



## National Quality Improvement Center On the Representation of Children in the Child Welfare System

### NOTABLE OFFICES

#### Background, Purpose and Methodology

Offices with notable approaches to representing dependent children were identified and on-site visits with five such programs were arranged and conducted. The purpose of these visits was to review the practice of offices widely recognized by the field as providing interesting and innovative approaches to the representation of children in the child welfare system. Their approaches to addressing the ABA Standards of Practice for Lawyers who Represent Children in Child Abuse and Neglect Cases along with the lessons they learned was explored on-site. The information helps inform the direction of the Research and Demonstration (R&D) sites undertaken in out-years.

An initial listing of notable programs was developed by the project director. Further input was solicited from the project advisory panel and through focus groups held in conjunction with participants attending national and tribal conferences.

A standardized protocol was developed to guide information collection. It was piloted during the first site visit and revised. The protocol addressed the following areas:

- **Overview:** Mission and history of the program? What issues led to its formation? Overview of model of representation? Strengths and weaknesses with the approach? Primary changes over time and reasons for changes?
- **Model of Representation:** How are cases staffed? How are the child's expressed wishes balanced with the child's best interests? To what degree does representation appear to follow the 1996 ABA Standards?
- **Staffing, Training, and Supervision:** Staff qualifications? Recruitment? Salary range? Caseload size (average, maximum)? Initial training or shadowing requirements? In-service requirements? Content overview? Supervisory structure? Staff/supervisory ratio? What role do supervisors play in case representation and decision making?
- **Referral, Assignment, and Representation Processes:** What is the referral and assignment process? What is the representation process? What is the local dependency hearing process? Fit above within the legal process for hearing cases.
- **Contextual Considerations:** With all above questions, probe for local contextual issues that independently have an impact (negative or positive)?
- **Evaluation Considerations:** Number served, comparison groups.

Generally, discussions were held with individuals and groups at the following levels:

- **Program Director Level:** Overview of the program, its mission and approach, evolution over time, and interface with the child welfare system.

- **Training and HR Level:** Approach to hiring and training.
- **Supervisory Level:** Approach to management, training and supervision. Staff roles and responsibilities. Referral, intake, and assignment processes. Overview of issues across cases and staff.
- **Attorney and Paraprofessional Level:** Review representative cases to gain an understanding of their approach, issues encountered, and their knowledge of the cases and case law. Previous experience and qualifications.
- **Court Personnel:** Judges and court officers presiding over child dependency hearings.

The following five programs were visited:

- Center for Child Advocacy, Connecticut
- Children's Law Center, Washington, DC
- KidsVoice, Pittsburgh, Pennsylvania
- Lawyers for Children, New York City, New York
- Legal Aid Society's Juvenile Rights Practice (formerly known as the Juvenile Rights Division), New York City, New York

## Primary Findings

Following are the primary findings derived from the on-site visits.

### *Adherence to the Standards of Practice*

Program directors and administrators were familiar with the ABA Standards of Practice as well as state and local enabling legislation based on these standards. They noted that their programs were aimed at implementing the activities described in these standards, consistently emphasizing the following practices:

- Timely attorney appointment early in the judicial process.
- Meeting with the child promptly and often to assess the child's needs and provide advice and counseling.
- Meeting with collaterals to assess child needs further and follow-up on plans.
- Ensuring in-depth attorney knowledgeable of the goals, and legal strategy associated with each case.
- Having access to additional supports and expertise to address special needs and disabilities.
- Actively representing the child in court by filing pleadings, requesting services and negotiating settlements.

Consistent with these, programs assembled templates, binders and outlines to guide attorney activities, and provide initial and ongoing training. The programs provided necessary administrative structures consistent with the Standards (supervisions and training, caseload limits, adequate compensation, and other supports).

Programs also tracked their attorneys' adherence to practice standards and used the information to guide the content of training curricula and policies. For instance, the Connecticut Center for Child Advocacy tracked the accomplishment of key activities through hourly billing records submitted by contract lawyers, as well as through an automated tracking system. The statewide office is widely perceived to have improved the quality of child representation. Still, program administrators estimate that only 20 percent of attorneys are *fully* compliant with state statute consistent with SOP. This information is being used to make additional needed contract and policy changes, and develop training.

As a testament to their leadership in the improvement of representation, administrators noted they helped craft state and local legislation and policies implementing standards of practice. For instance, administrators of both New York City programs reported they were very involved with the development of the New York State Bar Standards, based on the 1996 ABA standards. The programs remain involved in shaping policy by serving on boards and commissions and filing class action suits.

#### *Methods and Approaches to Implementing the Standards*

Other findings include the following:

- **Administrative Structure:** Administratively, four of the five programs developed stand-alone (or specialized) offices, or units within larger offices, dedicated to representing dependent children for a given jurisdiction within a state. One program visited, the Connecticut Commission on Child Protection, deviated from this approach, developing standardized contracts for the attorneys representing children throughout the state.
- **Staffing:** The four specialized offices provided a teamed approach – attorneys were teamed with social work professionals. Programs differed with respect to whether all cases were teamed, or only a subset of cases. One program also supplied paralegals. Depending on their role, programs differed on the credentials they required of the social services professionals.
- **Caps on Caseloads:** All programs sought to limit the caseloads of attorneys. One program, (Children’s Law Center, Washington, DC), limited caseloads to approximately 30 per attorney; attorneys had investigator assistance. Remaining teamed programs’ caseloads ranged from 130 – 200. Connecticut, which did not employ a teamed approach sought to limit their lawyers to a child welfare caseload of 100, although they acknowledged that a minority had higher caseloads of 130 – 150 on average and that contract attorneys could carry other cases.
- **Approach to Representation:** Representation in three of the five offices was client directed, one reported a dual role, while another reported that their local statute required them to represent the child’s best interests which may be informed by the child’s wishes and the attorney must inform the court of the child’s wishes even if those wishes differ from the attorney’s recommendation. Differences emerged with respect to whether the office felt that client discussions with their social service professionals fell under the protection of client/attorney privileges.
- **Initial and Ongoing Training:** All programs appeared to have well-developed initial and ongoing training policies and protocols, offered these on a regular basis, and tracked completion of required courses. The content often focused on the practical aspects of representing children through the life of a case by providing hypothetical examples, or tracking the legal process over the life of the case. Child welfare law was also emphasized, as was child development, and other topics.
- **Supervision and Mentoring:** All programs also emphasized supervision and/or mentoring. Connecticut, the statewide contract program, provided an additional stipend for more experienced lawyers to mentor less experienced ones. Programs assembled staff to discuss both representative cases, and particularly problematic ones, on a regular basis as a learning and strategy-building experience.
- **Specialized Expertise and Resources:** Programs sought to build and develop expertise in areas needed by their client base. These working committees developed forms, resources, and trainings.

Finally, challenges to evaluating these mature programs emerged and were explored on-site:

- Four of the five programs had standing contracts covering the representation of all such children within their local jurisdiction, or all dependent children within the state (Connecticut). Therefore, a local comparison group would be very difficult to identify.
- The Children’s Law Center in Washington, DC was an exception, having a contract to serve approximately one-quarter of the DC child welfare population. However, the highly specialized nature of this program (facilitated by a caseload of approximately 30 per team) may make the approach less applicable to other jurisdictions across the country. Additionally, the modest number served by this program each year (500 ) would make it difficult for the program to detect differences in outcomes between a treatment and control group, and subgroup analysis would probably not be possible.

The remainder of this section explores each of these areas in greater depth. This is followed by information summarizing each program presented in tabular form.

### **Administrative Structure**

Administratively, four of the five programs implemented the standards of practice by developing stand-alone offices, or units within larger offices, dedicated to representing dependent children for a given jurisdiction. Attorneys, supervisors, administrators, support staff and other specialized staff are housed in these offices, KidsVoice in Pittsburgh, Pennsylvania, and Lawyers for Children in New York City represent specialized offices dedicated to the representation of child welfare cases. . The Children’s Law Center in Washington, DC represents children in neglect proceedings as well as families in special education, health and mental health care, housing, custody, adoption and guardianship proceedings. The Juvenile Rights Practice within the Legal Aid Society of New York City is devoted to representing child welfare clients in dependency court as well as juvenile offenders. Through offices established in each of the five city boroughs, representation is provided to all children placed in foster care within New York City.

The administrative structure of the Connecticut Commission on Child Protection, under the direction of the Chief Child Protection Attorney, differs from these offices. The Chief Child Protection Attorney administers the statewide system governing the practice of the contract attorneys providing representation for child welfare cases. These contracts are renewed annually and are used to govern initial and ongoing training, caseloads, and practice.<sup>1</sup>

### **Staffing**

The four specialized offices provided a teamed approach for all or some of the cases represented:

- **Children’s Law Center, Washington, DC:** All cases are teamed by an attorney and investigator. Some cases also have an attorney who specializes in special education law assigned to the team. One investigator is assigned to 3 – 4 attorneys. Investigators serve subpoenas, gather child records and other needed information, drive clients to appointments, and visit with and observe clients. Attorneys are required to meet with child every 45 days, but attorneys report that they meet with clients much more frequently. They conduct frequent visits with collaterals.
- **KidsVoice, Pittsburgh, PA:** The office uses a teamed approach, pairing an attorney with a social services professional on each case. The program views the two as equal partners and encourages them to reach consensus on their approach on recommendations for placement and services, differing in philosophy from the other

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<sup>1</sup> The study team also visited the state’s multidisciplinary offices but these are not reviewed here. Connecticut provided a viable statewide contract attorney model.

teamed approaches in which the attorney ultimately decided the case focus and legal strategy. The attorney and social services professionals teamed vary across cases. The Child Advocacy Specialists are primarily recruited from other relevant service systems (education, foster care, mental health) etc. Program administrators note they “want more than social workers, they want to hire those with expertise in local services.”

- **Lawyers for Children, New York City, NY:** A teamed approach is used – an attorney and a social worker are assigned to each case. The program strives for continuity over time, meaning that the goal is for the same attorney and social worker to be teamed for the duration of each child’s case. Attorneys read records, appear in court, prepare for trials and summations, prepare for examining witnesses, subpoena parties, converse with collateral attorneys, and meet with clients. Social workers also meet independently with clients, meet with biological and foster parents, converse with caseworkers, and attend family meetings through which case plans are developed in concert with the family and their natural supports. The program requires their social workers to be New York State licensed MSW’s. This requirement insures that when the LFC attorney calls the LFC social worker to take the stand as a witness for the child, the social worker can be qualified as expert witnesses in support of the child’s legal position.
- **Legal Aid Society’s Juvenile Rights Practice, New York City, NY:** Each case receives an attorney who can pull in additional team members (social workers and paralegals) for discrete tasks as needed. There is one social worker available for every five attorneys. The ratio used to be 1:3; however, the program hired 50 additional attorneys (along with five attorney supervisors) to reduce the caseload and did not increase social work staff. Participants noted differences among attorneys regarding the degree to which they enlisted the assistance of these additional resources.

Attorneys must conduct the initial interview with the child and follow-up interviews. Social workers also visit with the child. Additionally, they conduct initial assessment, and help arrange for counseling and other needed services. They track cases to help ensure that clients are provided and access these services.

Paralegals are charged with conducting conflict checks upon receiving the petition at intake, completing required paperwork, and accessing records. They can also gather records for trial and can perform legal research.

### **Caps on Caseloads**

All programs sought to make caseloads manageable by placing caps on the number of cases attorneys could serve. One program, (Children’s Law Center, Washington, DC), limited caseloads to approximately 30 open cases per attorney. Remaining teamed programs’ caseloads ranged from 100 – 160 open cases.

The state of Connecticut, which did not employ a teamed approach, sought to limit their lawyers to an open caseload of 100, although administrators acknowledged that a minority had higher caseloads of 130 – 150 on average. Additionally, they acknowledged that lawyers can and typically do carry other non-child welfare cases outside of their contract with the state to provide child representation. Lawyers For Children supplements the funds provided through their state contract with private foundation, individual and corporate support. This additional funding is used to maintain the 1:1 attorney social worker ratio and to keep caseloads as close as possible to 100 per team.

## Approach to Representation

Representation in three of the five offices was client directed. One of these four (the Connecticut Commission on Child Protection) clarified that in instances in which the representative disagrees with the client's direction, they can file a motion requesting another representative be appointed to the case to represent the child's wishes. Lawyers for Children in New York City believes that NYS statutory language mandating that social workers report suspected cases of abuse and neglect precludes the full extension of the attorney-client privilege to the social worker and noted that they informed clients that their discussions with the social service professionals were not fully protected by client/attorney privilege.

One program, KidsVoice in Pittsburgh, PA noted attorneys play a dual role, representing the child's best interests and informing the court of the child's expressed wishes. Another program, the Children's Law Center in Washington, DC reported that they are required by statute to represent the child's best interests which may be *informed* by the child's wishes, but they are not bound by their client's wishes. Attorneys are also required to inform the court of their clients' wishes, even if those wishes differ from the attorneys' recommendations

## Initial and Ongoing Training

All programs appeared to have well-developed initial and ongoing training policies and protocols, offered these on a regular basis, and tracked completion of required courses. The content often focused on the practical aspects of representing children through the life of a case by providing hypothetical examples, or tracking the legal process over the life of the case. Child welfare law was also emphasized, as was child development, and other topics:

- **Commission on Child Protection, CT:** Three days of initial training are required. Every year thereafter, 2 days of ongoing training are required along with 2 bi-monthly trainings (required in state statute). Contract system helps ensure these requirements are met. The Center provides the training and tracks who attends.
- **Children's Law Center, Washington, DC:** Initial attorney training consists of a 6-week course, including a week-long "boot camp" on basic skills and legal preparation. Ongoing trainings are conducted twice monthly, with the majority of attorneys attending.
- KidsVoice, Pittsburgh, PA: Initial training is 4-6 weeks in duration on a range of subjects in addition to shadowing. Ongoing training consists of monthly mandatory meetings—one for attorneys and one for Child Advocacy Specialists.
- **Lawyers for Children, New York City, NY:** Initial attorney training continues for the first two months on nearly a daily basis. New hires also attend the legal training offered by the Legal Aid Society's Juvenile Rights Practice (the other notable program in New York City). New hires are transitioned onto cases during the two-month training period. These cases are teamed with supervisors and are used as a further training experience. One to one second seating at trial and supervision continues for at least the first six months for a newly admitted attorney. Ongoing in-service training is consistent with the program's CLE accreditation requirements. Social workers have their own training, but often attend the attorney trainings if applicable.
- **Legal Aid Society's Juvenile Rights Practice, New York City, NY:** In the past, the program relied on a comprehensive 5-6 week initial training, but it was difficult for newly hired attorneys to assimilate in a timely fashion. The new training has been broken down into three modules:
  - 1 – 2 weeks of training and shadowing is offered three times per year; to be completed through the next course opening following hiring.
  - Remaining initial training is completed in 1 – 2 hour blocks weekly, to be completed within 3 months of being assigned to an office.

- For 18 – 20 months following hiring, a trial advocacy training is being developed and put into place.

In-service training follows state certification guidelines. Local offices supplement this with needed specialized training. Social workers have their own training, but can attend the attorney and paralegal trainings if applicable. Paralegal training follows state certification guidelines.

### **Supervision and Mentoring**

All programs also emphasized supervision and/or mentoring, although the stand-alone or specialized programs placed greater emphasis on this. Connecticut, the statewide contract program relied on mentoring, providing an additional stipend for more experienced lawyers to mentor less experienced ones. Programs assembled staff to discuss representative cases, as well as particularly problematic ones, on a regular basis as a learning and strategy-building experience.

Supervisor to staff ratios within the four specialized programs varied from a low of 1:5 (Children’s Law Center, Washington, DC) to a high of 1:12 (KidsVoice, Pittsburgh, PA). Lawyers for Children, New York City, NY reported a ratio of 1:5 and the two remaining programs each reported ratios of 1:6. Attorneys and social work professionals had dedicated supervisors in three of these programs, while supervisors at Kid’s Voice oversaw teams of attorneys and Child Advocacy Specialists.

Supervisors met with attorneys and teams on a regular basis to review case progress, provide advice, and resolve differences of opinion between team members. Typically, management meetings were calendared twice monthly, with other meetings held monthly: all staff meetings, social work professional meetings, attorney meetings, illustrative case discussions.

### **Specialized Expertise and Resources**

Programs sought to build and develop expertise in areas needed by their client base. These working projects developed forms, resources, and trainings in the following areas.

- **School issues and Special Education:** Working with area schools on inappropriate discipline policies and alternative education programs. Process around advocating and developing Individualized Educational Plans (IEPs).
- **Mental Health:** Assisting clients applying for services and providing follow-up as the application is processed. Follow-up on denial of services and treatment to ensure that process was correctly followed.
- **Benefits advocacy and appeals:** Developing resources and training for staff to apply for Social Security and Disabilities benefits and appealing when these benefits are lost.
- **Independent Living:** Resources for clients aging out of foster care.
- **Criminal representation and record expungment:** Resources for clients facing criminal or delinquency charges. Packages developed for (former) clients to request that their juvenile record be expunged.
- **LGBTQ:** Resources for lesbian, gay, bi, transgender, and/or questioning youth.
- **Homeless clients:** Arranging for homeless children to have educational continuity by re-enrolling in their home school, arranging transportation, placements in shelters etc.
- **Immigration:** Helping clients negotiate immigration rules, forms, and issues.
- **Youth Aging Out of Foster Care**
- **Child Sexual Abuse**
- **Domestic Violence**

Although participation in these projects did not always result in lowered caseloads, staff initiated the work in these areas in order to provide them and their clients with additional resources and specialized expertise. They took obvious pride in these and were eager to showcase their efforts.

### **Conclusion**

In conclusion, the five offices visited provided important insights into mature programs' approaches to implementing Best Practice Standards. The notable programs did this by supplementing attorney staffing with non-lawyers, making caseloads manageable, providing quality training and tracking its completion, emphasizing supervision and mentoring, and building specialized expertise and providing resources in needed areas. Stakeholders agreed that these efforts improved the quality of representation.

| <b>Commission on Child Protection and the<br/>Office of the Chief Child Protection Attorney<br/>Connecticut</b> |   |
|---|---|
| <b>Administrative Structure &amp; Number Served</b>   | The CCPA is a statewide office responsible for all contract attorneys representing children in dependency cases. A total of approximately 18,500 cases are assigned each year to 186 contract attorneys.  |
| <b>Staffing</b>   | Contracts with attorneys are renewed annually and are used to govern initial and ongoing training, and caseloads.   |
| <b>Open Caseloads</b>   | Under contract with the state, attorneys are limited to receiving 100 new case assignments per year. The state administrator estimates that the majority of attorneys have an open caseload of 100 or less, while 40 have a caseload up to 150 open, and 20 have a caseload above 150. The state administrator notes that attorneys can and do carry other non-dependency cases, but the state asks for this information and takes it into account when making new assignments on a rotating basis. |
| <b>Approach to Representation</b>   | The attorney represents the child's wishes. Under conflict situations, the attorney can file a motion requesting another representative be appointed to represent the child's wishes; however, this rarely occurs   |
| <b>Initial and Ongoing Training</b>   | Three days of initial training are required. Every year thereafter, 2 days of ongoing training are required along with 2 bi-monthly trainings (required in state statute). Contract system helps ensure these requirements are met. The Center provides the training and tracks who attends.  |
| <b>Supervision and Mentoring</b>  | New attorneys are interviewed to determine if they have a working knowledge of child representation. They are teamed with an experienced mentor who is available for consultation and chairs the new attorneys' first two trials. Mentors are reimbursed through a flat fee for this additional service.  |

| <b>Children's Law Center<br/>Washington, DC</b>     |   |
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| <b>Administrative Structure &amp; Number Served</b> | The specialized office represents approximately one-quarter of the child welfare cases in DC. The program's contract calls for handling 500 cases per year. Cases are assigned to the office on a rotating basis.   |
| <b>Staffing</b>                                     | <p>All cases are teamed by an attorney and investigator. One investigator is assigned to 3 – 4 attorneys.</p> <p>New attorneys undergo extensive interviewing. Tenacity, creativity and analytic skills are among the most prized qualities. In addition, candidates who have clinical or intern experience with child advocacy or poverty law are preferred.”</p> <p>Investigators serve subpoenas, gather child records and other needed information, drive clients to appointments, and visit with and observe clients. Attorneys are required to meet with child in the home every other month. They conduct frequent visits with collaterals.</p> <p>Staff track their time and input case activity notes into a computer case management system. Supervisor review these case activity notes in preparation for meetings with a supervisee. Supervisors also input a “monthly supervisor note” for each of a supervisees’ cases. Staff attorneys and supervisors follow a “Supervision Protocol” for all cases and participate in a Litigation Protocol for every evidentiary hearing scheduled in court.</p> |
| <b>Open Caseloads</b>                               | Attorneys carry 30 cases, investigators carry 70 – 90.  |
| <b>Approach to Representation</b>                   | Ultimately, as required by statute, attorneys represent the best interests of the child, but this determination may be informed by the child's stated wishes, especially for older children. Attorneys must also inform the court of a client's wishes, even if those wishes differ from the attorney's recommendations   |
| <b>Initial and Ongoing Training</b>                 | Initial training consists of a 7-week course, including a week-long “boot camp” on basic trial skills and legal preparation. Ongoing trainings are conducted twice monthly, with the majority of attorneys attending.   |
| <b>Supervision and Mentoring</b>                    | <p>Supervisor to staff ratio is 1:4, with a senior supervisor overseeing 2 supervising attorneys.</p> <p>New class meets weekly with supervisor for 9 – 12 months to review cases, once every 2 – 3 weeks thereafter. Supervisors accompany new attorneys to court for the first several months and as need/requested thereafter. Lawyers report almost daily consultation with supervisors during the first year</p>   |

| <b>Kid's Voice<br/>Pittsburgh, Pennsylvania</b>     |  |
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| <b>Administrative Structure &amp; Number Served</b> | The specialized office has a contract to serve all child welfare cases in Pittsburgh. The total number of cases served each year is approximately 4,000.   |
| <b>Staffing</b>                                     | <p>The office uses a teamed approach, pairing an attorney with a social services professional (Child Advocacy Specialists) on each case. Case Team composition varies from case-to-case so that each lawyer or specialist would have 2 to 4 other professionals with whom they are teaming on cases.</p> <p>The Child Advocacy Specialists (CASs) are primarily drawn from other relevant service systems (education, foster care, mental health) etc. Program administrators note they “want more than social workers, they want to hire those with expertise in local services.”</p> <p>Attorneys and CASs “co-own” their cases and meet weekly to: discuss who will do what tasks (phone calls, visits, meetings, record collection, etc.) to prepare for upcoming court hearings; to decide what recommendations will be made; and after hearings to decide who will follow up on court orders. Staff track their time and case activity notes in a client information system that was developed in-house (a version of which is being used by the Connecticut Commission on Child Protection for their model offices and contract attorneys).</p> |
| <b>Open Caseloads</b>                               | Caseloads average 130-160 for each attorney and CAS.   |
| <b>Approach to Representation</b>                   | As defined by statute, in abuse and neglect cases, attorneys have a dual role of representing the child's best interest and informing the court of the child's expressed wishes. In cases involving status offenders and ungovernable children, attorneys solely represent the expressed wishes of the child.  |
| <b>Initial and Ongoing Training</b>                 | Initial training is 3-4 weeks in duration on a range of legal and social service subjects in addition to shadowing. Ongoing training consists of monthly mandatory meetings—one for attorneys and one for Child Advocacy Specialists and twice a month provider presentations which are voluntary to attend.   |
| <b>Supervision and Mentoring</b>                    | <p>Supervisor to attorney/social services profession ratio is 1:12 (3 supervisors oversee 19 attorneys and 18 social services professionals).</p> <p>Supervisors meet with case teams as needed. Focus is on helping sort out differing viewpoints among case team on case direction, or situations in which additional input is needed. Case direction and decisions are left to the case team and all KidsVoice staff value that professional autonomy. Supervisors meet monthly with each staff member. Supervisors also conduct quarterly random file reviews and periodically observe staff in court and in the field at visits and meetings.</p>   |

| <b>Lawyers for Children<br/>New York City, New York</b> |   |
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| <b>Administrative Structure &amp; Number Served</b>     | This specialized office serves children in all types of foster care proceedings (abuse/neglect, voluntary foster care, termination of parental rights) and high conflict custody proceedings where the safety of the child is at issue. LFC represents approximately 4,000 clients per year.  |
| <b>Staffing</b>   | <p>A teamed approach is used – an attorney and a social worker are assigned to each case. The program strives for continuity over time. The goal is for the same attorney and social worker to be teamed for the duration of each child’s case.</p> <p>Attorney staffing is very stable at Lawyers For Children. Over half of the attorneys have been at LFC for 5 years or more and 1/4 of the attorneys have been at LFC for over 10 years. Entry level attorneys generally come through one of two post-graduate fellowship programs: Equal Justice Works and the Skadden Fellowship. When seeking lateral hires, LFC seek out attorneys with relevant experience in the field. This means that many new hires have been trained at Legal Aid, Children’s Services, the Children’s Law Center (an organization providing legal representation in custody cases) other public child welfare agencies or private firms where the individual has had relevant pro bono experience.</p> <p>Program directors note that typically social workers come from the top schools in the area. Interdisciplinary programs (schools of law and social work) place interns in the program. Referrals sources also include private care agencies and sometimes public child welfare agencies. All social workers must have a Masters in Social Work and be licensed by the state of New York so that he or she can provide expert testimony in support of the child’s legal position.</p> <p>Attorneys read records, appear in court, prepare for trials and summations, prepare for examining witnesses, subpoena parties, converse with collateral attorneys, and meet with clients. Social workers also meet independently with clients, meet with biological and foster parents, converse with caseworkers, and attend family meetings through which case plans are developed in concert with the family and their supports. Lawyers For Children also employs a Youth Advocate to work with youth aging out of foster care. The Youth Advocate must have spent time in the foster care system, have experience mentoring other young adults and be familiar with the New York City Foster Care system.</p> |
| <b>Open Caseloads</b>                                   | Caseloads are 100-120 per team with 100 or less noted as the caseload goal for every team.  |
| <b>Approach to Representation</b>                       | Representation is client-directed.. Judges are clear that the program represents this viewpoint, while the foster care agency attorney represents the child’s best interests when the two viewpoints are in conflict. The program believes that client/attorney privileges do not fully extend to the social worker. Clients are counseled that all conversations with their attorney can be kept protected and confidential, while conversations with their social worker regarding imminent danger of serious harm due to abuse or neglect cannot.  |
| <b>Initial and Ongoing Training</b>                     | <p>Supervisor to attorney/social worker ratio is 1:5.</p> <p>Initial attorney and social work training continues for the first two months on nearly a daily basis. New hires also attend the legal training offered by the Legal Aid Society’s Juvenile Rights Practice (the other notable program in New York City). Ongoing training is provided consistent with the State’s CLE accreditation requirements.</p>  |

| <b>Lawyers for Children<br/>New York City, New York</b> |  |
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| <b>Supervision and Mentoring</b>                        | New hires are transitioned onto cases during the initial two-month training period. These cases are teamed with supervisors and are used as a further training experience. |

| <b>Legal Aid Society's Juvenile Rights Practice<br/>(formerly known as the Juvenile Rights Division)<br/>New York City, New York</b> |  |
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| <b>Administrative Structure &amp; Number Served</b>  | Through specialized offices established in each of the five city boroughs, representation is provided to all children placed in foster care in New York City. Each year, the program reports they receive a total of 34,000 children as intakes. At any point in time, the open caseload reflects approximately 22,000 children.   |
| <b>Staffing</b>  | <p>Each case receives an attorney who can pull in additional team members (social workers and paralegals) for discrete tasks as needed. Social workers work on about 25% of the cases. There is approximately one social worker available for every five attorneys. The ratio used to be 1:3 but the program hired more attorneys to bring down the caseload without hiring additional social workers. Participants noted differences among attorneys regarding the degree to which they enlisted the assistance of these additional resources.</p> <p>Attorneys must conduct the initial interview with the child and follow-up interviews. Social workers also visit with the child. They also conduct initial assessment, and help arrange for counseling and other needed services. They track cases to help ensure that clients are provided and access these services. The program seeks to limit their involvement in a case to a six-month period.</p> <p>Paralegals are charged with conducting conflict checks upon receiving the petition at intake, completing required paperwork, and accessing records. They can also gather records for trial and can perform legal research.</p> |
| <b>Open Caseloads</b>  | By adding 55 staff (5 supervisors and 50 attorneys) the program is working to reach the newly-mandated caseload cap of 150 (the program has stopped assigning new intakes to those attorneys currently over the cap). Social workers generally carry a caseload of 50 cases.   |
| <b>Approach to Representation</b>  | Appointment is now client-directed as a result of a recent statutory change. Participants reported that this remains a learning process as some attorneys remain more comfortable representing the child's best interests.   |
| <b>Initial and Ongoing Training</b>  | <p>In the past, there was a comprehensive 5-6 week training, but it was difficult for newly hired attorneys to assimilate. The new training has been broken down into three modules:</p> <ul style="list-style-type: none"> <li>• 1 – 2 weeks of training and shadowing offered 3 times per year; to be completed in the next course opening following hiring.</li> <li>• Remaining initial training is completed in 1 – 2 hour blocks weekly; completed within 3 months of office assignment.</li> <li>• 18 – 20 months following hiring, a trial advocacy training is being developed and put into place.</li> </ul> <p>In-service training follows state certification guidelines. Local offices supplement this with needed specialized training.</p> <p>Social workers have their own training, but can attend the attorney and paralegal trainings if applicable. Paralegal training follows state certification guidelines.</p>   |
| <b>Supervision and Mentoring</b>   | Supervisor to attorney ratio is 1:6. Supervisors jointly staff cases with newly hired attorneys for the first month.   |