

## Task Force on Representation in Childhood Dependency

### Alternative Models Subcommittee

#### Parent and Child Representation Summary

6/10/2016

#### Background Summary

Over the past two decades, numerous studies have found that “quality representation and due process for all parties in the child welfare system are essential but not always achieved.”<sup>1</sup> For this reason, “[a] national consensus is emerging that quality legal representation for parents is necessary to ensure the most appropriate outcomes for families and children involved in the child welfare system,”<sup>2</sup> and “the weight of academic and practitioner opinion suggests that without the legal representation, a child has little prospect of successfully navigating the complexities of dependency proceedings.”<sup>3</sup>

Parent and child representation has been shown to be correlated with improved outcomes for children and families. An attorney’s advocacy for frequent visitation, parent engagement, and the right service plans engages parents and steers the case toward early reunification.<sup>4</sup> Parent and child representation has been shown to:

- reduce unnecessary removals;<sup>5</sup>
- decrease time to reunification;<sup>6</sup>
- decrease re-entry post-reunification;<sup>7</sup> and
- decrease time to other permanency.<sup>8</sup>

This in turn creates cost-savings and cost-efficiency for states. For example, one program in New York was been found to save \$9 million/year by reducing the length of stay in foster care and promoting safe reunification with parents,<sup>9</sup> while a program in Washington State saved \$7.5 million in 2013 by reducing foster care stays.<sup>10</sup>

As the dependency system grows more complex, a variety of models that provide quality legal representation for parents and children have evolved to protect the rights of parents and promote better outcomes for children.<sup>11</sup>

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<sup>1</sup> American Bar Association, Center on Children and the Law, *Summary of Parent Representation Models 1* (2009)[hereinafter *ABA Summary*].

<sup>2</sup> *Id.*

<sup>3</sup> Duquette with Darwall, *Child Representation in America: Progress Report from the National Quality Improvement Center*, 41 FAM. L. Q. 87, 90 (Spring 2009).

<sup>4</sup> Cohen & Cortese, *Cornerstone Advocacy in the First 60 Days: Achieving Safe and Lasting Reunification for Families*, ABA Child Law Practice (May 2009).

<sup>5</sup> American Bar Association, Center on Children and the Law, *Investment that Makes Sense*, 2-3.

<sup>6</sup> *Id.*

<sup>7</sup> The Center for Family Representation, *2013 Report to the Community* [hereinafter *CFR 2013 Report*, available at <https://www.cfrny.org/wp-content/uploads/2013/11/CFR-2013-Report-to-the-Community.pdf>]; *Investment that Makes Sense*, *supra* note 5, at 2-3.

<sup>8</sup> Zinn & Slowriver, *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County* (2008).

<sup>9</sup> *CFR 2013 Report*, *supra* note 7.

<sup>10</sup> *Investment that Makes Sense*, *supra* note 5, at 3.

<sup>11</sup> See, e.g., *ABA Summary*, *supra* note 1.

## I. Models of Parent and Child Representation

In 2009 the ABA Center on Children and the Law (“ABA Center”) collected qualitative descriptions of promising parent and child attorney models used across the country.<sup>12</sup> This research describes three basic representation models for parents and children seen across the country:

- institutional parent representation organizations – offices with a full time staff of attorneys, social workers, peer parent advocates, and investigators;
- contract or panel systems of representation – a panel of contract attorneys who meet education requirements and mandatory practice standards, are compensated for out-of-court work, and who have access to social workers, investigators and experts; and
- hybrid of parent representation offices and contract/panel systems – a panel or list of contract attorneys handle the majority of the parent representation and a state or county office with a full time staff who may handle some direct parent representation, oversee admission onto the panel, provide and oversee attorney education, and administer an attorney review process.<sup>13</sup>

To complement this descriptive study, in 2011 the ABA Center surveyed states to learn how these different models of parent representation models are funded and found that most states have more than one type of payment structure.<sup>14</sup> The survey found:

- Payment by the hour (54%)
- Salaried through an organization such as a public defender’s office (41%)
- Annual contract (39%)
- Per case (27%)
- Per hearing (6%)
- Other (8%)<sup>15</sup>

This survey was updated by the ABA Center in 2015 and found similar results (as in the 2011 survey participants could indicate more than one payment method):

- By the hour (51%)
- Salaried through an organization (37%)
- Annual or periodic contract (26%)
- Per case (17%)
- Per hearing/event (9%)
- Other: (9%)<sup>16</sup>

## II. Attributes of Parent and Child Representation Systems

Regardless of the model or payment method used, studies of successful models used nationwide have highlighted a few key attributes of a successful parent representation model.

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 2.

<sup>14</sup> American Bar Association, Center on Children and the Law, *Court Improvement Program Parent Attorney Survey Results* 6 (2011).

<sup>15</sup> *Id.*

<sup>16</sup> American Bar Association, Center on Children and the Law, *Parent Attorney National Compensation Survey* 3 (2015).

1) In comparison to county-administered programs, state-administered programs do a better job of promoting consistent practice in a state while also ensuring local community knowledge and engagement in parent and child representation.<sup>17</sup> The 2015 ABA Center study found in 39% of states funding is state administered, in 15% funding is county administered, in 2% funding is administered by judicial district; and 44% have hybrid funding systems.<sup>18</sup>

2) Moderate caseloads and caseload limits that give attorneys ample time to be available to meet with their clients, attend out-of-court meetings, and prepare for court hearings are the most important features of successful parent and child representation models across the country. Mechanisms for controlling caseloads are one of the most important components of strong models of representation.<sup>19</sup>

3) Another key component of successful models of parent and child representation is attorney access to and use of multidisciplinary staff, including social workers, investigators, and parent mentors.<sup>20</sup> In 2015 the ABA Center assessed the availability of multidisciplinary staff to parent's attorneys across the country and found that 16% of those surveyed had access to parent mentors, 34% had access to social workers, 25% had access to investigators, and 25% had access to other supports.<sup>21</sup>

4) Other features of high quality parent and child representation systems include:

a) One attorney providing representation throughout the case, providing continuity of representation from before the shelter hearing through reunification or permanency.<sup>22</sup>

b) Pre-petition attorney representation, meaning that parents and children are provided representation when the state first engages with the family and signals that there is a risk of potential future removal, even if this is before court involvement.<sup>23</sup>

c) Providing attorneys to work with parents (and in certain instances children) on collateral issues that may affect the dependency case (such as custody, divorce, housing issues, etc.).<sup>24</sup>

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<sup>17</sup> American Bar Association, *Standards of Practice for Attorneys Representing Children in Abuse and Neglect Cases* 21 (1996)[hereinafter *ABA Child Representation Stds.*].

<sup>18</sup> *Parent Attorney National Compensation Survey*, *supra* note 16, at 2.

<sup>19</sup> Laver, *Improving Representation for Parents in the Child-Welfare System*, American Bar Association Children's Rights Litigation (October 2013); Duquette with Darwall, *supra* note 3, at 113-14; ABA Resolutions on Foster Care and Adoption: Foster Care Reform (Aug. 2005), available at <http://www.abanet.org/child/foster-adopt.shtml>; American Bar Association, *Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases* 32 [hereinafter *ABA Parent Representation Stds.*]; *ABA Child Representation Stds.*, *supra* note 17, at 22.

<sup>20</sup> *Investment that Makes Sense*, *supra* note 5, at 2; Rauber, *Working with Parent Partners to Achieve Better Outcomes for Families*, 28 *Child Law Practice* 165-66 (January 2010); *Summary of Parent Representation Models* 1 (2009) (describing multi-disciplinary models in California, Connecticut, New York, Michigan, New Jersey and Pennsylvania); Pilnik, *Parents' Social Workers Help Parents Succeed*, 27 *ABA Child Law Practice* 142 (June 2008).

<sup>21</sup> *Parent Attorney National Compensation Survey*, *supra* note 16, at 6.

<sup>22</sup> Guggenheim & Sankaran, *Representing Parents in Child Welfare Cases: Advice and Guidance for Family Defenders* (2015); Cohen & Cortese, *supra* note 4; *ABA Parent Representation Stds.*, *supra* note 19; *ABA Child Representation Stds.*, *supra* note 17.

<sup>23</sup> Bech et al., *The Importance of Early Attorney Involvement in Child Welfare Cases: Representation of Parents in Pre-Petition Proceedings* (Second National Parents' Attorney Conference, July 13-14, 2011); see also, Spinak, *Reforming Family Court: Getting It Right Between Rhetoric and Reality*, 31 *Wash. U. J. L. & Pol'y* 11, 36 (2009); Rauber, *From Courthouse to Statehouse: Parents as Partners in Child Welfare* 28 *Child Law Practice* 161 (January 2010); *ABA Summary*, *supra* note 1 (describing New York and Michigan models of pre-petition representation).

<sup>24</sup> *ABA Summary*, *supra* note 1 (describing New York and Michigan models of pre-petition representation); Rauber, *supra* note 23.

## Task Force Alternative Model Rankings

The Alternative Models Subcommittee was tasked to:

“Review the practice, cost, and outcomes of models of [parent/child representation] used by other states in dependency proceedings. Compare and contrast these models of representation to the current Oregon model. Assess alternative models of representation used nationally or endorsed by standard-setting organizations. Present to the Task Force for further discussion information about what models save cost, protect due process, and promote outcomes. Present to the Task Force for further discussion information about how various models meet the needs and/or unique nature of Oregon dependency proceedings.”

To fulfill this task, the subcommittee 1) identified the key attributes of a quality model of parent/child representation in dependency cases; 2) assessed several models of parent/child representation to determine the extent to which they exhibited these attributes; and 3) reported these findings to the full Task Force to inform discussions and final recommendations for parent/child representation.

### I. Identifying Attributes of a Quality System of Representation

To identify the attributes of a quality system of parent/child representation in dependency cases, the alternative models subcommittee reviewed and discussed the recommendations of national standard-setting agencies, promising practices of other states, and successful strategies of parent/child representation used in Oregon. The subcommittee identified 10 attributes of highly successful systems, and prioritized the four most critical.

<b>The four priority attributes for to high quality representation are:</b>
<b>Availability-</b> Attorneys have sufficient time to meet the needs of clients, the court and other stakeholders. This promotes good client-directed legal work, client engagement in the dependency process and more efficient case resolution.
<b>Consistency-</b> Families across the state of Oregon receive standardized standards-based, competent legal representation. Quality assurance and accountability are present.
<b>Manageable Caseloads-</b> Attorneys are not overburdened and have the time and resources to adequately prepare for court and provide strong advocacy in and out-of-court. This promotes better legal work and timely resolution of dependency cases.
<b>Outcome-oriented Practice-</b> The model has been shown to play a role in the larger child welfare system that improves outcomes for children and families. Stakeholders in the dependency court system must not only do their utmost to fulfill their distinctive role but must all work collectively (where legally possible and feasible) toward the common goal of improved outcomes for Oregon children and families.

**The remaining six attributes which are also important to high quality representation are:**

**Continuity-** Consistent legal representation throughout the life of a case and throughout a client's involvement with the juvenile court system (one lawyer- one client). This is a best practice and supports a better attorney-client relationship for parents and children.

**Cost-effective/cost-efficient** - Cost-effective services ensure that funds are spent to support necessary value-added services that to protect the rights of children and parents. Cost-efficient services ensure that legal services are being provided in a manner that takes advantage of available economies of scale, process efficiencies, and technology advances in addition to decreasing unnecessary transaction costs. These attributes collectively ensures quality legal services are provided without excessive cost.

**Local Community Connection-** Attorneys are located in the community, know local practitioners, and have strong working relationships with the local court, DHS caseworkers, and service providers. This enables attorneys to be culturally responsive, understand community values, and understand effective local practice.

**Multidisciplinary Representation-** All lawyers have access to investigators, experts, and to teams of practitioners that engage and support parents and children such as case managers and peer mentors. Lawyers have access to adequate staff support such as paralegals. Access to a multidisciplinary team ensures that parents have attorneys who are able to focus on representing their client, the expertise necessary to build strong cases, and the support to engage in case plans and court orders.

**Duration of Representation-** Attorneys are available pre-petition. The availability of attorneys for parents and children pre-petition protects parents and children's due process rights, promotes the most appropriate state interventions, and maximizes efficient use of judicial resources. Attorneys are available for children in voluntary substitute care placements. Attorneys are only appointed once for the duration of a case from pre-shelter hearing through TPR, should TPR occur.

**Scope of representation-** The performance standards suggest that lawyers representing children expand the scope of representation either personally or through an appropriate referral on issues which do not specifically arise from the court appointment. Lawyers for parents should be aware of collateral issues and, if able, counsel the client on advocacy options. This promotes strong attorney-client relationships and promotes timely resolution of the corresponding dependency cases.

I. Assessing Alternative Models of Representation

After identifying these key attributes, the subcommittee reviewed and discussed four alternatives to the current system used to provide attorneys for parents and children in Oregon. These alternative models were crafted to

- 1) address concerns with the current model;
- 2) incorporate promising practices observed in Oregon;

- 3) incorporate promising practices from other states; and
- 4) provide a variety of policy solutions.

In consultation with OPDS and other practitioners, staff for the task force calculated approximate costs for each model, based on an estimate of the current number of clients served by OPDS, current case credits, sample caseloads, and the number of children in care.

Subcommittee members then assessed the extent to which the current model and each of the alternative models fit the attributes of good systems. A very good fit was a 3, a medium fit was a 2, and a poor fit was a 1. The ranking rubric for models of parent child representation, which includes sample descriptions of high, medium, and low for each attribute, is included in Appendix A. The subcommittee’s average ranking of how each model fit each attribute follows:

<b>Attribute</b>	<b>Current</b>	<b>#1 Public Def</b>	<b>#2 Billable Hour</b>	<b>#3 Per Case</b>	<b>#4 PCRCP</b>	<b>#5 Regional Centers</b>
Atty availability	1.50	2.70	1.70	1.80	3.00	2.78
Consistency of rep.	1.10	2.90	1.30	1.40	2.50	2.50
Manageable caseload	1.30	2.90	1.90	1.60	2.70	2.83
Outcome-oriented	1.11	2.70	1.56	1.22	3.00	2.78
Continuity of rep.	1.78	2.60	1.89	1.78	2.22	2.67
Cost effectiveness	1.50	1.70	1.50	1.40	2.30	1.72
Duration incl. pre-pet.	1.20	2.33	1.67	1.78	2.33	2.44
Local connection	2.30	2.20	2.40	2.30	2.70	2.39
Multidisciplinary rep.	1.10	2.56	1.78	1.67	2.60	2.56
Scope of rep.	1.55	2.22	1.75	1.63	2.33	2.28
<b>Total</b>	<b>14.44</b>	<b>24.81</b>	<b>17.44</b>	<b>16.57</b>	<b>25.69</b>	<b>24.94</b>
<b>Total of Priority Attributes Only</b>	<b>5.01</b>	<b>11.20</b>	<b>6.46</b>	<b>6.02</b>	<b>11.20</b>	<b>10.89</b>

a. Current Model: Per Hearing/Event Payment Structure

*Description:* OPDS enters into two-year contracts with entities for the provision of public defense services. All contracts for juvenile representation, with the exception of the Parent Child Representation Program (three counties are currently participating in the PCRCP - Linn, Yamhill, & Columbia, see description below), are based on the case credit model. The case credit model has been the primary contracting model since the early 1980’s, when the State Court Administrator’s office assumed statewide responsibility for appointment of counsel in public defense cases.

In juvenile dependency cases, most contractors receive a case rate that covers the period from appointment through the establishment of jurisdiction, until the first post-dispositional hearing (approximately, the first six months of the case). Thereafter, contractors are paid only for review hearings, including permanency hearings and Citizen Review Board hearings, or when appointed on a Termination of Parental Rights petition.

In this model, non-profit public defender offices and some law firms provide investigative services to their attorney employees through staff investigators. Attorneys at non-profit public

defender offices follow office protocols to access investigative resources. Attorneys who are part of a consortium and most law firm attorneys, including those who handle public defense cases on an hourly basis, access investigator funds through the non-routine expense request process. In order to qualify for funding for investigation, the attorney must submit documentation to OPDS showing that the resource is both necessary and reasonable. OPDS reviews these requests and authorizes them when the necessary and reasonable threshold is met.

The total number of juvenile dependency case credits handled by attorneys representing parents and children for 2014 were:

- Appointment through disposition, dependency (JDEP/JDEC): 7,535
- Post-dispositional proceeding, dependency (JPDP/JPDC): 39,973
- Termination of parental rights proceeding (JUTP/JUTC): 1,038

Contract Rates (2016-2017 contract cycle, average)<sup>25</sup>:

- \$830 Appointment through disposition, dependency
- \$339 Post-dispositional proceeding, dependency
- \$2,711 Termination of parental rights proceeding

Total budget (2015/17): \$52M

*Assessment:* The following chart presents the average ranking as well as the ranking distributions for this model for each attribute.

Attribute	Distribution					
	Average	1 (Low)	2 (Med)	3(High)	1.5	* (Abst.)
Atty availability	1.50	6	3	1	0	0
Consistency of rep.	1.10	9	1	0	0	0
Manageable caseload	1.30	7	3	0	0	0
Outcome-oriented	1.11	8	1	0	0	1
Continuity of rep.	1.78	3	5	1	0	1
Cost-effectiveness	1.50	5	5	0	0	0
Duration incl. pre-pet.	1.20	8	2	0	0	0
Local connection	2.30	1	5	4	0	0
Multidisciplinary rep.	1.10	9	1	0	0	0
Scope of rep.	1.55	4	5	0	1	0

b. Model #1: Public Agency/Public Defender Model (Massachusetts)

*Description:* Representation is provided by public defense staff attorneys housed in regional offices and through a pool of attorneys contracted by to provide conflict representation. PD Attorneys are compensated at rates similar to other government attorney positions but adjusted for regional differences. Conflict attorneys are compensated through individually negotiated contracts. Caseloads caps are 70 weighted cases per attorney. This model includes direct supervision of parent/child attorneys, mentoring, annual review processes, and the ability to

<sup>25</sup> This contract rate is intended to cover all costs of representation (attorney compensation and benefits, staff salary and benefits, and overhead).

have a high degree of oversight, including the ability to collect and analyze relevant data or quality assurance measures. Each of the regional offices has in-house social workers and investigators shared amongst attorneys and these services are available on an as needed basis to contact attorneys. The public defense office manages the contracts for conflict attorneys including standards, eligibility, and training.

*Estimated Biennium Budget:* \$148M (\$96M above CSL<sup>26</sup>) This estimate includes the following staffing assumptions: 1:4 supervising attorney ratio, .12 staff support per attorney, .12 investigator per attorney, .2 case manager per attorney, plus investigative, IT, and office support staff. This estimate does not include all OPDS administrative costs. (Cost can be adjusted based on staffing ratios.)

*Assessment:* The following chart presents the average ranking as well as the ranking distributions for this model for each attribute.

Attribute	Distribution				
	Average	1 (Low)	2 (Med)	3(High)	* (Abst.)
Atty availability	2.70	0	3	7	0
Consistency of rep.	2.90	0	1	9	0
Manageable caseload	2.90	0	1	9	0
Outcome-oriented	2.70	0	3	7	0
Continuity of rep.	2.60	0	4	5	1
Cost-effectiveness	1.70	4	6	0	0
Duration incl pre-pet.	2.33	1	4	4	1
Local connection	2.20	2	4	4	0
Multidisciplinary rep.	2.56	0	4	5	1
Scope of rep.	2.22	1	5	3	1

c. Model #2: Hourly Payment Model (Washington, DC)

*Description:* Representation is provided by non-profit public defense organizations, a panel of attorneys and/or consortia. Attorneys are compensated at a rate of \$110 dollars per hour (or this could be graduated by region), with an annual cap of 1,800 hours per year which comes to \$198,000. This revenue would cover salary and benefits for attorney, legal assistant and administrative staff, as needed, and overhead costs. Contractors who are less than .5 FTE will be subject to per case hour caps (based on the case type/difficulty). Caseload caps are 90 weighted cases per attorney. OPDS manages the contracts for attorneys including standards, eligibility, and training similar to the current model. The cost estimates below include additional funding for one investigator, one case manager, and one peer mentor per ten FTE attorneys, which could include staff positions in larger firms or contractors available on an as-needed basis to consortium and contact attorneys via OPDS. This model is similar in model to the work of the OPDS death penalty contract attorneys and is administratively intensive.

<sup>26</sup> Current Service Level is the budget estimate for a continuation of services at the level that they are currently provided.

*Estimated Biennium Cost:* **\$70M (\$18M above CSL)** (Cost can be adjusted based on caseload/billable hour rate; for example the same rate with a case cap of 70 cases costs \$92M (\$40M above CSL)). This estimate does not account for OPDS administrative costs, supervisory costs, or staff support costs.

*Assessment:* The following chart presents the average ranking as well as the ranking distributions for this model for each attribute.

Attribute	Distribution				
	Average	1 (Low)	2 (Med)	3(High)	* (Abst.)
Atty availability	1.70	4	5	1	0
Consistency of rep.	1.30	7	3	0	0
Manageable caseload	1.90	3	5	2	0
Outcome-oriented	1.56	6	1	2	1
Continuity of rep.	1.89	1	8	0	1
Cost-effectiveness	1.50	5	5	0	0
Duration incl. pre-pet.	1.67	3	6	0	1
Local connection	2.40	0	6	4	0
Multidisciplinary rep.	1.78	3	5	1	1
Scope of rep.	1.75	4	2	2	2

d. Model #3: Per Case Payment Model (Virginia/Alaska)

*Description:* Representation is provided by non-profit public defense organizations, a panel of attorneys and/or consortia. Attorneys are compensated per case at a rate of \$2,250 annually per open case (a number that renews based on quarterly case counts) with a case cap of 90 weighted cases per attorney which comes to \$202,500 per attorney. This revenue would cover salary and benefits for attorney, legal assistant and administrative staff, as needed, and overhead costs. OPDS manages the contracts for attorneys including standards, eligibility, and training similar to the current model. The cost estimates below include additional funding for one investigator, one case manager, and one peer mentor per ten FTE attorneys available on an as-needed basis to contact attorneys via OPDS.

*Estimated Biennium Cost:* **\$76M (\$24M above CSL)** (can be adjusted based on caseload/per case reimbursement rate, i.e., the cost for 70 weighted cases per attorney at 3,000 per case is \$96M (\$44M above CSL)). This estimate does not account for OPDS administrative costs.

*Assessment:* The following chart presents the average ranking as well as the ranking distributions for this model for each attribute.

Attribute	Distribution				
	Average	1 (Low)	2 (Med)	3(High)	* (Abst.)
Atty availability	1.80	3	6	1	0
Consistency of rep.	1.40	6	4	0	0
Manageable caseload	1.60	4	6	0	0
Outcome-oriented	1.22	7	2	0	1
Continuity of rep.	1.78	2	7	0	1
Cost-effectiveness	1.40	4	6	0	0
Duration incl pre-pet.	1.78	3	5	1	1
Local connection	2.30	1	5	4	0
Multidisciplinary rep.	1.67	3	6	0	1
Scope of rep.	1.63	3	5	0	2

e. Model #4: Workload Model (Based on Washington State/Oregon PCR)

*Description:* The focus of the Oregon PCR is on providing high quality representation, including a caseload limit of 80 cases, additional oversight and training requirements, and multidisciplinary collaboration. The PCR began in Linn and Yamhill counties in August 2014 and expanded to Columbia County in January 2016. Lawyers are expected to provide standards-based representation including: frequent client contact, attendance all case-related meetings, independent investigations throughout the life of the case, and advocacy at all court hearings at every stage of the case, including shelter care hearings. Lawyers report time and activities to OPDS and engage in annual contract compliance reviews with OPDS. In addition, attorneys have access to independent investigators, expert witnesses, and independent case managers on an as needed basis (case managers were utilized in 10-15% of cases; expert witnesses in 25% and investigators were used 35% of the time far exceeding state averages.<sup>27</sup> The average contract rate is \$216,000;<sup>28</sup> a roll out could account for cost of living differences across the state.<sup>29</sup> This alternative model would roll the PCR out to all the counties across the state. This model assumes adequate staff support for attorneys, including case managers on 10-15% of cases, and an offset for overhead costs which would be geographically based.

*Estimated Biennium Budget:* \$96M (\$44M above CSL). This projection is for a full implementation of the model. The model has already been rolled out to three counties with tentative plans to continue the roll out incrementally across the state.

*Assessment:* The following chart presents the average ranking as well as the ranking distributions for this model for each attribute.

Attribute	Distribution
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<sup>27</sup> Caseworkers are not available to attorneys outside of PCR counties. (however, outside PCR counties 11% of attorneys have access to these services through a public defense non-profit), 2% of attorneys utilize investigators, and 2% utilize expert witnesses.

<sup>28</sup> This contract rate is intended to cover all costs of representation (attorney compensation and benefits, staff salary and benefits, and overhead).

<sup>29</sup> SB 1532, signed by Governor Brown on March 2, 2016 reflects the differences in cost of living in Portland, midsize counties, and rural areas. By 2022, the minimum wage in Portland will be 16.5% higher than that of rural areas and 8.8% higher than that of midsize counties.

	<b>Average</b>	<b>1 (Low)</b>	<b>2 (Med)</b>	<b>3(High)</b>	<b>* (Abst.)</b>
Atty availability	<b>3.00</b>	0	0	10	0
Consistency of rep.	<b>2.50</b>	1	3	6	0
Manageable caseload	<b>2.70</b>	0	3	7	0
Outcome-oriented	<b>3.00</b>	0	0	10	0
Continuity of rep.	<b>2.22</b>	0	7	2	1
Cost-effectiveness	<b>2.30</b>	0	7	3	0
Duration incl pre-pet.	<b>2.33</b>	1	4	4	1
Local connection	<b>2.70</b>	0	3	7	0
Multidisciplinary rep.	<b>2.60</b>	0	6	4	0
Scope of rep.	<b>2.33</b>	0	6	3	1

f. Model #5: Regional Center Model

*Description:* Four small state public defender offices “regional centers” (3-9 attorneys per location) would be created in key locations (e.g., Portland Metro/Washington/Clackamas, Umatilla, Lane, Jackson, or Deschutes Counties) across the state.<sup>30</sup> The regional centers would cover 25% of the overall caseload in the county in which they are located. These offices will be multidisciplinary (including social workers and/or parent mentors, and investigators) and include supervising attorneys who are expert practitioners. The offices would be structured and supervised by OPDS with the goals of improving and developing consistent practice through strong practitioners who model good practice, use of multidisciplinary teams, making available highly skilled practitioners for OPDS contractors to contact for training, technical assistance, and/or case consultation, and having system change agents located throughout the state who can work with the courts, government practitioners, and stakeholders to support local policy and practice changes that improve outcomes for children and families.

Beyond the attorneys who work at these regional centers all other attorneys who represent children and parents will contract with OPDS based on the “PCRP” or “Workload Model” of representation. The Oregon PCRP is designed to provide high quality representation, including a caseload limit of 80 cases, additional oversight and training requirements, and multidisciplinary collaboration. Lawyers are expected to provide standards-based representation including: frequent client contact, attendance all case-related meetings, independent investigations throughout the life of the case, and advocacy at all court hearings at every stage of the case, including shelter care hearings. Lawyers report time and activities to OPDS and engage in annual contract compliance reviews with OPDS. In addition, attorneys have access to independent investigators, expert witnesses, and independent case managers on an as needed basis (case managers were utilized in 10-15% of cases, expert witnesses in 25%, and investigators were used 35% of the time numbers that far exceeding state averages<sup>31</sup>). The average contract rate is \$216,000;<sup>32</sup>a roll out could account for cost of living differences across

<sup>30</sup> Multnomah, Lane, Jackson, and Deschutes counties together total 40% of dependency petition filings and 44% of OPDS case credits. Adding Clackamas and Washington counties changes the total to 52% of petitions and 57% of case credits.

<sup>31</sup> Caseworkers are not available to attorneys outside of PCRP counties (however outside PCRP counties 11% of attorneys have access to these services through a public defense non-profit), 2% of attorneys utilize investigators, and 2% utilize expert witnesses.

<sup>32</sup> This contract rate is intended to cover all costs of representation (attorney compensation and benefits, staff salary and benefits, and overhead).

the state.<sup>33</sup> This model assumes adequate staff support for attorneys, case managers on 10-15% of cases, and an offset for overhead costs which would be geographically based.

*Estimated Biennium Cost:* \$102M (\$52M above CSL)

*Assessment:* The following chart presents the average ranking as well as the ranking distributions for this model for each attribute.

Attribute	Distribution					
	Average	1 (Low)	2 (Med)	3(High)	1.5	2.5
Atty availability	2.78	0	2	7	0	0
Consistency of rep.	2.50	1	2	5	0	1
Manageable caseload	2.83	0	1	7	0	1
Outcome-oriented	2.78	1	0	8	0	0
Continuity of rep.	2.67	0	3	6	0	0
Cost effectiveness	1.72	3	0	5	0	1
Duration incl pre-pet.	2.44	1	3	5	0	0
Local connection	2.39	0	5	3	0	1
Multidisciplinary rep.	2.56	0	4	5	0	0
Scope of rep.	2.28	0	3	5	1	0

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<sup>33</sup> SB 1532, signed by Governor Brown on March 2, 2016 reflects the differences in cost of living in Portland, midsize counties, and rural areas. By 2022, the minimum wage in Portland will be 16.5% higher than that of rural areas and 8.8% higher than that of midsize counties.