

Georgia's Children's Justice Act Task Force
Three-Year Assessment Report
"Quality Legal Representation for Dependency Cases"

May 2021



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I. CJA Task Force Overview:

Summarize Task Force function, purpose, and history

Georgia’s Children’s Justice Act Task Force (Task Force) was established to satisfy the legislative requirement to maintain a multi-disciplinary task force on children’s justice as a CJA state grant recipient. The Task Force is composed of representatives from selected disciplines involved in the handling of cases of child abuse and neglect, both civil and criminal, in addition to a broad range of professionals and stakeholders whose work often intersects with the families involved in these cases. The purpose of a CJA task force is to review and evaluate practice and protocols associated with the investigative, administrative, and judicial handling of cases of child abuse and neglect and to make policy and training recommendations that will improve the handling of these cases, reduce trauma to child victims and victim’s family, while ensuring fairness to the accused.

Since its establishment in 2003, Georgia’s Task Force has played a key role in the administration of the state’s CJA grant by facilitating and supporting innovative practices to further not only CJA goals and objectives but also state and Task Force interests and priorities. The Task Force also provides technical support in the administration of the CJA grant, including solicitation of proposals, proposal review, development of funding recommendations, and administrative support.

Since 2005, the Task Force has completed four three-year assessments. The first, in 2009, focused on child sexual abuse training, mandated reporting, and practice regarding the appointment of representation for children in dependency cases. The second, in 2012, evaluated policy, practice, and training related to the handling of cases involving victims with special needs. The third, in 2015, addressed concerns related to reported inconsistencies in how various agencies respond to allegations of child abuse and neglect. The most recent assessment, completed in 2018, focused on the training provided to individuals who respond to and investigate all forms of child maltreatment to identify potential training gaps or barriers and opportunities to enhance best practices. The priorities and activities of the Task Force reflect its commitment to continued improvement in the policy and practice areas identified in each of the three-year assessments.

The Task Force continues to support coordinated, multidisciplinary approaches that improve the investigation, prosecution, and judicial handling of cases of child abuse and neglect, and in particular, training related to victims with special needs, commercial sexual exploitation of children, and maltreatment-related child fatalities. This includes the following long-standing priorities and special interests:

- Improving communication, collaboration, and coordination between agencies and among the professionals involved in cases of child maltreatment, from initial allegation and response to investigation and prosecution
- Improving the collection, analysis, and exchange of data
- Advocating for and supporting the development of child welfare professionals

The Task Force advocates for, and prioritizes, activities and projects that:

- Demonstrate collaboration between Georgia’s child welfare agency, its partners and community stakeholders
- Improve the alignment of policy and practice among state agencies with child-caring or protection responsibilities with child welfare policy and practice
- Improve the quality and consistency of the community’s collaborative response to reports of abuse
- Ensure the appropriate handling of cases involving child victims with special developmental or medical needs
- Ensure the appropriate handling of cases involving victims of sex trafficking
- Ensure the identification of maltreatment-related fatalities
- Reduce trauma to child victims of abuse
- Ensure that all children have access to and are appointed qualified individuals to represent their interests in judicial proceedings
- Improve the consistency and quality of mandated reporter training

Several committees have been established over the years to support and advance its interests and priorities, as well as identify new opportunities for the Task Force. These include:

CJA Grants Committee

This committee is responsible for soliciting proposals for projects that support CJA objectives and Task Force priorities, reviewing proposals and providing funding recommendations to the Georgia Division of Family and Children Services (Division) annually. To further its primary objectives as a task force on children’s justice and meet its mandate, the Task Force continues to recommend supporting activities that improve and strengthen the investigation and prosecution of cases of child abuse and maltreatment-related fatalities, in addition to supporting projects that address new priorities identified in the three-year assessment.

Child Abuse Protocol Committee

Established to address its commitment to the multidisciplinary response to child abuse and neglect and to promote and support this as a statewide best practice, the committee has two primary objectives for its work on the Child Abuse Protocol:

- To promote and support a collaborative and coordinated multidisciplinary response to child abuse and neglect.
- To improve the effectiveness of the state's model and local child abuse protocols through a consistent statewide response.

Mandated Reporter Training Committee

The Task Force established the Mandated Reporter Training Committee partly in response to the dramatic increase in reports following implementation of the state's 24/7 call line for reporting suspected child abuse in 2013 and partly in response to additional findings in the 2015 three-year assessment. The objectives of the committee are:

- To improve the quality and consistency of mandated reports to ensure that when a report is received, the call center has the information needed to determine the appropriate response assignment by:
 - Promoting and supporting quality training for mandated reporters that is consistent with current child welfare policy and practice
 - Reducing the frequency of inappropriate reports and improving the quality and consistency of reports so that better assignment decisions can be made when a report is received

Child Fatality Investigations Committee

The Child Fatality Investigation Committee was established to increase awareness of maltreatment-related fatalities and to promote best practices in responses and assessments in cases where maltreatment may have been a cause or contributing factor. The objectives of the Child fatality Investigations Committee are:

- To promote and support timely, consistent, and coordinated response, and effective investigation of maltreatment-related deaths
- To improve the identification of maltreatment in any child death but particularly in medical/natural deaths or cases involving victims with special needs
- To improve the identification and evaluation of cases of prenatally exposed infants in sleep-related deaths

Special Needs Committee

The Special Needs Committee continues to play a role on each of the other Task Force committees to ensure that their activities and recommendations align with CJA goals and objectives regarding child victims with special needs. This interest of this committee extends to child victims with complex health and medical needs.

Sex-Trafficking Committee

This committee was established in response to concerns related to the ongoing challenges in identifying, engaging, and providing appropriate placements and services for trafficked youth. Due to recent changes in the oversight and management of the state's plan to meet the needs of this population, the committee will consider next steps as it monitors implementation of the new plan.

Child Representation Committee (Quality Legal Representation Committee)

The Child Representation committee was established to improve child representation standards and compliance with CAPTA requirements. Georgia's CJA Task Force has been involved in previous efforts to ensure that all children in dependency cases have representation. This included a Performance Improvement Plan (PIP) in 2009 that resulted in updates to policy and the state's statewide child welfare data system (aka SHINES) to facilitate the collection of information on the appointments of attorneys and/or CASAs. This committee's interest in improving the quality of legal representation for all parties involved in juvenile court proceedings became the subject of the 2021 three-year assessment.

Georgia's CJA Task Force also serves as one of Georgia's three CAPTA Panels. The purpose and objectives of a CJA multidisciplinary task force and a CAPTA citizen review panel are complementary and share several legislative requirements. Although the priorities of the CJA Task Force are rooted in the investigation, prosecution, and judicial handling of cases of child abuse and neglect, interests span the full spectrum of family involvement in the child protection system, for all types of families and children of all ages. Serving this dual role provides unique opportunities to address overlapping mandates.

II. 2018 Three-Year Assessment System Impact

Describe highlights of progress made related to goals/recommendations from the assessment completed in 2018

The overarching goal of the 2018 three-year assessment was to improve the quality and consistency of investigations of child maltreatment and maltreatment-related fatalities by identifying opportunities to encourage and support additional training for investigators and those who respond to reports. To that end, the assessment resulted in recommendations that supported this goal. Evaluating the impact of those recommendations has been far more challenging than identifying them.

2018 recommendations included...

1. Regular review and update of training on child abuse and neglect in response to changes in child welfare law, policy, practice or procedures, and communication of those changes through appropriate channels to reach professionals impacted by those changes. All trainings should include an appropriate evaluation of its effectiveness with clearly identified, measurable learning objectives.

Update: The Division has made efforts to inform and engage its partners on changes to policy and practice. In addition to incorporating these changes into new caseworker training, professional excellence training for veterans, or specialized training for the field, the Division has engaged with partners in the review and update of their training. The Office of the Child Advocate, as the entity responsible for maintaining the state's model child abuse protocol, obtains feedback on an annual or semi-annual basis, most recently in 2020, on changes at both the state and local level to the multidisciplinary response to child abuse and neglect. These changes and their impact are conveyed to constituent groups and incorporated into training, as needed. An example of an effective collaboration between the Division, several community partners, and the Task Force was an update to a train-the-trainer mandated reporter training in 2019-2020 that combined an on-demand online course component with a live training event.

2. Professionals involved in any aspect of a case involving child maltreatment (law enforcement, prosecutors, Special Assistants Attorney General (SAAG), child, parent and Guardian ad Litem attorneys, coroners, child death investigators, and other first responders) have training on child abuse and neglect as it relates to their roles and responsibilities. Training for all disciplines should include child development, the effects of trauma, and strategies for handling victims with special needs. This should include opportunities on an ongoing basis for professional development, refresher training, updates on recent changes, and/or new trends and research that impact practice.

Update: Professional groups, particularly those that are represented on the Task Force, who have an essential role in the identification, investigation, and prosecution of cases of child abuse and neglect

are alerted to changes that need to be reflected in training for their constituent groups. Often changes in training have been incorporated as result of that association. The Task Force has supported projects and activities that specifically address this recommendation, such as Child Advocacy Centers of Georgia's One Team Conference, the Summit hosted by the Office of the Child Advocate, Emory Summer Intern Advocacy Program, Medical Network training co-sponsored by the Division and Children's Healthcare of Atlanta, and including updates of the state model child abuse protocol and development by the Task Force of a model protocol for the Multidisciplinary Investigation of Juvenile Deaths.

3. As it is legislated that paramedic programs be administered by an accredited program or a program affiliated with an accredited institution, similar education and training standards should be considered for emergency medical technician (EMT) preparation programs.
4. In addition, the position of coroner is an elected position in Georgia. No medical or educational qualifications, beyond high school, are required to serve. Related specifically to child fatality investigations, it is recommended that basic training for coroners include training on child maltreatment in addition to eight hours on child deaths. It is also recommended that child maltreatment-related content be included in their required annual in-service training.

Update: The above two recommendations applied to professional groups not represented on the Task Force and governed by entities outside of the direct influence of the Task Force. However, efforts continue through several channels to promote increasing the education and training of these individuals, who play a vital role in ensuring that maltreatment-related fatalities are properly identified. One of these is the GBI Office of Child Fatality Review, which provides training to individuals on the scene such as first responders, law enforcement and coroners.

For the Division, the Task Force offered several recommendations related to its workforce training:

- Include training for DFCS case managers on civil and criminal processes and court preparation, including information on the Child Abuse Protocol (in new case manager training or require for ongoing training)
- Conduct cross-discipline trainings on child abuse and child fatality investigations with all disciplines, including medical, but particularly with law enforcement and case managers
- Explore new ways to reinforce and supplement case manager learning through mini-webinars, social media, lunch-and-learns, and/or quick reference guides that take into consideration the limited time a case manager has for professional development
- Explore developing a phone app as a quick reference guide for case managers and others involved in child maltreatment investigations.

Update: The Division has been very responsive to Task Force input on workforce training as demonstrated by its inclusion as a priority in the state's CAPTA plan. Topics identified as a need in the three-year assessment have been addressed as appropriate in training for caseworkers. Reports from the field on the quality of training provided to new and veteran caseworkers is always positive. The Division is innovative in its training as evidenced by its venture into the realm of virtual training to reinforce critical thinking. Its training is often inclusive of its partners and collaborative both in terms of delivery and participation, as in the Medical Network Training, for example. While there were some preliminary discussions regarding a phone app resource for assessing injuries on the scene, no action was taken.

The Task Force acknowledges that the reception to, and the implementation of, any recommendation and the subsequent measurement of its impact on the system by the intended constituent group is largely dependent on clearly stated objectives and expected outcomes. The Task Force plans to incorporate these tenets in the development of its 2021 recommendations.

Update: 2015 Three-Year Assessment System Impact

In 2020, the Task Force successfully fulfilled its longstanding priority to align statutory definitions of child abuse and neglect in different sections of Georgia Code, a need identified in the 2015 three-year assessment. Inconsistencies in legal definitions of child abuse and neglect gave rise to interpretive differences that hindered the identification, reporting, and response to suspected child abuse and neglect by private and public agencies and child welfare system actors with legal responsibility for child protection.

In its 2015 system assessment, the Task Force undertook an exhaustive study of the statutory approaches to defining child maltreatment and its various forms throughout the Georgia Code. Specific focus was placed on the definitions codified in the Social Services Act (Title 49), the Juvenile Code (Title 15, Chapter 11) and select provisions contained within Title 19 (Child Custody), particularly those concerning mandated reporting of child abuse. Additionally, the Criminal Code (Title 16) and the Education Code (Title 20) were reviewed. This research was supplemented by a limited number of qualitative interviews with child welfare agency staff, law enforcement personnel, and children's hospital staff, and examination of the state's model Child Abuse Protocol.

Task Force members observed that while the definitions were not in conflict, inconsistencies in the way child abuse and neglect were described in statute produced inconsistent responses in the way various authorities (e.g., education, law enforcement) responded to allegations of child maltreatment. Discrepancies in statutory schemes had developed because of the piecemeal fashion in which legislative amendments occur, and fractured investigatory practices had followed as a matter of implementation. Specifically, the comprehensive revision of Georgia's Juvenile Code, enacted in 2014, had created disconnects between the definitions that govern reporting and those that govern judicial determinations of dependency. Moreover, practice challenges

were revealed in the Division’s investigations of maltreatment-in-care reports, and subsequently, in the implementation of the child abuse registry.

After the Task Force submitted its recommendations to Division leadership, the Division Director and General Counsel collaborated with the Executive Director of the Barton Center and Task Force Co-chair and others (including the Prosecuting Attorneys Council, Georgia Court Appointed Special Advocates, the Georgia Supreme Court Committee on Justice for Children (the state’s Court Improvement Program), the Georgia Association of Criminal Defense Lawyers, and the Office of State Administrative Hearings) to develop a legislative proposal to amend the definition of “child abuse” in the mandated reporter statute. The targeted statutory scheme establishes the legal standard and duty of mandated reporters to report reasonable suspicions of child abuse and neglect and the thresholds for report intake and investigation by child protective services. A final proposal, agreed to by the ad hoc working group in September 2017, was designed to align definitions across code sections and to simplify and clarify the definitions in the mandated reporter statute to facilitate more consistent and better-quality reporting and child protective services response.

The Barton Center worked in partnership with the Division’s governmental affairs and legal staff to move the proposal forward during the 2018, 2019, and 2020 legislative sessions of the Georgia General Assembly. In 2019 and 2020, the Division included the proposed amendment redefining “child abuse” in the mandated reporter statute as an agency priority submitted for consideration by the Governor’s office. Once permission was obtained, the proposal was, in fact, included in an omnibus child welfare bill prepared as part of Governor Kemp’s legislative package in the 2020 legislative session. Unfortunately, the public health emergency created by Covid-19 disrupted the session and the bill stalled. The administration’s bill was recrafted and reintroduced in the 2021 legislative session as Senate Bill 28, including the provisions revising the definition of “child abuse.” SB 28 received full passage and was signed by Governor Kemp on May 3, 2021. Its provisions will take effect on January 2, 2022, a delayed effectiveness date to allow the Division time to develop corresponding policy.

III. 2021 Three-Year Assessment Process

Provide narrative detailing approach used by the Task Force, including:

- *Participants*
- *Implementation*
- *Data sources or other resources used*
- *Tools or surveys, including how they were developed.*

The quality of child representation has been a long-standing interest of the Task Force and the subject of a potential collaborative opportunity that was explored in 2019 and again with several stakeholders during the development of the state's 2020-2024 Child and Family Service Plan.

In 2020, in response to recent changes in federal legislation allowing IV-E reimbursement for administrative costs related to legal representation, a stakeholder group (QLR Project) was convened and included, in addition to members of the Task Force, the Division's General Counsel, and representatives from the Court Improvement Program, Office of the Child Advocate, Georgia CASA and other relevant stakeholders to explore opportunities, evaluate current practice, and coordinate efforts among the various state plans to maximize the benefits of IV-E funding.

Approved in 2020, Georgia's state CAPTA Plan, revised in a collaborative effort between the Division and Georgia's CAPTA Panels, including the Task Force, the stakeholders identified above, and other community partners, also included a focus on child representation. This included establishing best practice standards and training for child attorneys/Guardian ad Litem (GALs) and promoting quality representation for children within the agency and among judicial partners.

These factors, reinforced by presentations at the annual CJA Grantee meeting in 2020, resulted in a Task Force decision 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.

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 that supported quality representation. To assist in this first step, Emory University law students conducted a fall research project on the subject. An outline of the assignment is attached as Exhibit 1.

The students' research results were presented to the Task Force and collaborative partners in November 2020. A copy of the presentation summarizing the results is attached as Exhibit 2. The full report is attached as Exhibit 3. The results informed the Task Force's 2021 assessment, identifying several opportunities that could be explored.

Based on the students' research findings, the Task Force decided that 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. This included:

- Formal system of statewide oversight
- Training and specialization
- Compensation
- Caseloads
- Local administrative, operational, and supervisory support
- Interdisciplinary practice

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 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, potential strategies that may contribute to improving or supporting quality legal representation, compensation practices, professional development and training supports, and case practices. A copy is attached as Exhibit 4.

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 slightly different 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 was distributed with a survey link was 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. Copies of both surveys are attached as Exhibits 5 and 6.

Paper survey forms submitted by judges were 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 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 about 30 of the state's 49 circuits.

Key Survey Findings

In addition to the students' research findings, the results of the attorney and judge surveys support opportunities for Task Force advocacy and support. For analysis purposes, attorney survey respondents were grouped into the following categories:

- SAAGs (87 respondents)
- Child, parent, and GAL attorneys (130 respondents)
- Other respondents (27 respondents; results should be interpreted with caution)

The key survey findings regarding improvement and support of quality legal representation are presented in this document. A final comprehensive report on survey findings will be available in June 2021.

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), and N/A.

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:

- Judges and other attorney survey respondents tended to rate a formal system of statewide 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 1. Average 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

*These included a few judges, court staff attorneys, legal services and third-party attorneys, and other advocates/staff.

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 somewhat higher by SAAGs and parent, child, and GAL attorneys compared to the other groups
- Variable compensation rates based on case complexity was rated higher by parent, child, and GAL attorneys compared to the other groups

Table 2. Average Ratings on Compensation Measures

Compensation Measure	SAAGs		Parent, child, or GAL attorneys		Other attorney survey respondents		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 3. Professional Development Supports

Professional Development Support	SAAGs	Parent, child, or GAL attorneys	Other attorney survey respondents	Total attorney survey respondents	Judges
Trial skills, motions practice, and evidence training specific to dependency	72.5%	83.6%	75.0%	79.0%	84.1%
Specialized training in child welfare dependency law	66.3%	74.6%	100.0%	72.4%	84.1%
Georgia-specific practice materials and forms	55.0%	81.1%	75.0%	71.0%	72.7%
Case consultation with peers	37.5%	55.7%	50.0%	48.6%	29.5%
Child Welfare Law Specialist certification	30.0%	51.6%	62.5%	43.8%	47.7%
Role-specific, pre-appointment training	27.5%	37.7%	62.5%	34.8%	40.9%
Peer community/network support	26.3%	39.3%	37.5%	34.3%	38.6%
Organized mentoring/coaching	23.8%	31.1%	62.5%	29.5%	43.2%
Guidance and feedback from supervisors	10.0%	19.7%	62.5%	17.6%	22.7%
Formal client feedback mechanism	12.5%	14.8%	50.0%	15.2%	22.7%
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 4. Training Topics

Training Topic	SAAGs	Parent, Child, or GAL Attorneys	Other attorney survey respondents	Total attorney survey respondents	Judges
Ongoing case law and legislative updates	78.8%	82.8%	75.0%	81.0%	63.0%
DFCS policy and practice	63.8%	82.8%	75.0%	75.2%	67.4%
Evidence and trial skills	71.3%	68.0%	87.5%	70.0%	58.7%
Specialized training in child welfare dependency law	58.8%	67.2%	87.5%	64.8%	73.9%
Legal strategies to expedite permanency	55.0%	65.6%	62.5%	61.4%	69.6%
Other topics relevant to child welfare (e.g., immigration, homelessness, education advocacy, reasonable efforts)	35.0%	56.6%	50.0%	48.1%	47.8%
Trauma-responsive practice	26.3%	51.6%	62.5%	42.4%	39.1%
Virtual practice/remote representation skills	22.5%	28.7%	0.0%	25.2%	26.1%
Diversity, equity, implicit bias, inclusion	8.8%	24.6%	50.0%	19.5%	26.1%
Total Responses	80	110	20	210	46

In summary, these findings support Task Force recommendations and 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
 - 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
 - Specialized training in child welfare dependency law
 - Legal strategies to expedite permanency

IV. Policy and Training Recommendations

Outline policy and/or training recommendations that resulted from the assessment and will guide the work of the Task Force for the next three-years.

The objective of the Task Force's 2021 Three-Year Assessment was to identify opportunities to promote and support strategies identified in the assessment as having the potential to improve the quality of legal representation for children and parents in dependency cases.

The survey was designed to explore status and interest in the following:

- Formal system of statewide oversight
- Local administrative, operational, and supervisory supports
- Training and specialization: Certifications, pre-appointment training, and professional development
- Compensation structure: Statewide/local levels, benchmarks, and incentives
- Caseloads limits: Minimum and maximum
- Interdisciplinary team model: Practice of teaming lawyers with workers from other disciplines, such as social workers, educational advocates, mental health professionals, and parent peer advocates, to expedite permanency

Overall, survey responses suggest that there are several opportunities, some inter-related or inter-dependent, that meet the objectives of the Task Force and either rise to the level of a recommendation or present additional opportunities to explore that the Task Force will include in their plans for the next three years. Those recommendations include:

Category A. Improving investigative, administrative, and judicial handling of cases of child abuse and neglect, including child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family and which also ensures procedural fairness to the accused.

Survey questions relating specifically to training and professional development revealed several opportunities to support identified training needs, whether pre-appointment, certifications, or on-demand options to acquire specialization; keep up-to-date on federal initiatives and changes to state law and policy; and/or enhance practice skills. Specifically related to professional development, the Task Force recommends that the annual document soliciting proposals for training activities identify and prioritize training for parent, child, and guardian ad litem attorneys that meet these objectives, including providing additional options for delivery (frequency, format) that expand training opportunities and include multidisciplinary options. In the survey results, the Task Force identified several training opportunities it would recommend supporting, such as trial

skills, motions practice, and evidence training specific to dependency; role specific pre-appointment training; etc.

Access to CJA funds can be limited for specialized training and professional development opportunities for individuals or small groups by the annual solicitation and contracting process currently used. To increase access to funds, it is recommended that alternative protocols be identified to supplement the annual proposal solicitation process and support a wider variety of more individually targeted training and professional development. For example, providing a financial incentive to attorneys who complete CWLS certification or covering travel costs that may be a barrier to attending a national training event on implementing interdisciplinary practice.

The Task Force has several long-standing priorities and interests that include multidisciplinary training for a wide spectrum of professionals involved in the handling of cases of child abuse and neglect. These projects, supported by CJA grant funding, will be required to incorporate content relevant to their target population into their proposed plans for 2022-2024 that will support improvement in the quality of legal representation.

Category B. Experimental, model, and demonstration programs for testing innovative approaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children, and which also ensure procedural fairness to the accused

Of special interest to the Task Force was the interdisciplinary team approach identified by the research project as an effective strategy for improving legal representation. This interest was also driven in part by the participation of several Task Force members on a quality legal representation work group involved in a developing an interdisciplinary model pilot project. To gauge interest and support for this approach, a question was included on the survey to assess whether the interdisciplinary model would be seen by attorneys and judges as a practice that would contribute to the quality of legal representation. Responses that this would contribute “very much” or “a great deal” indicated significant support by child and parent and GAL attorneys, (78.5%), SAAGs, (42.0%) and judges (64.8%). As a result, the Task Force recommends promoting and supporting innovative practices that utilize more collaborative approaches to representation, such as an interdisciplinary model.

Category C. Reform of state law, ordinances, regulations, protocols, and procedures to provide comprehensive protection for children, which may include those children involved in reports of child abuse or neglect with a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, from child abuse and neglect, including child sexual abuse and exploitation, while ensuring fairness to all affected persons.

Survey responses also suggest that there was both a need and appetite for some level of formal system of statewide oversight for child, parent, and guardian ad litem attorneys to establish practice standards to improve both quality and consistency and to provide equitable and on-demand access to resources and training. The Task Force is recommending that a study be commissioned, and funded by the CJA grant, to explore the viability of this opportunity to determine how this might be structured and implemented, recognizing that it would likely require legislative action to establish new agency/organization or add the responsibility for statewide oversight of one or more of these attorney groups to an existing entity.

V. Incorporating New Recommendations into Task Force Activities

Provide preliminary information on activities that will be undertaken over the next three years to address recommendations

The survey conducted by the Task Force yielded a great deal of information that will need additional analysis, not only to provide further insight into findings that were the basis for recommendations but to also identify additional opportunities that may have the potential to inform planning over the next few years.

With respect to the study on the viability of establishing a statewide entity to serve as a centralized organization, Task Force activities in the first year will include development of a framework for the study that includes entity role, responsibilities, structure, barriers, champions, fiscal requirements, etc. and identify/select a qualified individual or entity to conduct such a study. During the second year, the study would be conducted, results analyzed, and identify viable options for consideration. In the third year, based on preferred option, the Task Force would develop a plan for implementing recommended path forward.

With respect to training, the Task Force recognizes that it is necessary to inventory training and professional development opportunities currently available to develop a plan for addressing unmet needs identified in the survey. This inventory will include costs, objectives, target audience, requirements, national, state, and local focus and/or entity responsible, etc. Data gathered in year one will inform training activities and projects supported in years two and three. This includes encouraging priority projects to incorporate content that supports or enhances the quality legal representation for all parties involved while reducing trauma experienced by victim and ensuring fairness to the accused.

The Task Force will also revisit its protocol for identifying and selecting sub-grantees as well as exploring more effective methods of evaluating sub-grantee performance.

With respect to supporting experimental, model or demonstration programs with the potential to improve the quality of legal representation, the Task Force will explore innovative practices that support quality representation and take an active role in identifying sub-grantees that may be interested in implementing a pilot project. One such opportunity is the concept of ‘organized mentoring/coaching’, either as a project within a vertical organizational structure (single judicial circuit) or as a peer-to-peer mentoring project between one or more jurisdictions).

“Higher pay” was a frequent comment expressed in open-ended questions and reflected in several compensation-related questions in the survey. The Task Force will consider doing some additional analysis or working with another group interested in looking at this issue, as compensation rates were a related factor in several questions on the survey, such as incentives or higher rates for specialization or based on expertise and or experience.

A special thanks to the many Task Force members who contributed to the three-year assessment...

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Exhibits

1. Emory University School of Law, Policy Project
2. Quality Representation Matters Presentation
3. Quality Representation Matters Report
4. Attorney Survey (online version)
5. Juvenile Court Judges Survey (paper version)
6. Juvenile,Court Judges Survey (online version)

Emory University
School of Law
Policy Project
Fall Semester 2020

Subject: Quality Legal Representation in Dependency Proceedings

Research on child welfare system outcomes supports a value for competent legal representation for the child welfare agency, parents, and children and youth in dependency proceedings. For these reasons, in 2017, the U.S. Children's Bureau (CB) published guidance encouraging child welfare agencies, courts, and Court Improvement Programs to work together to ensure that children and youth, agencies, and parents receive high quality legal representation at all stages of dependency proceedings as part of a well-functioning child welfare system. The CB, in 2019, reinforced its position through a policy revision authorizing states to claim federal funding for costs of "independent legal representation" for children and parents. Newly added in April 2020 is further clarification that administrative costs for paralegals, investigators, peer partners, or social workers may also be claimed as title IV-E administrative costs "to the extent that they are necessary to support an attorney in providing independent legal representation to prepare for and participate in all stages of foster care legal proceedings" for candidates, youth, parents.

This expanded federal funding opportunity has energized efforts within Georgia to increase capacity for legal representation and improve the quality of representation afforded to all parties in dependency proceedings. The first step is to determine *what constitutes quality legal representation?* This project will involve understanding the federal and state statutory context for legal representation in dependency proceedings; synthesizing available research on the effectiveness of parent, child, and agency representation; consulting with issue constituents; and identifying the features of a model approach. The output will be an assessment framework created for the Children's Justice Act Task Force identifying domains of inquiry from a variety of system stakeholders.

Background

A policy project assigned to a team of law students enrolled in the Barton Policy Clinic in the fall 2020 semester and was completed August-November 2020. As a requirement for the JD program, law students are required to complete 6 hours of experiential learning. Clinics are in-house experiential learning courses taught by Emory Law faculty, which offer students a range of opportunities to apply their knowledge, integrate theory with practice, and further develop lawyering skills.

The Barton Policy Clinic is an in-house curricular offering through which students will engage in public policy development and advancement through research, training, and support to the public, the child advocacy community, leadership of state child-serving agencies, and elected officials in Georgia. Students in the clinic work in teams to conduct extensive research, gather data and stakeholder perspectives, analyze legal authority and issue context, identify options for changing policy, plan strategies, and assist organizational clients in efforts to improve the juvenile court, child welfare, and juvenile justice systems. Approximately 9 law and other graduate students are selected each semester to participate in the clinic.

Students selected for enrollment in the policy clinic receive 3 hours of graded credit for the fulfillment of 150 hours of work. Accordingly, students commit to 11-12 clinic hours per week to a routine schedule that is established at the beginning of the semester. Adjustments to clinic hours are to be requested in advance whenever possible, and hours missed must be made up. Students submit weekly time sheets accounting for their activities and hours, and students must complete the full 14-week semester.

Quality Legal Representation Child Dependency Proceedings



Cole Donahue
Abbie Blaker
Joshua Santangelo

Methodology

- Individual research
- Stakeholder interviews
 - Emma Brown Bernstein (Fulton Cty. Public Defenders Office)
 - Angela Tyner (GA CASA Advocacy Director)
 - Judge Amber Patterson (Presiding Judge Cobb Cty. Juvenile Court)
 - Chris Hempfling (Georgia DFCS General Counsel)
 - Roberta Cooper (Interim Director, Fulton Office of the Child Advocate)
 - Dr. Pauline Ewulonu (Educational Advocate, Fulton Office of the Child Advocate)

Why now?

- 2019: States may now claim reimbursements under Title IV-E for the costs of independent legal representation of parents and children in dependency cases
- 2020: States may now claim reimbursements for costs of paralegals, social workers, investigators etc
- Nationwide push for improved quality in dependency representation
 - Optimal time to push this idea for legislative change



Effects on Children

- Alleviates anxiety, uncertainty and voicelessness in the dependency process
 - Greater understanding of what is happening in their cases
 - Advocate for the child's voice
 - Increased ability for child to have agency
- Decreased stays in foster care
 - Less likely to be removed from families
 - Expedited rates of permanency
 - Decreased reentry into the system
 - Increased rates of reunification
- Assistance with collateral legal issues



Effects on Parents

- Protects family integrity by avoiding removal and expediting reunification
- Allows better case planning and more rapid and efficient movement through the court system
- Encourages parents to be a larger part of the proceedings
 - Increased perceptions of fairness
 - Increased participation in case planning and service plans
 - Increased presence at court which coincides with judge's perceptions of a parent's commitment to their child



Effects on Governments

Lack of QLR is a bidirectional waste of taxpayer dollars

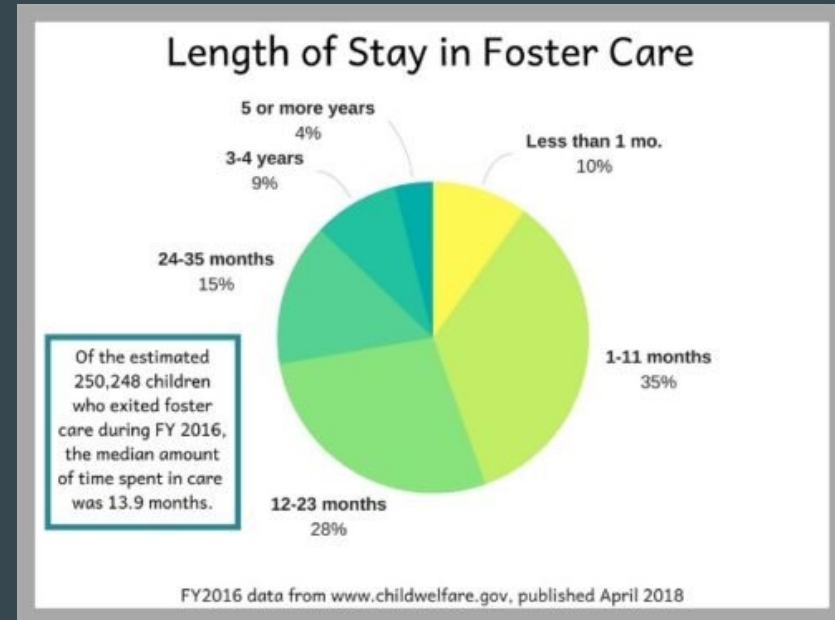
- Front End:

- Higher rates of removal to foster care
- Lower rates of permanency out of foster care
- Longer time spent in foster care on average



- Back End:

- Higher crime rates
- Lower educational attainment
- Higher rates of poverty



Trainings

- Providing attorneys with specialized child welfare training and coaching results in more effective, higher quality representation
- Three levels of training:
 - National conferences and symposiums
 - State level training and conferences
 - Informal communal connections and formal state offices
 - Internal organizational/jurisdictional training
 - Mentorship options
- Diversity, racial bias and cultural humility training
- Child Welfare Legal Specialist Certification



Funding and Compensation in a QLR Model

- Majority of funding currently comes from states and localities
- Largest federal funding source is IV-E followed by TANF and IV-B



Compensation and Caseload in QLR Model:

- Attorneys must be compensated for both in-court and out-of-court work
- Salary or hourly rate must be set on a state level, not county-by-county
- Compensation must be consistent with other publically-funded attorneys
- Statewide caseload limit should be closer to 60 or 70 cases per year rather than 100

System Support Oversight and Vertical Structure

- Without guidance and oversight, attorneys may provide subpar representation
- Attorney managers can serve multiple roles:
 - Mentors that help guide new attorneys and provide on-the-job education
 - Ensure that attorneys are meeting uniform standards and discipline attorneys that are not meeting these standards
 - Act as liaisons with the court and ensure quick assignment to cases, timely payment of attorneys and low caseloads.
- Client feedback can improve these systems and allow clients to feel heard.



Interdisciplinary Representation Model

- The Interdisciplinary Team
 - Attorneys
 - Child attorney
 - Parent attorney
 - Educational advocate for children
 - Social workers and mental health professionals
 - Parent peer advocate
- Organization
 - Employed by offices dedicated to child welfare
 - Jurisdictionally appointed and supplied by courts
 - State trained and employed professionals



Current Georgia Dependency Model



- Strengths:

- Strong coalition of stakeholders that want to see change
- Statutory law that guarantees parents representation in all dependency proceedings
- Statutory law that guarantees children representation defined by attorney/client relationship and encourages GALs whenever possible

- Weaknesses

- Decentralized structure creates major county-by-county disparities
 - Lack of financial security for attorneys in counties where they are treated as independent contractors and counties with late pay models (Cobb)
 - Lack of vertical and horizontal structure create stressful environments and poor access to information
 - Conflicts of interest in counties where judges act as attorney supervisors (Douglas and Forsyth)
 - Even in wealthier counties there could be more interdisciplinary models and better trainings

New Funding

- Title IV-E of the Social Security Act
 - Expected to be \$8.6 billion for the year
 - States send in reports for reimbursement
- CAPTA
 - To access funding, a state must submit a plan with various requirements
 - This includes what child abuse prevention services will be provided
 - Also includes provision of training for CPS workers and mandatory reporters
- Alternative funding sources
 - IDEA may be used for educational funding with the argument that advocates are necessary for provision of FAPE
 - VOCA funds may be used by arguing that representation for children and parents who are the victims of crimes, especially domestic violence, are necessary services



Three Possible Structures for Georgia

Existing Agency Model

Pros

- Structure already exists
- Lower start-up cost
- More palatable politically to establish
- IV-E reporting simplified

Cons

- May inherit poor practices from parent agency
- Funding must be specifically earmarked

New Agency Model

Pros

- New culture can be created
- Smaller risk of funds being diverted
- IV-E reporting simplified

Cons

- Very high startup cost
- More difficult to convince policy makers and legislators to support

Contracting Model

Pros

- Very low startup cost
- External orgs already staffed by passionate professionals
- Charitable funding can supplement funding from state

Cons

- IV-E reporting more difficult
- Less control over uniformity of representation
- Organizations found less often in rural areas

Conclusion

- Empowers children and families
 - Greater participation
 - Greater perceptions of fairness
- Decreases stays in foster care for children
 - Lower rates of removal
 - Higher rates of reunification
 - Faster exits to permanency
- Promotes tailored service plans
- Informs better judicial decision making
- Cost savings to the state

Recommendations

- State office oversight
 - Existing agency
 - New agency
 - Contracting model
- Regular, uniform, specialized trainings
- Compensation in line with other publicly funded attorneys
- Reasonable case limit for child welfare attorneys
- Vertical oversight structure
- Interdisciplinary Model

REPRESENTATION MATTERS:
Advocating For A Quality Legal Representation Model In Georgia Dependency Proceedings

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INTRODUCTION

As of January 2019, the Department of Health and Human Services' Children's Bureau revised the Child Welfare Policy Manual to allow states to claim federal Title IV-E reimbursements to cover independent attorney costs for children and parents in all foster care related proceedings. Additionally, as of April 2020, states may now claim Title IV-E reimbursements for costs associated with paralegals, social workers, investigators, and other support staff for independent child or parent representation. This new policy, combined with a nationwide push to improve the quality of legal representation of parents and children in dependency cases, has prompted Georgia to consider the state of its own parent and child representation, and to consider how it may take advantage of this new funding to improve the quality of that representation.

Improved quality in the representation of parents and children benefits all stakeholders from children to parents to communities and to the state itself. By increasing rates of family reunification, lowering the rates of foster care entry, and reducing the average length of time spent in foster care, children and parents avoid trauma, children improve educational outcomes, parents become more cooperative with state actors, and state and local governments save tens of millions, hundreds of millions, or even billions of dollars spent on foster care and healthcare every year. Additionally, society as a whole avoids unnecessarily setting children on courses of poverty, poor education, health issues, and crime, thereby reducing the lifetime societal costs that result when children are taken from their families and forced into foster care.

To improve the quality of representation provided to parents and children and to maximize financial and societal advantage, Georgia should consider redesigning the structures and systems currently in place. Replacing the highly decentralized approach currently in place

with a centralized, statewide approach would allow for more consistent compensation, lower caseloads, improved interdisciplinary support for attorneys, and more adequate attorney training.

BENEFITS TO STAKEHOLDERS

A. Effects on Children and Parents

Research demonstrates that both children and parents benefit from quality legal representation. When children receive quality legal representation from the beginning of their case, they are less likely to be removed from their families and less likely to enter into foster care.¹ Based on the facts of the case and the wishes of the client, an attorney can contest removals, seek out respite care providers in relatives or family friends, identify public service resources to combat economic hardship and advocate for safety plans that can prevent placement in the foster system altogether. Not only do these outcomes prevent traumatic experiences for children, but they also protect family integrity by keeping families together and expediting their reunion when they are separated.²

Both child and parent attorneys can also help the family to address collateral legal issues that could contribute to their having contact with the child welfare system, which can prevent children from entering into foster care or help them return home on an expedited plan.³ This

¹ Critical decisions are made from the point of the child's first hearing regarding their placement. When children are left without an advocate to communicate on their behalf, unnecessary removals are more likely to occur. Telephone Interview with Roberta Cooper, Interim Director, Office of the Child Attorney, Fulton County (Oct. 5, 2020); Elizabeth Thornton & Betsy Gwin, *High Quality Legal Representation for Parents in Child Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings*, 46 FAM. L. QUARTERLY 139 (Spring 2012).

² Foster care is such a traumatic experience for most children that an MIT study suggests that in marginal cases, those who stay with families, even if they experience abuse or neglect, fare better in the categories of juvenile justice, teen pregnancy and employment. Joseph Doyle, Jr., *Child Protection and Child Outcomes: Measuring the Effects of Foster Care*, 97(5) AM. ECON. REV. 1583 (2007).

³ Memorandum from the U.S. Dept. of Health and Human Services, Administration on Children, Youth and Families to State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and

collateral assistance could include addressing housing needs, healthcare and public benefit issues, domestic violence safety planning or any combination of problems facing the family with legal remedy.⁴ Addressing these issues will help the family in the long run by creating a more stable home environment and may avoid future neglect filings that target impoverished communities.⁵

Further, having an attorney from the beginning of their case to advocate for their interests, provide legal counsel and explain the judicial process helps both children and parents to feel empowered and secure.⁶ Empirical research suggests that when children are represented early in their cases, permanency is achieved at an expedited rate, resulting in shorter stays in foster care, reduced trauma to the child and cost savings for the state.⁷ Children involved in the child welfare system often have little understanding of what is happening to their families, or in their court cases. This uncertainty and confusion become a source of tremendous stress and long

IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs (January 17, 2017)

<https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>.

⁴ *Id.*

⁵ Neglect charges often targets indigent communities by holding families accountable for the byproducts of poverty such as poor heating and air conditioning, hazardous housing, health problems, insufficient nutritional diets, and neighborhood crime... Holistic representation that deals with housing, immigration status, etc. can mitigate these charges. Christina White, *Federally Mandated Destruction of the Black Family: The Adoption and Safe Families*, 1 NW. J. L. & SOC. POL'Y 303, 314 (2006).

⁶ Memorandum from the U.S. Dept. of Health and Human Services, Administration on Children, Youth and Families to State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs (January 17, 2017)

<https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>.

⁷ In Washington State, children were found 40 percent more likely to experience permanency within 6 months of placement when represented by an attorney trained and practicing under a quality representation model. Children who receive quality legal representation have also been shown to achieve significantly higher rates of exit to permanency. A Palm Beach, Florida study found that when children's attorneys practiced under their quality representation model, their child clients had a significantly higher rate of exit into permanency as a function of much higher rates of adoption and long-term custody. The study also found slightly increased rates of reunification for children, meaning the increased rates of adoption did not offset initial reunification goals; *Id.*; Olebeke, Zhou, Skles & Zinn, Evaluation of the QIC-ChildRep Best Practices Model Training for Attorneys Representing Children in the Child Welfare System, Chapin Hall (2016). <http://www.chapinhall.org/qicreport>; Andrew E. Zinn, & Jack Slowriver, Expediting Permanency: Legal Representation for Foster Children in Palm Beach County. Chapin Hall Center for Children at the University of Chicago (2008).

lasting trauma for youth.⁸ This stress is compounded if they are removed from their families, as children who spend even short stays in foster care are more likely to experience Adverse Childhood Experiences,⁹ which can cause emotional and medical complications that last for decades.¹⁰ Children placed in the foster care system are three to five times more likely to experience mental health conditions like depression, anxiety and behavioral problems.¹¹ Due to the incredible amount at stake for the children involved, there is widespread agreement that children require dedicated legal representation in child welfare cases.¹²

Comparatively, when parents are provided with quality representation, it allows them to understand and participate meaningfully in the proceedings.¹³ The presence of a quality legal representative to guide a parent through the proceedings can increase a parent's perception of the fairness of the those proceedings, increase their engagement in case planning and court hearings,

⁸ Memorandum from the U.S. Dept. of Health and Human Services, Administration on Children, Youth and Families to State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs (January 17, 2017) <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>.

⁹ Children placed in foster care are more likely to experience Adverse Childhood Experiences than children across different thresholds of socioeconomic disadvantage. Kristin Turney and Christopher Wildeman, *Adverse Childhood Experiences Among Children Placed in and Adopted From Foster Case: Evidence from a Nationally Representative Survey*, 64 CHILD ABUSE AND NEGLECT 117 (February 2017).

¹⁰ Children who have Adverse Childhood Experiences experience biological changes in stress sensitive areas of the prefrontal cortex which can lead to shorter memory, triggering of fear response with less stimulus and weakened immune system. Child who have Adverse Childhood Experiences are also more prone to developing cardiovascular disease, metabolic disorders and neurodegenerative disorders later in life. Andrea Denise and Bruce S. McEwen, *Adverse Childhood Experiences, Allostasis, Allostatic Load, and Age-Related Diseases*, 106 PHYSIOLOGY & BEHAVIOR 29 (April 2012); The consequences of Adverse Childhood Experiences can result in lifetime mental health disorders. Daniel P. Chapman, Charles L. Whitfield, et. al., *Adverse Childhood Experiences and the Risk of Depressive Disorders in Adulthood*, 82 J. OF AFFECTIVE DISORDERS 217 (October 2004).

¹¹ Kristin Turney and Christopher Wildeman, *Adverse Childhood Experiences Among Children Placed in and Adopted From Foster Case: Evidence from a Nationally Representative Survey*, 64 CHILD ABUSE AND NEGLECT 117 (February 2017).

¹² Memorandum from the U.S. Dept. of Health and Human Services, Administration on Children, Youth and Families to State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs (January 17, 2017) <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>

¹³ Elizabeth Thornton & Betsy Gwin, *High Quality Legal Representation for Parents in Child Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings*, 46 FAM. L. QUARTERLY 139 (Spring 2012).

and lead to better outcomes including more personally tailored service plans.¹⁴ Studies show that when a parent experiences a sense of fairness, he or she will be more likely to comply with court orders, return for further hearings, trust the system, and will be less likely to repeat offenses.¹⁵

Additionally, increased parent engagement can have major effects on the outcomes of dependency cases. Studies also show that the presence of parents in the courtroom can have an influence on the judge's decision.¹⁶ Cases in which the mother was present at early hearings were far more likely to result in reunification as a goal and timelier reunification.¹⁷ For fathers, the presence of father and counsel at the disposition hearing was a significant predictor of the rate of reunification.¹⁸ Parents with quality representation are more likely to attend court hearings, and thus are more likely to be reunified with their children.

When the quality representation includes child and parent attorneys, all parties feel empowered and capable of voicing their concerns appropriately in the courtroom. Having an environment in which all parties are well informed, well-represented, and prepared helps to create equity within the legal system and will result in greater family integrity and less children entering and languishing in the foster care system.

¹⁴ Memorandum from the U.S. Dept. of Health and Human Services, Administration on Children, Youth and Families to State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs (January 17, 2017) <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>.

¹⁵ *Id.*

¹⁶ Partners for Our Children, Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing of Permanency Outcomes for Children in Foster Care (February 2011), http://partnersforourchildren.org/sites/default/files/2011_evaluation..._impact_of_enhanced_parental_legal_representation...discussion_paper.pdf (Accessed 9/15/2020); Detroit Center for Family Advocacy, Promoting Safe and Stable Families (May 2013), https://issuu.com/michiganlawschool/docs/cfa_report (Accessed 09/08/20).

¹⁷ *Id.*

¹⁸ Partners for Our Children, Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing of Permanency Outcomes for Children in Foster Care (February 2011), http://partnersforourchildren.org/sites/default/files/2011_evaluation..._impact_of_enhanced_parental_legal_representation...discussion_paper.pdf (Accessed 9/15/2020); Detroit Center for Family Advocacy, Promoting Safe and Stable Families (May 2013), https://issuu.com/michiganlawschool/docs/cfa_report (Accessed 09/08/20).

B. Effects on state and local governments

The current model of foster care and dependency in Georgia and the majority of the United States is a bidirectional waste of tax dollars. On one end, state governments and the federal government spend several billion dollars on foster care, subsidized medical care, and nutritional programs for foster children in the state's care.¹⁹ On the other end, the deficiencies of the current foster system dramatically worsen outcomes for children in foster care and result in higher rates of adult criminality, lower educational attainment levels, and higher rates of emotional and mental disorders.²⁰ In short, federal and state governments are paying an unnecessary premium for expensive foster care that inevitably requires those same governments to pay an unnecessary premium in the future while attempting to fix the damage that foster care caused.

The goal of a quality legal representation model would be to decrease time spent within foster care, decrease rates of removal from the home in cases on the margin, and increase rates of permanency from foster care. Children who achieve permanent reunification after a year spent in foster care with no recurrence of maltreatment incur, on average, an individual and societal cost over their lifetime (\$119,069) that was over 5 times smaller than the cost incurred by 4 years of foster care with no eventual permanency (\$626,000).²¹ For every dollar spent keeping children in foster care, society incurs a social return on that "investment" of -\$9.55.²² In contrast, organizations like New York's CFR mentioned above presents an incredible value proposition in its representation model. While in 2010 it cost New York state anywhere between \$30,000 and

¹⁹ Nicholas Zill, *Better Prospects, Lower Cost: The Case for Increasing Foster Care Adoption*, 35 ADOPTION ADVOCATE (May 2011).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

\$66,000 per year for a single foster child in New York, the cost of an entire case for CFR was only roughly \$6,000 per family.²³

Not only do states and the federal government benefit from quality legal representation on the front end (the costs of foster care and associated expenses), but they also benefit on the back end. The simple question of whether a child ever enters the foster system, and how long they stay within it, carries with it incredible effects on that child's future risk of criminality, unwanted pregnancy, substance abuse, educational neglect, and poverty which can cost governments potentially millions of dollars over the life of a child depending on the severity of the poverty, lack of education, or medical issues they experience.²⁴

STRUCTURES OF QUALITY LEGAL REPRESENTATION

A. Trainings and Certification

A growing body of empirical evidence demonstrates that providing attorneys with specialized child welfare training and coaching results in more effective, higher quality

²³ NYS Office of Family and Children's Services, Ten for 2010 (2010), http://www.ocfs.state.ny.us/main/reports/vera_tenfor2010.pdf

²⁴ A 2007 study of 15,000 children in contact with the child welfare system found that children in "marginal cases" (where there is not a consensus among social workers as to whether a child should be in out-of-home placement) experienced vastly different future outcomes depending on whether they were removed from their home or stayed in their home.²⁴ Children in marginal cases who were removed from the home were three times more likely to come into contact with the juvenile justice system, were twice as likely to experience teen pregnancy, and were less likely to hold jobs as young adults.²⁴ As these children become adults, they are two to three times as likely to be arrested, convicted, and imprisoned than if they were to remain at home with their family.²⁴ Children who are dumped into the foster system because they or their parents failed to receive quality legal representation in dependency and parental right termination cases are set up to fail. 70% of the marginal children who were removed from the home had future incomes below the poverty line, and 27% spent time in jail since leaving foster care.²⁴ States cannot afford to pay for 50 years of welfare for each person they failed as a child, especially when the alternative is vastly cheaper and results in happier, healthier, and more stable children, families, and communities; Joseph Doyle, Jr., *Child Protection and Child Outcomes: Measuring the Effects of Foster Care*, 97(5) AM. ECON. REV. 1583 (2007); Doyle, *supra* note 2, at 748, 766.

representation.²⁵ Child welfare law is ever-evolving and requires attorneys to be constantly learning of new developments in the field and how to utilize those developments practically to the best interest of their clients.²⁶ The American Bar Association has passed national standards of practice for parent and child attorneys in abuse and neglect cases which require a minimum number of annual child welfare training hours.²⁷ Trainings occur on national, state and internal organizational levels.

National conferences and symposiums on child welfare issues are an exceptional resource for child and parent attorneys as they concentrate experts from multi-state jurisdictions to discuss new developments in the law, models and experiences in practice, and insights from across the country.²⁸ However, access to these national events is often predicated on the attorney's office's ability to pay for their attendance or the ability of the attorney themselves to pay.²⁹ This means that national trainings are most available to attorneys who are part of an institutional child welfare office, or otherwise part of a specialized parent or child representation office.³⁰ This can create a training disparity between attorneys, but that disparity can be addressed with effective organization and facilitation of state trainings.

²⁵ Memorandum from the U.S. Dept. of Health and Human Services, Administration on Children, Youth and Families to State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs (January 17, 2017) <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>.

²⁶ Family Justice Initiative, Implementing FJI System Attributes: *Support & Oversight* (accessed October 29, 2020).

²⁷ American Bar Association, Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases (2006) https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf (Accessed October 29, 2020); American Bar Association, Standards of Practice for Attorneys Representing Children in Abuse and Neglect Cases (2006)

https://www.americanbar.org/content/dam/aba/administrative/child_law/repstandwhole.pdf (Accessed October 29, 2020)

²⁸ Telephone Interview with Roberta Cooper, Interim Director, Office of the Child Attorney, Fulton County (Oct. 5, 2020).

²⁹ Family Justice Initiative, Implementing FJI System Attributes: *Support & Oversight* (accessed October 29, 2020).

³⁰ *Id.*

State trainings and conferences are primarily helpful to smaller jurisdictions with fewer resources than larger, often metropolitan jurisdictions that can afford to attend national or other private trainings.³¹ At the state level, attorneys and stakeholders from larger jurisdictions who have received trainings can convey that information to smaller jurisdictions that lack access to other training programs. The Children's Bureau emphasizes that this collaboration can be essential to ensuring that all jurisdictions are providing high quality representation.³² For example, in Georgia, the Georgia Association of Counsel for Children is a community of child attorneys across jurisdictions of variable sizes and resources that collaborate to provide each other resources including brief banks, listservs for collaboration and trainings on topics in which they have specialized knowledge.³³

There is a definitive advantage to states formalizing these connections with an office responsible for training programs. In North Carolina, the North Carolina Office of Parent Representation was established as part of the state Office of Indigent Defense Services to serve a similar role to the informal Georgia community.³⁴ The office provides training for attorneys across the state, and maintains a brief bank, training materials on a list of topics, a listserv and additional training opportunities in partnership with the University of North Carolina.³⁵ This office supports parent attorneys in different jurisdictions across the state. Having a state office to organize trainings takes the burden of organization and implementation of training off of

³¹ Telephone Interview with Roberta Cooper, Interim Director, Office of the Child Attorney, Fulton County (Oct. 5, 2020).

³² Memorandum from the U.S. Dept. of Health and Human Services, Administration on Children, Youth and Families to State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs (January 17, 2017) <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>.

³³ Telephone Interview with Roberta Cooper, Interim Director, Office of the Child Attorney, Fulton County (Oct. 5, 2020).

³⁴ Family Justice Initiative, Implementing FJI System Attributes: *Support & Oversight* (accessed October 29, 2020).

³⁵ *Id.*

individual attorneys, ensures uniform and quality training across the state to every jurisdiction and allows for state and national funding to support training efforts.³⁶

Many attorneys in specialized child welfare offices have the additional benefit of internal organizational training. This internal training happens on quarterly, monthly and even weekly bases for many attorneys in specialized offices and can prove invaluable with the rapid pace of development in child welfare law.³⁷ For attorneys who are not part of a specialized office, many jurisdictions impose required education hours which can help to ensure attorneys are receiving adequate training.³⁸ Another helpful training alternative for attorneys in smaller jurisdictions is a jurisdictionally-defined mentorship program where experienced advocates are paired with new attorneys who then receive case-by-case training for the first years of their practice.³⁹ Mentorship has been shown to be an effective training tool broadly, not just in smaller jurisdictions.⁴⁰

1. Diversity, Racial Bias and Cultural Humility Trainings

It is also incredibly important that parent and child attorneys receive trainings that cover topics of diversity, racial bias and cultural humility to better understand how biases affect both the child welfare system and the legal profession at large. Certain racial minorities are hugely overrepresented in the child welfare system, including black and Native American populations.⁴¹ Impoverished families are also more likely to become involved in the child welfare system, to

³⁶ For example, the North Carolina Office funds much of their training through Title IV-E funds. Family Justice Initiative, Implementing FJI System Attributes: *Support & Oversight* (accessed October 29, 2020).

³⁷ Telephone Interview with Roberta Cooper, Interim Director, Office of the Child Attorney, Fulton County (Oct. 5, 2020).

³⁸ Family Justice Initiative, Implementing FJI System Attributes: *Support & Oversight* (accessed October 29, 2020).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Krista Ellis, *Race and Poverty Bias in the Child Welfare System: Strategies for Child Welfare Practitioners*, ABA Child Law Practice (December 17, 2019) available at:

https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2019/race-and-poverty-bias-in-the-child-welfare-system---strategies-f/

the extent that poverty is considered a risk factor for child maltreatment.⁴² Educating practitioners about these system biases can help reduce these disparities as they are reflected in cases and case outcomes. A successful program in a Texas child welfare agency noted a significant reduction in case disparities where they implemented leadership development with both staff and community stakeholders, engaged the community for insights and ideas on disparity reduction and coached staff on practicing antiracism.⁴³ Similar training could be devised for socioeconomic disparity, and some jurisdictions have developed trainings that aim to provide legal services across class boundaries.⁴⁴

2. Child Welfare Legal Specialist Certification

A personal certification in child welfare law is also available. The American Bar Association accredited Child Welfare Legal Specialist (“CWLS”) Certification is administered by the National Association of Counsel for Children. The CWLS credential is earned through a rigorous application and examination process, and has been earned by over 600 attorneys and judges across the country.⁴⁵ The Children’s Bureau strongly suggests that all legal professionals practicing child welfare law obtain this certification and encourages Court Improvement Programs, bar associations and courts to support attorneys and judges in obtaining the certification.⁴⁶

⁴² Children’s Bureau, Children’s Bureau 2016 Report, *supra* note 1.

⁴³ National Child Welfare Workforce Institute, *Building a Culturally Responsive Workforce: The Texas Model of Undoing Disproportionality and Disparities in Child Welfare* (Webinar 2013) available at: https://ncwwi.org/files/Building_a_Culturally_Reponsive_Workforce_1-pager.pdf.

⁴⁴ Family Justice Initiative, *Implementing FJI System Attributes: Support & Oversight* (accessed October 29, 2020).

⁴⁵ National Association of Counsel for Children, *Promoting Excellence: CWLS Certification*, (accessed October 5, 2020) <https://www.naccchildlaw.org/page/certification>

⁴⁶ Memorandum from the U.S. Dept. of Health and Human Services, Administration on Children, Youth and Families to State, Tribal and Territorial Agencies Administering or Supervising the Administration of Title IV-E and IV-B of the Social Security Act, Indian Tribes and Indian Tribal Organizations, State Courts, and State and Tribal Court Improvement Programs (January 17, 2017) <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>.

B. Office Culture

The performance an attorney provides his or her clients is decided, in large part, on that attorney's work life outside of the courtroom. An attorney's office culture impacts the quality of representation provided far more than their alma mater or their law school grades. Office culture envelops the funding and compensation models for attorneys as well as the systems supports provided to those attorneys within the office.

1. Funding/Compensation

It is well understood that public legal representatives are among the least compensated attorneys in the legal market across all levels of experience, and perhaps the worst of all is the compensation for parent and child attorneys in child welfare cases. This poor compensation is directly tied to the lack of quality legal representation found in essentially every jurisdiction in the country.⁴⁷

In a survey of over 200 attorneys throughout Washington and Georgia, only 43 percent of surveyed Georgia attorneys made above 60,000 dollars per year.⁴⁸ The study excluded attorneys from Fulton and DeKalb County as many of the child welfare attorneys within those counties were salaried in larger firms and nonprofits. In lower-cost rural Georgia, these salaries may seem adequate enough to attract high quality legal representatives for parents and children, but in that same study, 67% of Georgia respondents reported that child representation made up less than 20% of their income. Only 14% reported that child representation made up more than 60% of

⁴⁷ ABA Center on Children and the Law. *Effects of Funding Changes on Legal Representation Quality in California Dependency Courts* (2020).

⁴⁸ Orlebeke, Britany, Andrew Zinn, Donald N. Duquette, and Xiaomeng Zhou. "Characteristics of Attorneys Representing Children in Child Welfare Cases." *Family Law Quarterly* 49, no. 3 (2015): 477-507, 488.

their income.⁴⁹ Overall, only 29% of these Georgia attorneys believed they were compensated adequately.

Additionally, a 2017 survey found that child and parent attorney pay structures severely discounted the significance of out-of-court work that these attorneys must accomplish in order to provide their clients with quality legal representation.⁵⁰ 50 percent of parent attorney respondents and 26 percent of child attorney respondents reported that they were paid less for out-of-court work than in-court work. Additionally, a majority of the attorneys that were paid a flat fee per case reported that out-of-court work was paid less than in-court work.⁵¹ This payment structure has a direct result on the willingness and frequency with which an attorney participates in out-of-court activities related to their representation of children or parents. Salaried and hourly (with little-to-no differentiation between in-court and out-of-court compensation) attorneys were found to meet with clients, meet with case workers, attend family team meetings, speak to providers, and discuss case goals more often than per hearing/per case attorneys, all activities that are absolutely necessary to provide a child or parent with quality legal representation.⁵²

To discuss attorney compensation without also discussing caseloads would be an incomplete exhaustion of the issue. The amount of money an attorney is paid is irrelevant if that attorney does not have the time required to properly represent each of their clients and if the caseload is too large to even make the salary worth the position. Public defenders have often had the worst caseloads in the entire legal industry and public representatives for poor children and

⁴⁹ Orlebeke, Britany, Andrew Zinn, Donald N. Duquette, and Xiaomeng Zhou. "Characteristics of Attorneys Representing Children in Child Welfare Cases." *Family Law Quarterly* 49, no. 3 (2015): 477-507, 489

⁵⁰ Ellis, Krista et al. *Child Welfare Attorneys National Compensation & Support Survey 2017*. ABA National Alliance for Parent Representation, 2018.

⁵¹ Ellis, Krista et al. *Child Welfare Attorneys National Compensation & Support Survey 2017*. ABA National Alliance for Parent Representation, 2018.

⁵² *Id.*

parents are often dealt an even worse hand.⁵³ Georgia currently imposes a 100 case maximum for a full time child attorney after the *Kenny A* consent decree originally established a 130 case maximum for full-time child advocate attorneys and 65 for half-time child advocate attorneys.⁵⁴ However, the literature and common best practices across the United States shows that 100 cases is an excessively large caseload in any state or organization that wishes to provide parents and children with quality legal representation, and that a reasonable caseload for a full time attorney is between 50 and 80 cases per year.⁵⁵

Available data supports several key takeaways. First, quality legal representation for parents and children in dependency cases is not possible in a jurisdiction that pays by the hearing or by the case. Second, child and parent attorney salary or hourly rates must be determined on a state-wide basis and must be made equal to county or child welfare agency attorney salaries or hourly rates; multiple studies have shown that when counties are left to fund indigent defense, there is wide disparity in the quality of representation between them.⁵⁶ And third, a quality legal

⁵³ Furst, Brian. "A Fair Fight - Achieving Indigent Defense Resource Parity." Brennan Center For Justice, September 9, 2019.

⁵⁴ *Kenny A. ex rel. Winn v. Perdue*, 454 F. Supp. 2d 1260, 1266 (N.D. Ga. 2006).

⁵⁵ The United States Children's Bureau Quality Improvement Center on the Representation of Children in the Child Welfare System study found that attorneys in a quality legal representation model typically had a caseload of only 60 cases in a year. A report by the Judicial Council of California Administrative Office of the Courts Center for Families, Children & the Courts on dependency counsel caseload standards identified a maximum of 77 cases was necessary for a best practice standard of performance. The Massachusetts Committee for Public Counsel Services maintains a 75 case per year maximum for child welfare cases. Pennsylvania's Office of Children & Family in the Courts recommends that child attorneys should have caseloads set at 65 per year. Arkansas has implemented a 75 case cap and independent organizations have implemented their own caps for their own attorneys below 100 such as the Children's Law Center of D.C. with a cap of just 50; Zinn, A., Orlebeke, B., Duquette, D.N. and Zhou, X. (2016), *The Organization of Child Representation Services in Child Welfare Cases: A Study of Washington State*. Family Court Review, 54: 364-381; CA Dependency Counsel Caseload Standards A Report To The California Legislature April 2008 by the Judicial Council of California Administrative Office of the Courts Center for Families, Children & the Courts; "Assigned Counsel Manual - Policies and Procedures." Committee for Public Counsel Services. The Commonwealth of Massachusetts, January 1, 2019; "2016 Pennsylvania State Round Table Report." Office of Children and Families in the Courts, April 22, 2016.

⁵⁶ National Right to Counsel Committee, *Justice Denied*, 54-55, n. 32; "Attributes of High Quality Legal Representation for Children and Parents in Child Welfare Proceedings." Family Justice Initiative, n.d.

representation model must set a yearly caseload limit below 100 cases and closer to 60 or 70 cases for an attorney with adequate support and resources.

2. System Support

Trainings can help to prepare attorneys for the child welfare setting and superior pay structures can assist in attracting and maintaining legal professionals within the child welfare setting, but without a structured system of oversight, it is difficult to hold attorneys to the standard of excellence necessary to ensure quality legal representation to parents and children. Oversight can take more traditional forms of mentoring within the agency or state structure, which can help young attorneys develop, and create bonds and networks. Without guidance and oversight, many attorneys, especially new attorneys, are constrained in their ability to provide the highest quality representation.

The mentorship aspect of child welfare lawyering is so important that the American Bar Association identifies providing mentorship opportunities with senior attorneys as a necessary part of a competent quality legal representation scheme.⁵⁷ The ABA states that parent attorneys should have attorney managers who serve as mentors and oversee attorney activities to make sure that they are meeting uniform standards of representation and to discipline attorneys when they are not meeting these standards.⁵⁸ The ABA also suggests that these attorney managers should focus on getting attorneys quickly assigned to cases, pushing to expedite cases and ensuring timely compensation and lighter caseloads.⁵⁹ When attorney managers are able to focus

⁵⁷ American Bar Association, Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (February 5, 1996)

https://www.americanbar.org/content/dam/aba/administrative/child_law/repstandwhole.pdf. (Accessed 9/1/2020)

⁵⁸ American Bar Association, Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases (2006) https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf (Accessed 9/2/2020).

⁵⁹ *Id.*

on the movement of the case, attorneys can pour their energy into zealously representing the client.

Managers that get attorneys assigned to cases quickly not only benefit their attorneys by ensuring full dockets, but they also benefit the families that they serve. In the Travis County, Texas' Parent Representation Pilot Project, researchers found that cases where attorneys for parents were appointed within 10 days of petition filing had more permanent outcomes than cases in which attorneys were appointed later.⁶⁰ Additionally, by ensuring low caseloads, managers allow attorneys to dedicate themselves to their cases and live happier professional lives.⁶¹

Mentorship programs and oversight structures are used effectively by many existing quality legal representation programs. The Center for Family Representation in New York City employs an attorney manager scheme wherein the manager focuses on administrative tasks and oversight. This program has been hugely successful and has demonstrated lower rates of children entering the foster care system, and higher rates of reunification.⁶² The Washington Office of Public Defense Parent's Representation Program also invested in oversight that included limiting caseloads, setting standards and providing ongoing training. With these minimal adjustments, the program showed increased family reunification, fewer re-filings, reduced time in permanency outcomes, improved participation from the parents involved and better access to services.⁶³

⁶⁰ Steve M. Wood, et. al., *Legal Representation in the Juvenile Dependency representation scheme: Travis County, Texas' Parent Representation Pilot Project*, 54 FAM. CT. REV. 277 (April 2016).

⁶¹ Low caseloads were associated with shorter case length, consistency in responding to cases, and the ability to retain and recruit lawyers. American Bar Association Center on Children and the Law, *Effects of Funding Changes on Legal Representation Quality in California Dependency Cases: An Assessment* (2020) https://www.americanbar.org/content/dam/aba/administrative/child_law/calrep-assessment.pdf (Accessed 09/07/20).

⁶² Elizabeth Thornton & Betsy Gwin, *High Quality Legal Representation for Parents in Child Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings*, 46 FAM. L. QUARTERLY 139 (Spring 2012).

⁶³ *Id.*

Oversight services should come from within the system but may be supplemented by client feedback. As part of its evaluation for its new interdisciplinary representation model, the Detroit Center for Family Advocacy Pilot Program included client surveys that the program could use as feedback to alter its standards and practices.⁶⁴ The surveys demonstrated overwhelmingly positive reviews for the new interdisciplinary model and allowed clients to feel heard, and respected.⁶⁵

Attorney oversight ensures that attorneys are meeting standards of practice, but they also allow mentorship opportunities and a structure in which compensation, caseloads and case progression can be monitored by a senior attorney with more experience. This will not only allow attorneys to focus on clients but will allow both attorneys and clients to feel supported by a system structure that focuses on their wellbeing.

C. Scope of work

Attorneys require support to address the holistic needs of their child and parent clients. Often, families interacting with the child welfare system are in crisis and need a variety of support professionals in addition to their zealous legal representative to achieve stability. Interdisciplinary, or multidisciplinary⁶⁶, models of representation partner attorneys with other professionals who can help to address the complex needs of the family.

⁶⁴ University of Michigan Law School, Detroit Center for Family Advocacy Pilot Evaluation Report (February 2013) https://www.healthymarriageandfamilies.org/sites/default/files/Resource%20Files/Final_Evaluation_0.pdf (Accessed 9/15/2020).

⁶⁵ University of Michigan Law School, Detroit Center for Family Advocacy Pilot Evaluation Report (February 2013) https://www.healthymarriageandfamilies.org/sites/default/files/Resource%20Files/Final_Evaluation_0.pdf (Accessed 9/15/2020).

⁶⁶ “Interdisciplinary” and “multidisciplinary” are often used interchangeably to refer to representation teams which include members beyond legal professionals. Multidisciplinary means people from different disciplines working together, while interdisciplinary implies a synthesis of approaches.

There is ample evidence that interdisciplinary representation is highly effective at improving case outcomes. A 2019 New York study of nearly 10,000 families found that when parents were represented by an interdisciplinary team, children's time spent in foster care was reduced by nearly four months, first year reunifications of children happened 43% more often, children were placed with kin twice as often and when children could not be returned to their families 40% more children ended up with a permanent disposition of guardianship.⁶⁷ An interdisciplinary representation team is most effective when that team includes parent and child attorneys, social workers, educational advocates, and Parent Peer Advocates.

Social workers are an essential part of any interdisciplinary team. Social workers have the necessary training to support attorneys in providing holistic representation to both parents and children, as well as training to help all parties handle the trauma of dependency proceedings.⁶⁸ They can support parents in addressing collateral issues and needs like housing, public health services, additional or specialized mental health services and other social support services which can help to stabilize the family.⁶⁹ They can also help parents to tailor their service or permanency plans and strategize and implement reunification plans.⁷⁰ Social workers can also connect children to necessary social services to ensure that the needs of the child are being met during the entirety of the dependency proceeding.⁷¹ They are especially necessary to effective

⁶⁷ Interdisciplinary representation in this model included attorneys, social workers and Parent Peer Advocates. Martin Guggenheim & Susan Jacobs, *Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children's Time in Foster Care*, Child Law Practice Today (June 4, 2019)

⁶⁸ Family Justice Initiative, *Implementing FJI System Attributes: Interdisciplinary Models* (accessed October 29, 2020).

⁶⁹ Martin Guggenheim & Susan Jacobs, *Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children's Time in Foster Care*, Child Law Practice Today (June 4, 2019)

⁷⁰ *Id.*

⁷¹ *Id.*

communications with child clients who are often scared, overwhelmed and wary of speaking openly and honestly to legal or judicial professionals.⁷²

In these roles, social workers become a sort of independent investigator for the Interdisciplinary Team, as they often do home assessments, familial research, and generally have the time and resources to investigate past what is required of agency investigators.⁷³ This is also an advantage for the team, as social workers can help to build more complete case profiles and gather important information on the status of the family for the attorneys.⁷⁴ In jurisdictions where resources are limited, creative partnerships may be the key to providing clients with social worker access.⁷⁵

Addressing children's educational needs is also critical for quality legal representation teams. Children in foster care frequently move schools which results in credits that are never transferred, loss of academic support programs and loss of children's interpersonal connections with teachers and peers.⁷⁶ By the time they reach adolescence the damage to their education can be irreparable, resulting in high school drop-out rates that are 3 times higher for foster youth, with only about 50% completing high school.⁷⁷ For many interdisciplinary teams, the task of caring for a child client's educational needs falls to an educational advocate.

⁷² Telephone Interview with Roberta Cooper, Interim Director, Office of the Child Attorney, Fulton County (Oct. 5, 2020); Telephone Interview with Pauline Ewulonu, Educational Advocate, Office of the Child Attorney, Fulton County (Oct. 16, 2020).

⁷³ Telephone Interview with Roberta Cooper, Interim Director, Office of the Child Attorney, Fulton County (Oct. 5, 2020)

⁷⁴ *Id.*

⁷⁵ For example the NYU Family Defense Clinic had success in creating partnerships with local university social work programs, connecting social work students with supervisors to partnering attorneys or legal offices. Family Justice Initiative, Implementing FJI System Attributes: *Interdisciplinary Models* (accessed October 29, 2020).

⁷⁶ Council on Foster Care, Adoption, and Kinship Care, and Committee on Adolescence and Council on Early Childhood, *Health Care Issues for Children and Adolescents in Foster Care and Kinship Care*, Official Journal of the American Academy of Pediatrics, October 2015m 136(4)e1131-e1140.

⁷⁷ *Id.*

Educational advocates have the training to sift through all of the child's educational records, psychological evaluations and state records to see a comprehensive picture of the child's educational support needs.⁷⁸ They can then use this information to create tailored educational plans for students.⁷⁹ After constructing an initial plan for the student, the educational advocate monitors their progress through the system, attending all of the students IEP or SST meetings, checking on their grades and attendance and holding service providers accountable for the needs of the child.⁸⁰ Educational advocates are not only a resource to the children, but also help to better inform judicial decision making, as well as allowing for better informed attorney representation of both children and parents.

The Office of the Child Advocate in Fulton County, Georgia has had great success with their educational advocate over the past decade and considers her to be a critical part of their team.⁸¹ Attorneys working with an educational advocate in Fulton found that “the addition of an educational advocate has greatly enhanced the knowledge and ability of the [Child Attorneys] to advocate for better educational outcomes for the child clients.”⁸² Fulton's Office of the Child Advocate also observed that the educational advocate was able to establish collaborative relationships with service providers that would be impossible for each practicing attorney to cultivate, frequently provided critical testimony in court on behalf of child clients, and acted as a

⁷⁸ Telephone Interview with Pauline Ewulonu, Educational Advocate, Office of the Child Attorney, Fulton County (Oct. 16, 2020).

⁷⁹ *Id.*

⁸⁰ *Id.* In this way, the role of the educational advocate is similarly investigative as the role of a social workers in an interdisciplinary team.

⁸¹ Telephone Interview with Roberta Cooper, Interim Director, Office of the Child Attorney, Fulton County (Oct. 5, 2020).

⁸² William G. Jones, Fourth Kenny A. Report for Fulton County for the period ending June 30, 2010 (2010) http://www.childrensrights.org/wp-content/uploads//2010/11/2010-11-12_fulton_county_fourth_monitoring_report.pdf (Accessed 10/3/20)

liaison to county administrators and school boards creating new collaborative partnerships between players.⁸³

Parent Peer Advocates are another important resource for parents receiving representation from an interdisciplinary team. Parent Advocates are trained professionals who have themselves been parents involved with the child welfare system, and who were successfully reunified with their children. These Advocates have the ability to lend emotional support, non-judgmental understanding and practical reunification advice to parents.⁸⁴ The presence of a Parent Advocate can also help gain the trust of wary parents, which in turn makes them comfortable being honest about all of the issues facing the family.⁸⁵

CREATING QUALITY LEGAL REPRESENTATION IN GEORGIA

A. Current Child Welfare Scheme in Georgia

The strongest component of the current Georgia dependency representation scheme is the right to representation within the dependency context. Children and parents are defined as parties to dependency proceedings and, as such, are guaranteed an attorney at all stages of the proceeding.⁸⁶ In addition to an attorney, the court is also directed by law to appoint a guardian ad litem whenever possible and appropriate to represent a child.⁸⁷

⁸³ *Id.*

⁸⁴ ⁸⁴ Martin Guggenheim & Susan Jacobs, *Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children's Time in Foster Care*, Child Law Practice Today (June 4, 2019)

⁸⁵ Family Justice Initiative, *Implementing FJI System Attributes: Interdisciplinary Models* (accessed October 29, 2020).

⁸⁶ Ga. Ann. Code §15-11-103(a).

⁸⁷ Ga. Ann. Code §15-11-104; In the state of Georgia, a guardian ad litem most often takes the form of a Court Appointed Special Advocate, or "CASA." CASAs are volunteers who are screened and trained regarding child abuse and neglect, child development, and juvenile court proceedings, who have met all the requirements of an affiliate CASA program, and who are actively supervised by an affiliate CASA program.⁸⁷ Unlike the child's attorney, CASAs are led by the best interests of the child, which means that they make individual evaluations

However, Georgia's dependency representation scheme suffers because it is not centralized; it varies from county to county which creates a structure in which wealthier counties with higher populations and taxes can create dependency representation schemes that are better funded and more organized than poorer counties in more rural areas.⁸⁸ Counties surrounding Atlanta have parent and child advocate attorney offices while in the majority of Georgia jurisdictions, attorneys for parents and children are appointed from lists of private practitioners that are willing to take those appointments.⁸⁹ Oftentimes, the attorneys on these lists do not specialize in child welfare law; they take these cases upon moral principle.⁹⁰

Without specialization, many of the attorneys that practice in this area are not familiar with the complexities of the child welfare legal system and are unable to advocate fully for their clients.⁹¹ Without child and parental advocacy attorney offices, these lawyers are forced to pay for their own office space, their own legal search engine subscriptions, their own trainings, and their own health benefits.⁹² Additionally, in certain counties payment for services will not be issued until a case is finished, meaning that attorneys could be waiting a long time to be paid for their work.⁹³ This model makes it almost impossible to break into the child welfare legal field

based off of their trainings as to which case outcomes would be most beneficial to a child's future; Zoom Interview with Angela Tyner, Advocacy Director, Georgia CASA (Oct. 27, 2020). *See* Ga. Ann. Code §§ 15-11-2(16); 15-11-104; 15-11-106.

⁸⁸ Telephone Interview with Judge Amber Patterson, Juvenile Court Judge, Cobb County, Georgia (Oct. 7, 2020); Zoom Interview with Emma Brown Bernstein, Parent Attorney, Fulton County Public Defender Office (Sep. 30, 2020).

⁸⁹ Barton Child Law & Policy Center, *A Reference Manual for Attorney Representing Parents* (2004) http://bartoncenter.net/resources/JuvenileCourtRefManuals/200405/ParentAtty_Manual1.html (Accessed 9/23/20).

⁹⁰ Telephone Interview with Judge Amber Patterson, Juvenile Court Judge, Cobb County, Georgia (Oct. 7, 2020).

⁹¹ Zoom Interview with Emma Brown Bernstein, Parent Attorney, Fulton County Public Defender Office (Sep. 30, 2020). This lack of knowledge is not a reflection upon the attorneys themselves, but rather of the flaws in the system: in less populated counties, a lack of structure around these positions makes it financially difficult for lawyers to occupy these spaces full time.

⁹² Telephone Interview with Judge Amber Patterson, Juvenile Court Judge, Cobb County, Georgia (Oct. 7, 2020).

⁹³ *Id.* Additionally, while OCGA § 15-11-8 provides that after notice to the parents or guardian, and affording them an opportunity to be heard, the Court may, but does not have to order the reimbursement of reasonable expenses of appointed counsel. There is no law regarding at what point these reimbursements must take place.

without practicing other law to maintain a financially viable practice.⁹⁴ It also requires attorneys to invest up front for minimal payment on the back end.

In addition to financial woes, the decentralized state model actually discourages quality legal representation by providing financial disincentives to further training and limiting the dissemination of information between attorneys. Without a solid network of attorneys that practice dependency law, the dissemination of new law and new information is slow.⁹⁵ Oftentimes, stakeholders in the child welfare arena with more centralized organizational structures, like CASAs, find out about new law prior to actual attorneys.⁹⁶ In counties with models that depend on private practitioners, any trainings that attorneys attend are done completely on their own time and paid for out of their own pockets.⁹⁷ Stakeholders in these counties fear that requiring further training without the structure to support these attorneys will further discourage involvement in the child welfare sphere.⁹⁸

Finally, the decentralized model of parent and child dependency representation opens the doors for conflicts of interest within the legal system⁹⁹. When attorneys report to judges or other stakeholders in the child welfare arena, there is increased probability of unethical behavior

⁹⁴ For example, in Cobb County, parent and child advocate attorneys are given vouchers when they accept dependency cases. These vouchers may be submitted at the end of the case along with a breakdown of hours worked in order to receive payment. An attorney may petition the court to submit a voucher part-way through a case, such as after discovery or prior to appeal, but these decisions to authorize payment are discretionary, and oftentimes payment does not occur until the end of the case. Telephone Interview with Judge Amber Patterson, Juvenile Court Judge, Cobb County, Georgia (Oct. 7, 2020).

⁹⁵ Additionally, without a central structure, private practitioners are often unable to find mentors to guide them through this work, and unable to create a network of associates with whom they can discuss their cases and frustrations. Zoom Interview with Angela Tyner, Advocacy Director, Georgia CASA (Oct. 27, 2020).

⁹⁶ This is because CASA has a national and individualized state structure that it uses to quickly disseminate information. The efficacy of CASA's information distribution supports concepts of centralization of child dependency legal professionals. Zoom Interview with Angela Tyner, Advocacy Director, Georgia CASA (Oct. 27, 2020).

⁹⁷ Attorney involvement in child welfare cases is already a financial loss, so requiring trainings will only add to this burden. *Id.*

⁹⁸ *Id.*

⁹⁹ For example, Douglas and Forsyth counties employ a structure in which child and parent attorneys report directly to the judge for case assignment. Telephone Interview with Judge Amber Patterson, Juvenile Court Judge, Cobb County, Georgia (Oct. 7, 2020).

because their job security is at odds with their professional responsibilities.¹⁰⁰ Judges have interests in these cases too, and when judges control case assignments, pay structures and discretionary hourly pay schemes, attorneys are incentivized to structure their representation in a way that is favorable to the judge instead of in a way that is favorable to their client.¹⁰¹ The separation between attorneys and the state court system is so paramount that the ABA suggests that quality legal representation for child and parent attorneys can only take place if this separation exists when it comes to decision making.¹⁰²

Some counties in the Atlanta metropolitan area such as DeKalb and Fulton have the most centralized schemes in Georgia, but they still have room for improvement.¹⁰³ These counties fall short because they do not sponsor CWLS and other trainings, and the trainings that they do provide are broadly designed for all child welfare legal professionals, instead of trainings targeting specifically child or parent attorneys.¹⁰⁴ Additionally, many stakeholders voiced that

¹⁰⁰ In these models, an attorney's job security depends upon making another stakeholder happy, but their professional responsibility demands that they zealously represent their client, even if it is contrary to the interest of other stakeholders Zoom Interview with Emma Brown Bernstein, Parent Attorney, Fulton County Public Defender Office (Sep. 30, 2020).

¹⁰¹ In these cases attorneys sometimes will decide not to appeal a case because they know that it will upset the judge, and they may experience pushback on reimbursement from the court for these services or negative consequences in future case assignments. Zoom Interview with Emma Brown Bernstein, Parent Attorney, Fulton County Public Defender Office (Sep. 30, 2020).

¹⁰² American Bar Association, Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (February 5, 1996) https://www.americanbar.org/content/dam/aba/administrative/child_law/repstandwhole.pdf. (Accessed 9/1/2020); American Bar Association, Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases (2006) https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf (Accessed 9/2/2020).

¹⁰³ Both of these counties have child and parent advocacy attorneys worked into their public defender models and have a level of interdisciplinary representation in providing social workers and investigators to attorneys in order to offer more holistic representation. Fulton County even offers an educational advocate for children moving through dependency proceedings. However, the educational advocate within Fulton County is given minimal support and has a massive caseload, and these systems still do not offer parent advocates, and mental health professionals. Adding these supports into an interdisciplinary model allows holistic representation and permits the attorney to focus on the dependency hearing while delegating other concerns to team players. Zoom Interview with Emma Brown Bernstein, Parent Attorney, Fulton County Public Defender Office (Sep. 30, 2020).

¹⁰⁴ Zoom Interview with Emma Brown Bernstein, Parent Attorney, Fulton County Public Defender Office (Sep. 30, 2020).

they would like to see more trainings focusing on the racial prejudices that exist within the system, and feel that this subject is not adequately covered in the trainings that currently exist.¹⁰⁵

B. New Funding Sources

The major issue that counties and advocates tend to run into in pursuing better schemes of representation is a lack of funding. More funding leads to better representation and less funding leads to poorer outcomes in dependency hearings.¹⁰⁶

New funds through Title IV-E as well as creative funding through other federal funding sources could provide reimbursement for expenditures relating to quality legal representation in Georgia. In 2019, Title IV-E funding was approved to fund foster care prevention services and administrative costs.¹⁰⁷ The United States Department of Health and Human Services, Children's Bureau, has interpreted administrative costs for foster care to include costs for children's and parents' attorneys and jurisdictions can now seek federal reimbursement for these costs.¹⁰⁸ In interdisciplinary models, there is potential for IV-E reimbursement for social workers, parent advocates and other players who may contribute to the representation of children and parents in court.¹⁰⁹ Some states have even experimented with Title IV-E funding by contracting with state human services departments for legal trainings, thereby allowing these funds to cover not only the representation itself, but also the trainings for attorneys and other team members.¹¹⁰

¹⁰⁵ Zoom Interview with Emma Brown Bernstein, Parent Attorney, Fulton County Public Defender Office (Sep. 30, 2020); Zoom Interview with Angela Tyner, Advocacy Director, Georgia CASA (Oct. 27, 2020).

¹⁰⁶ The Imprint, Bar Association Report: Funding Shifts Greatly Affect Legal Counsel for Kids, Parents (July 16, 2020) <https://imprintnews.org/youth-services-insider/bar-association-report-funding-shifts-greatly-affect-legal-counsel-kids-parents/45335> (Accessed 9/16/20).

¹⁰⁷ Congressional Research Congress, and Emilie Stoltzfus, Child Welfare: Purposes, Federal Programs, and Funding (Aug. 1, 2019) <https://fas.org/sgp/crs/misc/IF10590.pdf>.

¹⁰⁸ Family Justice Initiative, Federal Funding (2020) <https://familyjusticeinitiative.org/iv-e-funding/> (Accessed Nov. 3, 2020).

¹⁰⁹ See Family Justice Initiative, Federal Funding (2020) <https://familyjusticeinitiative.org/iv-e-funding/> (Accessed Nov. 3, 2020).

¹¹⁰ The Colorado Office of Respondent Parent Counsel has employed The Colorado Department of Human Services for trainings and have successfully used these contracts to receive IV-E training dollars for its training program. Family Justice Initiative, Implementing FJI System Attributes; Attribute 5: Support and Oversight (2020)

Reimbursement for child and parent representation under Title IV-E will more or less mirror the reimbursement model provided under the same title for foster care and child welfare¹¹¹ and would likely cover between 25-50% of these state expenses.¹¹² Although Title IV-E is often the major source of federal funding, creative thinking could open up other federal funding sources for quality legal representation.

One such alternative funding source is CAPTA. CAPTA funding is provided to allow states to improve their child protective service systems and may be used in a variety of ways surrounding this purpose.¹¹³ Changing Georgia CPS trainings to encourage communication with defense attorneys and modifying the structure of these services to encourage child and parent attorney access to information would decrease discovery times and expedite cases, all through CAPTA funding. In addition to CAPTA, there are other federal funding schemes that could be accessed for quality legal representation purposes when creative thinking is employed. For example, creative states may search for federal funding for educational advocates from school

<https://familyjusticeinitiative.org/wp-content/uploads/sites/48/2020/03/fji-implementation-guide-attribute5-1.pdf> (Accessed Nov. 3, 2020).

¹¹¹ States receive 50-60% of this funding from local coffers with the remainder coming from federal funding sources, largely Title IV-E Social Security funding. Congressional Research Congress, and Emilie Stoltzfus, *Child Welfare: Purposes, Federal Programs, and Funding* (Aug. 1, 2019) <https://fas.org/sgp/crs/misc/IF10590.pdf>.

¹¹² The reason for this spread in potential funding derives from three major issues: child qualification, qualified expenditures, and state Federal Medical Assurances Percentage rate. States generally only see a reimbursement of roughly 25 cents on the dollar. Therefore, the state would still need to invest about 75% of funds on average of its own money without possibility of reimbursement and would need to invest up front, and seek recompense later for the funds that it hoped to garner from Title IV-E grants; *Id.*; 42 U.S.C.A. § 672; Office of the Administration for Children & Families, *Child Welfare Policy Manual - 8.1B Title IV-E, Administrative Functions/Costs, Allowable Costs - Foster Care Maintenance Payments Program*; 45 CFR 1356.60(c); Kristina Rosinsky and Sarah Catherine Williams, *Child Welfare Financing Survey SFY 2016* (December 2018) https://www.childtrends.org/wp-content/uploads/2018/12/CWFSReportSFY2016_ChildTrends_December2018.pdf (Accessed Nov. 3, 2020); Congressional Research Congress, and Emilie Stoltzfus, *Child Welfare: Purposes, Federal Programs, and Funding* (Aug. 1, 2019) <https://fas.org/sgp/crs/misc/IF10590.pdf>.

¹¹³ To be eligible to receive these state grant funds, a state must submit a plan including certain assurances related to how it will operate its CPS system; establish and support citizen review panels; and, to the "maximum extent practicable," annually supply to HHS certain child abuse and neglect data. The statute provides that any funds appropriated for these purposes must be distributed to all eligible states by formula. Emily Stoltzfus, Congressional Research Initiative; *The Child Abuse Prevention and Treatment Act (CAPTA): Background, Programs and Funding* (Nov. 4, 2009) <https://fas.org/sgp/crs/misc/IF10590.pdf> (Accessed Nov. 3, 2020).

districts under the Individuals with Disabilities Education Act (IDEA)¹¹⁴ or for funding children and parents that are victims of crime through the Victims of Crime Act (VOCA).¹¹⁵

Even with these federal funding options, there is no avoiding the fact that the state will need to invest in quality legal representation to make it a reality. The benefits for parents, children and state funds justify such an investment, and federal funds can help offset state costs.

C. Potential Structural Models

The primary barrier between Georgia and its goal of providing quality legal representation to parents and children in dependency cases is the state's lack of state-level structure and its decentralization. Without a centralized, dependable statewide structure, Georgia has little hope of ever being able to provide consistent and uniform quality legal representation for the roughly 14,000 foster children in the state and the even larger number of children and parents in touch with the foster and dependency representation schemes in any way.¹¹⁶

Three structural models promoting quality legal representation successfully exist in other jurisdictions: The Existing Agency Model, The New Agency Model, and the Contracting Model.

¹¹⁴ Children in foster care and those entering dependency hearings qualify for special education at a much higher rate than children not in care. These children often suffer academically because of the disruption that foster placement creates in their lives. It could be argued that in such a tumultuous period in their lives, educational advocates are necessary for these children in order to guarantee a free and accessible public education ("FAPE"). FAPE is guaranteed by the IDEA, and so it may be argued that a failure to provide an educational advocate is a violation of the IDEA. Jesse Hahnel & Caroline Van Zile, *The Other Achievement Gap: Court Dependent Youth and Educational Advocacy*, 41 J. L. & EDUC. 435, 445 (July 2012)(expounding on the increase in special education services for children in foster care); Monique B. Mitchell & Leon Kuczynski, *Does Anyone Know What is Going On? Examining Children's Lived Experience of the Transition into Foster Care*, 32 CHILDREN AND YOUTH SERV. REV. 437 (2010) (discussing the disruption that foster placement creates in children's lives); 34 CFR §300.101 (demonstrating federal mandate to provide a FAPE for all disabled children).

¹¹⁵ VOCA provides resources and services to the victims of crimes. Representation for children of for a parent that is the victim of domestic violence can be argued as a necessary service, and VOCA funds could serve quality legal representation in this way. Office for Victims of Crime, *Victims of Crime Act Administrators* (2020) <https://ovc.ojp.gov/program/victims-crime-act-voca-administrators/welcome> (Accessed 11/10/20).

¹¹⁶ State of Ga., Division of Family & Children Services, *Monthly Measures and Results for May 2019* (2019)

I. Existing Agency Model

In this model, a new branch or program would be created within an existing state agency in Georgia and would be responsible for the oversight, training, and support of all parent and child attorneys within the state.

The State of Washington began a pilot program under this kind of structural model in the year 2000 called the Parents Representation Program. The program, residing within the Washington State Office of Public Defense, enhances the representation of parents in dependency proceedings by overseeing the attorneys and social workers contracted by the state to represent parents in dependency cases.¹¹⁷ The program has implemented standard practices for all of its contractors including requirements regarding regular client communication, adequate case preparation, effective negotiation with the state, access to social workers, experts, and other interdisciplinary actors, and competent litigation.¹¹⁸ Additionally, the program implements caseload caps, and organizes trainings to ensure that their contract attorneys are able to competently manage each of their cases at a high level. Originally, the program was only tested in two counties, but as of July 2018, the program is found in all 39 of Washington's counties.¹¹⁹

Washington's Parents Representation Program (PRP) has been a resounding success and has consistently proven that it improves child permanency outcomes, reduces the average time spent in foster care, and improves parental engagement with the court, state, and dependency process.¹²⁰ The most recent broad research into PRP's effects on parents, children, and the state's entire dependency representation scheme found that between 2004 and 2007 (still quite

¹¹⁷ State of Wash., JLARC, Office of Public Defense Sunset Review, Rep. 08-2 (2008).

¹¹⁸ 2018 Wash. State Office of Public Defense Ann. Rep.

¹¹⁹ State of Wash., JLARC, Office of Public Defense Sunset Review, Rep. 08-2 (2008).

¹²⁰ Carol J. Harper, Kathy Brennan, & Jennifer Szolonki, *Dependency and Termination Parents' Representation Program Evaluation Report* (2005).

early in the program’s lifespan), the rate of reunification was 11 percent higher, adoption rates were 83 percent, and guardianship rates were 102 percent higher in counties where PRP is in operation than in counties where it is not.¹²¹ This 11 percent reunification improvement translates to a 27 day improvement in the average length of stay in foster care among those exiting to reunification and roughly a one year improvement among those exiting to adoption or guardianship.¹²² The authors of the study estimated that if PRP was statewide at the time, the children in the study would have achieved reunification roughly one month sooner and children who could not be reunified would achieve other permanency outcomes roughly one year soon.¹²³ The study also found that the average length of stay for a child adopted or transferred to the guardianship of another decreased to 244 days from 902 days and 744 days respectively. A later study in 2010 found that foster children in counties where PRP operated were reunified at a rate 39 percent higher than in non-PRP counties, indicating the program’s improved efficacy over time.¹²⁴ If Georgia had a statewide program with the same results, the state could potentially save 100 million dollars per year in foster care costs with successful implementation.¹²⁵

It should be noted that much of the above-mentioned benefit derived from Washington’s

¹²¹ Mark E. Courtney & Jennifer L. Hook, *Evaluation of the impact of enhanced parental legal representation on the timing of permanency outcomes for children in foster care*. Children and Youth Services Review, Feb. 2011.

¹²² Mark E. Courtney & Jennifer L. Hook, *Evaluation of the impact of enhanced parental legal representation on the timing of permanency outcomes for children in foster care*. Children and Youth Services Review, Feb. 2011.

¹²³ *Id.*

¹²⁴ State of Wash., Off. of Public Def., *Reunifications and Case Resolution Improvements in Office of Public Defense (OPD) Parents Representation Program Counties*, (2010).

¹²⁵ This estimate is calculated using data from Georgia DFCS’s Monthly Measures, Results from May 2019, Child Trends’ Georgia Foster Care report from Fiscal Year 2015, and the data from the Washington study itself. The rates of average days saved per year from the Washington study were calculated and then applied to the average lengths of stay for reunified, adopted, and transferred guardianship children within Georgia. This produced the average length-of-stay reduction per year that Georgia would experience with the same level of success. This average was then applied to the total number of children within Georgia who are adopted, reunified, or have transferred guardianship to calculate the total days saved within Georgia which can then be multiplied by the \$32,711 figure to provide the total cost savings. Note that this is purely an illustrative example to provide an extremely rough estimate as to the cost savings that Georgia may be able to experience in a model similar to Washington’s in the mid-2000s.

PRP and a hypothetical Georgia version are not unique to the Existing Agency Model and can be achieved in all three proposed structural models. These benefits are more due to the increased quality in parental representation rather than the structure which improves that quality. Each structural model, however, does have benefits and drawbacks unique to itself. The Existing Agency Model has two main benefits over other models. The first is low startup costs due to existing structure and resources within the parent agency. For instance, Washington's Parents Representation Program began life in 1996 with only \$500,000 in funding as a pilot program because its parent agency already had the necessary structure.¹²⁶ The second benefit is more efficient Title IV-E reporting as the information required for Title IV-E reports would already be contained within the agency instead of it needing to be collected from 159 counties.¹²⁷

There are two current Georgia state agencies that may be prime candidates for being the parent agency of a quality legal representation program: The Office of the Child Advocate and the Georgia Public Defender Council. The Office of the Child Advocate's two primary activities and duties are providing independent oversight over child welfare agencies within Georgia like DFCS and administering or approving guardian ad litem training.¹²⁸ The experience in training GALs in Georgia would be quite transferable to child attorneys as much of the information and lessons within GAL training are equally as important for a child attorney as they are for a GAL.¹²⁹ Additionally, the OCA currently employs five investigators who are tasked with investigating complaints against child welfare agencies or any contractors or agents that harm or neglect children. As in this model, the attorneys would be contractors or employees of the state

¹²⁶ 2019, Wash. Sess. Laws. Ch. 415.; State of Wash., JLARC, Office of Public Defense Sunset Review, Rep. 08-2 (2008).

¹²⁷ Zoom Interview with Chris Hempfling, General Counsel, Georgia DFCS (Oct. 26, 2020).

¹²⁸ O.C.G.A. § 15-11-740 (b). ; O.C.G.A. § 15-11-104(f).

¹²⁹ O.C.G.A. 15-11-104(f).

government, these investigators may have adequate training and experience required to investigate the contracted attorneys in order to ensure that all contracted attorneys are providing quality legal representation.

The other prime option is the Georgia Public Defender Council which oversees public defenders assigned throughout the state to ensure that they provide their clients with “zealous, adequate, effective, timely, and ethical legal representation” guaranteed by the Constitution of the State of Georgia and the U.S. Constitution.¹³⁰ This Council has an obvious connection to the quality legal representation topic as it is already dedicated to ensure quality legal representation is provided by publicly funded attorneys. The representation of a child or parent in a dependency case is distinct from the representation of an adult or child in a criminal or delinquency case, but both forms of representation require many of the same aspects and traits in order to be “quality.” The Council already has a network of attorneys with experience and openness to public representation which it could tap into and train in order to provide quality legal representation in dependency courts throughout the entire state. Additionally, the Council already provides a piece of an interdisciplinary model with its Office of the Mental Health Advocate which provides services to attorneys who are representing defendants with mental health issues.¹³¹ As the foster system and child removal are traumatic for both children and parents, this Office could be expanded and adapted in order to be able to also provide mental health services for attorneys representing those children and parents.

¹³⁰ O.C.G.A. § 17-12-1 (c).

¹³¹ Office of the Mental Health Advocate, <http://www.gapubdef.org/index.php/office-of-the-mental-health-advocate> (last visited Oct. 30, 2020)

II. New Agency Model

In a New Agency Model, a brand-new state agency would be created with essentially the same duties and responsibilities as the Existing Agency Model program: contracting, oversight, and training. For the most part, either the New Agency Model or the Existing Agency Model could be constructed to produce the exact same effect on parents, children, and the state as a whole. The main differences are only relevant in regard to funding and politics.

We see a model similar to this in Colorado with its Office of Respondent Parents' Council and Office of the Child's Representative. Each office provides legal representation for children or parents involved in dependency or abuse/neglect cases and oversees and administers the representation provided to those parents or children to ensure that it is of adequate quality.¹³² The OCR provides its attorneys trainings on child welfare law, social science, child development, mental health, education, and best practices for the representation of children, and the ORPC provides similar trainings with a lens focused on issues faced by parents.¹³³ The OCR also oversees, trains, and assigns guardian ad litem representatives throughout the state which encompasses a large portion of its workload.¹³⁴

The ORPC has already achieved fantastic results by increasing the rate of reunification from 37 percent to 79 percent in 2018 in its El Paso County pilot program at the programs infancy.¹³⁵ The office currently has an 11-person workforce and receives roughly \$29 million in funding from the State of Colorado, however this funding also includes \$20 million specifically

¹³² New York State is also moving towards this model after a special Commission recommended that a new state agency be established to oversee parental representation and implement competitive compensation, attorney standards, training, and caseload caps; State of N.Y., Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore, (2019).

¹³³ About OCR, <https://coloradochildrep.org/about-ocr/> (last visited Nov. 1, 2020); Court Appointments Through the Office of Respondent Parents' Counsel, Sup. Ct. of Colo., Off. of the C.J., (July 1, 2017)

¹³⁴ *Id.*

¹³⁵ Colo. Office of Respondent Parents' Counsel Fiscal Year 2020-21 Budget Request.

for the compensation of parent attorneys.¹³⁶ The OCR is older than the ORPC having been formed in 2000 and currently has a budget of roughly \$35 million of which \$28.5 million is directly spent on attorney compensation.¹³⁷ One creative aspect of the OCR is the fact that it both contracts with attorneys and employs attorneys in its El Paso County GAL office.¹³⁸ Contracted attorneys are used in most of the state while El Paso is covered by the office's GAL pilot program.

III. Contracting Model

In the Contracting Model, the state of Georgia would not contract with individual attorneys and oversee those attorneys themselves but would instead contract with legal nonprofits and other nongovernmental organizations to provide the legal representation for parents and children in dependency cases in Georgia. The State of Georgia would not completely turn a blind eye towards the quality of legal representation provided in this model, but the vast majority of oversight, training, and compensation rates for attorneys would be the duty of the contracted organizations.

The most noteworthy benefit to this model is the extremely low startup cost as it eliminates the need for an oversight/organizing agency. Essentially, the only cost to the state would be the cost of the contracts issued to the legal service providers. Colorado, for instance, spends roughly 48.5 million dollars per year combined on contracts for both its OCR and ORPC offices for the entire state.¹³⁹ Another benefit is that many of these organizations already receive

¹³⁶ *Id.*

¹³⁷ Colo. Off. Of the Child's Rep. Fiscal Year 2021 Budget Request Long-Range Financial Plan.

¹³⁸ Colo. Off. Of the Child's Rep. Fiscal Year 2020 Budget Request.

¹³⁹ Though note that this relatively large cost reflects the entire state of Colorado. Should Georgia wish to pursue a model which incorporates contracting with nongovernmental legal representation providers, it could begin with contracts with only a handful of organizations rather than contracting to provide representation for the entire state; Colo. Off. Of the Child's Rep. Fiscal Year 2021 Budget Request Long-Range Financial Plan; Colo. Office of Respondent Parents' Counsel Fiscal Year 2020-21 Budget Request.

charitable funding to provide high-level legal representation for children or parents which could supplement funding from the state contract. This would allow that organization to invest even more in the representation it provides.

The most noteworthy issue with this model is simply the lack of state oversight. While many organizations can be trusted to continuously and consistently provide quality legal representation, some may not be. Additionally, outside of major cities, nongovernmental organizations capable of providing this kind of representation are few and far between.

The Contracting Model, despite its flaws, is still beneficial to consider as aspects of it can be incorporated into either of the first two models to amplify their impacts and stretch their resources further. Contracting with individual attorneys is beneficial in smaller, more rural jurisdictions where there is little to no services provided by legal nonprofits to parents or children within that jurisdiction. However, in more populous jurisdictions, especially around Atlanta, there already exists several organizations that provide either quality legal representation themselves or training to improve the competency and knowledge of other attorneys.

CONCLUSION

Quality legal representation offers numerous and undeniable benefits for children, parents, and state expenditures. Georgia has an opportunity to see these benefits come to fruition through investment in a state quality legal representation model. The current Georgia dependency structure lacks uniformity and equity, but there is great potential for change to this structure by manipulating new federal funds. New Title IV-E funding and creative use of existing CAPTA, IDEA and VOCA federal funding can provide significant assistance to Georgia in recreating and redefining its state dependency structure.

In considering how this model should be redefined, we recommend Georgia pursue a model of state office oversight of quality legal representation. No matter the model of that state office, we recommend that this office mandate, organize and facilitate child welfare training on a state-wide level in order to ensure uniform quality across jurisdictions of variable sizes and resources. Ensuring quality representation necessitates that child and parent welfare attorneys be given compensation and benefits similar to that of other publicly funded attorneys, and that state-wide case limit for attorneys be instituted. Lastly, we recommend that all attorneys representing children or parents in dependency proceedings are part of an interdisciplinary team, in order to holistically representation the needs of their clients, and that these teams receive oversight through vertical and horizontal support structures. Through these changes, Georgia can offer better representation to its families, save money for the state, and become a leader in quality legal representation.

Children's Justice Act Task Force Legal Representation Survey - Attorneys

1. Which of the following best describes your current role in dependency cases?

- Parent attorney
- Child attorney
- SAAG
- GAL attorney
- Other (please specify)

2. How long have you served in this role?

- Less than one year
- 1-2 years
- 3-5 years
- 6-10 years
- More than 10 years

3. Is this role:

- Full-time
- Part-time

4. If part-time, estimated hours per month:

Children's Justice Act Task Force Legal Representation Survey - Attorneys

5. Is this role a:

- Salaried staff position
- Contractor position

Children's Justice Act Task Force Legal Representation Survey - Attorneys

6. How are you retained?

- Contract with an hourly fee for a specific contract-period
- Contract with a flat fee for a specific time-period
- Paid hourly on a case-by-case basis

7. Is there a different rate for in-court time and out-of-court time?

- Yes
- No

8. Do rates increase with increased experience/higher credentials?

- Yes
- No

9. Do rates vary based on the complexity of the case?

- Yes
- No

10. In which judicial circuit(s) do you practice currently?

- | | |
|--|---|
| <input type="checkbox"/> Alapaha Circuit | <input type="checkbox"/> Houston Circuit |
| <input type="checkbox"/> Alcovy Circuit | <input type="checkbox"/> Lookout Mountain Circuit |
| <input type="checkbox"/> Appalachian Circuit | <input type="checkbox"/> Macon Circuit |
| <input type="checkbox"/> Atlanta Circuit | <input type="checkbox"/> Middle Circuit |
| <input type="checkbox"/> Atlantic Circuit | <input type="checkbox"/> Mountain Circuit |
| <input type="checkbox"/> Augusta Circuit | <input type="checkbox"/> Northeastern Circuit |
| <input type="checkbox"/> Bell-Forsyth Circuit | <input type="checkbox"/> Northern Circuit |
| <input type="checkbox"/> Blue Ridge Circuit | <input type="checkbox"/> Ocmulgee Circuit |
| <input type="checkbox"/> Brunswick Circuit | <input type="checkbox"/> Oconee Circuit |
| <input type="checkbox"/> Chattahoochee Circuit | <input type="checkbox"/> Ogeechee Circuit |
| <input type="checkbox"/> Cherokee Circuit | <input type="checkbox"/> Pataula Circuit |
| <input type="checkbox"/> Clayton Circuit | <input type="checkbox"/> Paulding Circuit |
| <input type="checkbox"/> Cobb Circuit | <input type="checkbox"/> Piedmont Circuit |
| <input type="checkbox"/> Conasauga Circuit | <input type="checkbox"/> Rockdale Circuit |
| <input type="checkbox"/> Cordele Circuit | <input type="checkbox"/> Rome Circuit |
| <input type="checkbox"/> Coweta Circuit | <input type="checkbox"/> Southern Circuit |
| <input type="checkbox"/> Dougherty Circuit | <input type="checkbox"/> Southwestern Circuit |
| <input type="checkbox"/> Douglas Circuit | <input type="checkbox"/> Stone Mountain Circuit |
| <input type="checkbox"/> Dublin Circuit | <input type="checkbox"/> Tallapoosa Circuit |
| <input type="checkbox"/> Eastern Circuit | <input type="checkbox"/> Tifton Circuit |
| <input type="checkbox"/> Enotah Circuit | <input type="checkbox"/> Toombs Circuit |
| <input type="checkbox"/> Flint Circuit | <input type="checkbox"/> Towaliga Circuit |
| <input type="checkbox"/> Griffin Circuit | <input type="checkbox"/> Waycross Circuit |
| <input type="checkbox"/> Gwinnett Circuit | <input type="checkbox"/> Western Circuit |

11. What is the one aspect of legal representation in dependency cases that is most in need of improvement in your jurisdiction(s)?

13. How much would each of the following compensation practices/options contribute to improving and supporting quality legal representation in dependency cases if available to you/your peers?

	None	Not very much	Some	Very much	A great deal	N/A
Compensation rates based on attorney experience, expertise, and/or specializations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Equal payment for in-court and out-of-court work/time	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial incentives for additional training, certifications, or specializations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial incentives for meeting specified professional development recommendations or requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Full-time position with benefits	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Higher pay	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Variable compensation rates based on case complexity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

14. Which of the following professional development supports would contribute a great deal to improving and supporting quality legal representation in dependency cases if available or more readily available to you/your peers (mark all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Case consultation with peers | <input type="checkbox"/> Organized mentoring/coaching |
| <input type="checkbox"/> Child Welfare Law Specialist certification | <input type="checkbox"/> Peer community/network support |
| <input type="checkbox"/> Formal client feedback mechanism | <input type="checkbox"/> Role-specific, pre-appointment training |
| <input type="checkbox"/> Georgia-specific practice materials and forms | <input type="checkbox"/> Specialized training in child welfare dependency law |
| <input type="checkbox"/> Guidance and feedback from supervisors | <input type="checkbox"/> Trial skills, motions practice, and evidence training specific to dependency |

15. Which of the following training topics would contribute a great deal to improving and supporting quality legal representation for dependency cases if available or more readily available to you/your peers (mark all that apply):

DFCS policy and practice

Trauma-responsive practice

Diversity, equity, implicit bias, inclusion

Specialized training in child welfare dependency law

Evidence and trial skills

Virtual practice/remote representation skills

Legal strategies to expedite permanency

Other topics relevant to child welfare (e.g., immigration, homelessness, education advocacy, reasonable efforts)

Ongoing case law and legislative updates

Other professional development or training that would contribute a great deal (please specify):

Children's Justice Act Task Force Legal Representation Survey - Attorneys

Your Professional Practice, Development and Support

So that we may better understand your responses to this survey, please tell us a little about your own experience/current practice.

16. What was your estimated average monthly dependency client caseload before the pandemic? (count a child as one client)

- | | |
|------------------------------------|-------------------------------------|
| <input type="radio"/> Less than 10 | <input type="radio"/> 51 -100 |
| <input type="radio"/> 10-25 | <input type="radio"/> 101 - 150 |
| <input type="radio"/> 26-50 | <input type="radio"/> More than 150 |

17. Estimate the percentage of your practice that is in each of the following areas: (enter number only - no percent sign)

Adoption	<input type="text"/>
Dependency/TPR	<input type="text"/>
CHINS	<input type="text"/>
Criminal	<input type="text"/>
Delinquency	<input type="text"/>
Other family law (e.g., divorce, custody, emancipation)	<input type="text"/>
Other	<input type="text"/>

18. Was there pre-appointment training specific to your current role in dependency cases available?

- Yes, I completed pre-appointment training specific to my role
- Yes, pre-appointment training was available, but I was unable to take or complete it
- No, pre-appointment training was not available

Children's Justice Act Task Force Legal Representation Survey - Attorneys

19. How well did the pre-appointment training you completed prepare you for your current role?

- Not at all
- Not very well
- Somewhat
- Very well
- Extremely well

Children's Justice Act Task Force Legal Representation Survey - Attorneys

20. How beneficial would completing role-specific training have been for you?

- Not at all beneficial
- Not very beneficial
- Somewhat beneficial
- Very beneficial
- Extremely beneficial

21. Do you have the Child Welfare Law Specialist certification?

- Yes
- No

Children's Justice Act Task Force Legal Representation Survey - Attorneys

22. How beneficial was this certification?

- Not at all beneficial
- Not very beneficial
- Somewhat beneficial
- Very beneficial
- Extremely beneficial

Children's Justice Act Task Force Legal Representation Survey - Attorneys

23. Are you planning to pursue this certification?

Yes

No

24. In your current practice, how often you are able to do each of the following with your clients?

	In no or very few cases	In some cases	In most cases	In all or nearly all cases
Adequately counsel clients regarding legal strategy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Communicate regularly with clients about case status, their strengths and needs/wishes, what is/is not working for them	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Meet with clients outside of court (in-person or virtually)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identify appropriate community resources to help clients	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Participate in case planning, family group decision-making, or other client meetings with the child welfare agency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Thoroughly prepare clients (adults or children) for court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Work with clients individually to develop safety and case plan options to present to court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

25. In your current practice, how often you are able to do each of the following for your dependency cases?

	In no or very few cases	In some cases	In most cases	In all or nearly all cases
Communicate regularly with collateral contacts (e.g., treatment providers, teachers, social workers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conduct rigorous, comprehensive discovery	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conduct your own investigation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
File/serve discovery requests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attend all court hearings and reviews, in-person or virtually	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
File motions and appeals as needed to protect client's rights and advocate for their needs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identify helpful relatives/fictive kin for support, safety planning, or possible placement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Independently verify facts in allegations and reports	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Thoroughly prepare for all court hearings and reviews	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Visit placements or potential placements for children	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

26. Prior to taking on your current role in dependency cases, in what other professional capacities have you served in which you participated in cases involving dependency, delinquency, CHINS or criminal prosecution of child abuse/neglect/sexual exploitation? (mark all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Juvenile court judge | <input type="checkbox"/> Child attorney |
| <input type="checkbox"/> Superior court judge | <input type="checkbox"/> GAL attorney |
| <input type="checkbox"/> Other judge | <input type="checkbox"/> SAAG |
| <input type="checkbox"/> Prosecuting attorney | <input type="checkbox"/> CASA |
| <input type="checkbox"/> Defense attorney | <input type="checkbox"/> Law enforcement officer/investigator |
| <input type="checkbox"/> Parent attorney | <input type="checkbox"/> Child welfare worker |
| <input type="checkbox"/> Other (please specify) | |

27. With which of the following professional groups are you affiliated? (mark all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Child Protection and Advocacy Section of the State Bar | <input type="checkbox"/> Child Welfare Law Specialists |
| <input type="checkbox"/> Georgia Association of Counsel for Children (GACC) | <input type="checkbox"/> Local Bar Association |
| <input type="checkbox"/> Parent Attorney Advocacy Committee (PAAC) | <input type="checkbox"/> None |
| <input type="checkbox"/> Other (please specify) | |

28. What kind of follow-up would you like? (mark all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Receiving a copy of the final survey report | <input type="checkbox"/> Learning more about the CJATF three-year assessment project and the Joint Quality Legal Representation Project of the Office of the Child Advocate and the Court Improvement Project |
| <input type="checkbox"/> Being contacted for additional input on any of your responses | <input type="checkbox"/> Participating in a pilot project designed to Improve the quality of legal representation (such as mentoring, training standards, or multidisciplinary practice) |
| <input type="checkbox"/> Learning more about the Children's Justice Act Task Force (CJATF) | <input type="checkbox"/> Receiving information on potential funding opportunities related to improving the quality of legal representation in your jurisdiction |

If you are interested in any of the above follow-up options, please enter your name and email address here:

Your Professional Practice/Environment

1. How long have you served as a Juvenile Court Judge?
 Less than one year 1-2 years 3-5 years 6-10 years More than 10 years

2. Prior to the pandemic, about how many dependency hearings did you hold in an **average week**?
 Less than 10 10-25 26-50 More than 50

3. Estimate the percentage of your hearings that involve:
 Dependency _____% Delinquency _____% Other (specify): _____, _____%
 Probate or Superior Transfers _____% CHINS _____% Other: _____, _____%
 Other: _____, _____%

4. In which judicial circuit(s) do you work currently?

5. What is the predominant way in which attorneys are retained or appointed for dependency cases in your jurisdiction?
 Staff attorneys from county government offices Other (please specify):
 Private attorneys appointed from a pool or court-approved list
 Contractors (private attorneys)

6. How would you rate the overall quality of legal representation in dependency cases in your jurisdiction by the following practitioners?

	Poor	Not very good	Average	Very good	Excellent	N/A
Child attorneys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent attorneys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GAL attorneys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SAAGS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. How often is a CASA appointed in the dependency cases you hear?
 In very few cases In some cases In most cases In nearly all cases N/A

8. What is the overall quality of CASA courtroom advocacy in your jurisdiction?
 Poor Not very good Average Very good Excellent N/A

9. What is the one aspect of legal representation for children and families in dependency cases that is most in need of improvement in your jurisdiction?

Potential Strategies to Improve/Support Quality Representation

10. How much would each of the following contribute to improving and supporting quality legal representation by attorneys in dependency cases if available or more readily available?

	None	Not very much	Some	Very much	A great deal	N/A
Formal system of oversight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgia-specific standards of practice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Guaranteed minimum caseload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Guaranteed maximum caseload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improved access to information resources (e.g., legal databases, subscriptions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improved access to experts, case-related professionals (e.g., social workers, investigators)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interdisciplinary case teams (e.g., investigator, mental health professional, education advocate, client peer support, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
More timely case assignments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Translation services and other accommodations for clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. How much would each of the following **compensation practices/options** contribute to improving and supporting quality legal representation by attorneys in dependency cases if available?

	None	Not very much	Some	Very much	A great deal	N/A
Compensation rates based on attorney experience, expertise, and/or specializations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Equal payment for in-court and out-of-court work/time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial incentives for additional training, certifications, or specializations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial incentives for meeting specified professional development recommendations or requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Full-time position with benefits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Higher pay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Variable compensation rates based on case complexity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. Which of the following **professional development** supports would **contribute a great deal** to improving and supporting quality legal representation by attorneys in dependency cases if available or more readily available? (*mark all that apply:*)

- | | |
|--|---|
| Case consultation with peers <input type="checkbox"/> | Organized mentoring/coaching <input type="checkbox"/> |
| Child Welfare Law Specialist certification <input type="checkbox"/> | Peer community/network support <input type="checkbox"/> |
| Formal client feedback mechanism <input type="checkbox"/> | Role-specific, pre-appointment training <input type="checkbox"/> |
| Georgia-specific practice materials and forms <input type="checkbox"/> | Specialized training in child welfare dependency law <input type="checkbox"/> |
| Guidance and feedback from supervisors <input type="checkbox"/> | Trial skills, motions practice, and evidence training specific to dependency <input type="checkbox"/> |

13. Which of the following **training topics** would **contribute a great deal** to improving and supporting quality legal representation by attorneys in dependency cases if available or more readily available? (*mark all that apply:*)

- | | |
|---|---|
| DFCS policy and practice <input type="checkbox"/> | Ongoing case law and legislative updates <input type="checkbox"/> |
| Diversity, equity, implicit bias, inclusion <input type="checkbox"/> | Trauma-responsive practice <input type="checkbox"/> |
| Evidence and trial skills <input type="checkbox"/> | Specialized training in child welfare dependency law <input type="checkbox"/> |
| Legal strategies to expedite permanency <input type="checkbox"/> | Virtual practice/remote representation skills <input type="checkbox"/> |
| Other topics relevant to child welfare (e.g., immigration, homelessness, education advocacy, reasonable efforts) <input type="checkbox"/> | |

14. What other strategies, practices or trainings for **attorneys** would contribute a great deal to improving and supporting quality legal representation in dependency cases?

15. Are there any resources, supports, professional development or training for **Juvenile Court Judges** that would contribute a great deal to improving and supporting quality legal representation in dependency cases?

16. Any other comments on improving and supporting quality legal representation in dependency cases?

Thank you for spending the time to provide us with your perspectives on improving and supporting quality legal representation in Georgia! To learn more about the task force and its efforts, visit www.gacrp.com/cjattf

Please return this form to Judge Amber Patterson: amber.patterson@cobbcounty.org

Children's Justice Act Task Force Legal Representation Survey - Juvenile Court Judges

Your Professional Practice/Environment

1. How long have you served as a Juvenile Court Judge?

- Less than one year
- 1-2 years
- 3-5 years
- 6-10 years
- More than 10 years

2. Prior to the pandemic, about how many dependency hearings or other hearings related to the welfare of children and youth did you hold in an average week?

- Less than 10
- 10-25
- 26-50
- More than 50

3. Estimate the percentage of your hearings that involve: *(number only - no percent sign)*

CHINS	<input type="text"/>
Delinquency	<input type="text"/>
Dependency	<input type="text"/>
Other	<input type="text"/>

4. In which judicial circuit(s) do you work currently? *(mark all that apply)*

Children's Justice Act Task Force Legal Representation Survey - Juvenile Court Judges

5. What is the predominant way in which attorneys are retained or appointed for dependency cases in your jurisdiction?

- Staff attorneys from county government offices
- Private attorneys appointed from a pool or court-approved list
- Contractors (private attorneys)
- Other (please specify:)

6. How would you rate the overall quality of legal representation in dependency cases in your jurisdiction by the following practitioners?

	Poor	Not very good	Average	Very good	Excellent	N/A
Child attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Parent attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Guardians ad litem	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
SAAGs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. How often is a CASA appointed in the dependency cases you hear?

In very few cases	In some cases	In most cases	In nearly all cases	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8. What is the overall quality of CASA courtroom advocacy in your jurisdiction?

Poor	Not very good	Average	Very good	Excellent	N/A
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

9. What is the one aspect of legal representation for children and families in dependency cases that is most in need of improvement in your jurisdiction(s)?

Children's Justice Act Task Force Legal Representation Survey - Juvenile Court Judges

12. Which of the following professional development supports would contribute a great deal to improving and supporting quality legal representation by attorneys in dependency cases if available or more readily available? (*mark all that apply*):

- | | |
|--|---|
| <input type="checkbox"/> Case consultation with peers | <input type="checkbox"/> Organized mentoring/coaching |
| <input type="checkbox"/> Child Welfare Law Specialist certification | <input type="checkbox"/> Peer community/network support |
| <input type="checkbox"/> Formal client feedback mechanism | <input type="checkbox"/> Role-specific, pre-appointment training |
| <input type="checkbox"/> Georgia-specific practice materials and forms | <input type="checkbox"/> Specialized training in child welfare dependency law |
| <input type="checkbox"/> Guidance and feedback from supervisors | <input type="checkbox"/> Trial skills, motions practice, and evidence training specific to dependency |

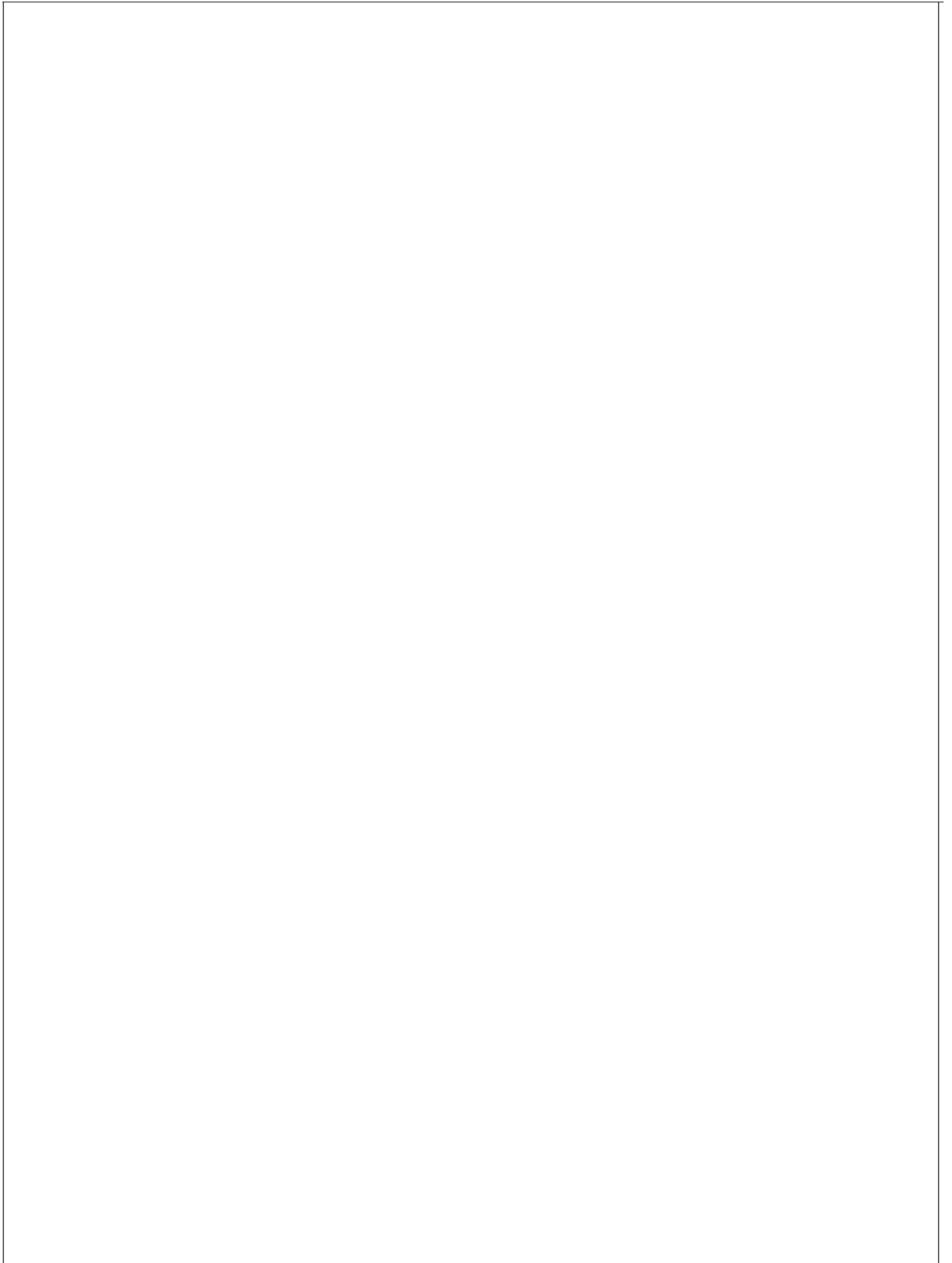
13. Which of the following types of training would contribute a great deal to improving and supporting quality legal representation by attorneys in dependency cases if available or more readily available? (*mark all that apply*):

- | | |
|--|---|
| <input type="checkbox"/> DFCS policy and practice | <input type="checkbox"/> Trauma-responsive practice |
| <input type="checkbox"/> Diversity, equity, implicit bias, inclusion | <input type="checkbox"/> Specialized training in child welfare dependency law |
| <input type="checkbox"/> Evidence and trial skills | <input type="checkbox"/> Virtual practice/remote representation skills |
| <input type="checkbox"/> Legal strategies to expedite permanency | <input type="checkbox"/> Other topics relevant to child welfare (e.g., immigration, homelessness, education advocacy, reasonable efforts) |
| <input type="checkbox"/> Ongoing case law and legislative updates | |

14. What other strategies, practices or trainings for attorneys would contribute a great deal to improving and supporting quality legal representation in dependency cases?

15. Are there any resources, supports, professional development or trainings for Juvenile Court Judges that would contribute a great deal to improving and supporting quality legal representation in dependency cases?

16. Any other comments on improving and supporting quality legal representation in dependency cases?



Children's Justice Act Task Force Legal Representation Survey - Juvenile Court Judges

Your Professional Experience

17. Prior to taking on your current role in dependency cases, in what other professional capacities have you served in which you participated in cases involving dependency, delinquency, CHINS or criminal prosecution of child abuse/neglect/sexual exploitation? (mark all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Juvenile court judge | <input type="checkbox"/> Child attorney |
| <input type="checkbox"/> Superior court judge | <input type="checkbox"/> GAL attorney |
| <input type="checkbox"/> Other judge | <input type="checkbox"/> SAAG |
| <input type="checkbox"/> Prosecuting attorney | <input type="checkbox"/> CASA |
| <input type="checkbox"/> Defense attorney | <input type="checkbox"/> Law enforcement officer/investigator |
| <input type="checkbox"/> Parent attorney | <input type="checkbox"/> Child welfare worker |
| <input type="checkbox"/> Other (please specify) | |

18. What kind of follow-up would you like? (mark all that apply)

- Learning more about the CJATF three-year assessment project and the Joint Quality Legal Representation Project of the Office of the Child Advocate and the Court Improvement Project
- Participating in a pilot project designed to improve the quality of legal representation (such as mentoring, training standards, or multidisciplinary practice)
- Receiving information on potential funding opportunities related to improving the quality of legal representation in your jurisdiction

If you are interested in any of the above follow-up options, please enter your name and email address here: