

On any given day, there are approximately 443,000 children in foster care.¹ After spending time in foster care, children often experience emotional, social, and behavioral issues.² When legal aid can address underlying causes of children entering foster care, like abuse and housing insecurity, it can prevent children from entering foster care in the first place (Sankaran, 2014). When children do enter court-supervised out-of-home care, studies show that for parents who have legal representation, their children experience less time spent in foster care (Thornton & Gwin, 2012), faster rates to adoption and guardianship (Courtney & Hook, 2012), and increased parental presence in court (Wood et al., 2016).

Page 1 of this research brief provides some research highlights; pages 2-3 a narrative overview; pages 4-5 two featured federal resources; page 6 other helpful resources; and pages 7-12 summaries of the curated studies. All endnotes are to sources not included in our summaries section.

RESEARCH HIGHLIGHTS:

- "A lack of legal representation is placing parents at a disadvantage with regard to having their children returned to them. This may also result in children being placed outside of the home for periods of time that are longer than necessary" (Wood et al., 2016).
- "A lawyer may be able to prevent a child from entering foster care in the first instance. Children may unnecessarily enter foster care because their parents are unable to resolve legal issues that affect their safety and well-being in their home" (Sankaran, 2014).
- "Mothers were present in court more often across the life of the case when they had an attorney versus when they had no attorney. In Rankin County [one of the evaluation sites], fathers were also present more often across the life of the case when they had legal representation" (National Council of Juvenile and Family Court Judges, 2013).
- "Enhanced parental representation nearly doubled the speed to adoption and doubled the speed to legal guardianship" (Courtney & Hook, 2012).
- "Improving legal representation and support for parents in child welfare proceedings results in better outcomes for children and families and can lead to substantial savings of government" (Thornton & Gwin, 2012).
- "First, having mothers present at the preliminary protective, adjudication, disposition, and first review hearings increases children's chances of being reunified with their families. Second, assigning mothers legal counsel at or before one of these four early decision-making hearings will also increase the chances of reunification" (Wood & Russell, 2011).
 - "Children whose fathers were present at the disposition hearing in California and Colorado were more likely to be reunified, and more expediently than children whose fathers were not present at this hearing."
- "Implementation of the OPD Parents Representation Program in 15 counties resulted in 10.4% more reunifications in filed cases (equaling a 39% rate increase) ... [and] 10.6% more case resolutions within about 2.5 years" (Washington State Office of Public Defense, 2010).

NARRATIVE OVERVIEW RE: ASSISTING CHILDREN IN FOSTER CARE

The US Department of Health and Human Services Administration for Children and Families (ACF) reports there are approximately 443,000 children in foster care on any day in the U.S.³ In 2017, approximately 691,000 children, with an average age of entering foster care at 8.4 years old, spent some time in foster care. In 2017, there were 69,525 children waiting to be adopted. The average wait time for adoption is 17.5 months after termination of parental rights and these children awaiting adoption spent an average of 30.9 months in care.

Being placed in foster care can negatively affect children. One study found that for those who had scored within a normal range on behavioral, social, and emotional questionnaires at the beginning of their foster care stay, often scored poorly after.⁴ Another study found that children placed in foster care are more likely to experience “emotional and behavioral deficits, brain and neurobiological impairment, and poor social relationships with parents and peers.”⁵ Of children who spend time in group homes, they are 2.5 times more likely to become involved in the criminal justice system than those in regular foster care.⁶ These statistics are particularly salient for LGBT youth who are more likely to be placed in a group home, experience more frequent moves, and experience physical violence at foster placements than non-LGBT youth.⁷ Further, these youth may not be protected in their state: only 13 states have laws that protect LGBT youth in foster care against discrimination.

A study using data from the National Adoption Survey found that children who are adopted are less likely to rely on public resources, such as state-subsidized health care, TANF, SNAP or cash welfare payments, and subsidized school lunches.⁸ Adopted children are less likely to have their healthcare subsidized by the state, approximately three times as likely to use private health insurance, and four times less likely to lack health insurance. Further, adopted children are more likely to be living with a two-parent family, twice as likely to have at least one parent who is a college graduate, three times as likely to live in a financially secure house, and more likely to live in a safe neighborhood. These factors “have been found to be more associated with more favorable outcomes for children,”⁹ such as being less likely to be depressed, aggressive, and repeat a grade. When speed to adoption increases, it follows, the state can save resources.

DATA AND STUDIES SHOW LEGAL AID HELPS:

When legal aid helps address some of the underlying legal needs of families, it can potentially prevent the child from entering foster care. When issues such as housing insecurity, barriers to employment, and family law issues are resolved, children can avoid being placed in a situation where foster care becomes necessary. As Sankaran (Sankaran, 2014) writes, children “may unnecessarily enter foster care because their parents are unable to resolve legal issues that affect their safety and well-being in their home” (p. 1037). Through legal representation at an eviction hearing or through self-help materials and tools, legal aid can prevent a family from being evicted and the child subsequently missing school.

Outside of preventing a child from unnecessarily entering foster care, legal aid can improve the lives of families. The White House Legal Aid Interagency identifies some of the legal needs and ways in which legal aid can assist parents and children in foster care, including helping children stay in school when discipline and other problems threaten suspension or expulsion, and collecting and modifying child support payments and orders through representation and self-help centers.¹⁰ It can also help families access benefits like TANF, SNAP, and school lunches, help foster youth stay in contact with siblings, and obtain legal identification.

Studies have shown that when parents have access to legal representation, they are more likely to attend hearings and children are more likely to experience permanent outcomes. Researchers at the National Council of Juvenile and Family Court Judges conducted a program evaluation for a parent representation pilot program in Travis County, Texas (Wood et al., 2016). They find that when counsel is appointed earlier (less than ten days from the initial hearing to full appointment), children are likelier to experience more permanent outcomes. They also find that parents who have representation are also more likely to be present at the hearings, which affects more permanent outcomes. Another study makes similar findings: when parents have legal representation, they are more likely to attend court (National Council of Juvenile and Family Court Judges, 2013). One study finds that having legal representation improves the likelihood that both mothers and fathers are present at the hearings (Wood & Russell, 2011).

When children do enter court-supervised out-of-home care, parents who have legal representation still have higher rates for adoption, reunification, and legal guardianship. One study (Courtney & Hook, 2012) looked at the outcomes of 12,104 children who entered court-supervised care for the first time over three years. They found that when parents have legal representation, children exited foster care at a rate 11 percent higher than parents who did not have representation. Further, representation almost doubled the speed to adoption and doubled the speed to legal guardianship. Another study found that when parents are represented, there is a 37 percent increase in reunification at a statistically significant level ($p < 0.001$) and there is an 18.3 percent rate of change in case resolution at a statistically significant level ($p < 0.001$) (Washington State Office of Public Defense, 2010).

By preventing and reducing the time spent in foster care, legal aid services save state and federal governments money. Foster care is expensive. The average annual cost for a child to be in foster care is approximately \$45,000 (Sankaran, 2014). In one study, researchers present three case studies that demonstrate how legal representation for parents improves child outcomes and saves the state money (Thornton & Gwin, 2012). When legal representation helps avoid foster care and reduce the time spent in foster care, this translates into savings for the state.

FEATURED FEDERAL RESOURCES:

U.S. Department of Health & Human Services, Administration for Children & Families (ACF), Children's Bureau, *High Quality Legal Representation for All Parties in Child Welfare Proceedings*

This ACF memo, published in January 2017, emphasizes the importance of ensuring that parents, children and youth, and child welfare agencies receive high quality legal representation at all stages of child welfare proceedings to ensure a well-functioning child welfare system. It highlights studies and reports which demonstrate the association between provision of legal representation and perceptions of fairness during proceedings; increased engagement in case planning, services, and hearings; increased visitation and parenting time, expedited permanency, and cost savings to state governments due to reductions of time children and youth spend in care. The memo also includes bulleted lists of best practice considerations and strategies that jurisdictions and attorneys can employ to ensure high quality legal representation for all parties in child welfare proceedings (p. 13-14).

Highlights:

- “Providing high quality legal representation to all parties at all stages of dependency proceedings is crucial to realizing these basic tenets of fairness and due process under the law. Moreover, research shows that legal representation for all parties in child welfare proceedings is clearly linked to increased party engagement, improved case planning, expedited permanency and cost savings to state government. CB strongly encourages all jurisdictions to work together to ensure all parties receive high quality legal representation at all stages of dependency proceedings” (p. 14).
- “Early appointment of counsel allows attorneys for parents and children to be involved from the very beginning of a case. Attorneys can contest removals, identify fit and willing relatives to serve as respite care providers, advocate for safety plans and identify resources, all of which may help prevent unnecessary removal and placement. Where removal is necessary attorneys for parents and children can be actively involved in case planning, helping to craft solutions that address their client’s needs and concerns and expediting reunification or other permanency goals” (p. 6).
- “Both parents’ attorneys and children’s attorneys can be helpful in addressing collateral legal issues that may leave families vulnerable, such as housing, employment, immigration, domestic violence, healthcare and public benefits issues – one or any combination of which may contribute to bringing families into contact with the child welfare system. Such efforts may help prevent children from entering foster care or help children return home sooner” (p. 7).
- “High quality agency representation brings a number of clear benefits to a jurisdiction’s child welfare system. Consistent statewide quality legal representation helps individual caseworker practice and overall statewide performance. More consistent advice and consultation with counsel helps ensure child welfare agencies policies and procedures are followed consistently across the state and that all federal child welfare requirements are met” (p. 7).
- “Agency representation provides legal guidance to child welfare agencies that helps caseworkers meet legal standards governing caseworker visits, evidentiary burdens, compliance with court orders, and existing law. Consistent and adequate representation is likely to reduce the number of court hearings required and make court hearings more focused and efficient. Consistent agency representation also helps child welfare agencies avoid over-intervention while still protecting those children at risk” (p. 7).

Access this resource at: Children’s Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, *High Quality Legal Representation for All Parties in Child Welfare Proceedings* (2017, January), available at <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>

U.S. Department of Justice, Office for Victims of Crime *Vision 21 Report*

Vision 21: Transforming Victim Services (TVS) outlines a comprehensive and systematic approach to change how we meet victims' needs. TVS grew out of a series of meetings that were sponsored by OVC. The discussion and research focused on the role of victim assistance, how to better serve victims, addressing issues in the field, and identify emerging issues in the field.

This report dedicates an entire chapter to meeting the holistic legal needs of crime victims. In Chapter 3, *Extending the Vision: Reaching All Victims of Crime*, the report explains that children and youth who are victimized are largely underserved. As the report states, "Frequently abused or neglected as younger children, many have become runaway or 'throwaway' youth, making them vulnerable to sexual exploitation through street prostitution and online or other escort services. Many of these children are also trapped in the revolving door of child welfare/ foster care systems, juvenile justice systems, and other systems that do not recognize and address their victimization. All too often, they are viewed as juvenile offenders rather than victims in desperate need of safety, support, and trauma-informed care (p. 20)." It emphasizes that, in order to meet the needs of all crime victims and their families/caregivers, the systems serving this group must be more efficient and less fragmented.

Highlights:

- "A staggering 42 percent of victims never report serious violent crime to law enforcement. We need to know why. Stakeholders described a maze of overlapping, complex legal issues facing victims; for example, a single victimization can involve immigration status, civil legal assistance, administrative law remedies, and rights enforcement" (p. vi).
- "Victims of crime all too often face a perplexing maze of coexisting, overlapping, and complex legal issues after their victimization. They must navigate multiple systems (i.e., the criminal, civil, and administrative justice systems), each with its own requirements and processes. One case of victimization may produce myriad legal issues for the victim, including orders of protection, victims' rights enforcement, compensation, employment, housing, home foreclosure, spousal support, and child custody, visitation, and dependency" (p. 12).
- "Serving crime victims in indigenous communities presents a special challenge to all members of the victim service community, particularly providers of legal services. American Indian and Alaska Native populations suffer significantly higher crime rates than the rest of the Nation—a fact that underscores the urgency of finding ways to deliver services more successfully or, in the case of legal assistance, to deliver services at all" (p. 12).
- "Compounding the lack of legal representation for crime victims is the absence of a single point of entry through which victims of all types of crime may access services to address the wide range of legal needs they may have as the result of their victimization" (p. 14).
- "A coordinated, collaborative, and holistic legal response has the potential to serve victims far better through an inherent capacity to provide the type of legal assistance needed at any given time. A network approach would also ensure that victims are connected to community legal resources that can help them address their administrative, civil, and other legal issues" (p. 14).

Access this resource at: US Department of Justice, Office for Victims of Crime. *Vision 21: Transforming Victim Services* (May 2013), available at https://ovc.ncjrs.gov/vision21/pdfs/Vision21_Report.pdf

HELPFUL RESOURCES:

- The American Bar Association [summarizes parent representation models](#) in various states to show what different jurisdictions are doing to provide quality representation to parents.¹¹
- The ACF publishes the [AFCARS Report](#), which provides the most up-to-date data on foster care and adoptions.¹²

Endnotes

¹ Administration for Children and Families, U.S. Department of Health and Human Services, *The AFCARS Report* (2018), available at <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport25.pdf>

² L. D. Leve et al., *Practitioner Review: Children in Foster Care—Vulnerabilities and Evidence-Based Interventions that Promote Resilience Processes*, 53 *J. of Child Psych. and Psychiatry* 1197 (2012)

³ *Supra* note 1.

⁴ Rae R. Newton et al., *Children and Youth in Foster Care: Disentangling the Relationship between Problem Behaviors and Number of Placements*, 24 *Child Abuse & Neglect* 1363 (2000).

⁵ *Supra* note 2 at 1197.

⁶ Joseph P. Ryan et al., *Juvenile Delinquency in Child Welfare: Investigating Group Home Effects*, 30 *Children and Youth Serv. Rev.* 1088 (2008).

⁷ Human Rights Campaign. *LGBTQ Youth in the Foster Care System* (n.d.), available at https://assets2.hrc.org/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf?_ga=2.114017601.710771807.1538403717-1969452124.1538403717

⁸ Nicholas Zill, *Adoption from Foster Care: Aiding Children While Saving Public Money*, Brookings Institution (2011), available at <https://www.brookings.edu/research/adoption-from-foster-care-aiding-children-while-saving-public-money/>

⁹ *Id* at 4.

¹⁰ White House Legal Aid Interagency Roundtable, *Toolkit* (2015), available at <https://www.justice.gov/atj/file/450451/download>

¹¹ https://www.ils.ny.gov/files/ABA_Summary_Of_Parent_Representation_Models.pdf

¹² <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport25.pdf>

SUMMARIES OF KEY STUDIES

1. Steve M. Wood et al., *Legal Representation in the Juvenile Dependency System: Travis County, Texas' Parent Representation Pilot Project*, 54 Fam. Court Rev. 277 (2016), available at <https://onlinelibrary.wiley.com/doi/full/10.1111/fcre.12218>

Researchers at the National Council of Juvenile and Family Court Judges conducted a program evaluation for a parent representation pilot program in Travis County, Texas. The researchers find that when counsel is appointed earlier (less than ten days from the initial hearing to full appointment), children are more likely to experience permanent outcomes. They also find that when parents are present at the hearings, the child was more likely to be returned home, see a dismissal of the juvenile dependency petitions, and experience permanent management conservatorship. This research was funded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

Methodology:

This is a program evaluation for a parent representation pilot program in Travis County, Texas. Researchers collected data from 172 parents involved in the juvenile dependency system. Their independent variable was attorney representation and the dependent variables were (1) return to the parent or dismissal of the juvenile dependency petition, (2) permanent management conservatorship, (3) relative or guardianship care, and (4) aging out of the system. There were 52 pilot cases and 61 control cases.

Highlights:

- "Participation in the pilot program [of parental representation] was significantly related to permanent outcomes" (p. 282).
- "For each percentage point increase in a parent's overall presence at hearings, the likelihood that the final case outcome resulted in the child being returned to the parents or having the juvenile dependency petition dismissed also increased. This effect held regardless of whether the case was in the pilot or control group, as there was no significant interaction between parent percentage and pilot program participation" (p. 283).
- "For each percentage point increase in a parent's overall presence at hearings, the likelihood that the final case outcome resulted in a PMC [permanent management conservatorship] to the department decreased. Once again, this effect held regardless of whether the case was in the pilot or control group" (p. 283).
- "The findings also indicate that pilot attorneys appeared at the 14-day, second permanency, and final hearings more often than control attorneys. In addition, pilot attorneys were present at a higher percentage of hearings across the life of the case than control attorneys" (p. 284).
- "Parents in pilot cases attended 72% of hearings across the life of the cases compared to 65% of parents in control cases" (p. 284).
- "The current findings suggest that a lack of legal representation is placing parents at a disadvantage with regard to having their children returned to them. This may also result in children being placed outside of the home for periods of time that are longer than necessary" (p. 286).

2. Vivek Sankaran, *Using Preventive Legal Advocacy to Keep Children from Entering Foster Care*, 40 Wm. Mitchell L. Rev. 1036 (2014), available at <https://repository.law.umich.edu/cgi/viewcontent.cgi?referer=https://www.ecosia.org/&httpsredir=1&article=1946&context=articles>

Sankaran, a University of Michigan law professor, details the different circumstances that can result in a child entering foster care and where legal services can intervene and stop a child from entering foster care in the first place. He describes a model of advocacy, where legal service providers and social workers work together, reducing the chance that a child will spend time in foster care.

Methodology:

Sankaran describes a multidisciplinary model of legal and social work advocacy addressing the legal needs of children at risk of entering foster care.

Highlights:

- "A lawyer may be able to prevent a child from entering foster care in the first instance. Children may unnecessarily enter foster care because their parents are unable to resolve legal issues that affect their safety and well-being in their home" (p. 1037).
- "A parent's inability to resolve legal issues may jeopardize a child's safety and well-being in the home and may increase the likelihood of a child entering foster care. For example, a domestic violence victim may be unable to secure a personal protection order and may be forced to allow her child to have contact with his abusive father" (p. 1039).
- "Although, in most parts of the country, juvenile courts appoint lawyers to represent parents and children in child welfare proceedings, these lawyers are appointed only after a child has already been removed from his parents' home and placed in foster care. ... Thus, collateral issues affecting the child's safety—such as housing, domestic violence, and custody matters that, if resolved, could prevent the child from entering foster care—are rarely addressed." (p. 1040).

3. National Council of Juvenile and Family Court Judges, *Exploring Outcomes Related to Legal Representation for Parents Involved in Mississippi's Juvenile Dependency System, Preliminary Findings* (2013), available at <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=266785>

This is a preliminary report on the effect legal representation has on parents involved in Mississippi's juvenile dependency system. Researchers at the National Council of Juvenile and Family Court Judges write that providing legal representation to parents in the juvenile dependency system is a "best practice" and helps improve outcomes for children (p. 3). The results described in this report are descriptive. The researchers find that providing legal representation to parents in juvenile dependency cases increases the likelihood the parents themselves attend court.

Methodology:

They performed a program evaluation on whether having legal representation for indigent parents affects short-term juvenile dependency outcomes and parental perceptions in Forrest and Rankin County, Mississippi.

Highlights:

- In Forrest County: "For mothers who received an attorney, the average amount of time from petition filing to attorney appointment was 16.38 (SD = 40.66) days. The longest a mother went without an attorney was 106 days" (p. 17).

- In Forrest County: "For mothers who did not have an attorney, 100% (n = 4) stipulated to all allegations. For mothers who had an attorney, 87.5% (n = 7) stipulated to all allegations, while 12.5% (n = 1) did not stipulate to any allegations. For fathers who did not have an attorney, 100% (n = 2) stipulated to all allegations. For fathers who had an attorney, 60.0% (n = 3) stipulated to all allegations, while 40% (n = 2) did not stipulate to any allegations. ... Moreover, it suggests that the number of contested hearings is higher for parents who have an attorney than parents who do not have an attorney" (p. 20).
- In Rankin County: "Mothers and fathers who had an attorney were present in court more often than mothers and fathers who had no attorney or who received advice and counsel" (p. 26).
- "These findings suggest that the court-appointed attorneys are being viewed more favorably than hired attorneys" (p. 33).
- "First, across both counties, mothers were present in court more often across the life of the case when they had an attorney versus when they had no attorney. In Rankin County, fathers were also present more often across the life of the case when they had legal representation. Although it is not captured in this data, having an attorney may help parents attend court more often because they now have an increased sense of accountability" (p. 36).

4. 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*, 34 Children & Youth Serv. Rev. 1337 (2012), available at https://partnersforourchildren.org/sites/default/files/2011._evaluation..._impact_of_enhanced_parental_legal_representation....discussion_paper.pdf

In 2000, Washington State's Office of Public Defense launched a pilot program, the Parent Representation Program, which increased the number of parents receiving legal representation in family law cases. In this program evaluation, Courtney and Hook, two sociologists, find that with legal representation, speed to adoption almost doubles and speed to guardianship doubles. This research was supported by the Partners for Our Children at the University of Washington.

Methodology:

They perform a program evaluation for 12,104 children who entered court-supervised out-of-home care for the first time in Washington State between 2004 and 2007. They obtained data from the Washington Department of Social and Health Services and from the Administrator of the Courts.

Highlights:

- "The availability of improved parental legal representation speeds reunification with parents, and for those children who do not reunify, it speeds achieving permanency through adoption and guardianship" (p. 1337).
- "If PRP [Parent Representation Program] had existed statewide in 2001, the 2001 cohort of children in care would have achieved reunification about a month sooner, and children who could not be reunified would achieve other permanency outcomes about a year sooner" (p. 1342).
- Figure 1 shows the percent increase in speed of reunification, guardianship, and adoption associated with the representation model's implementation. When parents had legal representation, speed to reunification increased 11 percent. Speed to adoption increased 104 percent. Speed to guardianship increased 83 percent (p. 1342).
- "Enhanced parental representation nearly doubled the speed to adoption and doubled the speed to legal guardianship" (p. 1343).
- "Our findings suggest that, far from serving as an obstacle to adoption and guardianship, the availability of adequate legal counsel might facilitate a parent's acceptance of the need to find another permanent home for their child. Child welfare workers and administrators should keep in

mind that a parent's attorney is arguably the only professional involved in the dependency court process that parents can rely on to act solely in their interest" (p. 1343).

5. 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. Q. 139 (2012), available at <https://www.jstor.org/stable/23240377>

Thornton and Gwin, two attorneys, present three case studies that demonstrate how legal representation for parents improves child outcomes and can lead to cost savings. The first case study, the Center for Family Representation (CFR), is located in New York City. At CFR, attorneys provide representation to over 80 percent of parents involved in child welfare proceedings in Manhattan and 50 percent of cases in Queens. When parents used CFR's legal assistance, more than half of the children avoided foster care placement and when the child was placed in foster care, the median length of stay was 2.2 months, compared to the state average of 2.5 years. The second case study is the Detroit Center for Family Advocacy (CFA), located in a Detroit neighborhood for the highest rate of removal of children to foster care in Michigan. Not as large as NYC's, this center helped 50 families during child protection investigation and prevented, in all those cases, the children residing with a permanent family outside of the child welfare system and prevented foster care for 112 children. The third case is in Washington State at the Office of Public Defense (OPD). In this model, attorneys provide legal representation to parents. This program has undergone several evaluations. In this evaluation, the researchers find an increase in the rate of adoption and rate of guardianship, translating into less time a child spends in foster care.

Methodology:

They present three case studies: New York City's Center for Family Representation, Detroit's Center for Family Advocacy, and Washington State's Office of Public Defense Parent Representation Program. They analyze how three parent-representation programs affect child welfare outcomes. Thornton is an attorney at the American Bar Association and Gwin is an attorney at the Legal Services Center of Harvard Law School.

Highlights:

- "Improving legal representation and support for parents in child welfare proceedings results in better outcomes for children and families and can lead to substantial savings of government" (p. 139).
- "For those families that cannot reunify, effective parent representation has significantly reduced the time children spend in foster care awaiting permanency" (p. 140)
- "Successful programs tend to adhere to the Practice Standards and share key features, including: appointment of parents' attorneys early in the case; interdisciplinary teams of attorneys and social workers; caseload and performance standards; and training, supervision, and support for parents' attorneys" (p. 141).
- At the Center for Family Representation, "Data tracked from 2007 shows that more than 50% of children of CFR clients avoided foster-care placement all together. Where foster care could not be avoided, the project's median length of foster care was just 2.2 months compared to a statewide average of nearly two and a half years" (p. 143).
- "CFR becoming the primary institutional provider for parents. CFR's services cost approximately \$6,000 per family over the entire life of the case, a sum that is vastly less expensive than a single year of foster care for a single child, which in 2010 was minimally \$29,000 per child per year and which can be as much as \$66,000 per child per year." (p. 144).
- "Since opening its doors in 2009, CFA has served approximately fifty families during the child protection investigation. In 100% of those cases, the case closed with children residing with a permanent family outside of the child welfare system. The CFA team helped prevent the need for

foster care placement for 112 children in less than two years. The most common legal issue that the CFA team helped clients resolve was housing, eviction, and landlord-tenant disputes" (p. 145).

- "There was an 11% increase the rate of reunification in OPD counties, as compared to counties without OPD. There was a 104% increase in the rate of adoption, and an 83% increase in the rate of guardianship. When researchers converted these rates into real time, the results are striking—the 11% improvement in rate of reunification translates into 27 days or almost one month less time a child spends in foster care." (p. 147).
- "Providing parents with high-quality representation can reduce the hard costs associated with extended foster-care placement. Some of those costs can include foster care maintenance payments, Medicaid, administrative costs, and court costs. Reducing those hard costs may also shape the human costs of foster care placement. Reducing the need for foster care placement should free-up child welfare agency resources to better serve those children who must be placed or remain in foster care—potentially having a positive effect on the human costs currently associated with foster care placement" (p. 152).

6. Steve M. Wood & Jesse R. Russell, *Effects of Parental and Attorney Involvement on Reunification in Juvenile Dependency Cases*, 33 *Children and Youth Services Review* 1730 (2011), available at <https://www.ncjfcj.org/sites/default/files/Parental%20and%20Attorney%20Involvement%202011.pdf>

Researchers at the National Council of Juvenile and Family Court Judges analyze how mother and father involvement in juvenile dependency cases and their respective legal representatives at the preliminary protective, adjudication, disposition, and first review affect reunification in juvenile dependency cases. They find that when parents are present in court and when they have legal representation, reunification is more likely.

Methodology:

They use data from Colorado and California, which they accessed from the archives of the National Council of Juvenile and Family Court Judges. By using two separate sites, the robustness of the study improves as they can show similar effects in two different locations. To conduct their analysis, they use Cox proportional-hazard rate regressions to estimate the independent variables (influence of mother's presence, mother's legal representative's presence, father's presence, and father's legal representative's presence) on the time to reunification.

Highlights:

- "First, having mothers present at the preliminary protective, adjudication, disposition, and first review hearings increases children's chances of being reunified with their families. Second, assigning mothers legal counsel at or before one of these four early decision-making hearings will also increase the chances of reunification" (p. 1735).
- "The current study finds that children whose mothers were present at each of the four early hearings in California and Colorado were more likely to be reunified with their parent(s), and this reunification occurred sooner across the life of the case than children whose mothers were not present at these early hearings. Similar findings were made for children whose mothers' legal representative were present at each of the four early decision-making hearings compared to children whose mothers' legal representative were not present" (p. 1736).
- "Children whose fathers were present at the disposition hearing in California and Colorado were more likely to be reunified, and more expediently than children whose fathers were not present at this hearing. Similar outcomes occurred for children whose fathers' legal representative was present at the disposition hearing compared to children whose fathers' legal representative was not present" (p. 1736).

7. Washington State Office of Public Defense, *Reunification and Case Resolution Improvements in Office of Public Defense (OPD) Parents Representation Program Counties* (2010), available at http://www.opd.wa.gov/documents/0049-2010_PRP_Evaluation.pdf

At the time of the study, the Parents Representation Program operated in two-thirds of the state, providing state-funded attorneys for indigent parents. The Office of Public Defense (OPD) conducted a program evaluation from 2000 to 2005. In this program evaluation, they conducted included 1,817 dependency cases. They find that reunifications increase with parental representation. The OPD worked with the Washington State Center for Court Research to conduct this program evaluation.

Methodology:

ODP examined every case file from January 2004 to March 2004 and January 2007 through March 2007 to see the effect parental representation has on dependency cases. This study is a program evaluation.

Highlights:

- "Implementation of the OPD Parents Representation Program in 15 counties resulted in 10.4% more reunifications in filed cases (equaling a 39% rate increase). ... Implementation of the OPD program also resulted in earlier case resolutions, with 10.6% more case resolutions within about 2.5 years (representing an 18.3% rate increase). ... Non-OPD program counties' cases showed no significant change in reunification or case resolution rates" (p. 1).
- "The OPD program resulted in significant increases in reunifications in cases filed in 2007 and tracked longitudinally through August 2009 in comparison to non-program cases filed three years earlier. The OPD program also resulted in a significant increase in earlier case resolutions. During the same time period, 14 non-OPD program counties' cases showed no appreciable change in reunifications or earlier case resolutions. These results indicate that the OPD program is positively impacting parents' ability to succeed in their cases and children's ability to reunite with their families" (p. 5).