NATIONAL QUALITY IMPROVEMENT CENTER ON THE REPRESENTATION OF CHILDREN IN THE CHILD WELFARE SYSTEM

August 2, 2012

ADVISORY BOARD PROGRESS REPORT

Greetings to the QIC Advisory Board and Consultants:

Your early guidance and advice propelled this project to a most gratifying stage. Even though we have not communicated directly to you in some time, our progress is considerable. In fact, I hope you think the progress is actually quite impressive. You will see your fingerprints all over this. Our research partners at Chapin Hall and the state teams in Georgia and Washington State have been working very hard and very effectively. I will report on:

1. First Year Needs Assessment Report
2. QIC Best Practice Model of Child Representation
3. Finalized Research Design; Logic Model
4. Selection of Washington State and Georgia as Research Partners
5. QIC Training – Six Core Skills
6. Coaching and support for training group lawyers
7. Data Collection Plan
8. Website Revision
    a. Academic Literature on Child Representation
    b. 50 state summary of state laws governing child representation
    c. Listserve Forum for Georgia and Washington State Training Groups
9. Timeline
10. Your assistance

1. First Year Needs Assessment Report

We submitted our First Year Needs Assessment to the Children's Bureau in September 2010 and most of you reviewed all or parts of it prior to that submittal. We appreciated and were guided by your collective advice. The report was prepared in collaboration with Planning and Learning Technologies (Pal-Tech Inc.) under the leadership of Karl Ensign and is available in its entirety

on our website at http://www.ImproveChildRep.org. The essential findings, on which the QIC Best Practice Model is based, are these:

- Attorneys should be **actively engaged** with their clients in order to understand their needs and advocate effectively.
- Effective representation includes a **thorough investigation** in order to develop a clear theory of the case and effectively advocate in court**.**
- Attorneys effectively solve problems for their clients by engaging in active **out-of-court** advocacy.
- Attorneys should take a **holistic view** of the child's needs.
- Practice in this area requires **comprehensive training** which includes child and family issues.
- Attorneys must meet initial and ongoing qualification **standards**.
- **Supports** help attorneys accomplish the multiple tasks that allow them to be successful advocates.
- **Caseloads** must be reasonable in order for attorneys to accomplish the essential duties of their jobs.

For a law review article summarizing our findings for the academic literature, see the most recent edition of Family Law Quarterly: Duquette, with Julian Darwall, *Child Representation in America: Progress Report from the National Quality Improvement Center,* at 46 FAM. L.Q. 87, Spring 2012. That article is also available in its entirety on the *QIC-ChildRep* website.

2. QIC Best Practice Model of Child Representation

In our 2010 meetings together, the Advisory Board provided input on the QIC Best Practice Model of Child Representation. The model is based on the First Year Needs Assessment. It uses the 1996 ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (ABA Standards) as its foundation and attempts to integrate the academic and policy developments since 1996. In August 2011, after we framed the QIC Best Practice Model, the ABA House of Delegates passed 2011 ABA Model Act. The QIC Best Practice Model is consistent with the recommendations of the ABA 2011 Model Act and, in many respects, could serve as a companion piece to the ABA effort. While the ABA Model Act lays out the key legal framework for child representation that might appear in state statutes or court rules, the *QIC-ChildRep* focuses on clinical knowledge and practice skills necessary to implement such a law.

The QIC Best Practice Model for Child Representation remains on our website at http://www.improvechildrep.org/DemonstrationProjects/QICChildRepBestPracticeModel.aspx and is also an appendix in the Family Law Quarterly article.

3. Finalized Research Design; Logic Model

Beginning in October 2010 Chapin Hall at the University of Chicago began serving as the QIC research partner. Our first order of business was to firm up a research design. There is so little empirical research in child representation and so many unanswered questions, that the temptation is to be overly-ambitious and try to address as many of the questions as possible. But the sound advice from you and from the Chapin Hall researchers was to be modest. We cannot do everything – at least not all at once.

The adopted research design uses the gold standard random assignment experimental design, as Children's Bureau had hoped we could. The research tests whether implementation of the *QIC-ChildRep* Best Practice Model of Child Representation improves child representation from its current practice, and, as a result, child welfare outcomes. Lawyers representing children in child protection cases are identified and then randomly assigned to two groups, a credentialed group (treatment group) and a comparison group. Our intervention for the credentialed group is the articulation of the QIC Best Practice Model, two days of training in the Model focusing on six core skills, and a system of coaching and support to facilitate fidelity to the Model. The credentialed lawyers are the treatment group. Their representation is compared with a comparison group in each state who do not receive the same training and coaching and practice as they have been doing.

Put in the form of research questions: through the Research & Demonstration sites (Georgia and Washington State), the *QIC-ChildRep* will evaluate, through an experimental research design, the following questions:

1. Do attorneys credentialed (through training and coaching) in the QIC Best Practice Model of child representation provide better child representation than attorneys who are not so credentialed?
2. Does the credentialed child representation improve safety, permanency, and the aspects of well-being most directly influenced by the child welfare system, or otherwise change the outcome or experience of children in the child welfare system?
3. Do the answers to these questions vary by the age of the child? Race of the child? Type of abuse or neglect? Type of Permanency?

Interviews with attorneys and key personnel will also be conducted throughout the study. Among other things, those interviews will address the question of: What is it about the child's interaction with the child's legal representative that allows the credentialed lawyers to be more effective in handling the case?

The expected attorney behaviors are hypothesized to lead to a better assessment of the best outcome for the child, better strategic thinking to achieve those goals, and more successful advocacy to achieve those goals throughout the case.

With respect to improved child representation, we will seek to measure both the process and the quality of representation. Examples of expected outcomes to be measured are:

1. Shorter time between assignment and first meeting.
2. More frequent and longer visits with clients, in varied settings (i.e. in the family or foster home, school) etc.
3. Earlier and more contacts with relatives.
4. More contacts with other collaterals, such as caseworkers and teachers.
5. More frequent legal motions.
6. More settlements.
7. Shorter timeframes for court decisions (cases with credentialed attorneys resolve faster).

With respect to safety and permanency, using administrative data, outcomes to be measured are:

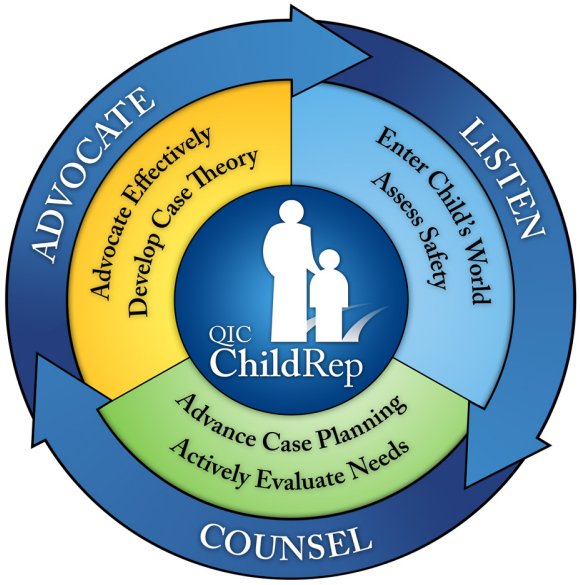
1. Lower likelihood of placement (depending on case assignment timing in jurisdiction).
2. Increased likelihood of placement with kin.
3. Increased likelihood of placement with siblings.
4. Reduced time in care.
5. Increased rate of permanency (reunification, relative, adoption exits).
6. No change in repeat maltreatment.
7. No change in likelihood of reentry to care.

The interviews will also gauge the extent to which the lawyer accommodates the child's wishes in setting the goals of the case. Through this study the child representation field has the opportunity to learn both whether attorneys trained and coached in this model of child representation provide better advocacy for their clients and whether that advocacy results in an improved process and better outcomes for children.

4. Selection of Georgia and Washington State as Research Partners

On January 5, 2011 the QIC posted an RFP seeking willing and able research and demonstration partners. As a result of that process Georgia and Washington State were selected as our state partners and agreed to implement random assignment of attorneys to one of two groups as described above, and random assignment of cases to attorneys. The two states agreed to an ambitious and thorough data collection plan. Approximately 125 lawyers in Georgia and Washington who represent children in child welfare cases were identified and randomly assigned to control or treatment groups. The treatment group attorneys in both states received two days of training in Spring 2012 and case assignment began in the first quarter of 2012 in Georgia and the second quarter of 2012 in Washington State.

5. QIC Training – Six Core Skills



The QIC training delivered in Georgia and Washington State, emphasizes six core skills necessary to put into action the QIC Best Practice Model: (1) Enter the child's world and engage with the child; (2) Assess child safety; (3) Actively identify the needs of the child and family/diagnose the case; (4) Advance a cogent case plan; (5) Develop a theory of the case that is active and forward-looking and that will give force and direction to the advocacy; and (6) Advocacy Corollaries that emphasize problem-solving and non-adversarial means when possible.

This graphic presents a visual summary of the training. Even though we are very excited about the training package and the potential it has to improve lawyer performance in other jurisdictions, we are not widely communicating the training package details. Apart from this summary, we feel the need to embargo the details until more time has passed to avoid contamination.

6. Coaching and Support for Credentialed Lawyers

Coaching and supplemental training are essential elements of the intervention we are testing. We aspire to have the lessons from our two-day training actually be reflected in the behavior of the trained QIC groups and for that behavior to have a measurable effect on case processing and case outcomes. It is a big challenge since people rarely retain significant amounts of what they are exposed to in the typical CLE course. We aim to better support actual change in behavior through individual coaching sessions and through quarterly supplemental trainings in smaller groups called "pods."

The essential purpose of both the coaching and supplemental trainings is to facilitate "fidelity to the model" by the trained lawyers and to create a forum for participants to address barriers to implementation in their community. These are essential to a fair and robust test of the QIC model.

The coaching process we will use is rooted in adult learning theory. We will facilitate and guide the trainees in their implementation of the QIC approach. But it is our intent to avoid dogmatic and authoritarian approaches which tend to elicit resistance from adults and thus not work as

well as a less directive learner-centered approach. The essential purpose of the supplemental "pod" trainings is to provide boosters of the original 2-day training to both maintain a common understanding of the model and provide an opportunity for group reflection on the implementation of its components. Another goal of the coaching and pod trainings is to build enduring communities of practice, i.e. sustainable learning communities that support each other both during and following the study. We are also encouraging treatment attorneys to pair off and regularly talk with their partner/buddy about their experiences implementing the QIC Model. There is a listserve active in both states that connect the credentialed group of attorneys.

We will limit the scope of the coaching and pod sessions to the topics relevant to the QIC Model and the six core skills. That is a pretty broad scope in that many things could fall under our effective advocacy rubric. Already the coaches and pod trainers have provided specific practice advice to the trainees so long as it fits within the QIC Model and the six core skills.

At least one pod meeting per year will be live, perhaps with lunch or coffee paid by the project. The other pod meetings could be virtual or live, depending on the logistics and preferences of the participants. Pod meetings will be about 60-90 minutes. The coach and trainer will participate. The lead trainers will consult with the coaches to see what topics program attorneys are raising and will devise a guided conversation around one or more of the six model components. The pod meetings will be more directed than the individual contacts, but will still allow for organic conversation. The discussion would be couched in the real experiences the attorneys are having implementing the Model.

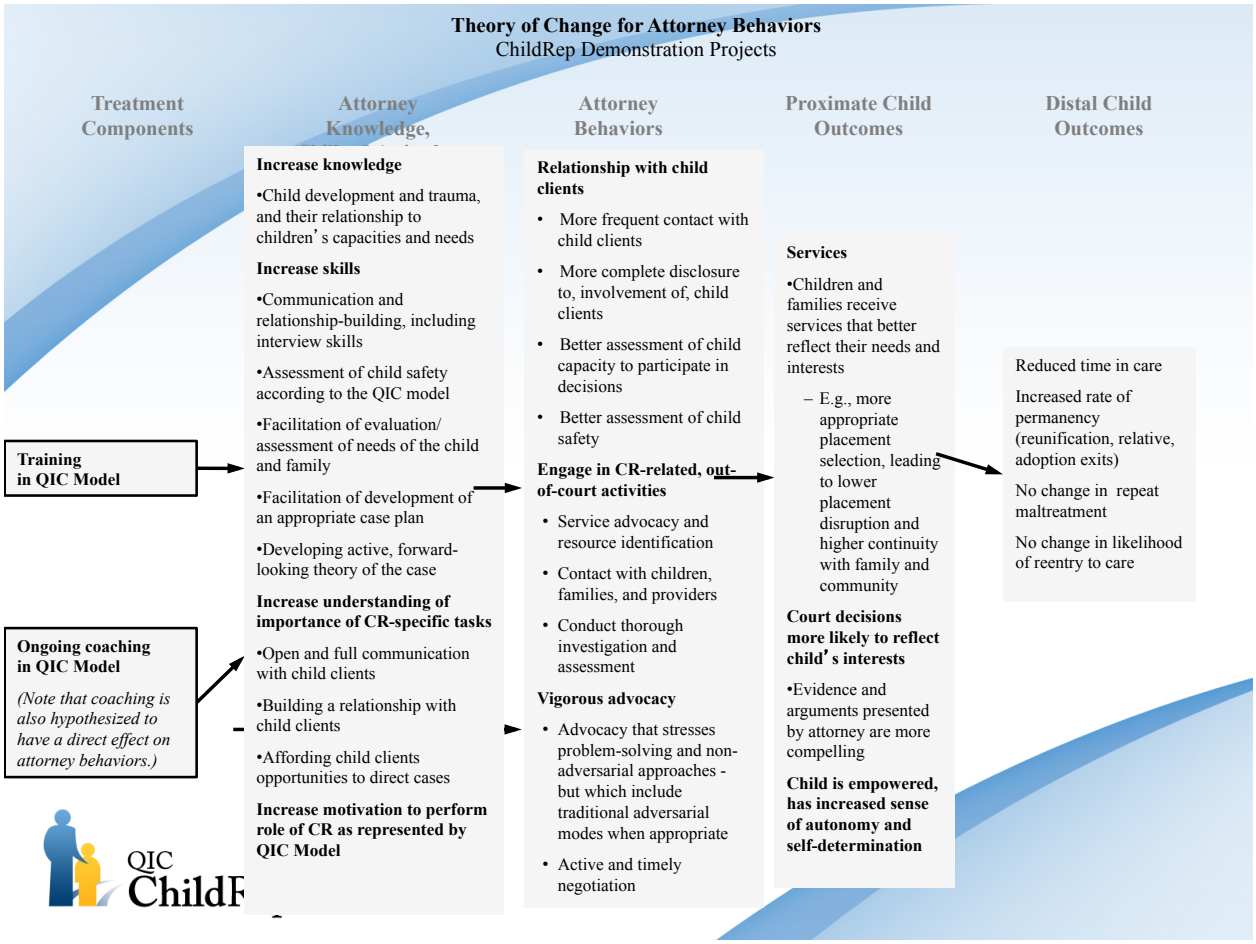
7. Data Collection Plan.

The data collection plan seeks to capture information about attorney behavior, court processes and child welfare outcomes while maximizing the use of available administrative data sources. Except for data about *QIC-Child Rep* Model trainings gathered only from the trained lawyers, the same data is collected about both the treatment and comparison groups. Data is extracted from court and child welfare agency administrative data. In Georgia we implemented an on-line case management system provided and supported by the *QIC-Child Rep* where attorneys report case activities and interviews with case-related respondents. In Washington State data is collected via web-based surveys at each significant milestone of a case. Interviews of attorneys and key personnel will also be conducted throughout the study to gather contextual and qualitative information about how cases are handled.

We are documenting the process of coaching and pod trainings in hopes of tracking this process of system change. We may be able to provide some insights into the process of implementing these changes, not just what the changes are.

We expect to gather quantitative data for three years, until June of 2015. We will examine the differences in each aspect of attorney behavior and each child-level outcome during the demonstration project using various methods. We should have data on about 240 lawyers - 60 lawyers in the credentialed group and 60 in comparison, in each of two states. The lawyers will handle an average of 15 cases each during that time. As to cases we expect a total of over 3600 cases.

QIC Theory of Change:



8.Website Revision

The website is being revised as this is being written. The project is in a much different phase than at the beginning and the website will soon reflect its more mature focus.

1. **Academic Literature on Child Representation**. The original summaries of all academic publications on child representation in child welfare cases from the past 10 year is supplemented with similar summaries of the classic literature on the subject going back to 1974, the year CAPTA (Child Abuse Prevention and Treatment Act) was first passed. We are adding a search tool to improve the discoverability of specific resources of interest to a site visitor. All the original articles, for which we have copyright permission (which is nearly all of them), are linked to the site.

2. **Summaries of the 50 state laws** governing child representation will soon be complete and posted on site. The summaries are organized in the same template to facilitate comparison and also will be searchable by topic.

3. **Listserve Forum for Georgia and Washington State** Training Groups has been created and all posts available for review. (This requires a password.)
4.

9. Timeline

- Collect data to June 2015; (3 years).
- Embargo details of training for now.
- QIC Resources available on website.
- Final Report – December 2015.

10. Your Assistance

We would appreciate any reaction or comments or questions about this summary report and the current state of the *QIC-ChildRep Project*. We have come a long way since our earliest conversations, but we have a long and difficult road yet to travel.

We expect to have a large number of cases for comparison, which should allow us to gather unprecedented credible data about legal representation of children in child welfare cases. We intend to again ask for your more active support when we get to the point of sharing findings. We should have considerable data with many different dimensions and we hope you might help us in the process of interpretation.

The *QIC-ChildRep* research and demonstration projects stands to generate new knowledge about lawyer representation of children which could form the basis for expanded dialogue, continued improvements in children's outcomes and overall justice and fairness for children in America's child welfare system.

Thank you very much for getting us started on this exciting adventure.

All the best,

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Representation of Children in the Child Welfare System