



Executive Summary: Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing of Permanency Outcomes for Children in Foster Care

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In 2007, the National Council of Juvenile and Family Court Judges (NCJFCJ) conducted a review of research from the prior ten years that involved juvenile dependency court processes or outcome measures in an effort to assess the state of research involving juvenile dependency courts. The research review identified inadequate methodological rigor, limited research on outcomes of the juvenile dependency court process and child welfare system, and a dearth of research on legal representation as some of the deficiencies of the existing research literature. In particular, research on parental representation is lacking; of the five studies of parental representation reported in the NCJFCJ review, three involved a single program in one state and only two provided any data on outcomes associated with efforts to improve representation (Summers, Dobbin, & Gatowski, 2008).

This study addresses these gaps in knowledge about the functioning of child welfare services and juvenile courts by evaluating the impact of a program of enhanced parental legal representation on the timing of permanency outcomes for children entering court-supervised out-of-home care in Washington State. The study employs methods that are methodologically superior to prior efforts to evaluate parental representation and focuses on key outcomes of the child welfare and dependency court systems. Study findings provide evidence that the availability of adequate parental legal representation speeds reunification with parents, and for those children who do not reunify, it speeds achieving permanency through adoption and guardianship.

The Parental Representation Program

In 1999, in response to a request from the state legislature, the Washington State Office of Public Defense (OPD) conducted a study of inequalities in attorney funding in dependency and parental rights termination cases (Wash-

ington State Office of Public Defense, 1999). The disparities found called into serious question whether parents in Washington were being provided adequate legal representation in processes that have significant consequences for parents and children; state and federal courts have long recognized the crucial importance of these proceedings and the necessity of providing legal representation for the parties.

In 2000, the OPD succeeded in obtaining a legislative appropriation to create a pilot Parent Representation Program (PRP) which was then established in Benton, Franklin, and Pierce counties. The legislature established five program goals to enhance the quality of defense representation in dependency and termination hearings:

1. Reduce the number of continuances requested by attorneys; including those based on their unavailability;
2. Set maximum caseload requirements per full-time attorney (the OPD sets the fulltime maximum caseload at 80 open cases per attorney);
3. Enhance defense attorneys' practice standards, including reasonable time for case preparation and the delivery of adequate client advice;
4. Support the use of investigative and expert services in dependency cases; and
5. Ensure implementation of indigency screenings of parents, guardians, and legal custodians.

To achieve these goals, program implementation includes reasonable compensation for attorneys, reduced caseloads, access to social worker staff (social workers are assigned to attorneys on a ratio of one social worker per four attorneys), investigative resources, periodic attorney trainings, and oversight of attorneys' performance by OPD staff.

To our knowledge, the PRP is the only program of parent representation in juvenile dependency proceedings that has been the subject of evaluation research. Prior studies of PRP have concluded that PRP results in more timely action in dependency cases, increases the likelihood of family reunification, and increases the likelihood of case resolution (i.e., reunification or entry of a third-party custody order; a dependency guardianship; or the child becoming legally free for adoption due to termination or relinquishment of parental rights) (Oetjen, 2003; Harper, Brennan, & Szolnoki, 2005; Washington State Office of Public Defense, 2009). However, these findings should be regarded with considerable caution given the methodological limitations of the prior research.

Research and Findings

Our analyses address the following research question: *Is the presence of the PRP associated with a change in the timing of children's transitions to permanency through reunification with their family, adoption, or legal guardianship?* To answer this question, we followed 12,104 children who entered care for the first time in 2004 to 2007 through the end of 2008 to see whether they experienced one of the study outcomes. This period coincides with the implementation of PRP. In essence, our research design takes advantage of the staggered roll out of PRP across Washington's counties. Our models leverage this variation in implementation timing, examining differences across counties with and without PRP and differences within counties prior and post implementation. Data come from the Case and Management Information System (CAMIS) provided by the Department of Social and Health Services (DSHS) and from the Administrator of the Courts (AOC).

All else being equal, the exit rate to reunification is 11% higher when a child is living in a county where PRP is in operation than when a child lives in a county where PRP is not in operation, a difference that is marginally statistically significant at $p < .05$ ($p \approx .051$). The rate at which children are adopted is 83% higher, and the rate at which children enter guardianships is 102% higher ($p < .001$). Although PRP's impact is greater on adoption and guardianship than on reunification, the decrease in time to reunification affects many more children because reunification is the most common outcome for children. Of children achieving permanency during the study period 68% reunified, 26% were adopted, and 6% exited to guardianship. Additionally, reunifications generally happen much more quickly than adoptions or guardianships, so there is less room to decrease days in care.

Conclusion

In spite of some study limitations, we believe that the findings of our evaluation of the impact of enhanced parental

legal representation on the timing of permanency outcomes for children in foster care should be taken seriously by policymakers interested in improving the prospects of legal permanency for children who become dependents of juvenile courts. Based on these findings we recommend that Washington extend PRP to all counties. While there are no reliable data on the availability and quality of parents' counsel in dependency proceedings around the country, anecdotal evidence suggests that the poorly resourced situation that existed in Washington prior to the development of the PRP was not unusual. Jurisdictions with poor parental representation that wish to address that deficiency in their dependency court process, while potentially shortening the time children spend in foster care, should consider implementing something akin to the PRP. Moreover, while our study cannot identify which aspects of the PRP might be responsible for the observed impact on exit rates, the PRP is a fairly straightforward intervention without lots of moving parts that could be readily replicated in other jurisdictions. Lastly, while we acknowledge that our evaluation design is not experimental in nature, we believe that our ability to take advantage of discontinuities in county-level court practices over a several-year period, owing to the staggered implementation of the PRP, provides a very strong quasi-experimental test of the PRP. Our analysis of child welfare and court data in Washington and our conversations with child welfare system and court personnel in the state did not uncover any evidence that the timing of PRP implementation in counties coincided with other changes at the county level in child welfare practice, court practice, or the characteristics of children and families served.

If the results of the PRP evaluation are taken at face value they are very impressive indeed and provide support for the arguments of advocates for adequate parental representation in the dependency court process. We find that enhanced parental representation is associated with an increase in the rate of family reunification. This finding might not be considered surprising since most parents involved in dependency proceedings want their children back and the availability of adequate counsel might improve parents' ability to prevail in court. However, the finding that enhanced parental representation nearly doubled the likelihood of adoption and doubled the likelihood of legal guardianship is striking. It calls into question the concerns expressed by some social workers and state's attorneys about parents' attorneys delaying the process of moving from a case goal of family reunification to adoption or guardianship. Our findings suggest that, far from serving as an obstacle to adoption and guardianship, the availability of adequate legal counsel might facilitate a parent's acceptance of the need to find another permanent home for their child if they cannot reunify.