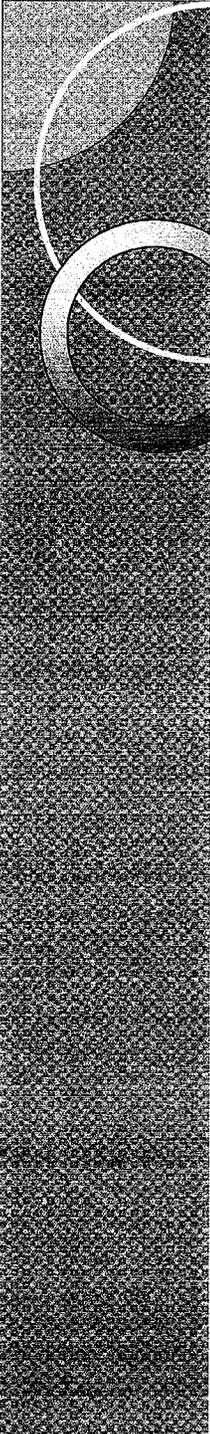




Washington State  
Office of Public Defense

# The Parents Representation Program: What Has Been Achieved by Lowering Caseloads for Parents Attorneys

Brett Ballew, Managing Attorney



# Implementation of the Right to Counsel

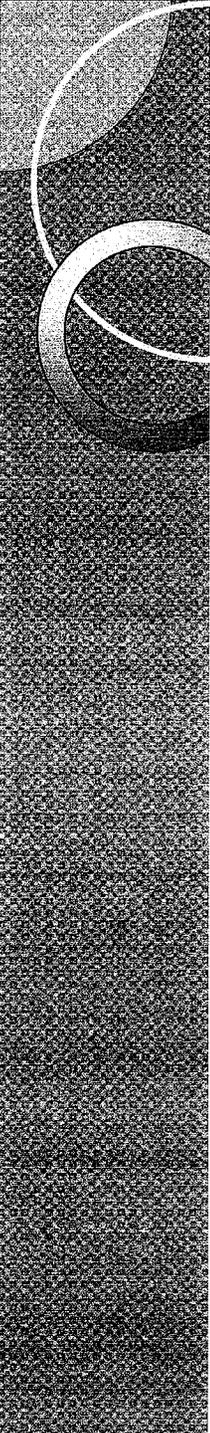
## ➤ Washington State Office of Public Defense

- ❖ Duties: Implement the Right to Counsel and Ensure Effective and Efficient Delivery of Indigent Defense Services Funded by the State of Washington.
  - Trial Court Criminal Indigent Defense
  - Appellate Indigent Defense
  - Representation of Indigent Parents in Dependency and Termination Cases
  - RCW 71.09 Civil Commitment Indigent Defense (sexual predators)



# Why was the Parents Representation Program Started?

- 1999 Report for Legislature: State of Parents' Attorneys
- Courthouse Steps Representation
  - Excessive Caseloads, Low Pay
  - Little Time to Communicate with Parents or Help them Engage
  - Frequent Continuances & Case Delays



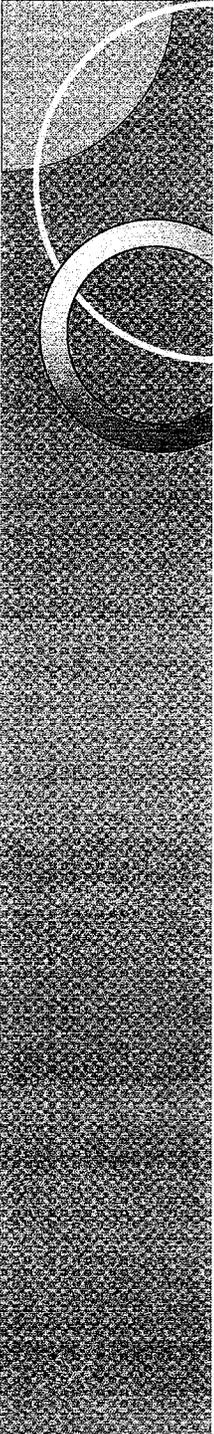
# Pilot Program

- Pilot 2000-2005
- Expanded to 2/3 of state--6,700 Open Cases by 2007
- Expanded to 85% of the state in 2014



## **Pilot Program: Caseload Decreases**

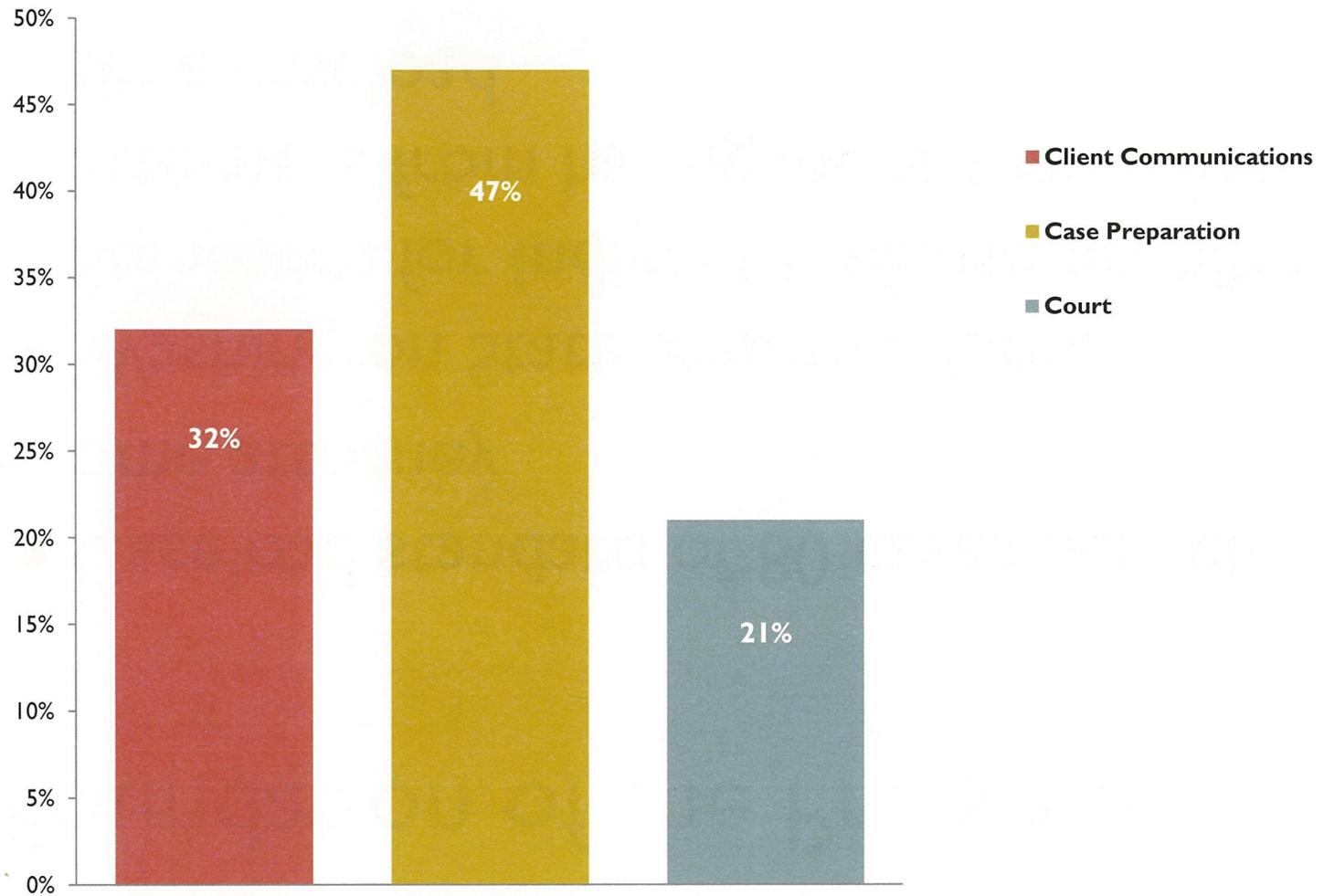
- Added 33% More Parents' Attorneys in Benton and Franklin Counties
- Added 25% More Attorneys in Pierce County

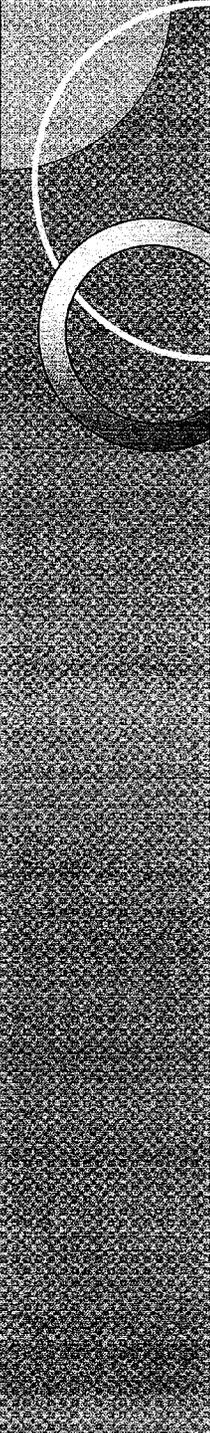


## **Pilot Program: More Resources**

- Added a .25 FTE Social Worker for Each Attorney
- Added Expert Funds for Each Attorney

# Pilot Program: Attorney Activities





# Foundation of the Program

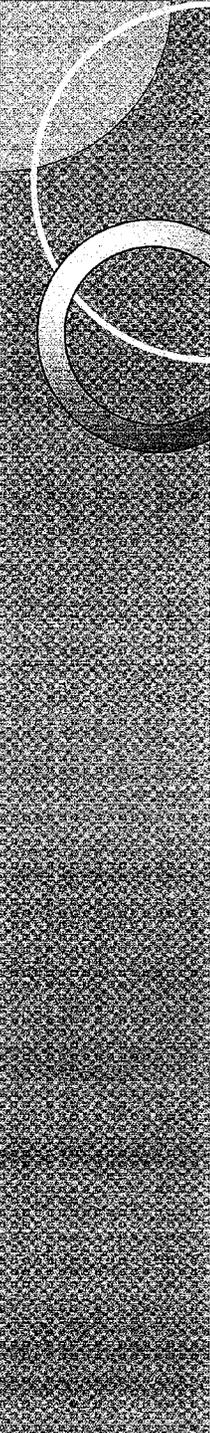
- Caseload standard of 80 cases per full-time attorney
- Washington State Supreme Court Standards for Indigent Defense prohibit attorneys from having more than a full-time caseload



# Standards

## Client Communication

- ❖ Counselor-at-Law
- ❖ Elements of Effective Client Communication
  - Timely
  - Attorney Availability
  - Accommodate the Client's Needs
  - Consistency and Frequency



# **Standards**

## **Advocacy for Services**

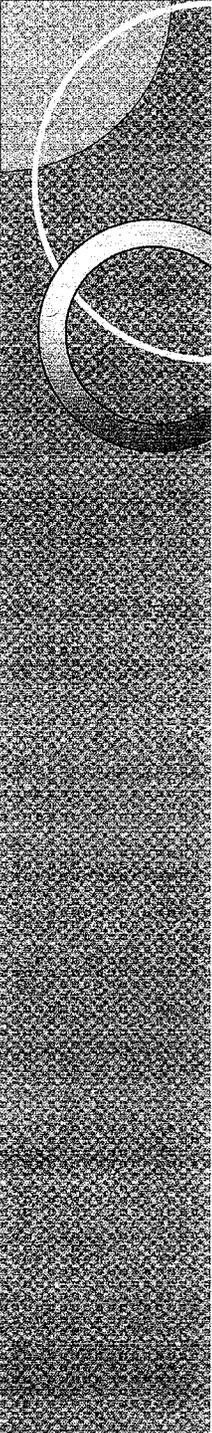
- ✓ Advocacy Occurs at Every Stage of the Proceeding
- ✓ Emphasis on Early Engagement
- ✓ Coordination of Services
- ✓ Involvement in Developing Service Plan
- ✓ Removing Barriers to Services



# Standards

## Advocacy for Visits

- ✓ Visits are the Right of the Family
- ✓ Visits Cannot be Limited as a Sanction
- ✓ Should advocate for maximum developmentally appropriate visitation
- ✓ Sibling Visits
- ✓ Barriers to Visits



# **Standards**

## **Discovery & Court Preparation**

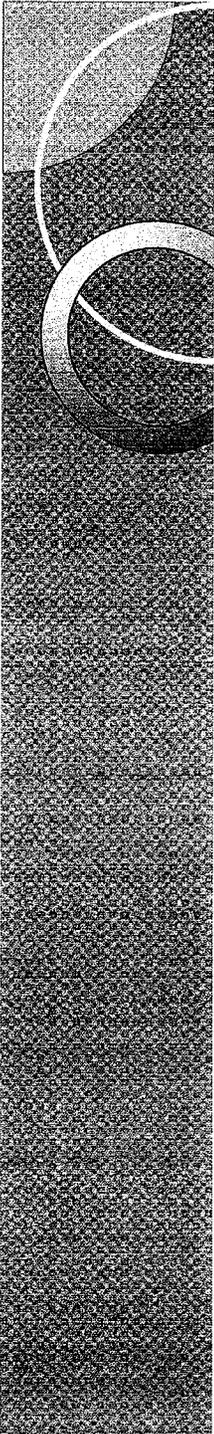
- ✓ Independent Investigation
- ✓ Thorough Discovery
- ✓ Use Experts and OPD Social Workers
- ✓ Court Motions, Briefs, Reports



# Standards

## Pre-Trial & Pre-Hearing Actions

- ✓ Opportunity to Advocate for Services, Placement and Visits
- ✓ Case Conferences
- ✓ Other Case Staffings or Reviews



# **Parents Representation Program Social Workers**

- **Have the Same Minimum Academic and Professional Qualifications as Children's Administration Social Workers**
- **Are Primarily Contracted with OPD and Operate Under the Parents Representation Program Social Worker Practice Standards**
- **Are a Limited Resource for Parents Representation Program Attorneys**
- **Are a Voluntary Service for Parents**

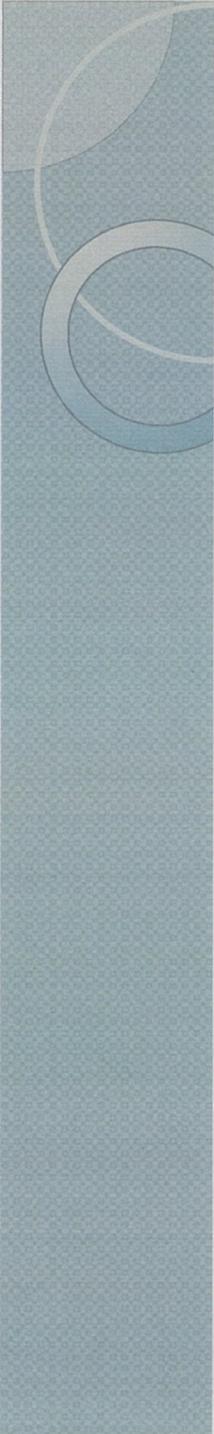


# Parents Representation Program Social Workers

## ❖ The Primary Goals of Parents

Representation Program Social Workers are:

- Parents to Understand Their Case Plan and the Dependency and Termination Process;
- Parents to Have a Say in Their Case;
- Parents to Engage in Necessary Services at the Earliest Point Possible;
- Parents to Take Ownership of Their Current Situation and Their Ability to Impact Their Case Outcome.



# Oversight by OPD

- Training
- Technical assistance
- Monitoring of caseloads
- Monitoring of hours spent on cases
- Monitoring of client communication hours
- Complaint process
- Attorney reviews and court observations



# Impacts

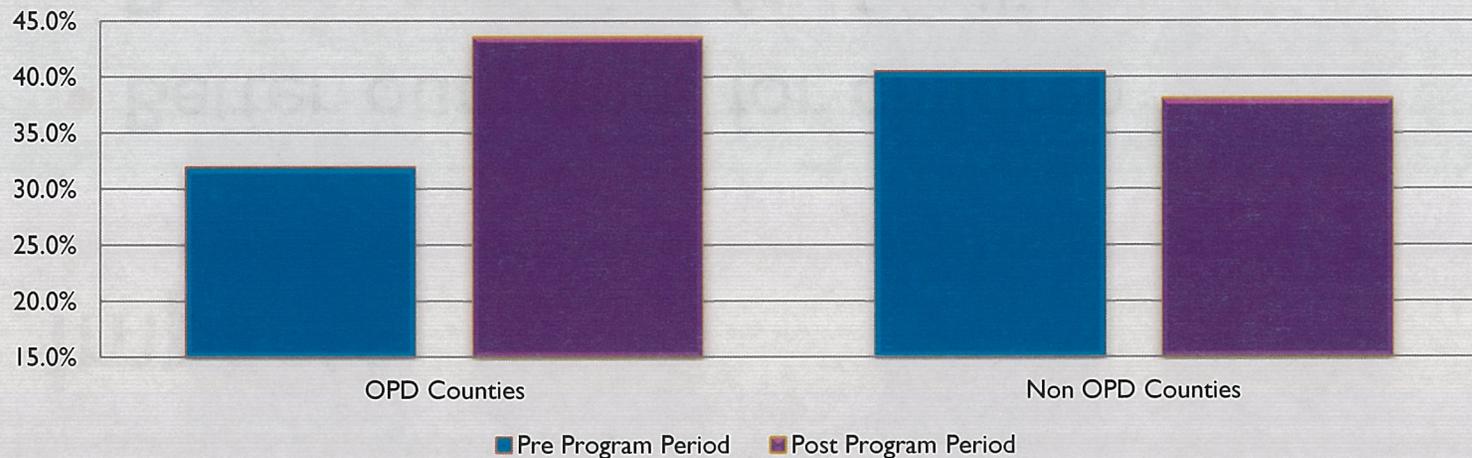
- Better outcomes for children
- Better outcomes for families
- Better fiscal outcomes for the state

# Evaluations and Data

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2010 and 2011 OPD and Washington State  
Center for Court Research Data

**OPD Program Counties Improved Reunification  
Rates While Non Program Counties Did Not**





## Washington's Parents Representation Program Helping Children in Child Welfare System Reach Permanency

### KEY MESSAGES

- The Parents Representation Program is helpful in moving children from the child welfare system to permanent homes.
- The Parents Representation Program cuts the time it takes for children to reach permanency:\*

Reunifications occur  
1 MONTH sooner\*\*

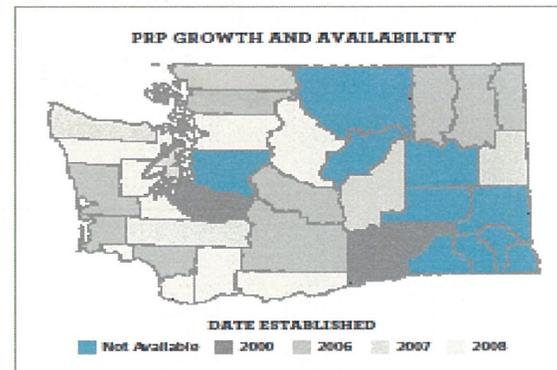
Adoptions and Guardianships  
occur 1 YEAR sooner\*\*

\*Based on a projection of statewide implementation on a cohort of children entering care in 2001 \*\*Approximations

### Summary

Legal representation in juvenile court has been recognized by most states as an essential protection for parents when children have been removed from their custody. A 1999 study called into question whether parents in Washington were receiving adequate legal representation in processes that have significant consequences for parents and children.<sup>1</sup> The Parents Representation Program (PRP) was developed by the Washington State Office of Public Defense (OPD) and the Washington State Legislature to enhance the quality of defense representation for parents in dependency and termination hearings. The program aims to reduce the number of continuances requested by attorneys, limit caseloads (no more than 80 cases per attorney) and supports their work by ensuring attorneys have reasonable time to prepare cases and work with clients. The program provides social workers, expert resources, periodic trainings, and oversight through OPD. Piloted initially in three counties in 2000, the program has now expanded to 25 counties across the state. See Map.

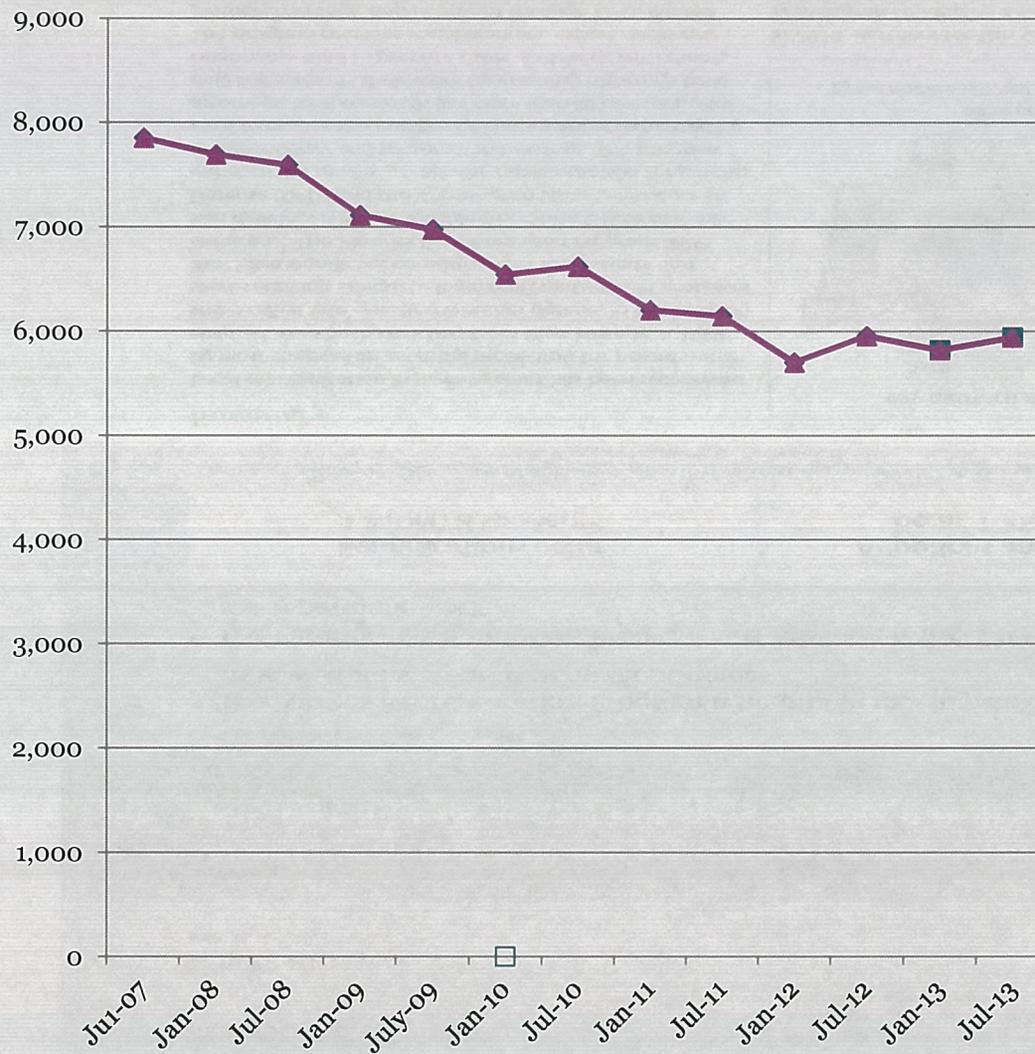
<sup>1</sup> Washington State Office of Public Defense (1999). *Costs of Defense and Children's Representation in Dependency and Termination Cases*. Olympia, WA: Author.



In 2010, Partners for Our Children at the University of Washington conducted a study on the impact of PRP, looking at the program's influence on the speed with which children are reunified, adopted or enter guardianships.<sup>2</sup>

<sup>2</sup> To date, the PRP is the only program of parental representation in juvenile dependency proceedings known by the authors to have been the subject of evaluation research.

# Licensed Foster Care—State Caseload





# Cost Avoidance

- If you know:
  - Amount of increased reunifications and speedier permanency
  - Cost of foster care, relative care, services, adoption and guardianship subsidies
  - Data from the exits from care and length of time in care
- Then: You can derive the cost avoidance to the state
- In Washington State, PRP pays for itself within just a few years, and more than pays for itself in subsequent years
- Other programs in California, New York, and Michigan have also reported savings to their child welfare systems



# Contact Information

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