

**Georgia Children’s Justice Act Task Force  
2021 Three-Year Assessment Report:  
Surveys of Attorneys and Judges on Quality Legal  
Representation in Dependency Cases**



**Prepared by Care Solutions, Inc.**

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## Executive Summary

The quality of child representation has been a long-standing interest of the Georgia Children’s Justice Act Task Force. In 2020, the Task Force decided quality of legal representation in dependency cases would be the focus of its upcoming three-year assessment. As a first step, it supported a research project conducted by Emory University law students on what constitutes quality representation and strategies to support it.

Informed by the students’ research results, the Task Force then conducted surveys of Georgia attorneys and judges to obtain their perspectives on improvements needed and potential improvement strategies and to learn more about attorney retention, practices, and training. Two surveys, one for attorneys and another for juvenile court judges, were conducted in the spring of 2021 via an online survey service, with an additional paper version distributed to Juvenile Court judges at a conference in early May.

A total of 261 participated in the attorney survey, and 56 participated in the judge survey. Attorney survey respondents included Special Assistant Attorneys General (SAAGs, 33%); parent, child, and/or guardian ad litem attorneys (56%); and other attorneys/related parties, including a few judges (10%).

### Key Findings

#### ***Areas Needing Improvement***

Before being asked to rate specific improvement strategies, attorneys and judges were asked what aspect of legal representation they felt was most in need of improvement. While specific responses varied, some common themes emerged:

- Attorney compensation, training, and practices
- Communication and collaboration
- DFCS communication and practices
- Resources for attorneys, families, and courts

#### ***Quality Improvement and Support Strategies***

The operational practices rated highest across the four groups of attorneys and judges were access to information resources, access to case-related professionals and experts, and interdisciplinary teams.

The highest-rated compensation measures were full-time positions with benefits; higher pay; and financial incentives for (a) additional training, certifications, or specializations and for meeting specified professional development recommendations or requirements.

The top three professional development supports for improving and supporting quality legal representation were consistent across attorney groups and judges and included:

- Trial skills, motions practice, and evidence training specific to dependency

- Specialized training in child welfare dependency law
- Georgia-specific practice materials and forms

The training topics that would most improve or support the quality of representation differed between the two survey groups. The top three across the attorney groups were:

- Ongoing case law and legislative updates
- DFCS policy and practice
- Evidence and trial skills

Judges also had DFCS policy and practice in their top three, but their other two top training topics were:

- Specialized training in child welfare dependency law
- Legal strategies to expedite permanency

### ***Attorney Practices***

Results show that practices related to court cases and hearings – counseling clients on legal strategy, communicating regularly with clients about case status, meeting with clients outside of court and preparing clients for court, preparing for and attending hearings and reviews, and filing motions and appeals as needed – occurred in most cases. Occurring less often were:

- Conducting their own investigations or discovery, making discovery requests, or independently verifying facts
- Participating in meetings with the client and the child welfare agency
- Communicating regularly with collateral contacts
- Working with clients on safety and case plans
- Identifying community resources or helpful relatives/fictive kin
- Visiting placements or potential placements for children

Judges' average ratings of the overall quality of legal representation and advocacy in dependency cases by guardians ad litem, SAAGs, child attorneys, and court-appointed special advocates were "very good;" average ratings for parent attorneys fell between "average" and "very good."

### **About the Respondents**

Most attorney survey respondents had served in their roles for six years or more, with nearly half of SAAGs serving more than 10 years. Most SAAGs worked full-time in their role, while parent, child, and guardian ad litem (GAL) attorneys were split between full-time and part-time dependency work.

Most attorneys were contracted rather than salaried (92%) and paid on a case-by-case basis (62%). Nearly half (49%) of non-SAAG attorneys reported they had different rates for in-court and out-of-court time. SAAGs typically had the highest estimated caseloads, with 75% reporting they handle more than 50 cases per month. Most parent, child, or guardian ad litem attorneys (75%) reported spending 30 hours a month or less on dependency cases. Juvenile Court judges reported an average of 53% of their hearings were dependency cases.

## ***Respondent Training and Experience***

About two-thirds of the attorneys (63%) indicated pre-appointment training specific to their current role in dependency cases was not available. Parent, child, and GAL attorneys were more likely to have completed pre-appointment training compared to SAAGs and other attorney survey respondents (49% vs. 17-18%). Only 14% of the attorneys reported holding the Child Welfare Law Specialist certification, although among attorneys who had not obtained the CWLS certification, more than half (57%) indicated they were planning to pursue it.

## **Conclusions**

The survey results demonstrate that attorney compensation presents a challenge across the board, affecting the availability/willingness of attorneys to take dependency cases, their ability to pursue additional training or certifications, the amount of time they can devote to clients and cases, and access to needed resources for handling cases.

With the students' research findings, the results of the attorney and judge surveys support multiple opportunities for Task Force advocacy and support. Beyond compensation, these findings support the pursuit of Task Force recommendations and near-term efforts related to strategies that will:

- Increase attorney access to dependency case resources (information and experts)
- Increase the use of interdisciplinary teams in dependency cases
- Offer incentives to encourage attorneys to seek additional training, certifications or specializations and meet professional development recommendations/requirements
- Increase attorney access to professional development supports and training in specific areas

Warranting further research and longer-term advocacy are efforts to identify or create one or more state-level support and oversight organizations/structures that will provide the platform to address attorney compensation, training, support (including mentoring), and access to resources at the state level on an ongoing basis.

## Background

In a 2017 Information Memorandum on high quality legal representation for all parties in child welfare proceedings, the Children’s Bureau of the federal Administration on Children, Youth and Families (ACYF) encouraged “all child welfare agencies, courts, administrative offices of the courts, and Court Improvement Programs to work together to ensure parents, children and youth, and child welfare agencies, receive high quality legal representation at all stages of child welfare proceedings.”<sup>1</sup>

ACYF repeated this encouragement in a June 2021 Information Memorandum, with the additional purpose of maximizing “allowable title IV-E administrative reimbursement for children who are candidates for title IV-E foster care or in title IV-E foster care and their parent(s) in foster care legal proceedings” as provided for in policies issued in 2019.<sup>2</sup> In a subsequent 2021 Children’s Justice Act Program Instruction, the agency noted, “High quality legal representation is a powerful tool to help ensure that reasonable efforts are made [to maintain the family unit, prevent unnecessary removal, and plan for permanency in a timely manner] and that the voices of parents, children and youth are heard.”<sup>3</sup>

Additionally, the Child Abuse Prevention and Treatment Act (CAPTA) requires a state assurance that the state’s statewide child abuse and neglect program includes: “provisions and procedures requiring that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings—

- (I) To obtain first-hand, a clear understanding of the situation and needs of the child; and
- (II) to make recommendations to the court concerning the best interests of the child ...”<sup>4</sup>

The quality of child representation has been a long-standing interest of the Georgia Children’s Justice Act Task Force. One of the five improvement areas identified in Georgia’s CAPTA Plan, revised and approved in 2020, was improving legal representation. The plan was a collaborative effort among the Division of Family and Children Services and its legal counsel; Georgia’s CAPTA Panels, including the Task Force; Office of the Child Advocate; Court Improvement Project; Court-Appointed Special Advocates (CASAs), and other stakeholders and community partners. The legal representation focus included identifying best practice standards and training for attorneys and guardians ad litem (GALs) involved in dependency cases and promoting quality representation for children within the agency and among judicial partners.

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<sup>1</sup> ACYF-CB-IM-17-02, *High Quality Legal Representation for All Parties in Child Welfare Proceedings*.

<sup>2</sup> ACYF-CB-IM-21-06, *Utilizing Title IV-E Funding to Support High Quality Legal Representation for Children and Youth who are in Foster Care, Candidates for Foster Care and their Parents and to Promote Child and Family Well-being*.

<sup>3</sup> ACYF-CB-PI-21-01, *Children’s Justice Act Program Instruction*.

<sup>4</sup> 42 U.S.C. §5106a(b)(2)(B)(xiii)

As a result of this federal emphasis, the Task Force decided to make quality legal representation the subject of its 2021 three-year assessment with a scope that would include legal representation of all parties in child abuse and neglect cases, specifically dependency cases, with a plan to consider criminal cases in the future.

Discussions began in earnest in August 2020 to develop an assessment plan. The Task Force decided that the first step would be to determine what constituted quality legal representation and to identify effective strategies to support quality representation. To assist in this first step, Emory University law students conducted a fall research project on the subject.<sup>5</sup>

The students' research results were presented to the Task Force and collaborative partners in November 2020. Based on the students' research findings, the Task Force decided it would conduct a survey of attorneys – parent, child (Including GALs), Special Assistant Attorneys General (SAAGs) that represent the child welfare agency, and juvenile court judges – to gather perceptions of the six strategies identified in the students' research findings as contributing to improved legal representation. These included:

- State oversight structure under which each attorney category operates
- Local vertical structure oversight (operational/administrative support)
- Training and specialization
- Interdisciplinary practice
- Caseloads
- Compensation

The intent of the survey was to inventory current practice and obtain feedback from attorneys and judges to identify the most promising and potentially viable strategies to promote and support quality legal representation in Georgia dependency cases.

### Research Method

Beginning in December 2020, the Task Force met virtually 2-3 times each month through March 2021 to design and refine two survey instruments - one for attorneys and one for juvenile court judges.

#### **Attorney Survey**

The attorney survey included questions on the attorney's role/position, tenure, judicial circuit(s) in which they practice, potential strategies that may contribute to improving or supporting quality legal representation, compensation practices, professional development and training supports, and case practices.

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<sup>5</sup> A. Blaker, C. Donahue & J. Santangelo (2020), *Representation Matters: Advocating for a Quality Legal Representation Model in Georgia Dependency Proceedings*. Unpublished manuscript. Barton Child Law and Policy Clinic, Emory University School of Law.

The attorney survey was deployed via Survey Monkey on March 18, 2021. Invitations from the Task Force to participate in the survey were distributed through several constituent email groups, including:

- From the office of the Attorney General at the request of DFCS Deputy Director and General Counsel to Special Assistants Attorney General (SAAGs) in 159 counties
- From the office of the Georgia State Bar to attorneys in its Child Protection & Advocacy Law Section
- From the State Coordinator, Georgia, National Association of Counsel for Children to the Georgia Child Welfare Law Specialists group
- From a parent attorney Task Force member to a Parent attorney email group

Attorney survey responses were collected through April 23, 2021.

### ***Judge Survey***

Two versions of the survey for juvenile court judges were developed. A paper version was developed and distributed at the mandatory Juvenile Court Judges Conference May 2-5, 2021, attended by 90-100 judges representing Georgia's 49 judicial circuits. An online version was deployed on Survey Monkey May 5, 2021, and an email invitation to participate with a survey link was distributed to juvenile court judges in 49 judicial circuits by the coordinating Council of Juvenile Court Judges of Georgia.

The survey for judges included questions on tenure, caseload, attorney retention, judicial circuit, perceived quality of advocacy in the courtroom by different parties, potential strategies that may contribute to improving or supporting quality legal representation, attorney compensation practices, and professional development and training supports.

Paper survey forms submitted by judges were subsequently entered in Survey Monkey. Results of both the attorney and judge surveys were downloaded from Survey Monkey for data analysis in SPSS and Excel.

### **Survey Response**

A total of 261 individuals responded to the attorney survey and 56 to the juvenile court judge survey. As of 2020, there were approximately 520 members of the Georgia Bar's Child Protection and Advocacy section, 295 Special Assistant Attorneys General (SAAGs), and 150 juvenile court judges in Georgia. While the survey response was relatively modest, attorney survey respondents represented every judicial circuit, and judge respondents represented 29 of the state's 49 circuits.



**Table 1. Attorney Survey Respondent Roles**

| Dependency Role | Frequency | Percent |
|-----------------|-----------|---------|
| SAAG            | 87        | 33%     |
| Parent attorney | 54        | 21%     |
| Child attorney  | 44        | 17%     |
| Other *         | 43        | 16%     |
| GAL attorney    | 32        | 12%     |
| Missing         | 1         | <1%     |
| Total           | 261       | 100%    |

\*Several “other” responses (16) indicated a combination of parent, child and/or guardian ad litem attorney. The remaining “other” respondents included advocate, child advocacy center, CASA director, court staff or attorney, education attorney or advocate, judge, Legal Aid/Services staff or attorney, and paralegal.

For analysis purposes, attorney survey respondents were grouped into the following categories:

- SAAGs (87 respondents)
- Child, parent, and GAL attorneys (146 respondents, including 16 “other” respondents with a combination of these roles)
- Other respondents (27 respondents; results should be interpreted with caution)

## Attorney Retention

### Role Tenure

Most attorney respondents had served in their roles for six years or more (60%), with nearly half of SAAGs serving more than 10 years; Juvenile Court judges tended to have served 3-5 years or more than 10 years (24% each).

**Table 2. Attorney and Judge Tenure**

| Tenure             | SAAG | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents | Juvenile Court Judges |
|--------------------|------|---------------------------------|-----------------------------------|-----------------------------------|-----------------------|
| Less than one year |      | 4%                              | 4%                                | 3%                                | 16%                   |
| 1-2 years          | 10%  | 10%                             | 37%                               | 13%                               | 18%                   |
| 3-5 years          | 23%  | 25%                             | 22%                               | 24%                               | 24%                   |
| 6-10 years         | 18%  | 23%                             | 11%                               | 20%                               | 18%                   |
| More than 10 years | 48%  | 37%                             | 26%                               | 40%                               | 24%                   |
| Total              | 87   | 146                             | 27                                | 260                               | 55                    |

Nearly two thirds of attorney survey respondents (63%) served full-time in their respective roles; however, 84% of SAAGs served full-time compared to 46% of parent, child, or GAL attorneys.

**Table 3. Full-Time or Part-Time Dependency Role**

| Dependency Work | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents |
|-----------------|-------|---------------------------------|-----------------------------------|-----------------------------------|
| Full-time       | 84%   | 46%                             | 85%                               | 63%                               |
| Part-time       | 16%   | 54%                             | 15%                               | 37%                               |
| Total           | 87    | 146                             | 27                                | 260                               |

Time spent on dependency cases varied widely, from less than 10 to more than 200 hours per month, with most parent, child, or GAL attorneys (75%) spending 30 hours a month or less on these cases.

**Table 4. Estimated Hours Per Month on Dependency Cases for Part-Time Attorneys**

| Hours*               | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents |
|----------------------|-------|---------------------------------|-----------------------------------|-----------------------------------|
| <20                  | 24%   | 50%                             | 0%                                | 22%                               |
| 20-30                | 24%   | 25%                             | 8%                                | 22%                               |
| 30-50                | 23%   | 0%                              | 0%                                | 19%                               |
| 40 or 50 to 60 or 70 | 6%    | 0%                              | 23%                               | 8%                                |
| 80-100               | 10%   | 25%                             | 8%                                | 11%                               |
| 100+                 | 12%   | 0%                              | 62%                               | 18%                               |
| Total                | 78    | 4                               | 13                                | 95                                |

\* Because this was an open-end question, several attorneys provided different ranges.

### Attorney Compensation

Most attorneys (92%) reported being contracted rather than salaried. Among those who were contracted, there were some differences in how they were paid, with most (62%) paid hourly on a case-by-case basis. Nearly half (49%) of non-SAAG attorneys reported they had different rates for in-court and out-of-court time. Few reported rates that varied based on experience/credentials or case complexity.

**Table 5. Payment Methods for Contracted Attorneys**

| Payment Method   | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents |
|--|-------|---------------------------------|-----------------------------------|-----------------------------------|
| Paid hourly on a case-by-case basis                        | 60%   | 65%                             | 20%                               | 62%                               |
| Contract with an hourly fee for a specific contract-period | 40%   | 7%                              | 40%                               | 21%                               |
| Contract with a flat fee for a specific time-period        |       | 29%                             | 40%                               | 18%                               |
| Total  | 82    | 123                             | 5                                 | 210                               |

**Table 6. Payment Rate Differentiation for Contracted Attorneys**

| Payment Rate Type  | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents |
|--|-------|---------------------------------|-----------------------------------|-----------------------------------|
| Has different rate for in-court time and out-of-court time   | 4%    | 50%                             | 43%                               | 32%                               |
| Rates vary based on the complexity of cases                  | 28%   | 3%                              | 0%                                | 13%                               |
| Rates increase with increased experience/ higher credentials | 2%    | 14%                             | 0%                                | 9%                                |
| Total  | 82    | 127                             | 7                                 | 216                               |

## Juvenile Court Dependency Hearings

Fifty judges reported an estimated number of dependency hearings held in an average week before the pandemic. The estimated number of hearings varied, from less than 10 (30%), to 10-25 (42%), to 26-50 (28%). No judge reported holding more than 50 such hearings a week on average.

Judges were asked to estimate the percentage of their hearings that involved specific types of cases. Typically, more than half of the hearings (average of 53%) were dependency hearings, followed by delinquency hearings (32%).

**Table 7. Estimated Percentage of Judicial Hearings by Case Type**

| Case Type                     | Range      | N  | Mean % |
|-------------------------------|------------|----|--------|
| Dependency                    | 30% to 90% | 54 | 53.48  |
| Delinquency                   | 9% to 80%  | 55 | 32.49  |
| CHINS                         | 0% to 30%  | 47 | 8.17   |
| Probate or Superior transfers | 1% to 25%  | 30 | 6.57   |
| Other                         | 1% to 30%  | 17 | 8.29   |

Judges reported that dependency attorneys were private attorneys appointed from a pool or court-approved list (42%) or who were contractors (31%). Other dependency attorneys were staff attorneys from county government offices (27%).

Judges were also asked to rate the overall quality of specific participants in dependency hearings on a 5-point scale, with 1 being “poor” and 5 being “excellent.” Average ratings were “very good” for guardians ad litem, SAAGs and child attorneys; average ratings for parent attorneys fell between “average” (3) and “very good” (4).

**Table 8. Ratings of Dependency Hearing Participants**

| Participants       | N  | Mean |
|--------------------|----|------|
| Guardians ad litem | 51 | 4.18 |
| SAAGs              | 51 | 4.08 |
| Child attorneys    | 51 | 4.00 |
| Parent attorneys   | 50 | 3.52 |

Most judges (74%) reported that CASAs were appointed in most or nearly all cases. The judges rated the overall quality of CASA courtroom advocacy as “very good” (4.12 on a 5-point scale).

**Table 9. Frequency of CASA Appointments**

| Frequency           | Percent |
|---------------------|---------|
| In very few cases   | 6%      |
| In some cases       | 20%     |
| In most cases       | 29%     |
| In nearly all cases | 45%     |
| Total               | 51      |

## Improving Quality of Legal Representation

### Most in Need of Improvement

Prior to being asked to rate specific strategies or practices to improve the quality of legal representation in dependency cases, attorneys and judges were asked to indicate the one aspect of legal representation in dependency cases that is most in need of improvement in their jurisdictions. Among attorneys, the most common themes were attorney compensation, attorney characteristics/practices, working with DFCS, and resources for families and attorneys. Another common theme for SAAGs was court/judicial practices.

Most common themes identified as needing improvement by judges were having more attorneys; better trained attorneys; more funding and better pay for attorneys; and more pre-trial communication, attorneys consulting with families and children prior to court.

***Common themes identified as needing improvement by child, guardian ad litem, parent, and other attorneys:***

- Compensation – no difference between in- and out-of-court time, higher fees for experience, higher fees for terminations, pay for extra work for appeals, better pay
- Attorneys (unspecified) – willingness to handle cases, more investigation, meeting with clients out of court, trauma-informed, knowledgeable about juvenile law, experienced, quality, familiar with resources, bilingual
  - Child attorneys – qualified to represent children
  - Parent attorneys - training, more active, more expertise, more diligence
- Court/Judges – standard discovery orders; understanding of the law, meaningful right of appeal
- DFCS – more timely notices of placement changes, timely access to information, better communication, notify kinship caregivers of meetings and contact information for other parties' attorneys, attorneys for kinship caregivers, overworked and underpaid staff
- Resources for attorneys – better access to support staff, funding for expert witnesses and transcripts, more attorneys, training opportunities (unspecified, evidence, GAL), open records, open courtrooms, paralegals, social workers, investigators
- Resources for families – counseling for putative fathers, assistance with living arrangements (to support sobriety), doctors and emotional health experts to help children
- Collaboration – better communication/collaboration among SAAGs, DFCS and attorneys
- Caseload size – too high to spend necessary time on each case

## Example Attorney Comments

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*Parent attorneys are sometimes so focused on "winning" that they advocate to place the children in situations that they know are not in the children's best interest. We need to be able to work together to at least ensure that children are being put in safe environments. We need meetings and not hearings sometimes. – Child attorney*

*A handful of attorneys are assigned most of the cases, even though they create scheduling conflicts with the court and other attorneys. – Parent attorney*

*The parents, usually of limited income and often with substance abuse problems, find themselves in a complex legal battle where everyone else is funded by the government and the judge is biased against them. – Parent attorney*

*The attorneys need better education, no matter who they represent. Still seeing too many attorneys meet their client for 10 minutes before court instead of putting any real work into the case. – GAL attorney*

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### **Common themes identified as needing improvement by SAAGs:**

- Compensation – better pay, prompt payment
- Attorneys – more, better quality, education, willingness to take cases, attendance (but great when virtual), consultation with clients before and between hearings, reading orders, dispositional reports and case plans and reviewing with clients, shoving responsibility for filings/moving cases forward on DFCS
  - Parent attorneys – being litigious, more experienced, having more/meaningful contact with clients prior to court; more parent attorneys
  - Guardian ad litem attorneys – training, having regular contact with clients outside of court; need child advocates rather than GALs
- Court/Judges – start on time, timely hearings, fewer continuances, consistency in holding hearings and applying policies and procedures, sufficient courtroom space, additional courtroom, crowded docket; better trained, unbiased judges, more judges
- DFCS - case manager adherence to policies and rules, organization, knowledge, turnover, preparedness; more case managers, provide information to parent and child attorneys before court, leadership, amount of time case managers must be in court, incomplete or missing case plans

- Resources for families – more/better service providers, drug screen providers, foster homes, placements for difficult children, intensive inpatient facilities; service providers with poor assessments, incomplete drug screen paperwork
- Resources for attorneys – limited; more CLEs; better understanding how trauma affects child; more affordable training; training on role of child attorney, client-directed appeals, how to work with younger children, rules of evidence and parent objectivity in dependency cases
- Collaboration – less adversity among stakeholders
- Parents – abandoning teens with no consequences; CHINS and referrals due to parents' lack of cooperation with school attendance requirements
- Stronger advocacy in TPRs and review hearings

### Example SAAG Comments

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*The most significant way in which to improve legal representation in dependency cases and other juvenile court proceedings would be to increase the pay for legal services whether provided by a SAAG or appointed counsel for a child or appointed counsel for a parent. . . The extremely low pay for legal services in child dependency and other juvenile court proceedings will maintain the system of mediocre legal representation that has plagued the child welfare system for decades, as most attorneys move on from handling dependency cases because they cannot afford to pay their bills or accumulate wealth for retirement when the pay never increases and is not even close to what an attorney coming out of law school can generate working in any other field of law. Any proposed program to improve legal services in child welfare cases other than increasing the attorney hourly rate to at least \$100 per hour would be just another fruitless gesture.*

*Attorneys do not take their roles seriously and look at practicing in Juvenile Court as secondary to Superior and State Court.*

*Virtually no attorneys in this county will accept Juvenile Court appointments. This has led to chronic issues with conflicts, as those attorneys who will take appointments here also work in the Juvenile Court of their local county. Conflicts are seldom noticed in advance and are seldom resolved appropriately.*

*The case managers (who are capable and hardworking) in our county are overwhelmed with the volume and complexity of the caseload and have turned over twice in the last three years. And the SAAG casework load is expanded considerably by the duplicative drafting of orders required by the court's preferences of words/commas.*

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### **Common themes identified as needing improvement by judges:**

- Compensation – better pay for attorneys
- Attorneys – more available for indigent parents, better trained/more qualified, being able to speak to children before court, family representation, better parent representation, more professionalism, less turnover, more travel pool attorneys to handle conflict cases
- Parents – staying in touch with court-appointed attorney, providing contact information and coming to court
- Space -- office dedicated to parent and GAL attorneys, larger courtroom and waiting area
- Identifying viable options to support children and families
- Improved timing and quality of orders
- Resources – more funding, funding for experts, more CASA volunteers, specific dependency CLEs for parent attorneys and public defenders

### Example Judge Comments

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*In the early stages of a dependency case, orders often lag behind so that we often don't have a written order from the last hearing when we are at the next hearing.*

*More time for attorney-client contact and preparation; too many requests for breakout rooms at hearings to “meet my client”!!!*

*Attorneys could provide better guidance/counsel to their clients in lieu of solely advocating for what their clients want.*

*Need a consistent office with pay and benefits; not just someone who takes a case every once in a while.*

*We need more qualified, zealous parent attorneys; not enough [attorneys] on our appointed list.*

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### Quality Representation Improvement & Support

Both the attorney and judge surveys asked how much each of specific operational practices and compensation measures would contribute to improving and supporting quality legal representation by attorneys in dependency cases if available or more readily available. Response options were on a five-point scale: none (1), not very much (2), some (3), very much (4), a great deal (5), with an N/A option.

The operational practices rated highest across the four groups were access to information resources, access to case-related professionals and experts, and interdisciplinary teams. Unsurprisingly:



## Summary Report: 2021 Assessment Survey Results – FINAL DRAFT

- Judges and other attorney survey respondents tended to rate a formal system of oversight and Georgia standards of practice higher than did SAAGs or parent, child, or GAL attorneys.
- SAAGS tended to rate a guaranteed maximum caseload lower than the other respondent groups.

These are likely because SAAGs have an existing formal system of oversight and standards, and most SAAG respondents (84%) had full-time hourly contracted positions.

**Table 10. Average (Mean) Ratings on Operational Practices**

| Operational Practice   | SAAGs |      | Parent, child, or GAL attorneys |      | Other attorney survey respondents |      | Juvenile Court Judges |      |
|--|-------|------|---------------------------------|------|-----------------------------------|------|-----------------------|------|
|  | N*    | Mean | N                               | Mean | N                                 | Mean | N                     | Mean |
| Formal system of oversight (statewide)   | 80    | 2.33 | 121                             | 2.91 | 8                                 | 4.00 | 49                    | 3.22 |
| Georgia-specific standards of practice   | 81    | 2.94 | 120                             | 3.58 | 8                                 | 3.88 | 49                    | 3.59 |
| Guaranteed minimum caseload  | 80    | 2.04 | 120                             | 2.73 | 7                                 | 1.57 | 49                    | 2.63 |
| Guaranteed maximum caseload  | 81    | 2.51 | 120                             | 3.48 | 8                                 | 3.00 | 49                    | 3.29 |
| Improved access to information resources (e.g., legal databases, subscriptions)  | 81    | 3.40 | 121                             | 4.35 | 7                                 | 3.29 | 49                    | 3.49 |
| Improved access to experts, case-related professionals (e.g., social workers, investigators)                           | 81    | 3.68 | 121                             | 4.40 | 7                                 | 3.71 | 49                    | 3.94 |
| Interdisciplinary case teams (e.g., investigator, mental health professional, education advocate, client peer support) | 81    | 3.26 | 121                             | 4.07 | 8                                 | 4.38 | 47                    | 3.87 |
| More timely case assignments   | 81    | 2.00 | 119                             | 2.84 | 7                                 | 2.57 | 48                    | 2.23 |
| Translation services and other accommodations for clients  | 81    | 2.67 | 120                             | 3.27 | 7                                 | 3.43 | 49                    | 3.06 |

\*N is the number rating that item.

On the compensation measures, full-time position with benefits; higher pay; and financial incentives for additional training, certifications, or specializations and for meeting specified professional development recommendations or requirements were rated highest across all four groups.

- Compensation rates based on attorney experience, expertise, and/or specializations were rated higher by SAAGs and parent, child, and GAL attorneys
- Variable compensation rates based on case complexity was rated higher by parent, child, and GAL attorneys

**Table 11. Average Ratings on Compensation Measures**

| Compensation Measure  | SAAGs |      | Parent, child, or GAL attorneys |      | Other attorney survey respondents |      | Juvenile Court Judges |      |
|---|-------|------|---------------------------------|------|-----------------------------------|------|-----------------------|------|
|   | N     | Mean | N                               | Mean | N                                 | Mean | N                     | Mean |
| Compensation rates based on attorney experience, expertise, and/or specializations                  | 81    | 3.93 | 121                             | 3.98 | 8                                 | 2.88 | 47                    | 3.60 |
| Equal payment for in-court and out-of-court work/time   | 80    | 2.18 | 121                             | 3.29 | 8                                 | 2.38 | 47                    | 3.09 |
| Financial incentives for additional training, certifications, or specializations                    | 81    | 3.46 | 121                             | 4.08 | 8                                 | 3.38 | 47                    | 3.81 |
| Financial incentives for meeting specified professional development recommendations or requirements | 81    | 3.26 | 121                             | 3.92 | 7                                 | 3.14 | 47                    | 3.60 |
| Full-time position with benefits  | 81    | 3.32 | 119                             | 3.48 | 8                                 | 3.13 | 47                    | 4.17 |
| Higher pay  | 80    | 4.41 | 120                             | 4.38 | 8                                 | 3.00 | 45                    | 4.51 |
| Variable compensation rates based on case complexity  | 81    | 2.81 | 121                             | 3.72 | 7                                 | 1.86 | 47                    | 3.09 |

Both surveys also asked whether specific professional development supports and training topics “would contribute a great deal” to improving and supporting quality legal representation in dependency cases if available or more readily available to attorneys.

The top three (most often checked) professional development supports for improving and supporting quality legal representation were consistent across attorney groups and judges and included:

- Trial skills, motions practice, and evidence training specific to dependency
- Specialized training in child welfare dependency law
- Georgia-specific practice materials and forms

**Table 12. Professional Development Supports**

| Professional Development Support   | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents | Juvenile Court Judges |
|--|-------|---------------------------------|-----------------------------------|-----------------------------------|-----------------------|
| Trial skills, motions practice, and evidence training specific to dependency | 73%   | 84%                             | 75%                               | 79%                               | 84%                   |
| Specialized training in child welfare dependency law                         | 66%   | 75%                             | 100%                              | 72%                               | 84%                   |
| Georgia-specific practice materials and forms                                | 55%   | 81%                             | 75%                               | 71%                               | 73%                   |
| Case consultation with peers   | 38%   | 56%                             | 50%                               | 49%                               | 30%                   |
| Child Welfare Law Specialist certification                                   | 30%   | 52%                             | 63%                               | 44%                               | 48%                   |
| Role-specific, pre-appointment training                                      | 28%   | 38%                             | 63%                               | 35%                               | 41%                   |
| Peer community/network support   | 26%   | 39%                             | 38%                               | 34%                               | 39%                   |
| Organized mentoring/coaching   | 24%   | 31%                             | 63%                               | 30%                               | 43%                   |
| Guidance and feedback from supervisors                                       | 10%   | 20%                             | 63%                               | 18%                               | 23%                   |
| Formal client feedback mechanism   | 13%   | 15%                             | 50%                               | 15%                               | 23%                   |
| Total responses  | 80    | 122                             | 8                                 | 210                               | 44                    |

The training topics that would most improve or support the quality of representation differed between the two survey groups. The top three (most often checked) across the attorney groups were:

- Ongoing case law and legislative updates
- DFCS policy and practice
- Evidence and trial skills

Judges also had DFCS policy and practice in their top three, but their other two top training topics were:

- Specialized training in child welfare dependency law
- Legal strategies to expedite permanency

**Table 13. Training Topics**

| Training Topic   | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents | Juvenile Court Judges |
|--|-------|---------------------------------|-----------------------------------|-----------------------------------|-----------------------|
| Ongoing case law and legislative updates   | 79%   | 83%                             | 75%                               | 81%                               | 63%                   |
| DFCS policy and practice   | 64%   | 83%                             | 75%                               | 75%                               | 67%                   |
| Evidence and trial skills  | 71%   | 68%                             | 88%                               | 70%                               | 59%                   |
| Specialized training in child welfare dependency law   | 59%   | 67%                             | 88%                               | 65%                               | 74%                   |
| Legal strategies to expedite permanency  | 55%   | 66%                             | 63%                               | 61%                               | 70%                   |
| Other topics relevant to child welfare (e.g., immigration, homelessness, education advocacy, reasonable efforts) | 35%   | 57%                             | 50%                               | 48%                               | 48%                   |
| Trauma-responsive practice   | 26%   | 52%                             | 63%                               | 42%                               | 39%                   |
| Virtual practice/remote representation skills  | 23%   | 29%                             |                                   | 25%                               | 26%                   |
| Diversity, equity, implicit bias, inclusion  | 9%    | 25%                             | 50%                               | 20%                               | 26%                   |
| Total Responses  | 80    | 110                             | 20                                | 210                               | 46                    |

Some attorneys commented on other professional development/training that would be beneficial. Suggestions included:

- Termination of parental rights (TPR) training
- Types of illegal and legal drugs (annual)
- Mental health diagnoses and reading mental health evaluation reports
- Services and specialized training on working with youth ages 14-18 and 18-21 in foster care
- Training or directory on resources for parents, caregivers, parent attorneys
- Education advocacy and child welfare
- Getting the most out of DFCS
- Ethics related to children in dependency cases, conflicts of interest in dual-role representation, client conflicts
- GAL-specific standards/best practices
- Reasonable efforts
- Handling expert witnesses
- Parents with disabilities and ADA protections
- Strategies to avoid hearing delays and minimize child stay in foster care

- Ways to sanction parties and judges for bad faith actions
- Free or reduced cost CLE opportunities
- Law office management; working with paralegal
- Legislative and case law updates (as released)

### Additional Improvement Strategies

Judges had the opportunity to suggest additional strategies, practices or trainings for attorneys that would contribute a great deal to improving or supporting quality representation. Suggestions included:

- Court observations in other jurisdictions
- Mentoring or mastermind groups
- Training/webinars/conferences for attorneys: case management for high volume caseloads, client management, dependency-specific trial skills, basic trial practice, courtroom decorum/professionalism, handling a DFCS case; bring back the ICLE Child Welfare Attorney seminar or an equivalent; SAAG training to prepare case managers for testimony; negotiation, mediation, and communication skills; specific roles of dependency attorneys, “Dependency 101;” more SAAG training
- Make acceptance of Juvenile Court appointments part of mentoring/transition to law practice for beginning attorneys
- Attorneys – more attorneys, explaining realistic potential outcomes to clients, devote more time to case and client
- Communication – constant; DFCS more open with parent and child attorneys
- Competitive pay standard
- Organized state offices for parent attorneys and for GAL attorneys
- Clear accountability standards and processes
- Resources for attorneys – free training, support staff such as secretarial and investigative

### Resources and Supports for Judges

Judges were also asked what resources, supports or professional development/training for judges would contribute a great deal to improving and supporting quality representation.

- Training – how to coach/support quality legal representative without being too directive; best practices, how to help hearings go smoothly; diversity, equity, inclusion, and implicit bias; trials and hearings (upon appointment); trauma-informed; LGBTW+, communication skills, local resources
- Coordination of courts and circuits
- Timely appointments
- Attorney pay strategies and protocols
- Funding – state and county funding, money for attorneys, pay increases commensurate with experience
- Less court administration and more support staff, such as law clerks
- Organization, structure, support; statewide system with regional offices to help with costs

## Example Judge Suggestions

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*For attorneys:*

*More incentives (financial) for child welfare certification. More (financial) incentives to specialize in Juvenile/Dependency law.*

*Setting up a Chinese wall to minimize conflicts between the Public Defender and Parents Attorney office.*

*Active local group for parent attorneys and GAL's with scholarships or other financial incentive's support for regular education and training aimed toward dependency law like Child Welfare Summit.*

*Having a full-time position with benefits would help with turnover. Perhaps through the Public Defenders' Council for parents.*

*SAAG is invariably the lowest-paid person in the room with [the] hardest job. They are making practically same thing as 20-30 years ago. EMBARRASSING when GA claims to care about children.*

*For judges:*

*As a judge, I always benefitted from the Child Welfare Attorney Training seminar. The seminar sessions were informative, and the manual they provided in conjunction with the seminar was a great resource.*

*Training on how to balance acknowledging good legal work by the attorneys with the difficult often no-win situations in which the attorney is working (whether clients or facts)*

*Training on how to handle a case from beginning to end. What questions should the judge be asking? What issues should I be considering throughout the case? Training that goes step by step with the code section as a support.*

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## Attorney Practices

Attorneys were asked to estimate their average monthly dependency caseload, pre-pandemic. Not surprisingly, SAAGs typically had the highest estimated caseloads, with 75% handling more than 50 cases per month.

**Table 14. Estimated Dependency Cases per Month, Pre-Pandemic**

| Dependency Cases | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents |
|------------------|-------|---------------------------------|-----------------------------------|-----------------------------------|
| Less than 10     |       | 16.9%                           | 40.0%                             | 10.9%                             |
| 10-25            | 12.7% | 22.0%                           | 20.0%                             | 18.3%                             |
| 26-50            | 12.7% | 20.3%                           | 40.0%                             | 17.8%                             |
| 51 -100          | 38.0% | 24.6%                           |                                   | 29.2%                             |
| 101 - 150        | 17.7% | 9.3%                            |                                   | 12.4%                             |
| More than 150    | 19.0% | 6.8%                            |                                   | 11.4%                             |
| Total            | 79    | 118                             | 5                                 | 202                               |

SAAGs caseloads were predominantly dependency and TPR cases, with an average percentage of 87%. For parent, child and GAL attorneys, dependency and TPR cases made up, on average, 53% of their cases, followed by other family law and criminal cases, averaging 24% and 20%, respectively.

**Table 15. Average Practice Area Percentages**

| Type of Case       | Statistic*         | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents |
|--------------------|--------------------|-------|---------------------------------|-----------------------------------|-----------------------------------|
| Adoption           | N                  | 41    | 66                              | 1                                 | 108                               |
|                    | Average percentage | 5%    | 4%                              | 25%                               | 4%                                |
| Dependency/TPR     | N                  | 79    | 112                             | 4                                 | 195                               |
|                    | Average percentage | 87%   | 53%                             | 63%                               | 67%                               |
| CHINS              | N                  | 30    | 61                              | 2                                 | 93                                |
|                    | Average percentage | 2%    | 8%                              | 20%                               | 6%                                |
| Criminal           | N                  | 33    | 63                              |                                   | 96                                |
|                    | Average percentage | 3%    | 20%                             |                                   | 14%                               |
| Delinquency        | N                  | 27    | 69                              | 2                                 | 98                                |
|                    | Average percentage | 1%    | 12%                             | 38%                               | 9%                                |
| Other family law** | N                  | 36    | 76                              | 3                                 | 115                               |
|                    | Average percentage | 7%    | 24%                             | 33%                               | 19%                               |
| Other              | N                  | 33    | 37                              | 1                                 | 71                                |
|                    | Average percentage | 6%    | 15%                             | 10%                               | 11%                               |
| Total responses    |                    | 79    | 118                             | 5                                 | 202                               |

\*N is the number reporting any percentage greater than zero. Total responses is the number who reported any case area percentage.

\*\*Such as divorce, custody, emancipation

Given the limitations many attorneys face in handling dependency cases, they were asked about the frequency with which specific practices occurred (a) with clients, and (b) in dependency cases on a four-point scale: “in no or very few cases” (1), “in some cases” (2), “in most cases” (3) and “in all or nearly all cases” (4).

Results show that practices related to court cases and hearings – counseling clients on legal strategy, communicating regularly with clients about case status, meeting with clients outside of court and preparing clients for court, preparing for and attending hearings and reviews, and filing motions and appeals as needed – occurred in most cases.

These attorneys less often engaged in:

- Conducting their own investigations or discovery, making discovery requests, or independently verifying facts
- Participating in meetings with the client and the child welfare agency
- Communicating regularly with collateral contacts
- Working with clients on safety and case plans
- Identifying community resources or helpful relatives/fictive kin
- Visiting placements or potential placements for children



**Table 16. Frequency of Current Practices with Clients**

| Current Practice with Clients   | SAAGs |      | Parent, child, or GAL attorneys |      | Other attorney survey respondents |      | Total attorney survey respondents |      |
|---|-------|------|---------------------------------|------|-----------------------------------|------|-----------------------------------|------|
|   | N     | Mean | N                               | Mean | N                                 | Mean | N                                 | Mean |
| Adequately counsel clients regarding legal strategy   | 79    | 3.73 | 114                             | 3.25 | 6                                 | 2.83 | 200                               | 3.42 |
| Communicate regularly with clients about case status, their strengths and needs/wishes, what is/is not working for them | 79    | 3.66 | 115                             | 3.14 | 6                                 | 3.17 | 201                               | 3.34 |
| Meet with clients outside of court (in-person or virtually)   | 79    | 3.67 | 114                             | 2.92 | 6                                 | 2.50 | 200                               | 3.20 |
| Thoroughly prepare clients (adults or children) for court   | 79    | 3.39 | 114                             | 2.88 | 6                                 | 2.33 | 200                               | 3.06 |
| Work with clients individually to develop safety and case plan options to present to court                              | 79    | 2.62 | 113                             | 2.34 | 6                                 | 2.67 | 199                               | 2.46 |
| Identify appropriate community resources to help clients  | 79    | 2.33 | 114                             | 2.45 | 6                                 | 2.50 | 200                               | 2.40 |
| Participate in case planning, family group decision-making, or other client meetings with the child welfare agency      | 79    | 2.56 | 114                             | 1.98 | 6                                 | 2.17 | 200                               | 2.22 |

**Table 17. Frequency of Current Practices in Dependency Cases**

| Current Practice in Dependency Cases   | SAAGs |      | Parent, child, or GAL attorneys |      | Other attorney survey respondents |      | Total attorney survey respondents |      |
|--|-------|------|---------------------------------|------|-----------------------------------|------|-----------------------------------|------|
|  | N     | Mean | N                               | Mean | N                                 | Mean | N                                 | Mean |
| Attend all court hearings and reviews, in-person or virtually  | 79    | 3.97 | 113                             | 3.87 | 6                                 | 3.50 | 199                               | 3.90 |
| Thoroughly prepare for all court hearings and reviews  | 77    | 3.69 | 113                             | 3.26 | 6                                 | 3.00 | 197                               | 3.41 |
| File motions and appeals as needed to protect client’s rights and advocate for their needs           | 79    | 3.32 | 113                             | 3.15 | 6                                 | 2.33 | 199                               | 3.19 |
| Communicate regularly with collateral contacts (e.g., treatment providers, teachers, social workers) | 79    | 2.51 | 113                             | 2.52 | 6                                 | 2.50 | 199                               | 2.51 |
| Independently verify facts in allegations and reports  | 79    | 2.24 | 113                             | 2.57 | 6                                 | 2.50 | 199                               | 2.43 |
| Identify helpful relatives/fictive kin for support, safety planning, or possible placement           | 79    | 1.90 | 113                             | 2.68 | 6                                 | 2.33 | 199                               | 2.35 |
| Conduct your own investigation   | 79    | 1.91 | 113                             | 2.29 | 6                                 | 1.83 | 199                               | 2.13 |
| Conduct rigorous, comprehensive discovery  | 79    | 2.15 | 113                             | 1.97 | 6                                 | 1.83 | 199                               | 2.04 |
| File/serve discovery requests  | 79    | 1.89 | 113                             | 2.12 | 6                                 | 2.17 | 199                               | 2.02 |
| Visit placements or potential placements for children  | 79    | 1.11 | 113                             | 2.25 | 6                                 | 1.33 | 199                               | 1.76 |

## Individual Qualifications

For states to be eligible for a CAPTA state grant, CAPTA requires the appointment of a guardian ad litem, whether attorney or CASA (or both), who has received training appropriate to the role.<sup>6</sup>

### Training/Certification

About two-thirds of the attorneys (63%) indicated pre-appointment training specific to their current role in dependency cases was not available. Parent, child, and GAL attorneys were more likely to have completed pre-appointment training compared to SAAGs and other attorney survey respondents (49% vs. 17-18%).

<sup>6</sup> 42 U.S.C. §5106a(b)(2)(B)(xiii)

**Table 18. Pre-Appointment Training Specific to Current Role in Dependency Cases**

| Pre-Appointment Training   | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents |
|--|-------|---------------------------------|-----------------------------------|-----------------------------------|
| Yes, I completed pre-appointment training specific to my role                        | 18%   | 49%                             | 17%                               | 36%                               |
| Yes, pre-appointment training was available, but I was unable to take or complete it | 3%    |                                 |                                   | 1%                                |
| No, pre-appointment training was not available                                       | 79%   | 51%                             | 83%                               | 63%                               |
| Total responses  | 6     | 77                              | 115                               | 198                               |

Most attorneys who said they completed such pre-appointment training said this training prepared them for their current roles “somewhat” or “very well.” Most who did not complete such training indicated it would have been “somewhat” to “very” beneficial to have completed role-specific training. The following table presents the average ratings on a 5-point scale, with 5 being “extremely” well or beneficial.

**Table 19. Perceptions of Pre-Appointment Training Specific to Current Role in Dependency Cases**

| Pre-Appointment Training   | SAAGs |      | Parent, child, or GAL attorneys |      | Other attorney survey respondents |      | Total attorney survey respondents |      |
|--|-------|------|---------------------------------|------|-----------------------------------|------|-----------------------------------|------|
|  | N     | Mean | N                               | Mean | N                                 | Mean | N                                 | Mean |
| How well did the pre-appointment training you completed prepare you for your current role? | 16    | 3.56 | 60                              | 3.12 | 1                                 | 4.00 | 77                                | 3.22 |
| How beneficial would completing role-specific training have been for you?                  | 64    | 3.27 | 60                              | 3.58 | 5                                 | 4.00 | 129                               | 3.44 |

Of 14% of the attorneys surveyed reported they had obtained the Child Welfare Law Specialist (CWLS) certification, with most of those indicating the certification was “somewhat” to “very” beneficial (3.63 on a 5-point scale, with 5 being “extremely beneficial”).

Of the attorneys who had not obtained the CWLS certification, more than half (57%) indicated they were planning to pursue it.

**Table 20. Child Welfare Law Specialist Certification**

| CWLS               | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents |
|--------------------|-------|---------------------------------|-----------------------------------|-----------------------------------|
| Yes                | 11%   | 15%                             | 29%                               | 14%                               |
| No                 | 89%   | 85%                             | 71%                               | 86%                               |
| Total              | 80    | 120                             | 7                                 | 207                               |
| Planning to pursue | 47%   | 65%                             | 40%                               | 57%                               |
| Total              | 70    | 97                              | 5                                 | 172                               |

... The most helpful development of my experience in handling juvenile court cases was already having general trial skills, watching an experienced SAAG try a juvenile court child abuse case, and then reading the Georgia juvenile code and relevant Georgia appellate cases.

### Prior Professional Experience

Attorneys were asked to indicate in what other professional capacities they had served in which they participated in cases involving dependency, delinquency, CHINS, or criminal prosecution of child abuse/neglect/sexual exploitation.

**Table 21. Prior Professional Experience - Attorneys**

| Prior Role                               | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents |
|--|-------|---------------------------------|-----------------------------------|-----------------------------------|
| Parent attorney                          | 62%   | 65%                             | 43%                               | 63%                               |
| GAL attorney                             | 50%   | 66%                             | 57%                               | 60%                               |
| Child attorney                           | 50%   | 66%                             | 29%                               | 59%                               |
| Defense attorney                         | 38%   | 53%                             | 29%                               | 46%                               |
| Prosecuting attorney                     | 24%   | 21%                             | 0%                                | 21%                               |
| SAAG                                     | 24%   | 13%                             | 14%                               | 17%                               |
| CASA                                     | 3%    | 7%                              | 0%                                | 5%                                |
| Law enforcement officer/<br>investigator | 2%    | 2%                              | 0%                                | 2%                                |
| Child welfare worker                     | 5%    | 2%                              | 14%                               | 3%                                |
| Juvenile court judge                     | 6%    | 3%                              | 0%                                | 4%                                |
| Superior court judge                     | 2%    | 0%                              | 0%                                | 1%                                |
| Other judge                              | 5%    | 4%                              | 0%                                | 4%                                |
| Other                                    | 12%   | 15%                             | 71%                               | 16%                               |
| Total responding                         | 66    | 104                             | 7                                 | 177                               |

Other responses included assistant attorney or intern positions; trial, family law, foster parent, special education, or Legal Aid attorney; Superior Court GAL, general or juvenile law; probation officer; mediator; parent or other advocate; teacher; cold case project; and child fatality review panel.

The online survey for judges also asked about prior experience; this question was not included on the paper version of the judges survey due to space considerations. Judges were most likely to have previously served as a parent, child, or guardian ad litem attorney (59% to 65%).

**Table 22. Prior Professional Experience - Judges**

| Prior Role                     | Percent |
|--------------------------------|---------|
| Parent attorney                | 65%     |
| Child attorney                 | 59%     |
| GAL attorney                   | 59%     |
| Juvenile court judge           | 41%     |
| Prosecuting attorney           | 41%     |
| Defense attorney               | 41%     |
| Other judge                    | 29%     |
| SAAG                           | 29%     |
| Superior court judge (pro tem) | 6%      |
| CASA                           | 6%      |
| General practice               | 6%      |
| Juvenile court administration  | 6%      |
| LE officer/investigator        | 0%      |
| Child welfare worker           | 0%      |
| Total                          | 17      |

**Table 23. Attorney Professional Affiliations**

| Affiliation  | SAAGs | Parent, child, or GAL attorneys | Other attorney survey respondents | Total attorney survey respondents |
|--|-------|---------------------------------|-----------------------------------|-----------------------------------|
| Local Bar Association                                  | 57%   | 71%                             | 63%                               | 65%                               |
| Child Protection and Advocacy Section of the State Bar | 48%   | 58%                             | 38%                               | 53%                               |
| Georgia Association of Counsel for Children (GACC)     | 18%   | 29%                             | 13%                               | 24%                               |
| Child Welfare Law Specialists                          | 12%   | 18%                             | 25%                               | 16%                               |
| Parent Attorney Advocacy Committee (PAAC)              | 0%    | 23%                             | 13%                               | 14%                               |
| Other  | 5%    | 17%                             | 38%                               | 13%                               |
| None   | 17%   | 8%                              | 25%                               | 12%                               |
| Total  | 77    | 114                             | 8                                 | 199                               |

Most often mentioned as “other” were the National Association of Counsel for Children, a state or local law association or guild, and the Council for Parent Attorneys and Advocates.

Other affiliations mentioned included the American Bar Association; state or local trial and criminal defense lawyer associations; Juvenile Defense Attorneys Guild; county GAL section; Children and the Courts Committee; CAPTA Panel; Family Law Section of the bar; National Academy of Elder Law Attorneys; National Council of Juvenile and Family Court Judges; and the St. Thomas More Society.

## Conclusions

The survey results demonstrate that attorney compensation presents a challenge across the board, affecting the availability/willingness of attorneys to take dependency cases, their ability to pursue additional training or certifications, the amount of time they can devote to clients and cases, and access to needed resources for handling cases.<sup>7</sup>

Beyond compensation, these findings support the pursuit of Task Force recommendations and near-term efforts related to strategies that will:

- Increase attorney access to dependency case resources (information and experts)
- Increase the use of interdisciplinary teams in dependency cases
- Offer incentives to encourage attorneys to seek additional training, certifications or specializations and meet professional development recommendations/requirements
- Increase attorney access to professional development supports and training in the following areas:
  - Trial skills, motions practice, and evidence training specific to dependency

<sup>7</sup> The Task Force tabled compensation given its complexity and understands that another stakeholder group may take up an assessment of compensation in the near future.

- Specialized training in child welfare dependency law
- Georgia-specific practice materials and forms
- Ongoing case law and legislative updates
- DFCS policy and practice
- Evidence and trial skills
- Legal strategies to expedite permanency

Warranting further research and longer-term advocacy are efforts to identify or create one or more state-level support and oversight organizations/structures that will provide the platform to address attorney compensation, training, support (including mentoring), and access to resources at the state level on an ongoing basis.