



Quality Representation of Parents Improves Outcomes for Families

Quality representation of children in child abuse and neglect proceedings has been closely tied to improved outcomes for children. Representation of parents, however, is only recently receiving the same attention. In an effort to increase the quality of representation of parents in dependency and termination cases, Washington State's Office of Public Defense recently initiated a pilot program in two county juvenile court systems.

The pilot program focused on improving the skills of defense attorneys through increased training, limited caseloads and increased levels of communication between attorneys and their clients. Its goals were to:

- ❖ Enhance the quality of parent representation in dependency and termination hearings;
- ❖ Reduce the number of continuances requested by attorneys in the pilot sites, including those based on attorney unavailability;
- ❖ Establish a maximum caseload of 90 dependency and termination cases per full-time attorney;
- ❖ Implement enhanced defense attorney practice standards, including reasonable case preparation and the delivery of adequate client advice;
- ❖ Use investigative and expert services in appropriate cases; and
- ❖ Ensure implementation of the indigency screenings of represented parents, guardians and legal custodians.

As part of the pilot, each site hired one-third more attorneys, who received extensive training on Adoption and Safe Families Act requirements through workshops and written materials. The attorneys' contracts required them to implement enhanced practice standards. They were also required to submit monthly documentation as a payment prerequisite to provide accountability as well as case tracking.

Some pilot funds in one jurisdiction were used to hire paralegals and social workers, which resulted in better case investigation and development. Attorneys in both counties cited access to social worker/investigator assistance as one of the enhanced pilot resources that most affected case outcomes.*

A January 2003 evaluation of case files that compared abuse and neglect cases in the pilot program (public defenders with enhanced training) to a control group of similar cases reported numerous positive improvements. Most notable were improvements in the rate at which hearings took place, the rate of family reunification and the rate at which cases were opened and resolved. Ultimately, pilot cases showed a significant correlation between the quality and efficiency of attorney practices and the outcome of child protection cases.

Speedier Hearings

Among the specific improvements found in the pilot program cases was the reduction in the average number of

days it took to hold shelter care, dispositional and permanency planning hearings. Overall, the number of days from petition filing to case dismissal decreased by 23.6 percent.

Shelter Care Hearings

The statutory time frame for shelter care hearings in Washington is 72 hours after the child is taken into custody. Before implementation of the pilot project, the average number of days it took to hold a shelter care hearing in the project courts was 6.35 days from the filing of a petition, with a range of 0 to 130 days. After implementation the average was 4.81 days, with a range of 1 to 22 days.

Dispositional Hearings

By statute, dispositional hearings should be held immediately after adjudication (the fact-finding hearing) unless exceptional reasons for a 14-day continuance are found. The dispositional hearings in the pre-pilot sample were held on average 14.1 days after the fact-finding hearing with a range of 0 to 92 days. After reducing the number of continuances allowed, this average dropped to 0.3 days, with a range of 0 to 7 days. In 96 percent of cases, the disposition was held at the time of fact finding.

Permanency Planning Hearings

Washington requires permanency planning hearings in all cases in which a child has remained in out-of-home care for at least nine months and an adoption, guardianship or permanent custody order has not been issued. As a result of the pilot program the average number of days within which a permanency hearing was held decreased from 344.8 to 251.9, with the range of days decreasing from 60 - 721 days to 91 - 357 days. In the pre-pilot sample, 63.9 percent of cases held permanency hearings within the statutory time frame of 12 months. In the post-pilot sample, 100 percent of cases held permanency hearings within that time.

Case Outcomes

Another major finding of the evaluation is a 53.3 percent increase in the rate of reunification. Also, the follow up data indicates that no new dependency petitions were filed after reunification, meaning that children who were reunited with their parents did not re-enter the system. Reunification was found to be seven times more likely in the pilot case sample.

In addition, the rate of termination of parental rights decreased by 44 percent between the pre-pilot sample and post-pilot sample. The rate at which juveniles "aged out" of the system decreased by 50 percent, while the need for adoption decreased by 47.6 percent. The number of children placed in relative care also decreased by 21 percent; however, the average number of days the children stayed in this placement increased by over 240 percent.

Implementation Setbacks

Despite the overall success of the project, its implementation did experience some setbacks. For

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instance, while the average number of days from removal to the shelter care hearing was shortened, the number of cases that held those hearings within the 72-hour requirement decreased by 5.7 percent. In addition, the average number of days between petition filing and fact-finding and between dispositional and review hearings both increased by about 13 percent.

These statistics show that while some delays may occur during best practice implementation, the effort ultimately results in improved outcomes for children. Evaluation can help identify weaknesses and lead to program adjustments.

Conclusion

The improvements achieved through this program may be attributed to increased training and reduced caseloads for parents' attorneys. Although a formal report of the study has not yet been published, the statistical results of this pilot project show the significant impact that quality representation of parents may have in dependency and termination cases. As a result, the Washington State Office of Public Defense is looking to expand the program to other courts both within and outside the state through dissemination of program information and its evaluation findings.

—Carolyn Gemma

For more information about the pilot project, contact Joanne Moore, Director of the Washington State Office of Public Defense, at (360) 956-2106 or opd@opd.wa.gov. For more information on the evaluation, contact the Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges at (775) 327-5300 or www.pppncjfcj.org.

Note

* Bridge & Moore, *Implementing Equal Justice for Parents in Washington: A Dual Approach*, Juvenile and Family Court Journal (Fall 2002).

For Your Bookshelf

Model Court Approaches to Information Technology: A Dependency Court Data System Implementation Guide.

This technical assistance bulletin by Lisa Portune is intended to help dependency courts develop the ability to track meaningful, accurate and timely information about their cases. It was prepared to assist courts as they begin to examine whether they need to upgrade an existing data tracking system or implement a new one. Available from the National Council of Juvenile and Family Court Judges at (775) 327-5300 or www.pppncjfcj.org.

Speeding Adoptions: An Evaluation of the Effects of Judicial Continuity.

This article by Trudy Festinger and Rachel Pratt reports the results of a New York City adoption reform project. The goals of the project were to change existing family court procedures to shorten the time between termination of parental rights (TPR) and adoption. Reforms included filing adoption petitions at the time of TPR, thereby keeping cases on the court calendar and before the same judge. At the conclusion of the project, more children in the expedited group had been adopted in a significantly shorter time. *Social Work Research*, Volume 26, Number 4 (December 2002), available from the National Association of Social Workers at (202) 408-8600.

Substance Abuse and Child Welfare Center

Housed at the Center for Children and Family Futures in Irvine, CA, the new National Center on Substance Abuse and Child Welfare (NCSACW) seeks to improve outcomes for families with substance use disorders in the child welfare and Tribal and family court systems.

The National Center will develop and implement a comprehensive program to gather and disseminate information and provide technical assistance to promote practice, organizational and systems change at the local, state and national levels. The Center's goals include:

- ❖ To gather specialized knowledge and improve collaboration
- ❖ To create a widely recognized body of expertise and materials
- ❖ To develop web-based and other technological means of collecting and disseminating specialized knowledge

Activities will include providing technical assistance to states and communities, conducting regional meetings on special topics, convening national conferences, developing web-based access to information and tutorials, and establishing a national expert group to develop guidelines and standards. To learn what areas of technical assistance are needed, NCSACW conducted a Needs Assessment Consultation, the results of which will be posted on its website in June 2003.

More information about the National Center and the availability of training and technical assistance can be found at <http://ncsacw.samhsa.gov> or email the NCSACW at contactus@cffutures.org.



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