

## Chapter 1

# INDEPENDENT REPRESENTATION OF CHILDREN IN PROTECTION PROCEEDINGS

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### ABSTRACT

In civil child protection proceedings in the United States, children are independently represented by an advocate, usually a lawyer. A growing debate is underway as to what the role of that independent advocate ought to be and who ought to fulfil it. This paper summarizes current research in the U.S. on independent representation of the child, identifies some policy choices in defining the role of the child advocate, and suggests approaches to developing meaningful empirical measures of advocacy.

### INTRODUCTION

In the United States, state laws universally provide for independent representation of the child in civil child protection proceedings. Despite a general conviction in the U.S. that children ought to be independently represented in these proceedings, there is little empirical evidence which demonstrates that children are better off because of that advocacy. Most of us who represent children are personally convinced that our advocacy makes a difference, but does it really? How can we demonstrate the effectiveness, the benefits of our activities? Should independent advocacy for children in protection proceedings be universally adopted? What should be the expectations of the advocate? What training and standards of performance should be adopted? Who ought to fulfil the role?

Research into child advocacy to address these and other questions is confounded by two major problems. The first is that there is no generally accepted view of the proper role of the independent child advocate in child protection cases so that "child advocacy" occurs in many different ways. The second is that measures of effectiveness have proven quite difficult to develop.

### CURRENT UNITED STATES RESEARCH

#### Serious Evaluation Only Beginning

Research in the U.S. seems to have taken three different approaches thus far: 1) evaluating the effectiveness of existing state child

advocacy programs (Omni Systems, 1980; Knitzer and Sobie, 1984; Kelly and Ramsey, 1982); 2) developing a model of advocacy, training advocates in that role, and evaluating the outcomes (Duquette and Ramsey, 1986, Duquette and Ramsey, 1987); and 3) identifying specific desirable case outcome criteria and measuring various models of advocacy against them (CSR, Inc., 1988). Although research and evaluation of the child advocate is only beginning, one must not underestimate the value of a growing literature that describes what it is that advocates actually do in representing children. For some time to come our pursuit of an ideal public policy in this regard will depend on experimenting with different models and evaluating that experience.

The renewal of the federal Child Abuse and Neglect Prevention and Treatment Act requires that the federal government evaluate the effectiveness of independent child representatives in the 50 states so we should see considerable attention on this subject in the next few years.

#### State Evaluations: Florida, North Carolina and New York

In 1981 the Supreme Court of Florida ordered an evaluation of its volunteer guardian ad litem program (Omni Systems, 1980). There are many terms used to describe the independent representative of the child which are not used with precision. Guardian ad litem (GAL) as used in this context means an independent representative for the child in judicial protection proceedings who may or may not be a lawyer. The Florida evaluation focused on the need for guardians ad litem, the role and responsibilities of the GAL and compared private attorney and public defender models with the recently implemented volunteer approach to representing children. The evaluators found that trained volunteers spent at least twice as many hours per case, spent a greater percentage of their time with the child and parents and a greater percentage of time doing follow-up when compared with the public defender or private attorneys. The volunteer program was estimated to cost 49% less than a county attorney system although it was 37% less effective than a state sponsored private attorney system.

In North Carolina, Kelly and Ramsey selected a state wide random sample of counties and of juvenile court records to study the effect of attorney representation of children (1982). The study was intended to determine whether or not the child was removed from the parent, and, if removed, whether the child was returned and the length of time away from home. For the most part attorneys were not only ineffective but actually tended to delay a child's return home. Attorneys who spent more hours on their cases did expedite return. The study also found that removal was less likely when the attorney and child were racially matched, the attorney had fewer neglect cases, and for younger attorneys. The more hearings in a case the more likely it was that a child would be returned to his parents.

In an ambitious two-year study of the Law Guardian system of child representation in New York, Knitzer and Sobie (1984) found serious problems with the system. The law guardians generally lacked expertise with 70% having no special screening, orientation or co-counsel

experience; 42% had no relevant training in the previous two years; and only one-fourth considered themselves expert in juvenile law. The typical guardian represented only 20 children per year. In the legal aid offices, however, caseloads ranged from 300 to 800 cases per year. There was little continuity of representation with 65% of children studied in case-specific interviews having different guardians at different hearings. Representation was evaluated as seriously inadequate or marginally adequate in 45% of the courtroom observations. In 47% of the courtroom observations it appeared that the law guardian had done little or no preparation.

#### Michigan: Duquette and Ramsey

In a study conducted in Genessee County, Michigan by Duquette and Ramsey (1987), the researchers sought to address the questions of what should be the duties of the child advocate, who should represent the child in such cases, and how effective representation of the child could be accomplished. First, they defined the role of the advocate as continuous, aggressive and ambitious, concerned with a broad range of the child's interests -- both legal and social. Second, they provided training in this role to demonstration groups of attorneys, law students and lay (non lawyer) volunteers who were given considerable autonomy but worked under lawyer supervision. Third, they compared the effectiveness of each of the three trained demonstration groups in representing children. Finally, the study compared the representation provided by the demonstration groups to a control group of private attorneys who had received no special training and did not serve for the duration of the case.

The study evaluated the advocacy of each group on process measures that identified the steps the advocates actually took to represent the children and on eight case outcome measures. Two process measures, the Investigation-Interaction Scale and the Advocacy Scale were significantly related to outcome measures.

The Investigation-Interaction scale combined the number of people the representative actually spoke to, the total number of sources of factual information, the number of persons who urged the representatives to accept their recommendations (an indication of the representative's interaction with others and their perceived importance in the process) and the total number of hours spent on the case. The Advocacy Scale combined the number of recommendations made by the representative, the number of services obtained, and the number of people monitored by the representative after the first major disposition. The demonstration groups scored higher on these scales and a high score on the scales was significantly related to a change in the outcome variables. The effects of type of representation and of child representative activities on case outcomes follow.

On outcome measures, specific orders for home placement, other placement and visitation were significantly related to the demonstration cases as were other procedural orders, a miscellaneous category that included such court orders as those disposing of motions and amendments to petitions. All of these seem to reflect a greater activity on the

case and a concern about placement and visitation formalized in court orders. These orders do not mean that the clients of the demonstration groups were moved more frequently than those of the control representatives, but, rather, that the court ordered the move rather than allowing a change of placement at the discretion of the caseworker and without court review.

The demonstration cases resulted in far fewer ward of court orders with 39% of the demonstration cases being made wards compared with 62% of the control. It appears that the demonstration cases were assessed more thoroughly and more quickly and were diverted from the court process more successfully. None of the demonstration cases diverted from the court process had returned to the court six months later.

Once court jurisdiction was assumed, however, orders of dismissal occurred less often in the demonstration group. By the first major disposition, 37% of the demonstration group cases were dismissed compared with 56% of the control ( $X^2 = 3.43$ ,  $p = .06$ ). Orders of dismissal tended to be entered at the preliminary hearing for the demonstration group (thirteen of the twenty-one dismissal orders (62%)). Of cases not dismissed at the first major disposition, the control cases had significantly more dismissals than demonstration cases within four months after the first major disposition (demonstration = 30%; control = 57% ( $X^2 = 5.6$ ,  $p = .01$ )).

Analysis found that control cases were more likely to result in a ward-of-the-court order and then be dismissed, whereas demonstration cases, when dismissed, tended to be dismissed without first resulting in such an order. That is, demonstration cases were more likely to be diverted from the formal court process. Although demonstration cases were more likely to be dismissed at the preliminary hearing, once a case reached the dispositional hearing the demonstration cases were far less likely to be dismissed. This finding may be attributed to more careful assessment and screening of cases by the demonstration groups at the preliminary hearing stage and perhaps to more watchful advocacy on behalf of any child designated a ward of the court. Continuity of representation also may have helped the representatives make a more accurate, earlier assessment of the need for court intervention. In the control group, one attorney represented the child at the preliminary hearing and another attorney was appointed thereafter. Importantly, a follow-up after six months showed that none of the demonstration cases that had been dismissed by the court had returned for further court action.

Advocates with high scores on the Advocacy Scale also had more court orders for treatment and assessment which also indicates a more thorough approach to their representation.

The demonstration groups scored high on the Advocacy Scale and representatives with high advocacy scores also reduced court processing time significantly. The mean number of days between filing the petition and first major disposition was 37.9 days for the demonstration versus 60.6 days for the control. Thirty percent of the cases handled by the demonstration groups finished the court process within four days compared to 3% of the control.

The timing of no contest pleas provides another example of the demonstration's acceleration of the court process. Although the rate of no contest pleas was about the same for demonstration and control groups, the pleas were entered earlier in the process in the demonstration cases. In 88% of the demonstration cases in which a no contest plea was entered (fifteen of seventeen cases), the plea was entered at the preliminary hearing or at pretrial (i.e. first or second court appearance), compared to 46% of the control cases (six out of thirteen). In 54% of the control cases, no contest pleas were entered at adjudication/disposition hearing (i.e. third or fourth court appearance), compared to 12% of the demonstration cases.

The acceleration of the court proceedings provides a meaningful economy to the court and is attributable to the continuity of representation and the high activity of the demonstration advocates in investigation and problem-solving.

In perhaps the most significant finding of the study, the researchers found that even though there were many significant differences between the demonstration and the control group, there were no significant differences in outcome among the three demonstration groups. Either because of training, aggressive role definition or continuity of representation, the trained lawyers, law students and lay volunteers achieved very similar results for their young clients. In summary, the Duquette and Ramsey study indicates that a model of child advocacy in which the advocates are trained in an aggressive and ambitious role, concerned with both the legal and the social interests of the child and where the same advocates serve for the entirety of the case, benefits occur to child and to the court system itself in the form of increased diversion of cases not needing court action, more efficient processing of cases within the court and thus less use of court time and fewer dismissals of children once made wards of the court.

However, the Duquette and Ramsey study has shortcomings which any replication ought to avoid. The sample size was limited: 38 control cases and 53 demonstration cases with 22 of those handled by lay volunteers, 16 by law students and 15 by trained attorneys. The total number of demonstration advocates was small: four attorneys, fourteen law students and eight volunteers. Continuity of representation seems to benefit the child considerably -- so much so that it could account for much of the variance. Another study should hold continuity constant for control and experimental groups.

Finally, the case outcome data is aggregated and does not address the question of whether particular children were better served by the court because of the efforts of their child advocates. Some outcomes may be better for most children most of the time, such as frequent visitation, least restrictive intervention, and more efficient court process. It does not follow, however, that these outcomes are best for every child. Under some circumstances a child should not visit parents. Others may need the intense attention of foster care or an institution. Occasionally, delay in the court proceedings can facilitate cooperative resolution of a family problem. Outcome measures rest on certain assumptions of what is best for most children and do not reveal whether individual children are better off as result of the advocacy.

### HHS National Evaluation of Impact of GALs

In June 1988, the U.S. Department of Health and Human Services released the most comprehensive report to date in the form of a *National Evaluation of the Impact of Guardians Ad Litem in Child Abuse or Neglect Judicial Proceedings*, prepared for the federal government, National Centre on Child Abuse and Neglect by CSR, Incorporated. The study is a first step toward approaching these issues on a national level.

CSR, Inc. studied five types of GAL models, 1) Law School Clinic Model, 2) Staff Attorney Model, 3) Paid Private Attorney Model, 4) Lay Volunteer/Staff Attorney Model, and 5) Lay Volunteer Model (with attorney and staff support). Two examples of each model were studied in nine counties from six different states. Data was gathered from three sources: 1) interviews with judges, states attorney and caseworker; 2) records of the court and the child welfare agency; and 3) two in depth case studies from each site -- called "network interviews".

As did Duquette and Ramsey, CSR attempted to identify advocate practices (process measures) that related most strongly to desired outcomes. They also attempted to identify more objective guidelines to define what outcomes could be characterized as serving the child's best interests. Five short-term and five long-term outcomes emerged as measures of best interests:

#### Short-Term Outcomes

1. Child is represented in all phases of the case.
2. Complete investigation is conducted by the GAL into the facts of the case, including interviews with all relevant persons.
3. Specific orders are entered relative to assessment/services/treatment for child and family and the conditions to be met by parents and agency.
4. Services and other resources available to keep child in home are explored.
5. Child's interests are advocated before the court by the GAL.

#### Long-Term Outcomes

1. Child is represented, and needs of child are advocated for, in mental health, educational, juvenile justice and other community systems.
2. If out-of-home placement becomes long-term and parents are not interested in working toward reunification, other permanency plans are explored and an alternative is pursued actively, such as termination of parental rights.
3. Child has same GAL for the duration of the case.
4. If placement is out-of-home, child is returned home at the earliest appropriate time.
5. Compliance and lack of compliance with court orders, case plans and service agreements are documented by the GAL.

From these ten, twenty-seven quantitative measures of outcomes in the child's best interests, readily extractable from court and agency records, were employed. The case record analysis, interviews and in

depth case studies ("network interviews") formed the basis for the study recommendations summarized in Exhibit 1.

**Exhibit 1: Advantages, Disadvantages And Recommendations For GAL Models**

GAL Models	Advantages	Disadvantages	Recommendation
Private Attorney	Excellent legal skills	<p>More training required than currently given</p> <p>Higher compensation needed than currently given</p> <p>Little child contact</p> <p>No post dispositional monitoring</p> <p>Insufficient time spent on case</p>	Not recommended
Staff Attorney	<p>Excellent legal skill</p> <p>Move case quickly through the court</p> <p>Obtain services</p>	<p>Little child contact</p> <p>No post dispositional monitoring</p>	Recommended
Law Student	<p>Well trained</p> <p>Legal skills</p>	<p>Unstable representation; Frequent GAL Changes</p> <p>Inconsistent post dispositional monitoring</p>	Not Recommended
CASA/ Attorney	<p>Thorough case investigation</p> <p>Highly involved</p> <p>Frequent child contact</p> <p>Post dispositional monitoring</p> <p>Obtain appropriate services</p>	<p>Inexperience</p> <p>Personal involvement can be too high</p> <p>Longer time in initial dispositional phase</p> <p>Careful training needed</p>	Highly recommended

CASA/ Attorney	Thorough case investigation	Personal involvement can be too high	Highly recommended
	Highly involved	Longer time in initial dispositional phase	
	Frequent child contact	Careful training needed	
	Post dispositional monitoring		
	Obtain appropriate services		
	More frequent court reviews		
	Case plan monitoring		

*From: National Evaluation of Impact of GAL in Child Abuse or Neglect  
Judicial Proceedings, by CSR, Inc. (1988). Reprinted with  
permission.*

The National Evaluation Study is valuable for the descriptions it offers in the network interviews of actual cases and the advocate's role in them. The National Study is also valuable for several additional lessons it offers researchers designing further studies of independent advocates for children.

The authors point out that the generalizability of the study is limited by three factors: 1) sites were not selected randomly; 2) cases were not selected randomly; and 3) court records and child welfare records were relied upon as primary data sources in the quantitative analysis. The authors carefully and helpfully explain their methodological choices (Appendix B). They consider reliance on court and agency records to be the most serious limitation of the study. Record keeping varies by location, key documents may not be recorded, and the record is an incomplete picture of what occurred in a hearing or in a case. A full account of advocate activity, they explain, would have required analysis of court transcripts and extensive individual interviews with the advocate and others, such as they did with the network interviews. Extensive network interviews on a substantial sample with the advocate, child, parents, other attorneys, and the case worker could provide a sufficient data base on which to examine the relationship of many key process variables and outcomes.



## DEFINING THE ROLE AND EXPECTATIONS OF THE ADVOCATE

### A Role in Search of Definition

Even though independent advocacy for allegedly abused and neglected children is widely accepted in the U.S., little consensus exists over what that representation should encompass. The debate continues as to what the role of that child advocate ought to be and who ought to fulfill that role. Several models of child advocacy have developed but evaluation of the relative merits of the various models has just begun.

Before researchers can evaluate the relative merits of one model of child representation against another, however, each model must articulate a role for the advocate which clearly lays out his or her duties and expectations. With few exceptions, that has not yet been done. No clear, widely accepted, definition of the child advocate role in child protection cases yet exists nor have different models of representation clearly spelled out the expectations of the advocates. What it is that the advocate actually does in representing a child seems to vary considerably from advocate to advocate and community to community.

Nearly all representation of children in the United States is currently done by private attorneys who receive no special training in the role and there is widespread dissatisfaction with the performance of attorneys generally in these cases. (The research reported above indicates that private lawyers receiving no special training are the least effective advocates for children.) Alternative means of representing children, other than with private attorneys receiving no training, are being explored. The most notable alternative is the use of lay volunteers as the child advocate. These lay volunteers, generally called CASAs (Court Appointed Special Advocates), constitute a national movement. Since its beginning in King County, (Seattle) Washington in 1977 the idea had grown by 1987 to include 245 programs in 43 states (U.S. Department of Justice, 1988), including an active National Association of CASAs. Although the general idea of CASA has become very popular, there is still no single set of standards, role definition or training which guides these lay advocates. There are many different models of child representation even within the CASA programs.

Experimentation with alternative methods of representing children, and evaluation of those experiences is an important step in the development of the role. Mandatory training and standards of performance for attorneys or others acting for the child could eventually evolve. There are major issues about the child advocate role, however, which are either ignored and glossed over in practice or over which there is no consensus.

### Breadth

How broad ought the role be? Is the advocate a legal representative for a specific legal proceeding or an advocate in any or all settings --formal or informal-- in which the general interests of the child may be affected? While some would interpret the role quite narrowly as

limited to the child protection hearings before the family or juvenile court, others opt for a broad and ambitious role for the advocate including involvement in other courts if criminal or divorce actions are pending, in the child welfare social agency and other social agencies which are involved with or could be enlisted to aid the family. Under a broad and ambitious view of the child advocate role, once appointed, he or she would pursue the interests of the child in school, the mental health system, the foster home, the nuclear family, and the extended family.

Although a private lawyer or even a social worker for the child could take a broad approach to the role, a guardian ad litem (GAL), i.e., guardian for purposes of the litigation, from which this role has evolved, would ordinarily adopt a quite modest and limited role. Is the child advocate a lawyer for the child, a social worker, a guardian, or all the above? Programs should think through and then spell out the breadth of responsibility they expect their advocates to assume.

The issues an advocate faces can be extremely complex. There are legal questions, psychological evaluations, assessments of family strengths, weaknesses and other needs. It seems clear from this writer's experience, although not necessarily from empirical data, that a trained lay person, without ongoing professional supervision and assistance is not capable of performing in this role.

#### The Child's Voice in Identifying His Interests

What voice ought the child have in identifying his interests and determining the goals of the advocacy? To what extent ought the youngster be empowered to determine the goals of advocate activities? Consider the case of Steven, a ten year old boy who was struck repeatedly by his father as a punishment for eating candy. The blows caused welts and bruises on his back, arms and buttocks that were visible for two weeks. The school reported the matter and the child protection social worker says the father has a history of overly severe discipline and considers Steven at risk of further harm should he stay with the father. The boy wants to remain with his father and would like the court case dismissed altogether. Steven thinks his father will not hit him like this again and thinks he can protect himself. He will report to protective services if anything like this occurs again. The advocate personally disagrees with Steven's judgement although the boy is reasonably intelligent and quite mature for his age.

What position should the advocate take when acting on behalf of the boy? This question remains a very large and unresolved one in most U.S. jurisdictions. The choice of roles for the advocate range from a paternalistic one in which the advocate pursues what he or she sees as best for the child no matter what the child thinks, to a pure client-determination model in which the youngster identifies the goals of the advocacy after some period of client counselling.

The researcher must be aware that variation in the weight given to the child's wishes in setting the goals of advocacy can have significant effect on the steps an advocate actually takes. An advocate who generally agrees with the child protection agency will achieve his/her

goals far more often than an advocate who, after a period of counselling, places great weight on the stated goals of the child.

Since state laws generally require that the child representative act to represent the child's best interests, many claim that the advocate should substitute his judgement for that of the young client with whom he disagrees.

On the other hand, if the advocate does not speak for the child and express and argue for the child's wishes, then no one will. Many participants in the process are charged with looking out for the ultimate best interests of the child -- the social worker, the government attorney, the parents and their lawyer, and finally, the judge. If the child's representative assumes the same paternalistic role, the child is left with no spokesman. Except for the very young child, there are many reasons why youngsters should be entitled to representation of their wishes.

Lawyers, the most common advocates of children today, have professional traditions which make it much easier (although not always easy) for them to accept a client determination model of decision-making. In fact, the Model Rules of Professional Conduct for Attorneys anticipate some of the subtle problems presented in representing children and other clients under some degree of disability by providing that a lawyer shall abide by a client's decisions concerning the objectives of representation. (See Model Rules of Professional Conduct, 1.14 (a)).

The ABA Juvenile Justice Standards Project in its volume, *Standards Relating to Counsel for Private Parties* (1980), recommends that when the minor is "capable of considered judgement on his or her behalf" determining the objectives of the proceedings should remain the client's responsibility after full consultation with counsel (1980, 3.1(b)(ii)). The *Standards* caution that not too much be expected of the young client by equating "competence with capacity to weigh accurately all available options. In representing adults, wisdom of this kind is not required..." (1980, 3.1(b)(ii)).

In an excellent discussion of these issues, drawing on child developmental psychology literature as well as law, Professor Sarah Ramsey proposes that age seven be taken as the age by which a child would often have the cognitive, emotional and developmental skills necessary to make simple decisions (Ramsey, 1983). The pace of development and level of maturity vary from child to child so that some youngsters will have sufficient ability at various ages. In our practice at the University of Michigan Law School Child Advocacy Law Clinic we generally work under a presumption, rebuttable in a specific case, that a child of ten possesses the necessary capacity, that a child as young as seven may have it, and that children under age seven would not have the necessary capacity. Even as to the youngest children, we consider the child's wishes even though they do not determine the goals of our advocacy.

One implication of large numbers of non-lawyers beginning to advocate for children is that they do not share a tradition of sublimation of personal views in favour of a client's rights of self-determination. Consequently, less weight is likely to be given to

a child's wishes. Non lawyers may still play a role in child advocacy, if closely supervised with a strong training program in place. The question of the weight to be given a child's voice in setting the goals of the advocacy for the child may be a policy or political question not subject to empirical validation. Future researchers, however, may be able to tell us whether there are different results achieved when child advocates who assume a more paternalistic stance are compared with those subscribing to a client determination approach.

#### CRITICAL ISSUES

##### Quantifying Best Interests of the Child

In addition to articulating the advocates' role as discussed above, the researcher will want to identify objective outcome measures by which the success of the advocate can be measured. Since advocates are generally charged with representing the child's "best interests", the researcher is faced with the extremely difficult task of developing measures of best interests of the child that can be employed in program evaluation.

Few concepts are as elusive, as subjective, or as difficult to define as "best interests of the child". The concept is so subjective and personal as to provide no practical guidance to the advocate, save that of a general precept such as "achieve justice" or "do good". What is best for a particular child -- material well-being, emotional stability, strong religious training, or educational opportunity?

Even recognizing the subjectivity of the best interests standards, however, some interests are common to a large number of children in these child protection cases and can serve as a measure of advocate effectiveness. Both Duquette and Ramsey and the National Evaluation Study discussed above provide outcome criteria.

Protection from physical and emotional harm and provision of minimally adequate food, clothing, shelter, guidance and supervision are certainly in the child's best interests. The social worker and the court generally address these obvious deficiencies in the child's care even without vigorous advocacy by an independent child advocate. Other interests are more subtle, however, and may be overlooked by all but the child's representative.

The state intervention itself presents risks to the child. A child ordinarily has an interest in continuing to live with his parent or parents, if at all possible, consistent with his well-being and safety. An advocate can assure that all reasonable efforts are taken to protect children in their own homes rather than placing them out of their familiar surroundings. The concept of a "child's sense of time" should be uppermost in the advocate's mind. Prompt and efficient handling of the case ordinarily benefits the child. If the child is to be removed from the family, the removal should be for the shortest time possible as long as the long range plan remains reunification of the family. Placement should generally be one that is the most familiar and in the least restrictive, most family-like setting. Contact with the family should ordinarily be maintained through regular visits. If services to

the child and family are necessary before reunification (as long as reunification is the goal) they should be identified accurately and quickly and provided promptly.

The interests of an individual child are not always consistent with the interests of the state agency. The state and county agencies must spread limited resources over many cases. Because of high caseloads, agencies may be unwilling or unable to meet each child's individual needs, e.g. for frequent visitation or for prompt psychological exams. An overburdened caseworker may not be as sensitive, as careful, or as skilled in judgement as she or he would be under less taxing circumstances. Consequently, the child runs the risk of either being inappropriately separated from familiar surroundings or of having an inadequate assessment of the home situation, so that remedies prescribed may be inappropriate, inadequate or too late. If the child is removed from home, the child runs the risk of being placed in multiple foster homes, of being abused in foster care, of being placed in inappropriate institutions, and of not having visits with parents and family often enough. Reasonable case plans may be developed by social agencies but not be implemented properly or quickly, thus adding to the length of time the child is out of home and lessening the child's chances of ever returning home.

Thus, even though the best interests of any particular child is subjective and not precisely determinable, interests such as those presented above are common to the vast majority of children and may be missed without an active child advocate. The researcher needs to attempt to identify to what extent these general interests are achieved.

While these interests may be common to most children most of the time, they do not necessarily reflect the interests of any particular child. When data is aggregated the individual interests of specific children may be lost. In addition to general outcome measures, researchers may wish to employ expert panels to assess case results and the advocate's role in particular cases.

#### SUMMARY AND CONCLUSIONS

Despite the extensive U.S. experience with independent representation for children, empirical evidence is yet to clearly demonstrate that children are better off as a consequence. Nonetheless, independent advocacy for allegedly abused and neglected children is widely accepted in the United States and many of us who represent children are personally convinced by the cases we handle that our involvement makes a difference to the child. In the U.S. the debate centres not on whether children should be represented, but on how more children can be better represented.

Serious evaluation of the performance of child advocates has begun but those efforts are complicated by a great variety in interpretation of the role. Two fundamental role questions --breadth of responsibility and the child's voice in determining the advocate's goals-- remain unresolved. Researchers also must identify outcome measures that truly reflect the advocate's quality.

Continued experimentation and evaluation should clarify the advocate's role and lead to development of minimum standards of performance. The independent child advocate in civil child protection proceedings is a role with great, largely untapped potential.

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