

The Honorable Patty Murray  
Chairperson  
Senate Committee on Health, Education,  
Labor & Pensions  
Washington, DC 20510

The Honorable Richard Burr  
Ranking Member  
Senate Committee on Health, Education,  
Labor & Pensions  
Washington, DC 20510

The Honorable Robert C. Scott  
Chairperson  
House Education & Labor Committee  
Washington, DC 20515

The Honorable Virginia Foxx  
Ranking Member  
House Education & Labor Committee  
Washington, DC 20515

### **Re: Ensuring a Right to Counsel for Children and Parents in CAPTA Reauthorization**

Dear Congressional Leaders:

The undersigned organizations, representing a wide range of advocates and stakeholders for children and families throughout the country, submit this letter in strong support of the proposal in S.1927 to guarantee legal counsel for children and parents involved in child welfare court proceedings. We write to urge the House Committee to incorporate similar language into the final bill, incorporating recommended revisions which will better complement [existing state law](#) and facilitate broader community support. [These revisions](#) are supported by the American Bar Association's Center on Children and the Law, the Children's Advocacy Institute, the National Association of Counsel for Children, Children's Law Center of California and other state partners.

All parties in child welfare court proceedings deserve effective legal representation to zealously advocate for their needs, to navigate the complex labyrinth of executive and judicial branch processes, and to amplify their voice as courts make life-altering decisions. With such fundamental rights at stake, access to legal representation at every stage of the proceedings is imperative. These are complex matters - often implicating numerous federal and state laws, expert testimony from clinicians, and the intersection of education, medical, and mental health systems. Attorneys are uniquely qualified to provide legal advice, file motions and appeals, call and cross-examine witnesses, and harness the full panoply of legal protections available under state and federal law.

A growing body of research demonstrates the value of high-quality legal representation for children and parents. The federal government's six-year QIC-ChildRep study found children were 40% more likely to leave foster care within their first six months when the child's attorney was specially trained.<sup>1</sup> Likewise, numerous studies demonstrate that guaranteeing counsel for parents yields more successful family reunifications, a shorter time to adoption or guardianship when reunification is not possible, and overall cost savings.<sup>2</sup> The U.S. Children's Bureau has affirmed

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<sup>1</sup> Duquette et. al, [Children's Justice: How to Improve Legal Representation of Children in the Child Welfare System](#). ABA Publications (2016); *See also* Orlebeke, B., Zhou, X., Skyles, A., & Zinn, A. (2016). [Evaluation of the QIC-ChildRep Best Practices Model training for attorneys representing children in the child welfare system](#). Chicago, IL: Chapin Hall at the University of Chicago.

<sup>2</sup> ["Key Studies and Data About How Legal Aid Assists Children in Foster Care."](#) The Justice in Government Project. Last visited July 22, 2021.

that “[p]roviding high quality legal representation to all parties at all stages of dependency proceedings is crucial to realizing...basic tenets of fairness and due process under the law.”<sup>3</sup>

While volunteer Court Appointed Special Advocates (CASAs) provide a service to the court, they are not substitutes for licensed legal representation for the child. Displaced from home, school, and important relationships, children are profoundly impacted by judicial decisions, yet face the greatest barriers communicating their requests to the court. When a child has a medical problem, they need a doctor; when a child has a legal problem, they need a lawyer. Individuals with lived experience in the child welfare system have affirmed that [high-quality legal representation is a priority strategy for reform](#).

The timing for this change is ripe. Nearly half of all states are accessing newly available federal matching funds through Title IV-E for legal representation of children and parents in child welfare cases. The U.S. Children’s Bureau [has issued helpful guidance](#) to help states leverage this resource. The advocacy, non-profit and philanthropic communities are aligned behind a common vision of high-quality legal representation for all parties in child welfare proceedings. In short, the field is primed to ensure the success of this revision.

Thank you for your commitment to justice for children and parents in the CAPTA reauthorization process. It is paramount for all parties to have the benefit of legal counsel if we are ever to build a child welfare system that lives up to its call.

Sincerely,

### **National Organizations**

Alliance for Strong Families and Communities and Council on Accreditation  
American Civil Liberties Union  
American Professional Society on the Abuse of Children  
Association of Children's Residential & Community Services  
Center for the Study of Social Policy  
Child Welfare Policy and Practice Group  
Children’s Advocacy Institute  
Children's Defense Fund  
Children's Rights  
Children's Trust Fund Alliance  
Child Welfare League of America  
Corporation for Supportive Housing  
Family Integrity & Justice Works  
First Focus Campaign for Children  
First Star Institute  
Foster America  
Foster Care Alumni of America  
FosterClub

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<sup>3</sup> Administration for Children, Youth and Families Information Memorandum ACYF-CB-IM-17-02. “[High Quality Legal Representation for All Parties in Child Welfare Proceedings](#).” January 17, 2017.

Futures Without Violence  
Generations United  
Juvenile Law Center  
Kids in Need of Defense  
Minaret Foundation  
National American Indian Court Judges Association  
National Association of Counsel for Children  
National Center for Housing & Child Welfare  
National Center for Youth Law  
National Center on Adoption and Permanency  
National Center on Shared Leadership  
National Coalition for a Civil Right to Counsel  
National Council of Juvenile and Family Court Judges  
National Crittenton  
National District Attorneys Association  
National Family Support Network  
National Foster Youth Institute  
National Foundation to End Child Abuse and Neglect  
National Indian Child Welfare Association  
National Juvenile Justice Network  
National Legal Aid & Defender Association  
National Network for Youth, Inc.  
Parents Anonymous  
Parents Assisting Parents Network  
Public Knowledge, LLC  
Ray E. Helfer Society  
SchoolHouse Connection  
Steve Nash Foundation  
Strengthening Families All Around the World, Inc.  
Think of Us  
United Family Advocates  
With Lived Experience  
Young Center for Immigrant Children's Rights  
Youth Law Center  
Youth Villages  
Zero to Three

### **State and Local Organizations**

Access to Law Foundation (Georgia)  
Advokids (California)  
Alliance for Children's Rights (California)  
Brigid Collins Children's Advocacy Center (Washington)  
California Alliance of Child and Family Services (California)  
California Coalition for Children's Safety and Health (California)  
California Youth Connection (California)

Center for Children's Advocacy (Connecticut)  
Center for Children & Youth Justice (Washington)  
Chaves County CASA Program (New Mexico)  
Child Advocacy Team (Michigan)  
Child Advocates (Indiana)  
Children's Action Alliance (Arizona)  
Children Now (California)  
Children's Home Society of North Carolina (North Carolina)  
Children's Law Center (Washington, D.C.)  
Children's Law Center, Inc. (Kentucky and Ohio)  
Children's Law Center of California (California)  
Children's Legal Services New Hampshire (New Hampshire)  
Children's Legal Services of San Diego (California)  
Children's Rights Society (New York)  
Children's Services Council of Broward County (Florida)  
Christian Family Services, Inc. (Florida)  
Citizens Concerned for Children, Inc. (New York)  
Colorado Office of Respondent Parents' Counsel (Colorado)  
Community Legal Aid Society, Inc. (Delaware)  
Community Legal Services (Pennsylvania)  
Corinne Wolfe Center for Child and Family Justice (New Mexico)  
DCYF Statewide Washington State Citizen Review Panel (Washington)  
East Bay Children's Law Offices (California)  
Family Forward Advocacy CT, Inc. (Connecticut)  
Florida's Children First (Florida)  
Foster Care Advocacy Center (Texas)  
Fostering Hope Louisiana (Louisiana)  
Friends of the Children's Justice Center of Maui (Hawai'i)  
Georgia Association of Counsel for Children (Georgia)  
Hathaway-Sycamores Child and Family Services (California)  
Institute to Transform Child Protection at Mitchell Hamline School of Law (Minnesota)  
Jefferson County Department of Job and Family Services Children Services Division (Ohio)  
John Burton Advocates for Youth (California)  
Justice for Children Project, Moritz College of Law (Ohio)  
Kentucky Youth Advocates (Kentucky)  
KidsVoice (Pennsylvania)  
Law Foundation of Silicon Valley (California)  
Lawyers for Children (New York)  
Legal Aid Center of Southern Nevada (Nevada)  
Legal Aid of Palm Beach County (Florida)  
Legal Counsel for Youth and Children (Washington)  
Legal Services for Children (California)  
Linn County Advocate, Inc. (Iowa)

Los Angeles Dependency Lawyers (California)  
Louisiana Elite Advocacy Force (Louisiana)  
Loyola University Chicago (Illinois)  
Mental Health Advocacy Service (Louisiana)  
Michigan Children's Law Center (Michigan)  
Mockingbird Society (Washington)  
Montana CASA/GAL Association (Montana)  
Montana Office of Public Defender (Montana)  
Native American Disability Law Center (New Mexico)  
Office of Civil Legal Aid (Washington)  
Office of the Child's Representative (Colorado)  
Office of the Cook County Public Guardian (Illinois)  
Partners for Our Children (Washington)  
Pegasus Law (New Mexico)  
Pennsylvania Partnerships for Children (Pennsylvania)  
Pima County Office of Children's Counsel (Arizona)  
Public Counsel (California)  
Rise (New York)  
Rocky Mountain Children's Law Center (Colorado)  
Safe & Sound (California)  
Schuyler Center for Analysis and Advocacy (New York)  
Texas Association of Family Defense Attorneys (Texas)  
TexProtects (Texas)  
Therapeutic Center for Hope (Florida)  
University of Miami School of Law Children & Youth Law Clinic (Florida)  
Village Arms LLC (Minnesota)  
Virginia Poverty Law Center (Virginia)  
Washington Association of Criminal Defense Lawyers (Washington)  
Washington County Department of Human Services (Colorado)  
Washington State Office of Public Defense (Washington)  
Washington Defender Association (Washington)  
Wyoming Children's Law Center, Inc. (Wyoming)  
Wyoming Office of the Guardian ad Litem (Wyoming)  
Youth Heartline (New Mexico)  
Youth, Rights & Justice (Oregon)

## **Firms**

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ASG Law Office, LLC (Colorado)  
Ashtari Law Firm, PLLC (Texas)  
Babb Law Firm (South Carolina)  
Belknap Legal Services (New Hampshire)  
Carrington and Moore LLC (Missouri)  
Children's Law Office, Inc (California)

D.R. Phillips Law Firm LLC (Alabama)  
Eckart Wostmann Wiese, LLC (Oregon)  
Elaine M. Darroch, PLLC (Virginia)  
Emily Penoyar Rambo, Attorney at Law (Washington)  
Good Legal Firm (Georgia)  
Hope Law Firm, PLLC (Tennessee)  
Hopkins Law Firm, PLLC (Texas)  
Huot Law PLLC (Washington)  
Infinitum Legal Counsel, PS (Washington)  
Langsley Mills Law, LLC (Colorado)  
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Law Offices of Andrew J Sosnowski (Illinois)  
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Meghan Scott Law (Colorado)  
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Miller Law PC (Georgia)  
MJ Consulting Firm (Colorado)  
Myers & Associates, PLLC (Arizona)  
Patton Law Office, S.C. (Wisconsin)  
Pearsall Law Firm, PC (Texas)  
Progressive Endeavors LLC (Texas)  
S.D. Martin Consulting (Washington)  
Stanley Law Firm, LLC (Iowa)  
Sylvia's Umbrella Business & Services  
The Child Advocate Law Firm PLLC (Virginia)  
The Law Office of Karen M. Holman, PLLC (Virginia)  
The Franklin Law Group, P.C. (Maryland)