

Moving Children to Timely Permanence



Training for Legal Representation for Children and Parents

An Updated Report to the Pennsylvania State Roundtable
May 2011

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Moving Children to Timely Permanence: Training for Legal Representation for Children and Parents

An Update Report to the State Roundtable of Pennsylvania

Background:

In 2009, through the roundtable system utilized by the state of Pennsylvania, the leaders in the child welfare and child dependency system began discussing the need for well-trained legal representatives for children and parents. People began communicating that there were a variety of opinions and practices when it came to representing the best interest of children. At the same time, a growing awareness was developing regarding the strong correlation between high quality representation for parents in the dependency system and parents who better understood proceedings. The effect of this was an increased sense of urgency with which parents approached the issues to be resolved within their lives. More timely permanence for children was the result

In the spring of 2009, the State Roundtable convened and charged the Office of Children and Families in the Courts to develop a set of recommendations regarding pre-service and ongoing training for guardians *ad litem* (GALs) and parent attorneys. The Legal Representation Workgroup was convened in the fall of 2009 and met through the spring of 2010. The workgroup includes county, state and national experts representing the judicial, legal, and child welfare systems. During its first year of work, the workgroup reviewed what national best practices regarding training for legal representatives in child dependency. In addition, a state survey regarding issues of guardians *ad litem* was conducted. Finally a plan with specific objectives and action items was developed for both pre-service and core training.

The recommendations of the workgroup were adopted at the State Roundtable in May of 2010. At that time, the roundtable granted permission for the group to develop and hold a pilot core training for GALs and parent attorneys and to provide an evaluation of the training at the 2011 State Roundtable meeting. The pilot training was held in Harrisburg, PA on March 21st and 22nd 2011. The training consisted of approximately fifty attorneys who represent parents or are Guardians *ad litem* from Phase I, II and III Permanency Practice Initiative counties. The training was successfully completed and well received by the training participants.

From this core training session, a GAL/Parent Attorney pre-service training to be used prior to first appointments is being developed. The pilot core training session was video recorded with the intention that parts of that training along with other taped

information would be compiled into a DVD readily available to counties. This initial 2 or 3-hour session of training will provide attorneys new to the field of dependency an overview of best practices and crucial issues to consider during dependency proceedings.

Update on 2010 Recommendations:

Recommendations approved in 2010 regarding pre-service training for those attorneys wishing to be GALs and Parent Advocates:

- This training should be mandatory for all GALs and attorneys for parents. This training should be in a readily accessible format, like DVD, to make it immediately available to attorneys to use in a situation in which an attorney may be appointed.
- The training will provide an overview of the dependency system as well as duties and best practices.
- The training should be available in 2011.

Development of a recorded pre-service training on DVD continues. Clips from the pilot training will be used in conjunction with other taped segments to provide select topics necessary to begin representing parents and children in dependency proceedings in an informed and quality fashion. Meant to be used in conjunction with the Mission and Guiding Principles for the Children's Dependency System and the Pennsylvania Dependency Bench Book, attorneys new to the dependency system will understand the charge for the child welfare system and understand their role in helping children move toward timely permanency. While still in the production phase of development, it is anticipated that the pre-service training DVD will be available sometime in July 2011.

Recommendations approved in 2010 regarding core training for those attorneys who are GALs and Parent Advocates:

- Core training should be mandatory for all GALs and parent attorneys. Ways to achieve mandatory status should be explored. In consideration of counties who use pro bono attorneys in this capacity, an exploration of the impact of mandatory training on those programs should be explored.
- The training should be completed within one year of appointment. For currently practicing GALs and parent attorneys, they should complete core training within the next two years.

- Training will be held in-person and offered regionally. Low cost CLEs should be provided and the training offered at minimal cost to ensure it is accessible to all. Training will be one and one-half days of practical, multi-disciplinary information focusing on best practices.
- Core training should be piloted in spring of 2011

The Curriculum: The Legal Representation Workgroup, under the leadership of the Honorable Kelley Streib, Court of Common Pleas of Butler County, worked diligently to develop, and present a core legal training that would be foundational to practice in the dependency system. Through emphasis on the practical aspects of lawyering, it was anticipated attorneys would welcome a course that would draw their focus to critical issues throughout the course of dependency proceedings and give them practice tips and examples of application of those tips. Approaching the development of the curriculum from a multidisciplinary perspective ensured that participants would be provided with an overview of best practices in the child welfare system.

Mandating: Several methods of mandating the training were explored during the course of the past year with the group agreeing the most appropriate avenue to pursue was through a juvenile court procedural rule. A letter requesting the Juvenile Court Procedural Rules Committee (JCPRC) explore the issue of mandating pre-service training for GALs (which is already required under CAPTA, or the Child Abuse Prevention Treatment Act for GALs who receive funding under the Children and Youth Services budget) and for attorneys representing parents. Additionally, the workgroup requested the JCPRC also explore mandating the core training for those same attorneys. Specifically the workgroup asked that it be mandatory for attorneys to participate in core training within one year after taking their first appointment in a dependency case. They also requested that all currently practicing attorneys be required to complete the core training over the course of the next two years. In recognition of the impact on pro bono or volunteer attorneys, the workgroup suggested that attorneys who had fewer than five clients be waived from mandatory attendance at core training.

Training Sessions Details: While the pilot training was held in a central location, the planned roll out of the core training will be provided in six regional locations. Attorneys will be able to attend any of the six trainings as their schedules permit however, it is strongly suggested the closest venue be chosen for ease of attendance and also to develop a sense of affinity and peer support within the region. For the pilot session, the cost of the training was \$50.00 per person, enough to cover the cost of food and materials for the session. It was believed that participants would be more likely to attend and participate if they contributed toward the cost of the training. Further, it was recognized that attorneys who practice in the dependency arena often

do so on a tight budget and as such, the training needed to be comprehensive, practical and remain low cost. Likewise, the training is designated eligible for CLE credits.

Pilot Training Evaluation:

The pilot training of the core curriculum occurred on March 21st and 22nd 2011 in Harrisburg, PA at the Pennsylvania Judicial Center. Attending the training were approximately 50 attorneys from Pennsylvania's Permanency Practice Initiative (PPI) counties. Each PPI county was asked to send their best GAL and best parent attorney to assist in evaluating the curriculum and to make suggestions regarding the usefulness of the information (full results attached).

To this end, participants were given a pre and post test to ascertain whether the training objectives were sufficiently covered. Participants were also asked to complete a final evaluation form to collect ratings and comments regarding additional training elements. Scores on the pre and post tests were not surprising with most of the participant scoring in the 90 to 100% correct range. In the areas of new content presentation, an expected increase in correct answers was seen from the pre test to the post test. Due to the experienced and skilled nature of the participants in the audience, it was likely that most information was a refresher. In addition, test results demonstrated that training objectives were well covered by the training material. Finally, while the basic information presented was not new to most of the participants, the practice tips and encouragement offered throughout the course received extremely favorably and enthusiastic ratings.

Indeed, prior to the close of day one training, comments were already being made regarding how helpful the information was with day two anticipation being openly expressed. Anecdotal stories from day two exceeded the positive comments of the day one with participants asking questions, networking among each other and showing an eagerness to return to their practice and implement some new ideas. Overall, the training received a rating of 4.5 out of 5.0. When factoring in only ratings related to practice within various hearing types, the rating increased to 4.7 out of 5.0.

Major themes from the evaluation "comments" centered around communication, whether that was with opposing counsel or with clients with most attorneys reporting they would be putting more effort into interacting at all stages of the proceedings. It should be noted that both attorneys for parents and GALs remarked they would be engaging with their clients more often and at earlier stages. Another common theme was the request for more training, particularly as it pertained to termination of parental rights hearings and appellate practice. Attorneys who participated in the training also suggested more time to ask questions and discuss the application of practices to their cases. A final theme was recognition of the importance of events

that occur outside of the courtroom, especially visits with child clients and Family Service Plan meetings. All themes reflected positive changes in attitude on factors relating to high quality practice in dependency cases.

Moving Forward:

With the completion and evaluation of the pilot training, plans are being developed to roll out the Legal Representation Core Training to the remainder of Pennsylvania's GALs and attorneys for parents. In a response to comments made during the pilot, the training will be expanded to two full days. This additional time will allow for more question and answer time, the addition of appellate practice and the addition of an ethics component to the existing material. With the inclusion of the ethics portion, the training is designed to provide 12 CLEs including one ethics credit (pending CLE board approval). To minimize travel and the amount of time attorneys need to be away from their practices, training will be held in six regions across Pennsylvania during the months of October and November 2011. While exact dates and locations are still being finalized, the following is the roll out plan:

Week of October 10 th :	Wilkes Barre
Week of October 10 th :	Lock Haven
Week of October 25 th :	Cranberry
Week of October 25 th :	Monroeville
Week of November 14 th :	Carlisle
Week of November 14 th :	Villa Nova

Following the rollout in 2011, it is believed the need for additional core training will be reduced to one time per year. A final core training curriculum will be available following completion of the state roll out. With a strong commitment to a consistently high level of practice, the core training will continue to be offered although at this time it is yet to be determined where the yearly training will be held and who will be hosting it.

Finally, the Legal Representation Workgroup, with the approval of the State Roundtable, would like to begin working on a follow up training to Core, currently referred to as Core II. Core II is envisioned to be a one day training picking up where Core I ends. Core I training takes attorneys through a dependency proceeding from shelter hearing to permanency hearing. It presents information essential to supporting best practices during these hearing types. Core II will focus on Termination of Parental Rights hearings and appeals. In keeping with a multidisciplinary approach to training, issues of trauma and the use of Family Group Decision Making in multiple situations will also be included.

2011 Recommendations:

The Legal Representation Workgroup requests authorization of the State Roundtable to:

1. Continue work on issues pertaining to the legal representation of parties in dependency proceedings
2. Develop a follow up training (Core II) for core issues not included in the Core Training especially Termination of Parental Rights Hearings and appeals.
3. Explore the need for advanced training and provide further recommendations to 2012 State Roundtable regarding such training.
4. Explore ways to develop a network for GALs and parent attorneys and make recommendations to the 2012 State Roundtable.
5. Begin discussions regarding potential standards of practice, caseload size and compensation structure for GALs and parent attorneys as they relate to supporting the work of best practice and high quality representation bringing specific recommendations to the 2012 State Roundtable. Recommendations will include strategies to practice standards during times of limited resources.

Respectfully submitted to the Pennsylvania State Roundtable by the Legal Representation Workgroup, May 2011

LEGAL REP PILOT TRAINING EVALUTION SUMMARY

EVENT	OVERALL SCORE	RANGE	TOTAL RESPONSES
FACILITY	4.7	3-5	42
Comments: could not see some of the speakers because of center podium;			
FOOD	4.2	2-5	50
LOCATION	4.4	3-5	50
Comments: need to provide info about getting to the actual building i.e. many one way streets and convenient place to park; information on parking would have been helpful; instructions on parking would have been helpful; parking a problem			
MEETING ROOMS	4.7	3-5	50
PRE-WORK	4.0	1-5	48
REGISTRATION	4.5	3-5	50
MATERIALS	4.6	3-5	49
Comments: I would like to see development of a resource book for parent attorneys. Highlight new cases and laws and how it will affect our clients			
NETWORKING	4.3	3-5	50
OVERALL PROGRAM	4.5	3-5	40
FORMAT	4.6	3-5	50
Comments: issues of concern weren't addressed			
RELEVANCE	4.6	3-5	50
NEW INFORMATION	4.2	2-5	50
OPENING	4.3	3-5	48
Comments: talked much			
CLOSING	4.5	2-5	32
OVERALL SESSIONS	4.3	2-5	34
MISSION/GP	3.9	2-5	50
ROLES/RESPONSIBILITY	4.7	3-5	100
Comments: most helpful			
YOUTH PANEL	4.1	2-5	50
Comments: need to know basic reason for placement and length of placement to put their comments in perspective; the kids were very brave to come speak but didn't articulate exactly what was or wasn't good about GAL. Got overall impression which was a good message though.			
SEP/LOSS & GRIEF	4.1	3-5	49
RECEPTION	4.1	3-5	38
Comments: good opportunity to mingle/very nice mix of food			
SHELTER	4.6	3-5	143
Comments: I liked hearing from the director of the CYS agency, very informative; information about the behind the scenes CYS work was very interesting;			
ADJUDICATION	4.8	3-5	94

Comments: actual description of procedure that should be used to contest would be helpful; was more informative than the rest; was very practical;			
TALKING TO CHN	3.8	2-5	29
Comments: Good presenter, remedial information for those practicing awhile			
INTERACTNG/PARENTS	4.2	3-5	55
DISPOSTION	4.7	3-5	95
PERM REVIEW	4.5	3-5	180
Comments: excellent insights, thanks; very practical			

WHAT THEY WILL DO DIFFERENTLY THEMES

INTERACT MORE WITH OPPOSING COUNSEL AT ALL STAGES
 MORE INTERACTION WITH CLIENTS AND DONE EARLIER
 MORE EFFORT INTO LOCATING CLIENTS
 MAKE ATTENDING FSP MEETING A PRIORITY

THEMES IN SUGGESTING FURTHER TRAINING TOPICS

TPR/APPEALS/POST TPR REP/ACT 101 & WORKING OUT VISITATION
 AGREEMENTS
 QUESTION & ANSWER SESSIONS
 CASE DISCUSSION/GROUP SHARING/AFFINITY NETWORKING
 CASE LAW UPDATES/SATUTORY REVIEWS
 EMOTIONAL STRESS/VICARIOUS TRAUMA/COPING FOR ATTORNEYS

ASSORTED TOPIC SUGGESTIONS:

DELINQUENT/DEPENDENT YOUTH; INCLUSION OF SOLICITORS; MH/MR
 ISSUES WITH PARENTS & REUNIFICATION EFFORTS; DIFFERENT SESSIONS
 FOR CA & PA; UNDERSTANDING WHAT CASEWORKERS DO; CHILDREN IN
 RTF; INTERSTATE COMPACT; ENGAGING FATHERS; INCARCERATED
 PARENTS

COMMENTS

"This training should be required of all GALs, parent's attorneys & CYS workers!!

I am so glad that I attended it.

It inspired this seasoned attorney"

“This program will be very helpful to new attorneys entering the field”

“Very informative-being fairly new to this area of law,
I learned so much more that I can do to benefit my clients”

“Not sure exactly what I was expecting, but this exceeded my expectations
and believe it will be well received, particularly by those
just getting involved in this area of the law”

“[This training] is and would have been essential for preparation
to take a position in this area [of the law]”

“Definitely invaluable to parent’s attorneys regardless
of length of practice in the area”

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