does not appoint attorneys to represent parents.
NC	I would not label what we have as "standards" but we do have performance guidelines (http://www.aoc.state.nc.us/www/ids/Parent%20Representation/ParentRepHomePage.htm) and a new parent orientation manual (http://www.sog.unc.edu/programs/indigentdefense/orientation/pa/)
NM	Our contracted attorneys are required to have a minimum of 10 hours of continuing legal education in child welfare. New contract attorneys, with less than three years experience in child welfare proceedings, are also required to complete the CORE training offered by our Children's Law Center. The CORE training is usually offered in the Spring so new contract attorneys are not always able to complete the training prior to their first appointment. There is no training requirement for non-contract attorneys.
NV	Our office, Washoe County Public Defender, use the ABA standards for parents.; Clark County vetts appointed counsel with the Office of Appointed Counsel. Only approved attorneys are appointed within the County
TX	The requirements are not codified in the Texas Family Code as they are for children's attorneys. Some jurisdictions require training prior to appointment.
VA	The large majority of attorneys who represent parents also serve as GALs for children for whom Virginia has qualification standards for appointment and performance standards. Therefore, most parents' attorneys have initial and ongoing training in child dependency cases. Most juvenile courts in Virginia appoint parents' counsel from a list drawn from the qualified GAL list, as I understand it. Most of these attorneys must also be on a list maintained by the Virginia Indigent Defense Commission which qualifies them to take criminal cases in the Juvenile Court.
WA	For 25 of 39 counties which have the Washington State Office of Public Defense Parent Representation Program.
WV	All attorneys who practice in child abuse and neglect cases must have 3 continuing education credits in child abuse and neglect training each year. Our CIP provides large, free multidisciplinary trainings each year to help meet this requirement. However, we do not have ethical standards specifically for parents' attorneys.

4. Evaluation of Parent Attorney Performance

Question:

How is appointed parent attorney performance generally reviewed in your state? (check all that apply)

Forty-four states responded to this question. Their responses are summarized in the chart below:



Respondents were also asked to indicate who conducted court observations, data reviews, and a description for other. For court observations, results were fairly evenly split between a state-level entity reviewing and supervisors or mentors reviewing. For data reviews, most indicated there were reporting requirements for the attorneys. The ‘other’ field varied more and is presented below.

Other
Court informally reviews...in some jurisdictions a law firm handles parent rep and evaluation
on site reviews by Oregon Public Defense Services Commission--happens infrequently (less than once every 3-5 years)
LPDB reviews performance and state is in process of external evaluation of new system of representation
Unknown
by appeal
Any complaints or praise from clients, caseworkers, etc., is filtered through and monitored by the Program Director.
Depends on the model of parent representation in a particular jurisdiction. In larger counties with parent contracts, there are evaluations. Most jurisdictions do not conduct formal evaluations.
Attorneys in the Parent Representation Program are reviewed on an annual basis.
Whether attorney performance is reviewed varies from county to county. In counties where it is reviewed, it's generally done in a very broad way by the judges when deciding whether or not to review an attorney's contract.
Office of Appointed Counsel
Public Defense Services Commission does periodic assessments of court appointed attorneys in general in jurisdictions across the state
Mid-year and End of Year evaluation by supervisor-case file & in court; no evaluation for panel attorneys unless complaint directed
No formal routine evaluations performed.

5. Caseload Limits

Question:

Are there caseload limits for parents' attorneys with fulltime child welfare caseloads?

Answer	Number of Responses
Yes	6
No	30
Varies by location	7
Total	43

Respondents were also asked “If so what is the limit? Please indicate a number and description if needed:”

Case load limits	
State	Comment
AR	Actually, we don't have any full-time positions. Our contracts are based on the attorney taking responsibility for a percentage of a judicial district, or counties or divisions within each district. We have attorneys who carry as little as 10 cases or sometimes as many as 120 at a time.
CA	Full time 65
CT	The case load limits are set by contract by CCPA and may vary for contract attorney to contract attorney. For example, new attorneys are limited to 25 cases, more experienced attorneys receive more per year
DC	There is no specific number of cases, but attorneys have an annual compensation cap. Once they meet the cap for the year they can no longer get appointments during that year. The cap is \$135,200/year which amounts to billing about 1,500 hours at \$90/hour.
DE	There are no caseload limits but the Court strives to keep distribution of cases equal amongst the attorneys.
KY	Generally, we do not have any attorneys with fulltime child welfare caseloads.
LA	The LPDB has set caseload limits in their policies and procedures. Can be supplied if requested.
MD	Dependent upon staffing levels, not more than 125 a year.
NJ	Maximum of 75 cases for all staff lawyers with the Public Defender's Office of Parental Representation.
NV	Special Public Defenders are limited to no more than 110 cases while private attorneys taking the overflow are not limited in the number of cases they can be assigned.; between 100 - 120
OR	There are suggested caseloads, but these are not enforced
UT	There is no caseload limit in statute. In larger counties, a single firm may hold the contract to provide representation. The firm may have internal caseload limits, but this is not public information.
WA	80 active and open cases in counties that have the Washington State Office of Public Defense Parent Representation Program

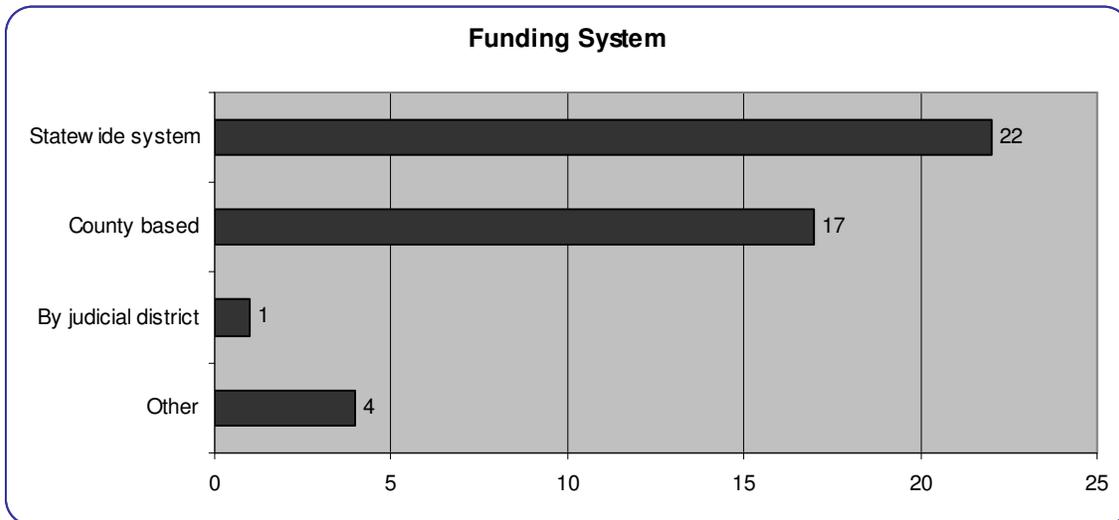
6. Funding for Appointed Attorneys

Question:

How is funding for appointed parents' attorneys provided in your state?

There were 44 responses from the 48 states. The results are summarized in the chart below:²

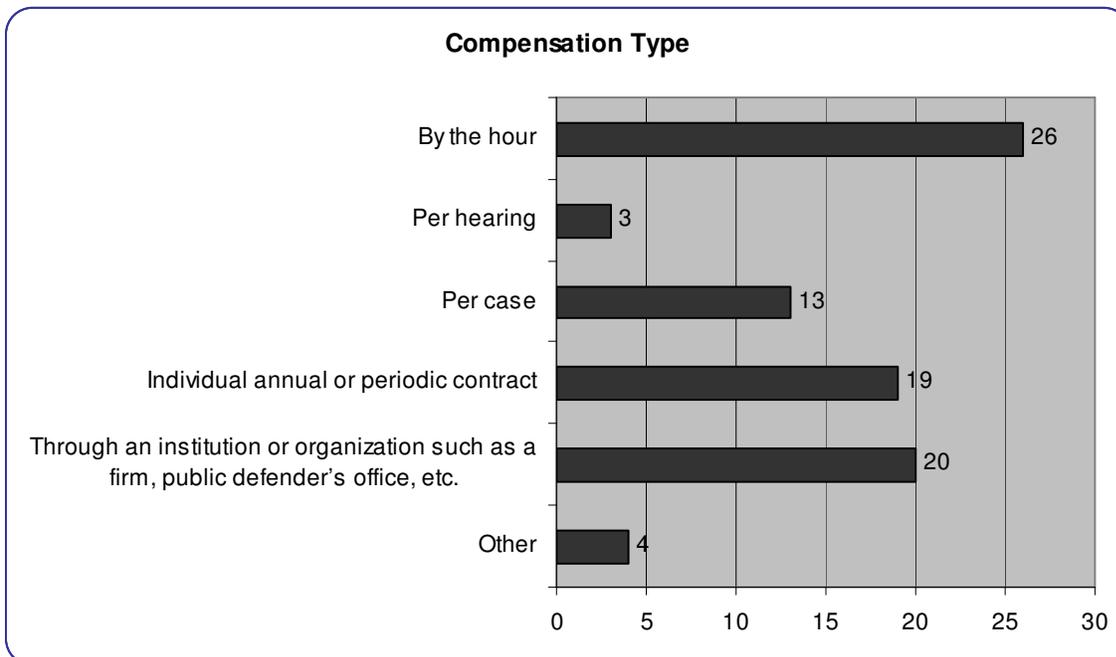
² For the funding data presented, the most common variation within a state was where there was more than one type of funding structure in different places or situations in the state. In some cases, one respondent would complete the portion of the survey, for example, for ‘hourly pay’, and another would complete the portion for ‘per case’ pay. There were also a few instances where respondents indicated in comments that they did not know certain information. In both these situations, the results were combined across a state for completeness. There were very few conflicts regarding the amount of pay. The only notable exception being Florida. Florida had numerous respondents to the survey. Responses for ‘per case’ pay minimum range varied unusually from \$200 to \$800. However, half of the responses listed \$800 as the minimum pay and many also listed \$800 as the



Question:

Please indicate the compensation system(s) most widely used for parents' attorneys in your state... You may check more than one box. Your answers will determine which follow-up questions are displayed.

Most states have more than one type of payment structure in place for parents' attorneys, and states could pick more than one funding type. In total, for the 48 jurisdictions, there are 81 types of funding schemes that are in widespread use. Responses yielded:



maximum per case pay. Because many also had \$1000 as the maximum, it was assumed that generally the range is \$800 to \$1000 and this result was used for that State.

The following questions were only displayed if the states checked the corresponding answers above.

Hourly Compensation

Question:

Parent attorney hourly pay generally ranges from...low ____ to high ____

There were 20 responses to this question with an average of \$52 to \$85 per hour.

Twenty-three states indicated that out-of-court time was included in hourly payment systems and only two indicated it was not.

Eighteen states reported that there was not a pay cap for individual hourly attorneys and seven indicated there was. Of the 7, one had an annual cap of 135,000 per year, and one there was a cap for 1800 hours. States were evenly divided, 12 to 12, as to whether there was a per case cap for hourly attorneys. Notably, of those that said there was a cap, 2 had a per case cap of \$3000, one \$2500, one \$1980 per year, and one \$1700 for neglect/abuse and \$1700 for termination stages if applicable.

Per Hearing Compensation

Question:

Parent attorney per hearing pay generally ranges from...low ____ to high ____

Few states (3) reported that per hearing pay was widely used. Of those, only 2 answered this question. One state indicated pay ranged from \$25 to \$50 generally and another \$75 to \$250.

States were also asked if per hearing pay varied due to the “type or complexity of the hearing.” The former state indicated “Trial work is different,” and averages \$250 per day. The latter also indicated trials were compensated differently. The third state indicated it varies from county to county.

Two of the three states reported that out-of-court time was not paid for under the per hearing systems while it is paid for in the third state. Two of the three states reported there was no cap for an individual attorney or per case under per hearing compensation systems. The third state noted that this varies by county as to both. This state also indicated there were other caps in some counties. One state also noted there were caps for appellate work.

Per Case Compensation

Question:

Parent attorney pay per case generally ranges from...low ____ to high ____

Ten states reported on per case compensation rate with an average of \$492 to \$1228 per case.

Question:

Does the per case payment renew annually? At some other time or situation? Please describe:

Answer	Number of Responses
Yes, can be renewed	5
No, cannot be renewed	4
Total	9

Of those that indicated it can be renewed, three noted in text comments that “it varies” or “it depends.”

Individual Annual Contracts

Question:

Parents' attorneys with fulltime annual contracts generally receive from... low ___ to high ___\$ annually

There were 9 responses with an average of \$46262 to \$89670.

With annually contracted attorneys, there is usually some “mechanism for making adjustments up or down depending on workload,” according to the states. Eight indicated there was and four that there was not. There were a number of comments indicating that adjustments varied widely by location.

Question:

Is the contract tied to standards of representation or practice standards?

Answer	Number of Responses
Yes	8
No	10
Total	18

Firms, Agencies, or Organizations

Question:

Parents' attorneys at firms, agencies, or organizations with child welfare caseloads generally have salary ranges from...low ___ to high ___.

There were 8 responses to this question with an average of \$54000 to \$99875.

Regarding whether the “organizations provide representation for multiple types of issues,” 12 states indicated this “varies by location,” with four indicating they work on multiple issues, and only four states have parent attorney organizations that work exclusively in child welfare.

Respondents were also asked to describe the “strengths and weaknesses of organizations working on multiple issues or child welfare only.” Many cited both:

Text Response	
State	Comment
FL	A strength would be that parents' attorneys have a broad network of other attorneys within the agency to consult on complex issues. / / A weakness would be limited pay; I think the strength of working exclusively in child welfare is that one may become an expert in the field. It is a very specialized area of law. I think too many appointed attorneys just use these appointments as "easy" revenue for their private practice and do not put the time and effort into it that they should.
IA	The State Public Defender Office often defends the parents on their criminal charges (child endangerment, etc.) and the parents in their child welfare case. This works well.
ID	Lawyers are more experienced in all legal issues for their clients and in court skills when they have a case load of multiple issues. Many times the same attorney is working one their criminal issues if they have any. Some public defenders offices assign their newest and leas experienced lawyers to child welfare cases. The state has provided extensive training and materials for the lawyers and most take advantage of the training it is not required.
IL	Many Offices of the Public Defender who provide parent attorneys will assign specific attorneys to handle all the child welfare cases. The strengths include an opportunity to specialize in child welfare and therefore we most familiar with the statutes, etc. The weakness is high turnover and low salaries. Often the more inexperienced attorneys receive the abuse and neglect cases. In Cook County, the assistant public defender receives many hours of training and have a very large unit dedicated to abuse and neglect. They tend to have better longevity and more resources. In smaller, rural areas the caseload does not lend to specialization.

LA	Broader base of knowledge/experience to draw from v. specialization
MD	Attorneys who focus only on child welfare become experts in the area. Lawyers who handle more areas-have a more holistic approach to clients' issues-(child welfare, juvenile, criminal, administrative appeals). Due to caseloads, do not always have time to do holistic approach always.
NJ	Since clients face multiple challenges it is essential that lawyers representing parents be able to serve as an advocate on numerous issues related or collateral to child welfare issues, such as domestic violence, housing, child support, education, medical assistance, etc.
NV	The Special Public Defender's Office represents capital murder defendants but there is a specific team of attorneys solely dedicated to child welfare only.; Our office considers our practice to be holistic. Many of our parents have criminal cases and we collaborate with their criminal Public Defender.; Very few child welfare cases involve only child welfare issues, so it's helpful to have a basis in other areas too. On the other hand, child welfare takes a very specialized knowledge base.; Limiting area of representation allows for not only in Court representation but also attendance at CFT meetings and better understanding of available resources for parents.
OR	Strength--knowledge of other areas of law that affect clients. Weakness--not as much time for juvenile cases--court appearances for other matters often mean attorneys are not available as needed
PA	Certainly provides for consistency in representation but might also be overwhelming
SD	Attorneys tend to go along with the recommendations of the child welfare agency and lack parent advocate skills.
UT	Firms working on multiple issues may encounter conflict of interest problems, especially in rural areas. Organizations working only on child welfare issues may be able to specialize and provide better training and mentoring to attorneys, especially in urban areas.

Other

Question:

Describe other ways parents' attorneys are compensated in your state.

This question had only four responses. Half reiterated that there were variations across the state, one provided a link to further details, and one commented regarding a voucher system for adoption cases.

7. Parent Partner Programs

Question:

Are you aware of any parent partner programs in your state?

Answer	Number of Responses
Yes	13
No	28
Total	41

Yes. If so could you please provide contact information:

In Boise one was starting up but I do not have details yet

I don't currently have it but will if you follow up in the future.

Santa Clara County, Contra Costa County (CA)

See under "training" -- Click on this URL to access info:

<http://www.sog.unc.edu/programs/indigentdefense/orientation/pa/index.php>

Candy Kennedy, 308-830-0944, ckennedy@nefamilies4kids.org (NE)

Contact Beth Gillia at the Children's Law Center about the FSTR (First Step Toward Reunification) program. Beth's number is 505-277-0710 or bgillia@unm.edu

Contact Gail. Barber@iowacourts.gov

For more info, contact Michael Heard at 360-586-3164 ext. 111 (WA)

This is just starting up in NH through Casey Family Programs' "Better Together" program. Chris Tappan, 603-271-4734

several are funded through the Indiana Department of Child Services

UDC Law School Clinic, Washington, DC. Parent Advocacy Program located at the Adoptions Together Agency in Washington, DC

8. Social Workers/Case Workers

Question:

Do parents' attorneys have access to social workers or case workers to assist them in their cases?

Answer	Number of Responses
Yes	18
No	24
Total	42

Text response	
State	Comment
AR	The only caseworkers/social workers the parents have are the DHS caseworkers. There is one assigned per case. There is no external caseworker or social worker provided for the parents.
CA	In some offices paid for via parent attorney funding
CO	In the 4th Judicial District (El Paso County)
CT	Model Offices
FL	Department of children and Families funds it. The Case workers assist with providing parents with referrals for parenting classes, evaluations for substance abuse, domestic violence, mental health issues, etc.; The case worker is employed through a contract with the prosecuting agency, so contact is quite limited. But each parent has a case worker, and attorneys can often communicate with the case worker on a particular case to assist the parent.
HI	the attorneys have access to the agency social workers if approved by the social workers' attorney.
ID	But they are the social workers for the Department of Health and welfare and some know how to use them more effectively than others
IL	The DCFS caseworker is supposed to be available to assist the parent and child. DCFS is state funded.
LA	available in some areas of the state - contact LPDB
MD	OPD has no social workers. If no worker is assigned by DSS, then there is no worker. Request by OPD for social workers has been denied due to fiscal constraints.
MO	The parent attorneys are part of the family support team and have access to the child welfare agency social workers. They would be paid for by the funds paying for court appearances, etc.
NC	If used, these attorneys employ them on their own and pay for them on their own
NJ	Very minimally, and not nearly enough
NV	SPD-- in house. Appointed Counsel only by Ct. approval and funded by OAC; The Special Public Defender's Office employs one social worker. Private overflow attorneys don't have access to social workers at all.; Very limited to public defender.; We have 1 SW & 1 Family Court Specialist. We are funded by the County
OR	If it's part of their contract with Oregon Public Defenders--depends and can vary from contract to contract
SD	Child welfare agency staff are available to assist parents access resources for their case plan.
TX	as part of county-run representation office
UT	However, costs would come from defense counsel's budget.
WA	The Parent Representation Program contracts with independent social workers who assist attorneys in their cases. There is one social worker for every 4 full time attorneys.
WV	There is at least one case worker who attends the multidisciplinary treatment team meetings and hearings in each case.

9. The National Project

Question:

What kinds of support could you use from a national project to improve parent representation?

Responses cited a range of different types of support, including trainings, standardized curriculums, technical assistance, funding for pilot programs and implementation of programs, and other resources. See below for the full text of responses.

Text response	
State	Comment
AR	Attorney Topic-Specific Training, Information on how to develop a parent partner program, Ideas on additional financial resources to help pay attorneys and cover attorney expenses, Ideas on how to involve the parent in the attorney evaluation process; developing more resources for parents outside DHS (CPS) - free parenting, relationship counseling, life skills, resume writing, etc., basic services and skills the parents need to learn.
AZ	Recommended caseload limits for urban vs. rural jurisdictions; work with local state boars to offer more dependency related trainings to attorneys.
CA	Research regarding impact of representation on child welfare case outcomes.; Standards for different models to link caseload to support resources, e.g., 50 cases with access to one social worker or paralegal. In California, attorneys are in private practice under contract through a county wide nonprofit that contracts with the AOC.
CO	Funding for implementation or at least study of Social Worker models.
CT	Currently, the Court Improvement Program provides funds for attorney training. Free attorney training such as that provided by NITA or NACC would be a big help. Also, free technical assistance for data system development would be helpful. A strategy for assessing attorney performance that is easily adaptable to different states and jurisdictions might be considered.
DC	Training assistance. Resources for attorneys such as social worker consultants.
DE	Recommended standards of practices and methods of reviewing performance would be welcomed
FL	Independent social worker assistance from a person who know what they are doing, and that can implement best practices would be an invaluable resource for the parent's attorneys in this State.; Investigators and funds for discovery purposes like depositions.
HI	Legal ethics pertaining to child welfare cases, diminished capacity parent, representation of children, guardian ad litem role
IA	Lots - plus having social workers would be nice.
ID	The state and counties are hurting badly now for dollars just to keep the doors open. Improvement can be made but there is no money to pay for such programs. It takes extra years for the middle of the country to recover from economic problems. Funding must come from the feds if any major systems change will be made. When the feds demand major changes to the system with out the support to do it, it overtaxes the local resources and it is the children who lose because the state agencies are far less likely to take action and children remain in bad situations. If they don't have the resources to do what is ask, few cases make it to the courts and court oversight.
KY	Money!
LA	The Louisiana Public Defender Board could benefit from national recognition and support for their work under the new system as well as access to specialized trainings and even perhaps data analysis. Please contact Clay Walker at cwalker@lpdb.la.gov
MD	Social workers are needed on staff; Parent educational meetings and parent mentors are needed; and assistance in training of social workers, kinship care, foster parents from parent's attorney perspective.
MI	Training to courts on how important a parent partner or non-agency social worker is in hopes of courts finding funding for these supports.
MN	In 2008 the Minnesota Supreme Court established a Task Force designed to look a parent legal representation in child protection cases. Their report issued in November 2008 (http://www.mncourts.gov/?page=519) recommended that the Minnesota Legislature should amend the statutes to provide that indigent parents have a mandatory right to legal representation (there currently is no such right) and the Legislature should identify a statewide funding source for such legal representation. The Legislature considered the report, but, because of statewide budget concerns, has not acted upon any of the recommendations. We could use help in convincing our legislature that legal counsel for parents is a necessity and that by paying for attorneys for parents it may help children more quickly return home which will likely save money spent on foster care.
MO	Education for parent attorneys would be extremely beneficial. Several judges within Missouri have made this suggestion.

NC	As always -- T/TA -- and resources similar to those posted on our NC Courts website (http://www.aoc.state.nc.us/www/ids/Parent%20Representation/ParentRepHomePage.htm). Our parent attorney representation coordinator (Wendy Sotolongo) and our is known to Ms. Laver and we think she has been doing wonders.
NE	Training (stand alone and week-long, etc.), funding for pilots of enhanced representation, T/A on outreach to judges, attorneys
NH	As the CIP Training Specialist, it would be great to have more resources to provide parent training as I sometimes feel that I have to start from scratch. Webinars are great! In NH, people who serve as GALs in family cases have a pretty well defined application and training process that they must pass prior to serving as a GAL. There is no such requirement for attorneys who represent parents. Many attorneys work on their own or in small law offices and work in isolation. I have worked to create an e-mail list which reaches many attorneys, but not nearly all. There is also a small Yahoo group but for the most part, I most information on it regarding trainings and resources - it is not used as a place to post questions (although I had hoped it would be used that way.) Any opportunities for parent attorneys to learn from each other and network are always appreciated. I have encouraged them to join the ABA listserv since it is so active.
NJ	Building a database of experts. Setting higher, more specific standards for parent defense lawyers, as to all phases of a case from client interviews, to investigation, to identification of necessary forensic experts, to aggressive motion practice, to trial skills programs, and establishing caseload limits.
NM	We would like: (1) tools and processes for evaluating parent attorney performance; (2) assistance identifying funding for piloting a model of representation that would give attorney's access to social workers or case workers to assist them in their cases; (3) easy access to information from other states regarding models of parent representation, funding, and payment information; and (4) assistance in creating successful legislative strategies for obtaining additional funding.
NV	Additional full time social workers working with Parents attorneys rather than for the Department of Family Service. Review of Prosecutorial Model to Therapeutic Model in most cases.; More training on advocacy and access to experts.; Training, education of Judges, access to social workers and support staff for all attorneys representing parents.
OH	Ideas and information
OK	We had trainers from the ABA come and train 13 parent attorneys to be faculty for our summer multidisciplinary workshops this summer. It was very effective. Need to know how to build on the momentum established and start maybe a "parent attorney association" or something in the state so they can continue to collaborate.
OR	\$ and technical assistance for training
PA	Pennsylvania is currently developing a training curriculum for child and parent attorneys. Any standard curriculum you have may be helpful.
SD	Training for attorneys representing parents
TX	Training, legal resources
UT	The state has an organization, Parental Defense Alliance of Utah, that receives a minimal amount of state funding to bring training and support to parent defense attorneys. The organization holds a statewide training conference each spring for parent's counsel. They could benefit from access to national speakers and support from national organizations.
VA	Virginia's CIP conducted 6 regional trainings specifically focused on parents' counsel for nearly 400 lawyers in the October 2008. We plan to do so again in the spring of 2012, if the CIP Training Grant is renewed. Training resources to support these trainings would certainly be welcome. Compensation is the biggest challenge we face and that is a fiscal issue with the Virginia General Assembly.
WI	Data on benefits of providing quality parent representation, including cost savings analysis and impact on safety, permanence and well-being outcomes.
WV	It would be good to have information on how attorneys are compensated in other states. Assistance with training is always welcome.

Question:

Some CIPs are planning to cover the costs so parents' attorneys can attend. Is your state considering this?

Answer	Number of Responses
Yes	18
No	20
Total	38

Question:

Some CIP staff or directors plan to attend the Conference, are there topics that would be helpful for the conference to cover from your perspective?

Text Response
Again interest in knowing how we can help build a "union" of parent attorneys, establish standards and also monitor performance.
Standardized training materials for attorneys
Recommended standards of practice and methods of reviewing performance; also - where is conference as this is the first we are aware. thank you
Trial Skills for Attorneys, Client Engagement, Using and Advocating for Clients in Child Protection Mediation
Legislative/funding/cost avoidance arguments used to successfully persuade state legislatures to dedicate more funding for projects that partner social workers with RPC.
Discussions are underway re. the conference.
Will need to receive consultation on this matter.
Better understanding of the role of the attorney in concurrent permanency planning; better understanding of working with disabled parents-- MORE TIME for the presentation from the Center for Independent Living, Berkeley (throughthelookingglass.com); understanding the relationship between zealous advocacy and collaboration.
Child Safety, Visitation/Family Time (e.g., how to craft/identify a good plans)
Tools for evaluating Parent Attorney Performance; Low Cost/No Cost techniques for Supporting Parent's Attorneys; Successful Attorney Mentoring Programs.
Yes, but valid topics may vary substantially in content depending on various state laws.
The intersection of Federal and State laws, particularly ASFA would be a great topic.
Topics the attorneys in this state have requested training on include: Representing Mentally Challenged Parents Utilizing the Americans with Disabilities Act in Representing Disabled Parents Drug-Testing - Prescription and Illegal Drugs - how long do drugs stay in your system, what over the counter drugs will show false positives, etc. Representing and Advising Parents who are also facing Criminal Charges Evidence in Dependency-Neglect Proceedings (Especially Hearsay)
Yes, I am on a committee that is involved in the conference.
Parent's rights.
The training of case workers in assisting parents without interjecting their own personal beliefs onto the parents. Training for case workers to be as objective as possible in assisting parents.
Topics: Getting the word out - how to reach parent attorneys and keep them in the loop (lots of changes happen @ the agency and the filter-down process often leaves them unaware of these changes); What constitutes "reasonable efforts?"; professional ethics and boundaries (NH is a small state and the Bar is very small and people are friendly - how to ensure that client does not feel like they are left out of the process when DCYF attorneys and parent attorneys perhaps seem too friendly; working with clients with mental health issues or with cognitive disabilities.
Our CIP will offer to send attorneys to the conference, but the challenge will be to convince them that they should attend (most think that they don't need training). Helpful topics include minimum standards of parent representation, roles and responsibilities of parents' attorneys, how to work collaboratively (rather than defensively) with social workers and GALs, how to counsel their clients that doing what is best for the CHILD is also what is best for the parent, etc.
We were unaware of the conference, but will definitely consider sending participants.
If approved by our funding source, HHS, Virginia's CIP plans to offer the 37 Best Practice Courts supported by CIP the opportunity to send one parents' counsel from each community to this conference. It would be helpful for these attorneys to have some training on how they can participate in local efforts to improve the permanency planning process from the perspective of parents as well as provide competent representation in individual cases. Virginia's CIP plans to utilize the attorneys who attend the July Conference in the development of the follow-up training in Virginia planned for 2012.
Please refer to Angela Reid Brown who is in charge of our court improvement project.
Effectively representing clients who may have poverty, criminal justice, substance abuse, or mental health issues.
How to provide quality training for parents' attorneys with busy schedules who do not want to take much time for training.
Working in a multidisciplinary collaborative environment while zealously representing your client is a challenge for parents' attorneys, I suspect.
1. How to measure quality representation? 2. Best practices for attorney evaluation 3. How do you effectively influence attorney representation on a state level when funding for attorneys remains at a county level? 4. Comparison among states:

How early in cases are attorneys appointed in case?

How to fund representation adequately, so that we are not dependent on the charity of the attorneys themselves.