Quality Improvement Center on the Representation of Children in the Child Welfare System

Needs Assessment
Overview

September 2010

Children's Bureau, US Department of Health and Human Services

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Planning and Learning Technologies, Inc.

PHASE I NEEDS ASSESSMENT

Overview

Phase I of the *QIC-Child Rep* consisted of a national Needs Assessment that examined the current state of representation of children in the child welfare system. In Year 1, we assembled and integrated information on research, policy, and practice from multiple sources, and brokered agreement on project focus. We collected and analyzed information from the academic fields and state reports. We also collected insights on "practice on the ground" from a wide range of stakeholders. We formed an Advisory Committee to provide input to our direction and assist with interpretation.

This section provides the findings of this Needs Assessment, which includes stakeholder interviews, focus groups, notable program interviews, and reviews of the literature and existing evaluations. The *QIC-Child Rep* team identified existing research, the state of actual practice, steps state policy makers are taking to improve child representation, and how specialized offices are crafting programs to provide high quality representation.

This information was analyzed through the lens of the American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (1996 ABA Standards), which were adopted in 1996. These standards are a frame of reference for the field, providing guidance on attorney activities, as well as system standards, such as lower caseloads. The *QIC-Child Rep* Model promotes a practice grounded in solid legal skills, but also focused on a more holistic informed approach, emphasizing the child's needs and wishes. In order to achieve this, it encourages attorneys to form a relationship with the child, do a thorough investigation, and be active in court. The standards also mandate an organizational structure and recommend adequate compensation and a caseload that allows the child representative to perform the duties.

Information was collected from the following sources:
- **Literature review.** Based on the existing body of academic writing on child representation which are collected and summarized on our website.
- **Review or state laws:** State mandates were analyzed to see how they compared to the ABA Standards of Practice.
- **State stakeholders.** Discussions were held with judges, attorneys, caseworkers and CASAs in ten states (one per HHS Region) to inform our understanding of the current state of practice.
- **Focus groups with foster care youth, tribal stakeholders, CASAs and judges.** Five separate focus groups were held with these stakeholders to collect their perceptions on the practice of child representation.
- **Survey of statewide reports.** A review of State CIP (Court Improvement Program) Annual Program Reassessments and CFSR (Child and Family Service Review) Statewide Assessments yielded some information about child representation initiatives states are undertaking.
- **Notable programs**. Five programs known for their approach to children representation were visited in-person to gather information on their approaches and organizational structures.
- **Evaluation review.** A total of 14 studies focusing on evaluating child representation were identified and reviewed to create an understanding of the current body of knowledge with respect to what has been evaluated in this area and how.

From these, the following picture emerged:

- **Attorneys must develop a bond with their client.** Attorneys should be actively engaged with their clients in order to understand their needs and advocate effectively. Attorneys must engage with children more by having frequent and more meaningful contact. Attorneys should understand the child's living situation, school, and home life.
- **Effective representation includes a thorough investigation in order to develop a clear theory of the case and effectively advocate in court.** Attorneys must gain a thorough understanding of their cases in order to develop effective strategies and advocate zealously for their clients.
- **Attorneys effectively solve problems for their clients by engaging in active out-of-court advocacy.** Negotiating solutions and settlements is an important function of the attorney role. By actively seeking solutions on behalf of the child, attorneys can resolve problems quickly and cooperatively.
- **Attorneys should take a holistic view of the child's needs**. A child in the dependency system often has needs that cannot be met by the dependency system alone. Often, an attorney must monitor a vast array of services, as well as coordinate other legal issues, such as financial assistance, or educational programs.
- **Practice in this area requires comprehensive training which includes child and family issues.** Attorneys need to understand child and family issues, as well as agency policies and procedures. They should also have solid courtroom skill and grounding in children's law. Current training of attorneys is ad hoc, lacking a standard curriculum or protocol.
- **Attorneys must meet initial and ongoing qualification standards.** Children's law is a highly specialized and complex area of law. Attorneys should meet basic qualifications in order to practice in this area, and should have to meet ongoing requirements, which are monitored and overseen.
- **Supports help attorneys accomplish the multiple tasks which allow them to be successful advocates.** Attorneys need supports in order to accomplish all the duties with which they are tasked. Some supports reported to make a difference include administrative help, investigators, social workers, and strong supervision.
- **Caseloads must be reasonable in order for attorneys to accomplish the essential duties of their jobs.** Quality practice requires that the system support adequate time and resources for attorneys.

The remainder of this section describes the approach and findings for each component of the National Needs Assessment in greater depth.