

2014 Pennsylvania State Roundtable Report



**Moving Children to Timely Permanency
through high quality Legal Representation**

May 9, 2014

Dear Members of the Pennsylvania State Children's Roundtable:

We follow the excellent work of our predecessors, the Honorable Kelley Streib of Butler County and Wendy Demchick-Alloy, Administrative Judge of Montgomery County, who, together with the skilled attorneys on the legal representation workgroup, successfully trained dependency court legal advocates in Core I and Core II training, created a pre-service training DVD and developed a children's activity book. Consensus of that workgroup was that the issues of standards of practice, caseload size, compensation, and a standards oversight structure for advocates needed to be further explored. As new co-chairs, we proceeded with our work with those goals in mind.

After a year of careful deliberation, consideration of even the finest point and much thoughtful discussion, we are honored to present to you our workgroup's final recommendations for standards of practice along with commentary thereto. We also present to you a time charts model to be used as a tool to determine caseload size. Our group determined early on that more information about current practices, caseload size and compensation was necessary to any analysis for recommendations of the same to this roundtable. Accordingly, we created and received results to a survey monkey, the results of which are attached to our report. We respectfully request more time to analyze this information, in conjunction with the standards of practice and the time charts model, to make final recommendations on caseload size, compensation and standards oversight. But with more work remaining, and the faithful members of the workgroup never to be deterred, we respectfully request that you approve our recommended standards of practice as final and authorize them to be published into a reference guide, so that the standards of practice may be easily disseminated to advocates state wide.

We wish to thank each member of this workgroup whose expertise and commitment to the betterment of legal representation in dependency court inspire us every day. We further thank Christy Stanek for her unyielding determination to stick to the task at hand and for her support. Finally, we thank everyone in the Office of Children and Families in the courts and each member of this roundtable for providing us with the opportunity to be involved in the roundtable's efforts to make a difference in the lives of children and families through this work.

Sincerely Yours,

Christylee Peck
Co-Chair
Judge, Cumberland County

Shara Saveikis
Co-Chair
Administrator, Westmoreland County Children's Bureau

Legal Representation Workgroup

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Moving Children to Timely Permanency Through High Quality Legal Representation

Background and Accomplishments

2009 State Roundtable

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. As a 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 and Parents' Attorneys. The Legal Representation Workgroup (LRW), consisting of county, state and national experts on legal representation in dependency matters, was convened in the fall of 2009.

2010 State Roundtable

In May 2010, the Workgroup presented information obtained in their first year. The State Roundtable approved the following recommendations:

1. Development of a pilot core training for Guardians ad Litem and Parent Attorneys
2. Approval of statewide survey regarding issues of Guardians ad Litem
3. A workgroup plan with specific objectives and action items for both pre-service and core training, including a pilot training in the spring of 2011

2011 State Roundtable

The pilot training, for Core I, was held in Harrisburg, PA on March 21 and 22, 2011. The training consisted of 50 attorneys who represented Phase I, II and III Permanency Practice Initiative counties. The training was well received by this experienced group of attorneys and plans continued to roll-out Core I regionally across Pennsylvania.

The following recommendations were approved at the 2011 State Roundtable:

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 1 training, specifically Termination of Parental Rights hearings and Appeals;
3. Explore the need for advanced training and provide further recommendations

to the 2012 State Roundtable regarding such training;

4. Explore ways to develop a network for guardians ad litem and parent attorneys and make recommendations to the 2012 State Roundtable; and
5. Begin discussions regarding potential standards of practice, caseload size and compensation structure for guardians ad litem and parent attorneys as they relate to supporting the work of best practice and high quality representation.

2012 State Roundtable

The months following the May 2011 State Roundtable proved to be both busy and exciting for the Workgroup, especially the incredible training sub-committee and faculty for the Core I Statewide roll-out. Over 600 Guardians ad Litem, Parent Attorneys and Solicitors participated in the Core I training throughout Pennsylvania in the fall of 2011 and early 2012. Training sites for Core I included the following:

- Wilkes Barre (North East Region) October 11th and October 12th
- Cranberry (North West Region) October 25th and October 26th
- Monroeville (South West Region) October 27th and October 28th
- Carlisle (Center Region) November 14th and November 15th
- Villanova (South East Region) November 16th and November 16th
- Philadelphia February 22nd and February 23rd
- State College Solicitor's Association Meeting January 26, 2012

In addition to the success of Core I, the Workgroup proudly accomplished the following throughout 2011-2012:

- Completion of an outline for standards of practice, as they relate to supporting work of best practice and high quality representation
- A guide for children titled "What's Happening in Dependency Court? An activity book for children going to court in Pennsylvania."
- A pre-service DVD set, including resources for attorneys practicing in dependency, to ensure compliance with the Child Abuse and Prevention Treatment Act (CAPTA) and solidify quality training and funding for Guardian ad Litem services.

Following a successful year, the 2012 State Roundtable accepted the following recommendations:

1. Continued development of Core II training, to include issues related to Termination of Parental Rights, Appeals, Child Development and Trauma;
2. Continued exploration of a process for ongoing, high quality, advanced legal representation training, which is relevant to child dependency matters;

3. Continued exploration of ways for Guardians ad Litem and Parent Attorneys to Network;
4. Continued exploration of standards, compensation, and caseload drafting a set of Guardian ad Litem and Parent Attorney standards to present to the 2013 State Roundtable; and
5. Examination and drafting of a process whereby standards would be financed, monitored, maintained, and accounted.

2013 State Roundtable Report

Following the 2012 State Roundtable, the Workgroup spent much of their time on Core II training and exploring the areas of practice standards, caseload size, compensation and oversight. In the fall of 2012, Core II was presented in three statewide sites located in the central, eastern and western regions, with participation from over 250 Guardians ad Litem, Parent Attorneys and Solicitors. The training team for Core II differed from Core I. The Workgroup and core faculty from Core I thought it best to have presenters who were legal experts in Termination of Parental Rights and Appeals. The Legal Representation Workgroup Co-Chairs, Honorable Kelley Streib and Honorable Wendy Demchick-Alloy, along with the Honorable Lois Murphy led an incredible training team of experts in each of the Core II areas. The impressive training team of professionals included the following:

- The Honorable Susan Peikes Gantman
- The Honorable Kelley Streib
- The Honorable Wendy Demchick-Alloy
- The Honorable Lois E. Murphy
- M. Joanne Dixon, Ph.D
- Marguerite C. Gualtieri, MSW, Esquire
- Joyce A. Hatfield-Wise, Esquire
- Sandra Moore, MSW
- Elke Moyer
- Christy Stanek, MSW
- Benjamin Zuckerman, Esquire

Core II was offered to 3 regional sites in the fall of 2012, with the first site being purposefully central. Over 250 Guardians ad Litem, Parent Attorneys and Solicitors have participated in Core II. Those regional sites completed include:

- Mechanicsburg (Central Region) November 15, 2012
- Montgomery (Eastern Region) November 15, 2012
- Cranberry (Western Region) November 30, 2012

Core II consisted of six Continuing Legal Education credits, including one ethics credit.

Some of the content included the following:

- Permanency Hearing to Consider Goal Change
- Combined Goal Change and Termination of Parental Rights Hearing
- Appeals
- Advanced Elements of Trauma
- Vicarious Trauma: Understanding the effects on you as a professional

The LRW's Standards sub-committee also worked diligently in 2012-2013 to gain the most inclusive feedback from attorneys, children and parents across the state regarding best practice standards, including over 15 in-person meetings or conference calls. The following reports were submitted in 2013:

- Findings from the Statewide Focus Groups and Survey
- Draft Standards of Practice
- Draft Time Study Chart
- Resource Guide

After completing the charge of Core training and exploring the issue of practice standards, the Workgroup made the following approved recommendations to the 2013 State Roundtable:

1. Approval that the original charge of training dependency attorneys be considered fulfilled with the completion of Core I and Core II;
2. Office of Children and Families in the Courts identify a process for how high quality, low cost and easily accessible advanced training will occur;
3. Office of Children and Families in the Courts facilitate the convening of Core I faculty, 1 year prior to the offering of Core I training, which shall occur as deemed necessary, but no less often than every 5 years;
4. A final proposal for Standards of Practice with commentary and citations submitted to the 2014 State Roundtable;
5. A final proposal for caseload size, compensation and implementation strategies for enforcement recommendations be presented to the 2014 State Roundtable; and
6. Continued examination and drafting of a process whereby standards would be financed, monitored, maintained, and accounted.

2014 State Roundtable

The beginning of this year's work marked a leadership change for the Workgroup, as the Honorable Christylee Peck, Court of Common Pleas of Cumberland County and Shara Saveikis, Child Welfare Administrator, Westmoreland County assumed the new role of workgroup co-chairs. With the completion of past charges and reassignment of additional charges to the Office of Children and Families in the Courts, the Workgroup was left with three remaining charges:

- A final proposal for Standards of Practice with commentary and citations;
- A final proposal for caseload size, compensation and implementation strategies for enforcement; and
- Continued examination and drafting of a process whereby standards would be financed, monitored, maintained and accounted.

Over the past year, the Workgroup met quarterly. In addition, sub-committees for standards, caseload size and compensation had numerous and extensive conference calls. Frank Cervone, Esquire and Katherine Gomez, Esquire led the work within their respective sub-committees. It should be noted that the standards and commentary, including the outline for both, were thoroughly analyzed by experienced and skilled practitioners over the course of the year through, at various points in the work, weekly conference calls equaling hours of intensive collaboration and compromise resulting in the impressive professional documents found as attachments at the end of this report.

In order to better understand the legal representation process, for parent attorneys and guardians ad litem, within each county, the compensation sub-committee completed and released a survey monkey in early 2014. With 54 of Pennsylvania's 67 counties responding, the sub-committee received detailed information pertaining to questions surrounding the appointment process, number of attorneys representing children and parents, type of counsel providing representation (i.e. private counsel vs. court appointed), compensation structures and overall cost per attorney. The data obtained from this survey will be analyzed further in the next year to determine its ability to guide a recommendation around compensation to the 2015 State Roundtable.

The documents resulting from the diligent efforts of each sub-committee's committed professionals can be found at the end of this report. Documents included are as follows:

- Standards of Practice with commentary and citations, **Attachment A**
- Time Study Charts and analysis, **Attachment B**
- Statewide Survey on Legal Representation Analysis, **Attachment C**

2014 Recommendations:

The Workgroup respectfully submits to the Pennsylvania State Roundtable the following recommendations and request approval of:

1. Standards of Practice as FINAL;
2. Time study chart and caseload size analysis process;
3. Continued work on the analysis of caseload size compensation and funding recommendations;
4. Continued work on accountability and oversight of Standards of Practice;
5. Creation of a Standards of Practice booklet, for attorneys representing children and parents, to be presented at the 2015 State Roundtable; and
6. Development of a parent representation handbook or other educational tool, which would assist parents in understanding the dependency court process.

**Legal Representation Workgroup
on Standards of Practice, Caseload and Compensation
for Lawyers in Dependency Cases in Pennsylvania**

Time Charts and Caseload Analysis

The Legal Representation Workgroup (LRWG) developed and presented to the 2013 State Roundtable a preliminary structure of detailed Time Charts that were designed to estimate and quantify the amount of time that an attorney might reasonably invest in cases involving the representation of a child or a parent in a dependency proceeding. The Roundtable charge from that meeting allowed us to further refine and add to the Time Charts to adequately reflect the complexities and variations of dependency practice as well as to reach consensus about the estimated time values that would be assigned to various duties. In assigning time values, the LRWG focused on required and necessary activities (“what should be”) balanced by the actual experience of practitioners who are managing caseloads (“tempered by what is”). The goal of the project was, first, to accurately capture the time that a “typical” dependency case requires, as well as the additional time that certain special cases entail, and second, to use these time estimates to establish reasonable caseload estimates for lawyers who provide these important services.

The LRWG presents to the 2014 State Roundtable a finalized set of Time Charts and Caseload Calculations, which together seek to present an accounting of the time it takes to perform this important work of representing children and parents. The LRWG convened small study groups of child and parent lawyers from several different counties, including both small and large counties, to achieve diversity and objectivity in the estimates. While some local variation may be appropriate (i.e., whether a county has moved from 6-month to more frequent 90-day reviews, etc.), these presentations are intended to apply as a statewide analytical framework. The Time Charts and Caseload Calculations reflect the content of practice as articulated by practitioners, defined by law and court rules, codes of ethics, and consistent with the Practice Standards that the LRWG has submitted for consideration. This memorandum sets forth the methodology of the study, the assumptions that are included in the time estimates and calculations, some additional factors to consider in determining a reasonable caseload size, and some suggested next steps.

An Overview of the Time Charts

In essence, the Time Charts itemize the distinct duties of child and parent lawyers on a “typical case” and then assign time values to each task (i.e., “x” minutes per hearing @ “y” hearings per year; “x” minutes to “attend and advocate at meetings held out of court” @ 2 meetings per year; time values for various elements of case preparation, etc.) for the first year of a case and separately for the second year of a case. Where possible, the separate time values for child and parent representation were reconciled to the same time estimate, though some elements (i.e.,

home visits for children’s lawyers) are different. The following areas of activity are presented separately:

- Client Contact and Communication
- Case Prep: Documents & Record Review
- Case Prep: Investigation, Witness & Exhibit Preparation
- Advocacy: Hearings
- Advocacy: Out of Court
- Legal Research & Writing

The Time Charts distinguish the additional work required of both child and parent lawyers where there is a second sibling in the case-group. We then added some additional detail in the form of additional charts and calculations in order to take into account that some number of cases in an attorney’s caseload would require additional time because of added siblings, complex case issues and for contested termination proceedings and appeals.

Reading the Child Representation and the Parent Representation Charts

There are two main charts: “Child Representation: One Child” and “Parent Representation: One Child”. Both charts present the representation of a client in a case involving one single child. Each of these charts lists from left to right, the duties of the lawyer and the specific tasks associated with that duty along with the time of these tasks for the first year and the time for the second year. The LRWG felt it necessary to divide cases into year 1 and year 2 to capture the reality that the age of the case impacts the time allotted for certain duties, for example, initial meetings with clients or reviewing the CYS file during the first year. Consequently, the time an attorney spends representing a client is higher in the first year for both lawyers for children and lawyers for parents.

A third chart presents “Child and Parent Representation: One Added Sibling”. This Time Chart distinguishes the additional work required of both child and parent lawyers where there is a second sibling in the case-group. Note: we have declined to add additional detail for child #3, #4, etc., though all recognize that larger sibling groups almost always entail additional time for both the child and the parent lawyers.

A fourth chart presents the estimated time requirements for “Contested Termination of Parent Rights and Appeal”, distinguishing parent and child representation for TPR and distinguishing appellant and appellee cases on appeal.

Caseload Variations and Assumptions

Based upon surveying practitioners and analyzing the caseload compositions and some limited county data information, the LRWG determined that a lawyer’s caseload is varied in certain key ways that should be identified and weighted, to more accurately define a caseload. The LRWG needed to make some statistical assumptions in order to create its caseload calculations, and in

order to do so we used small sets of data and some “ballpark” estimates. All assumptions are revealed in this document and throughout the Charts, and can be adjusted as more reliable or objective data is obtained. Assumptions on sibling groups, time of service and rate of TPRs and appeals are based on preliminary data supplied by KidsVoice, Allegheny County Bar Foundation Juvenile Court Project and the Allegheny County DHS Office of Data Analysis, Research & Evaluation (DARE).

A caseload of a full-time child or parent attorney can be characterized as follows:

- 1) *Approximately 45% of cases involve only one child, with 55% cases involving siblings.*
 - a) Each additional sibling requires additional work in virtually every aspect of the case since each child has different needs and may be in different placements. However, the amount of additional work was less than a completely new child case since certain aspects of casework would not need to be duplicated or had economies, such as time to review a parent’s record or the additional time at a permanency hearing. In order to more accurately capture this reality, the LRWG created the “One Added Sibling” Chart which has virtually all the same tasks as the “One Child” Chart. We note that the additional time allotment for lawyers for children in additional sibling cases is higher in some key places than for parent attorneys.
- 2) *Approximately 60% of cases are in their first year and 40% are in their second or later year.*
 - a) Consequently, a typical caseload involves cases of varying duration and thus varying time demands.
 - b) We did not distinguish among two-year-old and older cases, nor did we estimate the time differences among these, i.e., whether a two-year old case take more or less time than a four-year-old case.
- 3) Consistent with the Juvenile Rules, the recommendations of the Roundtable and emerging patterns of practice in most jurisdictions, the Time Charts are based on a 90-day hearing schedule, or approximately four permanency hearings per review. Adjustments are made in the time estimates to account for differences between first year cases (“Intake through 12 months”) which have shelter and adjudicatory proceedings, and second year cases (“Year 2 and per year to case discharge”).
- 4) The majority of dependency cases are viewed as presenting a moderate level of complexity, and yet each case is different. One challenge of this initiative was to decide how to account for the range of complexities and requisite time demands of a diverse practice, and the diverse levels of performance or zeal among the many lawyers providing representation services. For purposes of estimation, the Time Charts present the time requirements for a so-called “typical” case, that is, "typical -- what it should be, tempered by what is". The Time Charts project 90% of cases as typical.
 - a) Therefore the typical case, and not an average or mean of all types of cases, is represented in the two main charts. A typical case involves one child, where parents are

known and involved, the issues are serious, but not requiring special hearings, extensive motion practice nor expert witnesses, and the goal is family stabilization or reunification and the case does not require a contested TPR or appeal.

- 5) A much smaller percentage, approximately 10% of cases are very complex prior to a TPR.
- a) This small percentage of cases involve an estimated 12 additional hours of work in mostly the case preparation and research categories (See “Time Study for Complex Cases”). These are cases where there are allegations of sexual abuse, serious physical abuse, alleged aggravated circumstances, or significant cognitive or other disabilities that are alleged to affect parenting capacity or the child has very high medical or other needs. These cases are more time-intensive as they involve significant medical or other types of records and evaluations, specialized treatment services, locating, communication and preparation of expert and other non-typical witnesses, the need for expert reports, the potential for concurrent law enforcement or criminal investigations. Consequently in calculating the caseload for both parent and child representation, we added 12 additional hours to 10% of cases.

Caseload Calculations

The combination of Time Chart data, assumptions about first v. second year, and about sibling v. no-sibling, allow for computation of reasonable caseloads for child and parent lawyers. This data has been compiled in two “Caseload Calculation” Charts, separately presenting total annual adjusted caseloads for full-time children's and parents lawyers. According to our estimates, adjusting for turnover and complexity but not including TPRs and appeals, a child lawyer can handle 44.74 clients at any given time (we call this the “static caseload”), however, because cases open and close throughout the year, a child lawyer can handle 71.59 clients during the course of the year, assuming a 60% turnover rate (“dynamic caseload”). Similarly, based on the Time Charts, a parent attorney can handle 61.13 clients at any given time and will handle 98.13 clients during the course of the year, without additional time invested in TPRs or appeals.

Based on data provided by one county, we have projected that approximately 7% of cases involve a contested Termination of Parental Rights hearing, and an additional 2% of cases involve an uncontested Termination of Parental Rights hearing which requires some additional tasks and additional time allotment Actual data from AOPC or a broader sampling of counties may lead to adjustment of this assigned rate. To reflect the reduced the number of hours required in voluntary relinquishment or uncontested involuntary TPR cases, we deducted 10 hours from the sum total of hours calculated in involuntary cases.

Based on data provided by one county, we have projected that approximately 2% of cases involve appeals as either appellant or appellee, and which may arise following involuntary termination or to challenge rulings in the dependency case itself. Appellate practice requires substantial additional time in research, writing and argument, etc. for those lawyers who litigate their own appeals (See “Caseload Calculation” Chart). Actual data from AOPC or a broader sampling of counties may lead to adjustment of this assigned rate.

Thus, we conclude that the total annual adjusted caseload per full-time lawyer, assuming a turnover rate of 60% close during year and including time for complexity, TPRs and appeals is or should be 66 (65.83) child clients or 87 (86.59) parent clients.

Additional Factors to Consider In Determining a Reasonable Caseload Size

We must further note that the number of cases in a reasonable caseload is dependent on several additional factors that are dependent on the lawyer and the county, such as:

- 1) Whether the attorney's practice is exclusively dependency, i.e., the amount of hours the attorney has available to this work. The Caseload Calculation is based on the assumption that a full-time year is 1,536 work hours per year (i.e., 32 hours/week x 48 weeks);
- 2) To a smaller extent, whether the attorney exclusively is a lawyer for children or a parent lawyer or if they have a mixed caseload will impact their case numbers as the number of hours required per case by parent attorneys is less than for children's lawyers given the different requirements for visiting the child in placement, etc.;
- 3) Whether the attorney employs any assistants or other collegial staff in their representation team, such as social workers, paralegals, administrative assistants, support staff, etc., and the extent and nature of this collateral work with clients;
- 4) The level of experience of the lawyer;
- 5) How often a county has hearings. Note that a few of the tasks identified in the Time Charts, such as witness preparation and attendance at hearings are directly related to the number of hearings that a case includes, and thus in counties that have hearings less often than 90 days, the time for such tasks will be less;
- 6) Whether the attorney handles the TPR and/or appeals or that appointment goes to a different lawyer.

Conclusions

The LRWG observed in its 2013 Report that “[t]he task of improving representation lies in understanding the unique challenges of practice in this field, and building a comprehensive model that supports and encourages quality practice.” The Time Charts and Caseload Analysis offer an unprecedented level of detail to our community's understanding of the time and effort that dependency representation requires in Pennsylvania. We hope that these time estimates and calculations help to establish reasonable caseload estimates for lawyers who provide these important services.

The Time Charts demonstrate a fundamental reality of lawyer practice: work means time. As our courts and professions seek to improve the quality of representation, through expanded client contact and communication, case preparation, and advocacy both in and out of court, we must recognize that the expectations about the content of representation that are placed on an individual lawyer or on an entire cohort of lawyers – parent lawyers, children’s lawyers, lawyers in this or that county jurisdiction, etc. – should be grounded in a meaningful appraisal of the time it really takes to do the job.

Both the Time Charts and Caseload Calculations are designed to allow for adjustments that may be needed to respond to local conditions and diverse expectations about the content of representation. We offer a methodology by which to identify tasks and a calculus by which to count hours and cases. We acknowledge that there could be county-level differences in key assumptions (e.g., number of hearings per year) or differences in activity numbers (e.g., travel time), and the spreadsheets are designed to facilitate modifications. However it is important to recall that much of the model has been informed by requirements in law, regulation, Rules of Procedure and the canons of ethics, and any adjustments should continue to respect these foundational tenets and requirements.

Finally, we believe that few if any jurisdictions are currently maintaining full-time equivalent lawyer caseloads of 66 child clients or 87 parent clients, as this analysis recommends. A key next step may be to gather actual and complete information on the current caseloads of the full- and part-time practitioners across the Commonwealth, so that a more accurate assessment of needed changes in case assignments can inform the Roundtable, bench, bar and community.

Attachments:

Time Chart -- Child Representation: One Child
Time Chart -- Parent Representation: One Child
Time Chart -- Child and Parent Representation: One Added Sibling
Time Chart -- Contested Termination of Parent Rights and Appeal
Caseload Calculation -- Representation of Children
Caseload Calculation -- Representation of Parents

Caseload Calculation -- REPRESENTATION OF CHILDREN

LEGAL REPRESENTATION WORKGROUP

1536 hours = hours available to work per year (i.e., 32 hours/week x 48 weeks)

47 # hours per year for One Child representation in the first year (See "One Child" Chart)

41.25 # hours per year for One Child representation in the second year (See "One Child" Chart)

24.13 # hours per year for One Added Sibling representation in the first year (See "Added Sibling" Chart)

22.96 # hours per year for One Added Sibling representation in the second year (See "Added Sibling" Chart)

60% Assume 60% of clients are in their first year and 40% are in the second year

40% Assume 40% are in the second year

45% % of clients have no sibs (assumption) and 55% have sibs

55% % of clients have sibs (assumption)

44.70 hours = average hours per year for clients with no sibs (i.e., combination new and 2d year cases)

23.66 hours = average hours per year for clients with sibs (i.e., combination new and 2d year cases)

33.13 hours = average hours per year per client for all "typical" clients
rate: 90% of caseload is typical

45.13 hours = average hours per year per client for "complex" cases (i.e., 33.54 + 12 hours per complex case; See Complexity Chart)
rate: 10% of caseload is complex

34.33	hours =	average hours per year per client for all cases (90% typical + 10% complex case)
44.74		CLIENTS PER YEAR (i.e. total hrs per yr/average hrs per yr per client for all clients; <u>static caseload</u> -- assumes all cases are open the whole year)(90% "typical", 10% complex)
71.59		TOTAL ANNUAL CASELOAD PER FULL-TIME LAWYER (i.e., clients per yr x 1.6; <u>dynamic caseload</u> -- assumes turnover rate of 60% close during year; <u>not</u> including TPRs or appeals)

ADDITIONAL CALCULATIONS:

26 hours = **contested TPR** (See TPR & Appeal Chart): 7% of caseload is contested TPR [104/1467]= 0.0709
1.843 = total hours per case for contested TPRs

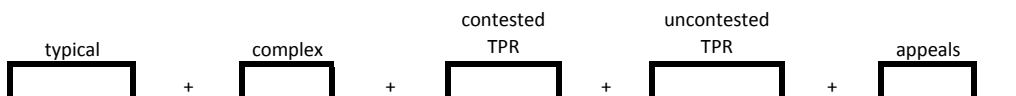
18 hours = **uncontested TPR** (See TPR & Appeal Chart): 2% of caseload is uncontested TPR [26/1467]= 0.0177
0.319 = total hours per case for uncontested TPRs

53.5 hours = **appeals** (See TPR & Appeal Chart): 2% of caseload is appeals [23/1467]= 0.0157
0.839 = total hours per case for appeals

3.00 = total hours for all TPRs and appeals (to be applied for all cases)

37.33 hours = average hours per year per client for all cases (including TPRs and appeals)

65.83	TOTAL ANNUAL ADJUSTED CASELOAD PER FULL-TIME CHILDREN'S LAWYER (dynamic caseload-- assumes turnover rate of 60% close during year; including time for complexity, TPRs, appeals)
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** Assumptions on sibling groups, time of service and rate of TPRs and appeals based on preliminary data supplied by KidsVoice, Allegheny County Bar Foundation Juvenile Court Project and Allegheny County DHS Office of Data Analysis, Research & Evaluation (DARE).

Caseload Calculation -- REPRESENTATION OF PARENTS

LEGAL REPRESENTATION WORKGROUP

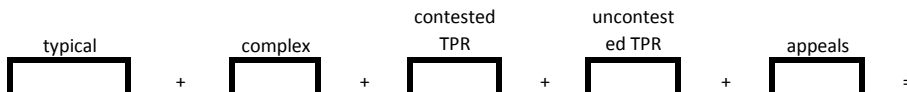
- 1536 hours = hours available to work per year (i.e., 32 hours/week x 48 weeks)
- 39.75 # hours per year for One Child representation of parent in the first year (See "One Child" Chart)
- 34.25 # hours per year for One Child representation of parent in the second year (See "One Child" Chart)
- 12.63 # hours per year for One Added Sibling representation of parent in the first year (See "Added Sibling" Chart)
- 12.63 # hours per year for One Added Sibling representation of parent in the second year (See "Added Sibling" Chart)
- 60% Assume 60% of clients are in their first year and 40% are in the second year
- 40% Assume 40% are in the second year
- 45% % of clients have one child (assumption)
- 55% % of clients have more than one child (assumption)
- 37.55 hours = average hours per year for parents of children with no sibs (i.e., combination new and 2d year cases)
- 12.63 hours = average hours per year for parents of children with sibs (i.e., combination new and 2d year cases)
- 23.84 hours = average hours per year per client for all "typical" clients
rate: 90% of caseload is typical
- 35.84 hours = average hours per year per client for "complex" cases (i.e., 23.84 + 12 hours per complex case; See Complexity Chart)
rate: 10% of caseload is complex

25.04	hours =	average hours per yr per client for all clients (90% "typical", 10% complex)
61.33		CLIENTS PER YEAR (i.e. total hrs per yr/average hrs per yr per client for all clients; <u>static caseload</u> -- assumes all cases are open the whole year)(90% "typical", 10% complex)
98.13		TOTAL ANNUAL CASELOAD PER FULL-TIME LAWYER (i.e., clients per yr x 1.6; <u>dynamic caseload</u> -- assumes turnover rate of 60% close during year; <u>not</u> including TPRs or appeals)

ADDITIONAL CALCULATIONS:

- 29 hours = **contested TPR** (See TPR & Appeal Chart): 7% of caseload is contested TPR [104/1467]= 0.0709
2.06 = total hours per case for contested TPRs
- 18 hours = **uncontested TPR** (See TPR & Appeal Chart): 2% of caseload is uncontested TPR [26/1467]= 0.0177
0.319 = total hours per case for uncontested TPRs
- 61.5 hours = **appeals** (See TPR & Appeal Chart): 2% of caseload is appeals [23/1467]= 0.0157
0.964 = total hours per case for appeals
- 3.34 = total hours for all TPRs and appeals (to be applied for all cases)**
- 28.38** hours = average hours per year per client for all cases (including TPRs and appeals)

86.59	TOTAL ANNUAL ADJUSTED CASELOAD PER FULL-TIME PARENT LAWYER (dynamic caseload-- assumes turnover rate of 60% close during year; including time for complexity, TPR, appeals)
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** Assumptions on sibling groups, time of service and rate of TPRs and appeals based on preliminary data supplied by KidsVoice, Allegheny County Bar Foundation Juvenile Court Project and Allegheny County DHS Office of Data Analysis, Research & Evaluation (DARE).

Standards of Practice for Parents' Lawyers, Guardians Ad Litem & Legal Counsel for Children in Child Welfare Dependency Cases in Pennsylvania

The Legal Representation Work Group (LRWG) was charged with drafting recommendations for specific Standards of Practice for lawyers representing children and parents in dependency proceedings. The Legal Representation Work Group (LRWG) presents a combined set of Standards applicable to all dependency lawyers. Several of the individual Standards will specifically apply to GALs or to all lawyers representing children. Other differences in practice are accounted for in the commentaries.

Practice Standards with Commentary

1) Client Contact:

Prior to Initial Contact

1a. Determine role as GAL or legal counsel for child in accordance with the 42 Pa. C.S.A. 6311 and 6337 and with the Supreme Court Rules of Juvenile Procedure.

Commentary:

Pursuant to Pa.R.J.C.P. 1151 and 42 Pa. C.S. §§ 6311 and 6337, a lawyer representing a child functions either as GAL or legal counsel, depending on the grounds for dependency alleged. These practice standards and accompanying commentary identify and provide guidance on both the similarities and unique aspects of the two roles. At the beginning of the appointment, prior to contact with the child, the lawyer must identify the basis of the appointment after reviewing the applicable documents and information (e.g., dependency petition, order of appointment, shelter care application). The lawyer should ascertain the facts of the case, and contact the caseworker and others to get a picture of the case before meeting with the child, even for a shelter hearing.

1b. Understand your role as a Parent Lawyer

Commentary:

It is a serious matter when the state intervenes in the life of a family and decisions are made that may lead to the temporary or permanent severing of the parent-child relationship. The law recognizes the fundamental liberty interests implicated in child welfare proceedings and requires that due process be provided. The Juvenile Act also provides parents with the statutory right to representation in all proceedings under the Act. The role of the parent lawyer is critical to ensuring parents' due process rights are protected and that any disruption to their families is subject to critical review.

Parent lawyers ensure that due process is provided to parents and that parents are provided with meaningful reasonable efforts to enable them to prevent removal or meet

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their reunification goals in a timely manner. Parent lawyers ensure the critical voice and information of the child's parent is present in all matters concerning their child to ensure the shortest family separation possible.

The duty of loyalty and confidentiality is indispensable to being effective in gathering needed information, counseling and zealous representation of parents. Parent lawyers serve as a knowledgeable guide on navigating the child welfare system, a legal counselor as well as an advocate at hearings and in meetings.

Initial Contact

1c. Establish and maintain a working relationship with the client.

Commentary:

Lawyers should explore the client's situation, interests, preferences, and wishes to build trust, confidence and effectiveness in the relationship with the client.

GAL Commentary: *Effective representation of a child requires GALs and legal counsel for children to thoughtfully approach and engage the child. Building rapport often requires more than just discussing the case in language appropriate to the child's age and stage of development but also how to physically position oneself when meeting a child client such as sitting on the floor to draw or play while rapport building with younger clients. When representing multiple children in a family, it is essential to meet with each client individually and establish a separate relationship with each child appropriate to that child's age and developmental stage. GALs and legal counsel for children should be sensitive to the fact that some children will know the reason the case has come to court and others will not.*

Parent lawyer Commentary:

Establishing a working lawyer-client relationship with a parent in the child welfare system may be complicated by many factors, such as poverty, inadequate housing, and history of trauma among other issues. In dependency cases, parents are in jeopardy of temporarily or permanently losing custody of their children. Parent lawyers have an important role in helping families stabilize, remain intact or reunite where possible. Given what is at stake, the parent may initially be angry and defensive with everyone, including their lawyer. Therefore gaining the clients' confidence by meeting with them, listening to them and understanding their concerns are key to a functional working relationship.

1d. Explain your role as the client's legal representative. GALs should explain the limitations on confidentiality that are inherent in their role.

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Commentary:

Lawyers should explain their role and the scope of their representation. Lawyers should explain the rules concerning confidentiality and any limitations on confidentiality. They should also avoid potential conflicts of interest that would interfere with the competent representation of the client, for example, representing both parents. It is helpful for the lawyer to explain that they are available for consultation, and want to communicate regularly.

GAL Commentary:

At the first client contact and on an ongoing basis, GALs should discuss their role and explain that they will communicate the client's wishes in all forums but may recommend something other than what the client desires in the course of the GAL advocating for appropriate placement and services to meet the client's best interests. GALs should explain, at the first client contact, that they cannot promise that all information they receive about the case will remain confidential because of the GAL's role to advocate for appropriate placement and services to meet the client's best interests. This commentary applies to clients who are able to comprehend the discussion of these issues. Clients who were unable to comprehend these issues at the outset of the case but whose cases are ongoing should receive this explanation if and when they later become capable of understanding these issues.

Counsel for Children and Parent lawyer Commentary:

At the first client contact, parent lawyers and counsel for children should make clear to the client that the lawyer represents the client and has a duty of confidentiality and loyalty to the client, not to any other person in the case. The lawyer should explain any limitations on those duties pursuant to the Rules of Professional Conduct. Lawyers should explain their role as providing expertise, counsel and determining strategy, but that the client sets the goals that the lawyer will vigorously pursue in and out of court. The lawyer should explain how regular communication will help the lawyer gather updated information for the case, and learn of any difficulties the client is experiencing so that the lawyer might help the client address such problems early on. It's important to elaborate on the benefits of bringing issues to the lawyer's attention rather than letting problems persist as clients may not understand that lawyers can provide counsel and take action as needed between hearings to help the client resolve case related problems. For example, if a client is having a problem obtaining a timely evaluation, treatment or visitation scheduled or if there is a problem with an agency following a court order, the lawyer can assist the client to resolve such issues.

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1e. Explain in a developmentally and language appropriate manner the initial allegations and what will happen in court.

Commentary:

Lawyers should determine whether the client possesses any unique cognitive, developmental, language or other attributes that may impair the client's ability to understand English or to fully participate in the legal process and implement strategies or obtain services to support the client's understanding and full participation. Lawyers should use interpreters to communicate with their clients who have limited English Proficiency, are deaf or hearing impaired, or experiencing other impairments and communicate with the court, agency and service providers as needed to ensure the client is able to participate in their treatment, meetings and hearings.

The parent's lawyer should spend time with the client to prepare the case and address questions and concerns. The lawyer should clearly explain the allegations made against the parent, what is likely to happen before, during and after each hearing, and what steps the parent can take to increase the likelihood of the parent reaching his or her goals.

1f. GALs and legal counsel for children must assess the child's changing stages of cognition, development and language.

Commentary:

GALs and legal counsel for children should initially assess the child's developmental stage to explain the proceedings, obtain information from the child, discuss the case and ascertain the child's wishes in a developmentally appropriate manner. Recognizing that children's cognitive and language development typically increases over time, GALs and legal counsel for children must continue to assess the child's development throughout the course of representation. This will allow GALs and legal counsel for children to adjust their communication with the child to reflect the child's developmental growth as well as inform the need to request further assessment.

1g. Consider the client's background and its impact on the case.

Commentary:

Lawyers should act in a culturally-competent manner and with due regard to the client's unique cognitive, developmental, language, socio-economic condition and other attributes. Lawyers should recognize that both child and adult clients may be coping with or experiencing trauma which may have an adverse impact on their functioning and communication.

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Consequently, lawyers should understand trauma and respond and practice in manner that is trauma informed.

Parent Lawyer Commentary:

Parent lawyers should be aware that parents with low incomes may have challenges such as lack of resources to pay for housing, transportation or utilities, that may have a significant impact on their ability to meet certain case goals without support. It is also important for the parent lawyer to be sensitive to the parent's literacy level and impairments in order to communicate in language and in a manner that is accessible.

Ongoing Communication

1h. Contact your client regularly and establish a system that promotes regular lawyer-client two-way communication

Commentary:

Lawyers for parents, counsel for children and GALs should contact their clients regularly and should establish a system that enables two-way communication between client and lawyer to be regular, timely, and adequate. This communication can include, but is not limited to, contact in person, contact by phone, fax, letter, electronic communication like e-mail and text, and other effective methods. Contact is established timely and with sufficient frequency to support adequate preparation prior to court dates and important meetings and where applicable, to engage and support client's active participation in the child welfare and legal process. Whatever system is established for ongoing two-way communication should take into account the practical limitations on a client's ability to contact the lawyer. Lawyers should ask their clients how they prefer to communicate and lawyers should provide their clients with such contact information. Lawyers should at the very least provide clients with a working phone number with voicemail and a mailing address.

Because child clients cannot be expected to initiate or maintain contact with the lawyer who is representing them, GALs and legal counsel for children are responsible for regularly contacting the child.

1i. GALs and legal counsel for a child must have regular contact and develop a relationship with the primary caregiver, and communicate and visit accordingly.

Commentary:

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The child's primary caregiver is an essential source of information on the child's needs, progress and well-being. Caregivers, in their own interactions with the child, can significantly support or hinder the child's trust in and relationship with the GAL or legal counsel. Further, it is often through the caregiver that the GAL or legal counsel arranges access to the child. These considerations take on heightened importance when the child is a baby, toddler, nonverbal, or severely intellectually or developmentally compromised. Thus, GALs and legal counsel for children must regularly contact the child's primary caregiver and must take time to explain to the caregiver their role, their relationship to the caregiver, how they will handle information that comes from the caregiver, etc. Part of that explanation is informing the caregiver that you are the advocate for the child and not for the caregiver.

GALs and legal counsel for children must be especially mindful of ethical boundaries in their communications with the child's caregivers when the caregiver is a parent or an otherwise represented party.

1j. Meet with your client regularly. GALs and legal counsel for children must meet the child where the child resides.

Commentary:

Lawyers must meet with their client as soon as possible following appointment and on a regular basis thereafter. Lawyers should explain in a developmentally appropriate manner the nature of each stage of the legal proceedings. Client meetings should occur well in advance of court dates to allow for adequate preparation and should occur with regular frequency and when a client changes placements, has a case related problem or an emergency. Lawyers must make themselves available for in-person meetings and telephone calls with clients to address the client's questions and concerns and to move the case forward. The lawyer and client should work together to identify and review short and long-term goals and resolve problems and barriers, particularly as circumstances change during the case.

GALs and legal counsel for a child must meet with the child as soon as possible following appointment and on a regular basis thereafter in a manner appropriate to the child's age and maturity. See Pa.R.J.C.P. 1154 and 42 Pa. C.S. § 6311. The GAL or legal counsel should meet periodically with the child in the child's living environment so that they can observe the child's current living situation as well as accommodate a client's age, development, physical or mental health in a more convenient, comfortable environment. Unlike adult clients, the GAL or legal counsel cannot expect, nor would it be in the child's best interests to require, that the child client to come to the office for a meeting. GALs and legal counsel for children may need to visit with their clients in out-of-home placements such as foster homes, group homes, independent living facilities, hospitals, juvenile detention centers or residential treatment facilities. In some instances, the client's placement may require travel that requires additional time.

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1k. Lawyers for parents and legal counsel for children must support and empower clients in directing the course of legal representation and in making informed decisions.

Commentary:

Lawyers for parents and legal counsel for children should explain all legal aspects of the case and provide comprehensive counsel on the advantages and disadvantages of different options, the expectations of the court and agency and consequences of decisions and actions. The lawyer provides expertise and counsel and makes strategic decisions about the best ways to achieve the client's goals while empowering the clients to make final decisions on desired case goals.

Parent lawyer commentary:

The parent has at least two distinct and meaningful areas of decision making, one is the decision-making necessary to direct their legal representation in the case as referenced above, and the second is to continue decision-making regarding their children's medical, educational and other needs while the child is in placement.

With regard to encouraging and protecting parent's right to make decisions about their child during the dependency case, lawyers representing parents should counsel the client and help the parent understand his or her rights and responsibilities including what decision-making authority remains with the parent and what lies with the child welfare agency while the child is in foster care regarding the child's medical, mental health and educational decisions and services. The lawyer for a parent should be mindful that parents may distrust the child welfare system and feel disempowered by the child welfare proceedings. If necessary, the parent's lawyer should intervene with the child welfare agency, provider agencies, medical providers and the school to ensure the parent is informed and has meaningful decision-making opportunities. This may include seeking court orders when the parent has been left out of important decisions about the child's life. Continuing to exercise as much parental responsibility as possible is important to help parents understand and prepare to meet their child's evolving needs and to expedite family reunification

1l. GALs must regularly ascertain the child's wishes and factor that into the case strategy and the GAL's best interest recommendation.

Commentary:

It is critical that a GAL for a child identify and explore the child's wishes upon initially consulting with the child and on a regular basis thereafter. The child's position should be

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taken seriously and inform the best interest recommendation as well as the witnesses and evidence necessary to put forth the child's wishes, and what interim steps and decisions may occur in between hearings and throughout the duration of the case. The GAL must understand that a child may, because of age, developmental or intellectual abilities, or other conditions, change his or her position much more frequently than an adult client in a child welfare case. Sometimes this is due to changes in circumstances or the availability of information. Other times this may be due to the child's ongoing development, maturation or therapeutic progress, as well as the child's ability to have a better understanding and appreciation of his or her situation, all of which gives rise to the need to ascertain the child's wishes frequently.

Im. Discuss any recommendations or proposals from the county agency or others with your client. The GAL must discuss any proposals or recommendations with the client in terms of both how it relates to the child's wishes and to the GAL's best interests recommendations.

Commentary:

The lawyer should discuss any recommendations, proposals and settlement offers from the agency or others with the client. Pa.R.P.C 1.4.

In. Take reasonable and necessary steps to communicate with institutionalized, incarcerated or absent clients and arrange for such clients to meaningfully participate in court proceedings and other important case events.

Commentary:

Lawyers should be mindful that their obligations towards clients who are incarcerated, institutionalized, in placement or in treatment are the same as for clients who are not incarcerated, institutionalized, in placement or in treatment and that these clients have the same rights under the law. Thus, lawyers should regularly communicate with their clients and in some situations, this will require visiting prisons and engaging in more extensive phone or mail contact than with other clients. The lawyer should be aware of the challenges associated with having confidential conversations with the client in such environments, and attempt to resolve that issue. The lawyer should also be aware of the reasons for the incarceration, estimated duration of incarceration, location of prison and consider what impact these factors have on the case. The lawyer should take actions to ensure that their client is able to participate in hearings and case meetings.

In situations where the lawyer is having trouble reaching a client, the lawyer should take steps to communicate with the client including checking to see if client is incarcerated, speaking with the client's family, the caseworker, the foster care provider and other service providers.

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GAL commentary:

The statutory and R.J.C.P. requirements that the GAL meet with the client as soon as possible after appointment and on a regular basis thereafter applies to incarcerated children. See Commentary to Standard 1.h and 1j, and see Pa.R.J.C.P. 1154 and 42 Pa. C.S. § 6311. While incarcerated children generally should attend each hearing, in the rare instance that a child will not attend in person, GALs and legal counsel should arrange for participation via videoconferencing or, as a last resort, by phone. GALs and legal counsel for children can utilize that same technology for an incarcerated child to participate in important meetings. The R.J.C.P 1129 requirement that dependent children attend court at least every six months applies equally to and makes no exception for incarcerated youth.

Parent lawyer commentary:

The parent's lawyer must be particularly diligent when representing an incarcerated parent. If a parent wants to be present in court, the lawyer should request a bring down order, order to produce or other documentation necessary for the client to be transported from the prison and where such is not possible, video or phone conferencing should be arranged. Parents' lawyers must understand the implications of ASFA for an incarcerated parent who has difficulty visiting and planning for the child. Obtaining services such as substance abuse treatment, parenting skills, or job training while in jail or prison is often difficult. The parent's lawyer may need to advocate for reasonable efforts to be made for the client, and assist the parent and the agency caseworker in accessing services. The parent's lawyer should counsel the client on the importance of maintaining regular contact with the child while incarcerated. Parents' lawyers should assist in developing a plan for communication and visitation by obtaining necessary court orders and working with the caseworker as well as the correctional facility's social worker.

The parent's lawyer should also communicate with the parent's criminal defense lawyer. There may be issues related to self-incrimination as well as concerns about delaying the abuse and neglect case or the criminal case.

Parent lawyers should be mindful of their ethical considerations when representing an absent client. After a prolonged period without contact with the client, the parent's lawyer should consider withdrawing from representation.

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2) Expertise and Knowledge:

2a. Acquire and maintain a current working knowledge of all relevant state laws and regulations, case law and all local county rules and policies.

Commentary:

Lawyers should be thoroughly familiar with the Pennsylvania Juvenile Act, the Pennsylvania Child Protective Services Law, the regulations for Protective Services found in the Pennsylvania Administrative Code (55 Pa. Code 3490), the Pennsylvania Rules of Juvenile Court Procedure, the Pennsylvania Adoption Act, Act 55 and the regulations for the Administration of County Children and Youth Social Service Programs found in the Pennsylvania Administrative Code (55 Pa. Code 3130). The lawyer must also be familiar with other potentially applicable state law that provides protection to a client's rights concerning, but not limited to privacy, ethnicity, race, religion, gender, health, education, socio-economic condition, immigrant status, etc. to know when such law is relevant to a case.

Lawyers should be familiar with all local court rules, administrative orders, policies, and protocols.

2b. Acquire and maintain a current working knowledge of all relevant federal laws and regulations.

Commentary:

Lawyers should be familiar with all federal law regarding child abuse and neglect. Lawyers should also be familiar with other potentially applicable federal law that provides protection to a client's rights concerning, but not limited to privacy, ethnicity, race, religion, gender, health, education, socio-economic condition, immigrant status, etc. to know when such law is relevant to a case.

Examples of relevant laws include but are not limited to:

- *Titles IV-B and IV-E of the Social Security Act, including the Adoption and Safe Families Act (ASFA), 42 U.S.C. §§ 620-679 and the ASFA Regulations, 45 C.F.R. Parts 1355, 1356, 1357*
- *Child Abuse Prevention Treatment Act (CAPTA), P.L. 108-36*
- *Indian Child Welfare Act (ICWA) 25 U.S.C. §§ 1901-1963, the ICWA Regulations, 25 C.F.R. Part 23, and the Guidelines for State Courts: Indian Child Custody Proceedings, 44 Fed. Reg. 67, 584 (Nov. 26, 1079)*
- *Multi-Ethnic Placement Act (MEPA), as amended by the Inter-Ethnic Adoption Provisions of 1996 (MEPA-IEP) 42 U.S.C. § 622 (b)(9) (1998), 42 U.S.C. § 671(a)(18) (1998), 42 U.S.C. § 1996b (1998)*

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- *Interstate Compact on Placement of Children (ICPC)*
- *Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351)*
- *McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq. (1989)*
- *Foster Care Independence Act of 1999 (FCIA), P.L. 106-169*
- *Individuals with Disabilities Education Act (IDEA), P.L. 91-230*
- *Family Education Rights Privacy Act (FERPA), 20 U.S.C. § 1232g*
- *Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L., 104-192 § 264, 42 U.S.C. § 1320d-2 (in relevant part)*
- *Public Health Act, 42 U.S.C. Sec. 290dd-2 and 42 C.F.R. Part 2*
- *Immigration laws relating to child welfare and child custody*

2c. Acquire and maintain a current working knowledge of the evaluation, diagnosis and treatment options, as well as the theories underlying the same for behaviors that may create risk which are common to dependency cases.

Commentary:

Lawyers should understand the reports (expert or otherwise) generated after a party submits to an evaluation/assessment to effectively advocate for the client, conduct direct or cross-examination of witnesses and provide rebuttal testimony. These evaluations and reports may include, but are not limited to, drug and alcohol use, domestic violence, mental health disorders, cognitive disorders, developmental disorders, parenting capacity, and bonding, etc.

GALs and legal counsel for children should have a working knowledge of behavioral, developmental and physical health conditions that may be likely for children whom they may represent, as well as the treatment options and programs appropriate for these conditions.

2d. Acquire and maintain a current working knowledge of available services and resources that address risk creating behaviors or environments.

Commentary:

Lawyers should be familiar with resources that families in the child welfare system often require, including hotlines and resource guides maintained by child welfare agencies and other entities that can direct those in need to programs that provide assistance with housing problems, drug and alcohol treatment, mental health treatment, domestic violence treatment, truancy and other school problems, medical needs and to service providers who are culturally competent, such as those that are LGBTQ-friendly.

2e. Acquire and maintain a current working knowledge of children's language and development.

Commentary:

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Children grow and develop in physical, psychological and emotional stages which are both predictable and unique for every child. The stages of child development are important factors in determining the services and supports that a child may need, as well as influencing the ability to communicate and to learn. GALs, legal counsel for children and lawyers representing parents should acquire and maintain knowledge regarding child development, including stages of psychological development, language skills and cognition.

2f. Acquire and maintain expertise regarding education issues and system if appointed as educational decision maker.

Commentary:

The role of educational decision maker is highly specialized. GALs who accept this role should have specialized knowledge and/or training beyond what is necessary to address the educational and medical issues arising in dependency cases. This additional expertise includes knowledge of:

- *Enrollment and mandatory attendance requirements*
- *Eligibility for special education and gifted services and the corresponding services under the Individuals with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, PA Code 16.1 and other applicable laws.*
- *School discipline, including protections for students with disabilities such as manifestation of disabilities.*
- *Transition plans and graduation requirements for older youth*
- *Mental health diagnoses, services, and treatment*
- *Medicaid, Private Insurance, and other insurance issues.*
- *Eligibility for social security benefits and services.*

3) Case Preparation:

3a. Review all pleadings and file objections, answers, and motions as needed.

Commentary:

The lawyer must file petitions, motions, discovery requests, and responses and answers to pleadings filed by other parties that are appropriate for the case. These pleadings must be thorough, accurate and timely.

When a case presents a complicated or new legal issue, the lawyer should conduct the appropriate research. The lawyer must understand the relevant law, and be able to present it to the judge in a compelling and convincing way, including filing memoranda of law, when

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appropriate. The lawyer should be prepared to distinguish case law that appears to be unfavorable.

3b. *Speak with the client before each hearing, in time to use client information for case investigation and preparation.*

Commentary:

Child welfare cases are dynamic, where a child and parent's needs, concerns, progress, and many other important aspects of a case change throughout the case. Some of these developments will require the lawyer to take action, or conduct further investigation and prepare evidence to move the case forward. It is therefore important that lawyers for all parties communicate with their own clients regularly, and especially before each hearing.

3c. *Conduct a thorough and independent investigation at every stage of the proceeding.*

Commentary:

Lawyers should conduct a thorough and independent investigation including acquiring and using formal discovery when needed, and reviewing relevant records. Relevant records in dependency matters may include but are not limited to, the county agency file, court records, criminal histories, medical records, mental health records, placement provider reports, police reports and school records. It also includes speaking with others involved with the child and family to gather relevant information including but not limited to, the county agency caseworker, relatives, foster parents, placement provider staff, school personnel, mental health providers, medical providers, and other providers such as in-home service providers.

3d. *The GAL must discuss with the child in advance of the hearing the position and best interests recommendation being made.*

Commentary:

Pursuant to Pa.R.J.C.P. 1154 and 42 Pa. C.S. § 6311, the GAL should advise the court of the child's wishes to the extent that they can be ascertained and present to the court whatever evidence exists to support the child's wishes. As discussed in section 1.1 of these Standards, the GAL should consider and take seriously the child's desired outcomes, as achieving them may serve the child's best interests.

However, the GAL must also make recommendations to the court regarding placement and services that meet the child's best interest. When the GAL's best interest recommendations diverge from the child's wishes, the GAL should discuss this with the child in advance of the hearing. The GAL should explain to the child why the GAL's position is different than the

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child's wishes as well as what would need to happen in the future for the GAL's recommendation to be similar to the child's wishes (e.g., child's parent would need to enter and actively engage in drug treatment before GAL could recommend that the child return home). Whenever realistic, the GAL should discuss any interim steps that could happen to help achieve the client's wishes.

3e. Develop a case theory and litigation strategy.

Commentary:

Once the lawyer has completed the initial investigation and discovery, including interviews with the client, the lawyer should develop a strategy for representation. The strategy may change throughout the case, but the initial theory is important to assist the lawyer in staying focused on the client and what is achievable. The theory of the case should inform the lawyer's preparation for hearings and arguments to the court throughout the case. It should also help the lawyer decide what evidence to develop for hearings and the steps to take to move the case forward.

3f. Identify and prepare all witnesses, using subpoenas when necessary.

Commentary:

Lawyers should investigate potential witnesses. Potential witnesses are identified through interviews with clients, relatives, neighbors, clergy, caseworkers, court-appointed personnel, law enforcement personnel, service providers, medical providers, mental health providers, school personnel and any other professionals who work with the family.

The lawyer, in consultation with the client, should develop a witness list well before a hearing. The lawyer should not assume the agency will call a witness. The lawyer should, when possible, contact the potential witnesses to determine if they can provide helpful testimony and subpoena them if appropriate.

When appropriate, the lawyer should consider working with other parties who share the same position when creating a witness list, issuing subpoenas, and preparing witnesses. Doctors, nurses, teachers, therapists, and other potential witnesses have busy schedules and need advance warning about the date and time of the hearing. If the witness is not able to appear in person on the date of the hearing, the lawyer should take the necessary steps to permit the witness to testify telephonically or on another date.

The lawyer should set aside time to fully prepare all witnesses in person before the hearing. The lawyer should remind the witnesses about the court date. Witnesses are often nervous

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about testifying in court. Lawyers should prepare them thoroughly so they feel comfortable with the process and questions.

3g. Prepare client to testify. GALs and legal counsel for children should prepare the child to participate, and respond to the court's inquiries regarding permanency planning.

Commentary:

Lawyers should prepare their clients for potential testimony by including an explanation of 1) the court process for taking testimony, 2) the reason for having the client testify, 3) the information to be elicited from the client, 4) the questions that will be asked to elicit the information, 5) what to do when someone objects, and 6) the need to be responsive to questions from other counsel and from the judge.

Lawyers should be attuned to the client's comfort level and ability to testify in court. Counsel should be careful to frame questions in a way that the client understands and is capable of responding to accurately.

GAL and legal counsel for children commentary:

GALs and legal counsel for children should explain that the child has the option to testify. Some children are ready and willing to speak in court. Other children are unwilling or afraid to do so for a variety of reasons, including being intimidated by the court process, being reluctant to speak in front of family members, etc. Those clients may still wish to communicate to the court and should be presented with the alternatives of writing down their thoughts to be shared with the judge, or testifying in camera. In addition, the court must consult with the child regarding the child's permanency plan in a manner appropriate to the child's age and maturity. 42 Pa. C.S. § 6351(e)(1). GALs and legal counsel for children should assist their clients in engaging directly with the court on this subject.

3h. Identify, secure and prepare expert witnesses when needed.

Commentary:

Often child welfare cases are complex and can require experts in different roles. Experts may be needed for ongoing case consultation and/or for providing testimony at trial. Lawyers should be prepared to both present their own expert witnesses and challenge other parties' expert witnesses as to their qualifications, scientific methodology, factual determinations, conclusions and recommendations.

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When lawyers determine expert testimony is necessary to the case, they should research and locate qualified experts, consult with them and seek necessary funds to retain them including motioning the court for the same. Lawyers should make efforts to speak with and obtain reports from all expert witnesses in advance of their testimony. The lawyer should subpoena the experts, giving them as much advanced notice of the court date as possible. As is true for all witnesses, the lawyer should spend as much time as possible preparing the expert witnesses for the hearing.

3i. Identify and prepare exhibits or other evidence.

Commentary:

Child welfare court hearings involve matters of great importance and lawyers should be prepared for formal court hearings where evidence and exhibits are expected. One role lawyers play is to bring evidence to support their case to the court's attention so that the judge has the information when rendering decisions. Each lawyer in the case has a duty to be proactive in identifying and preparing exhibits and evidence to further their case.

4) Collateral Contacts and Collaboration:

4a. Maintain regular communication with all counsel of record.

Commentary:

Lawyers should maintain contact with all other lawyers in the case to identify issues in dispute, determine factual stipulations, explore settlements/agreements about adjudicatory and dispositional matters, and to exchange witness lists, documentary evidence, exhibits, etc.

4b. Maintain regular communication with counsel representing clients on other matters.

Commentary:

Lawyers should communicate with all other lawyers representing the client in any matters which may include criminal, delinquency, protection from abuse, private custody, support, immigration, welfare, etc. The lawyer shall work collaboratively with other counsel to ensure that advocating the client's position is done in a way that does not undermine the client's position in any other cases.

The child's interests may be served through proceedings not connected with the case in which the GAL or legal counsel for the child is participating. See ABA Child Standards D-12. Child clients may not be able to themselves acquire much-needed legal representation in matters

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related to education and special education, disability benefits, immigration, personal injury, health care, and others. GALs and legal counsel for children should assist clients in securing legal representation in other matters as appropriate.

Although adult clients are generally better able to seek legal representation on collateral matters, it is similarly important to help them identify and connect with other legal resources where needed to resolve the collateral matters impeding their ability to meet their case goals. For example, where the parent is facing eviction and may lose their housing, it would be helpful to connect with a lawyer or legal aid service that advises or represents low income people in landlord tenant matters.

4c. Maintain regular communication with the child welfare agency and other child welfare professionals in the case.

Commentary:

Lawyers should regularly communicate with the child welfare agency and other child welfare professionals in the case to obtain updates about the client's progress and to ensure court-ordered referrals are made, services are provided, and any other case related matters are addressed. Lawyers should collaborate with child welfare professionals to try and reach agreement about appropriate goals, determine appropriate measures for assessing progress and determine appropriate services and providers. Lawyers should attempt to work with them to overcome any barriers to obtaining appropriate services.

4d. Maintain regular contact with service providers and case participants.

Commentary:

Lawyers should understand the client's and family's progress with services, and know what suggestions service providers have about the ongoing need for and effectiveness of services. Determining this information requires communication with providers of family support, parenting, domestic violence, anger management, mental health, medical, and substance abuse treatment (in addition to foster and group home staff referenced in Standard 4.c). From this investigation, lawyers should identify which service providers and case participants to call as witnesses in support of the case, or prepare to cross-examine service providers called by other lawyers. Lawyers also may need to communicate the client's needs to the service providers and advocate for particular services. Lawyers similarly should communicate with case participants who are not parties -- such as probation officers, CASA, and educational decision makers -- to determine those participants' recommendations and whether to have those individuals testify.

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5) Advocacy:

5a. Advocate for client's stated direction and goals of the case.

Commentary:

Parents' lawyers and legal counsel for children should advocate in court to further the client's goals, present evidence, including witnesses and exhibits. See Pa.R.P.C. 1.2. If client wishes to testify, call client as witness.

5b. The GAL must advocate in a manner consistent with presenting the child's wishes while also advocating for the GAL's position regarding best interests.

Commentary:

Under Pennsylvania law, the GAL is required to advocate for both what the child wants and what the child needs. The Juvenile Act and Juvenile Court Rules of Procedure require the GAL to "make any specific recommendations to the court relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety, including the child's educational, health care, and disability needs." The GAL must also "advise the court of the child's wishes to the extent that they can be ascertained and present to the court whatever evidence exists to support the child's wishes" and "[w]hen appropriate because of the age or mental or emotional condition of the child, determine to the fullest extent possible the wishes of the child and communicate this information to the court." 42 Pa.C.S.A. § 6311 and Pa.R.J.C.P. 1154.

Accordingly, GALs should present witnesses, testimony and evidence to support the GAL's best interest recommendation, as well as the witnesses, testimony and evidence necessary to support the child's wishes.

5.c. Advocate in and out of court on issues of visitation, to ensure that visitation among children and parents is a right, not a privilege.

Commentary:

Visitation is important to both children and parents, essential to preserving bonds, and to minimizing trauma of separation. Visitation is a strong predictor of successful reunification outcomes. Lawyers for children and parents should all actively work to ensure frequent and appropriate visitation between parents and their children who are in out-of-home placement, as well as visitation among siblings. The frequency and duration of visits should respect the

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individualized needs of the children and their parents/guardians and the evidenced-based value of promoting reunification through maintaining family contact. The location and other conditions for visits should be creatively designed for privacy and interaction, should provide all avenues of positive connections to the family and community and should be only as restrictive as required to ensure a child's safety.

Out of Court Advocacy

5d. Attend and advocate at meetings held out of court which are important and relevant to the client's case including, but not limited to meetings related to placement, treatment, visitation, family services, permanency, transition planning, and educational or school meetings.

Commentary:

Lawyers should advocate for the client both in court and out of court, which includes engaging in case planning and attending major case meetings. Lawyers should also communicate with clients in advance of meetings to prepare and to provide clients a thorough explanation of the relevance of the meeting in the progression of the case; secure attendance of necessary participants and obtain necessary documents in advance.

5e. Work with other parties to reach stipulations and joint recommendations for placement, services, visitation, etc.

Commentary:

Lawyers should advocate for the client both in and out of court, including working with all parties to design the best service plan for the family. The lawyer should talk to the client about the client's needs and willingness to engage in services. Services should be tailored to the needs of each client and address the dependency issues in the case.

Lawyers should know about the social, mental health, substance abuse treatment and other services available to parents, children and families in the county in which the lawyer practices so the lawyer can advocate effectively for the client to receive available services. When available services are insufficient for the family's needs, lawyers should be prepared to advocate for appropriate services to be provided or created.

When possible, lawyers should seek stipulations or joint recommendations with other parties for placement, services, visitation, etc. Lawyers should be aware that sometimes the services or

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outcome sought will not be available or stipulated to, and the lawyer will need to advocate in and out of court for those services or outcomes.

5f. Monitor and ensure the implementation of court orders consistent with the lawyer's role.

Commentary:

Lawyers should contact the child welfare agency and other service providers using a collaborative approach soon after hearings to monitor and ensure timely implementation of court orders and family service/case plans as appropriate and consistent with their role. Lawyers should also communicate with the client soon after hearings and regularly thereafter to ensure the client is receiving the assistance she needs to follow the court order and case plan. When barriers and obstacles occur, lawyers should make efforts to identify and implement strategies to mitigate them. When necessary, lawyers should file motions to ensure compliance with court orders.

In Court Advocacy:

5g. Identify legal or evidentiary issues which require advance ruling by the court.

Commentary: *Where possible, lawyers should make efforts to reach stipulations as to legal or evidentiary issues. Where appropriate, lawyers should motion the court for advance rulings on issues related to jurisdiction, standing, procedural due process, discovery, and other evidentiary issues.*

5h. Advocate in court, present evidence, including witnesses and exhibits. If client wishes to testify, call client as witness.

Commentary:

Lawyers should use the court hearing as an opportunity to advance the case. As is referenced in the court preparation standards in section 3, the lawyer must be fully aware of the client and case goals and be ready to present witnesses and exhibits to the court in furtherance of those goals. The client should know what the lawyer hopes to accomplish during the court hearing, and be prepared to testify as appropriate.

GALs must ensure that the court is provided with the necessary information for the court to determine what is in the best interest of the child. To accomplish this task, GALs must inform the court of the child's wishes and present whatever evidence exists to support those wishes, including client testimony. If the GAL's best interest recommendation differs from the child's

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wishes, the GAL must present evidence to support those recommendations. GALs should discuss with the child in advance of the hearing if their best interest recommendation differs from the child's wishes. (See Standard 3.d.) The GAL should discuss with the client whether the client wishes to testify (See Standard 3.g), and if so call the client as a witness.

GALs and legal counsel for children should ensure that arrangements have been made for children to attend court hearings. It is important that children understand and be part of decisions being made about their lives. R.J.C.P 1129 requires that dependent children attend court at least every six months.

While children should attend hearings, GALs and legal counsel for children should consider whether in unusual circumstances a child should be excused for a portion of the hearing due to age, maturity, or a legal/factual issue such as a challenge to paternity, etc.

In the rare instance when a child is placed out of state and will not attend a hearing or important meeting in person, GALs and legal counsel should arrange for participation via videoconferencing or, as a last resort, by phone.

5i. Cross-examine other parties' witnesses.

Commentary:

Lawyers should cross examine other parties and witnesses when appropriate. Thus, as referenced in the section on case preparation, lawyers should engage in necessary communication and preparation to enable meaningful trial strategy decision-making and cross-examination. This preparation includes, but is not limited to, speaking with clients about their knowledge of witnesses and anticipated testimony, and obtaining and reviewing records, reports or statements of other parties' witnesses.

5j. Prepare and file appropriate motions regarding evaluations, services, placement, visitation, compelling compliance, etc. File objections and motions for reconsideration if appropriate.

Commentary:

Lawyers should be involved in active motions practice to advance their clients' cases including being proactive in ensuring compliance with court orders and obtaining referrals, services and addressing other issues before the court as needed.

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When necessary, lawyers should file motions with specific averments in support of requested relief, including identification of providers and individuals involved in proposed services and placement, provide affidavits and necessary records where relevant, and obtain stipulations of other parties whenever possible. Lawyers should seek enforcement through court order or otherwise as necessary.

6) Appellate Advocacy

6a. Determine whether to appeal after explaining the court order and discussing with the client all available options, including appeals.

Commentary: When discussing the possibility of an appeal, lawyers should promptly explain, as developmentally and age appropriate, the significance of the court order. Lawyers should discuss and advise clients about the available options when court orders are contrary to a client's position or interests. Lawyers should ensure that clients are fully aware that court orders are in effect once issued and that if court orders are disobeyed what the possible consequences may be. Lawyers should explain timeliness obligations in filing an appeal, how appellate practice works including distinctions between presentation of the case at trial and on appeal, the scope and standard of appellate review, which orders are reviewable, the possibility of stays, the continuing jurisdiction of the trial court, the likelihood of prevailing on appeal, and the potential negative impact, if any, on the parent and child, of pursuing an appeal.

Parents' attorneys and legal counsel for children should determine whether to appeal after considering the client's wishes and whether there is a legal basis for the appeal. GALs should determine whether to appeal after considering the child's best interests, the client's wishes and whether there is a legal basis for the appeal. Attorneys should be aware of any statutory or case law which provides the client with the automatic right to appeal such as in a termination of parental rights case.

6b. When pursuing or responding to an appeal, timely file all necessary post-hearing motions and documents adhering to the Pennsylvania Rules of Appellate Procedure, and, as appropriate, participate in oral argument.

Commentary: Lawyers should carefully review their obligations under the Pennsylvania Rules of Appellate Procedure to ensure compliance with the various requirements of appellate procedure and a Children's Fast Track Appeal. Lawyers should participate fully in pursuing or responding to appeals by filing motions, briefs and other pleadings and documents consistent with the position taken on appeal, and participating in oral argument when appropriate.

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6c. Communicate the status and results of the appeal as appropriate.

Commentary:

Lawyers should communicate the result of the appeal to the client as soon as possible and provide a copy of the appellate decision to the client as age and developmentally appropriate. The lawyer should explain whether the appellate court affirms, reverses or remands the trial court order, and inform the client of the steps and process necessary to effectuate the appellate court's decision as well as any additional appellate options. A lawyer's responsibility to engage in further appellate advocacy is determined by the representation agreement or other scope of representation.

7) Ethical Considerations:

7a. The Rules of Professional Conduct apply to GALs and all other attorneys in dependency proceedings.

Commentary:

The Rules of Professional Conduct apply to all attorneys in dependency proceedings, including parents' attorneys, legal counsel for children, and GALs. The vast majority of children involved in dependency proceedings are represented by attorneys appointed as GALs and charged with representing the child's legal interests and best interests. 42 Pa.C.S. § 6311, Pa. R.J.C.P. 1151. Pennsylvania law recognizes the child as a party to the dependency proceedings and requires that the GAL be an attorney. Thus, GALs must understand that they are acting as lawyers in fulfilling their responsibilities and that the Rules of Professional Conduct apply to them.

That said, the GAL must also recognize that the dual nature of the representation (i.e., legal interests and best interests) affects how certain Rules of Professional Conduct apply and/or how certain Rules of Professional Conduct should be interpreted to account for the GAL's unique responsibilities. These standards both highlight and address the unique ethical considerations that apply to GAL representation.

7b. A GAL may not testify during any proceeding in which the GAL represents the child.

Commentary:

The child's GAL is an advocate, not a witness. Pa. R.J.C.P. 1154 and 42 Pa. C.S. § 6311 explicitly require the GAL to "examine and cross-examine witnesses, and present witnesses and evidence

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necessary to protect the best interests of the child [and] make recommendations relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety, including the child's educational, health care, and disability needs." Just like any other attorney, a GAL may, and should, make offers of proof, summarize their position for the court and analyze evidence that has been introduced. Further, GALs should take care to clarify for the court that they are not functioning as witnesses, unless pursuant to Pa. R.P.C. 3.7, "Lawyer as Witness," which prohibits attorneys from acting as an advocate and a witness in the same proceeding except under one of the enumerated exceptions.

7c GALs may not reveal information related to the representation unless the client gives informed consent, the disclosure is necessary to comply with the child abuse reporting requirements of the CPSL, or the disclosure is necessary in the course of advocating for placement and services to meet the child's best interests.

Commentary:

GALs must conduct their practice so as to respect the confidentiality of both client communications and of confidential information regarding the client, whether oral or written, that comes from sources other than the client. That said, the GAL's responsibility to represent the child's best interests will at times require that the GAL disclose a client's communication or confidential information without the client's consent.

Disclosure of confidential information to serve the child's best interests is consistent with Pa. R.P.C. 1.6, which permits disclosure of confidential information, without client consent, if the disclosure is "impliedly authorized to carry out the representation." Implicit in the GAL's duties to carry out the representation under both Pa. R.J.C.P. 1154 and 42 Pa. C.S. § 6311 is that information gained in the course of the representation of the child may need to be disclosed to "present witnesses and evidence necessary to protect the best interests of the child" and "make recommendations relating to the appropriateness and safety of the child's placement and services necessary to address the child's needs and safety, including the child's educational, health care, and disability needs."

Because the handling of confidential information is so critical to a trusting relationship between the GAL and the child, the GAL must take care at the beginning of the representation to explain to the child the limits on confidentiality inherent to the GAL role. See section 1.d of these standards. The GAL should repeat this explanation periodically throughout the course of the representation. Further, GALs should routinely consider whether the information to be provided through disclosure of the client's communication or confidential information could be provided from a witness other than the client. If so, the GAL should elicit the information from that other witness when practicable.

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7d. Except in limited circumstances, GALs should preserve attorney-client privilege and work product privilege in their interactions with clients.

Commentary:

While the attorney-client privilege applies to GALs, as discussed in section 7c of these standards, GALs may find it necessary to disclose certain client communications to comply with the Child Protective Services Law, Rules of Professional Conduct or to advance the client's best interests. However, in general, GALs should recognize that their clients' communications with them are protected by attorney-client privilege and that their work product may be protected by the work product privilege. When interacting with clients, GALs should be mindful of preserving their ability to assert these privileges. For example, GALs should carefully consider when to meet with children with a third party present (e.g., foster parent, caseworker, placement provider staff member, CASA volunteer), since client communications during such a meeting will not be subject to privilege. Similarly, GALs who work with non-lawyer staff members must ensure that their co-workers conduct their work so as to protect any potentially applicable privileges.

7e. GALs must report suspected child abuse, in accordance with Pennsylvania's Child Protective Services Law.

Commentary:

The CPSL, in 23 Pa. C.S. § 6311(a), requires persons who come into contact with children in the course of their employment, occupation or practice of a profession to report suspected child abuse. Although the provision creates an exception for communications protected by attorney-client privilege, GALs should not rely on that provision to excuse them from making reports. Rather, the GAL's obligation to pursue the child's best interests makes reporting necessary. To build and support the child's understanding of the GAL's role and the child's rapport with the GAL, it is essential that the GAL explain his obligation to report suspected child abuse at the outset of the representation and to repeat that explanation periodically throughout the course of the representation. Further, the GAL should contact clients in advance to inform them when the GAL finds it necessary to make a report.

GALs should recognize that their child abuse reporting obligation is quite limited. The CPSL maintains the GAL's ability to assert that attorney-client privilege protects against any attempt to compel testimony about the client's confidential communications to the GAL. See 23 Pa. C.S. §6381(c). Thus, even when a GAL must make a report of suspected abuse, the GAL should continue to treat as confidential the information or communication disclosed in the report. See section 7c of these standards for a fuller discussion of confidentiality and limitations on confidentiality.

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7F . *Lawyers must establish systems that allow them to identify and address conflicts of interest quickly and consistently.*

Commentary:

Lawyers should avoid potential conflicts of interest that would interfere with the competent representation of the client in child welfare matters, which may include refraining from:

- *Representing both the parent and child (child of a current client; parent of a current client; or when two new clients are parent and child)*
- *Representing both parents in a child welfare matter*
- *Representing two parties in a child welfare proceeding,*
- *Representing one party in a child welfare proceeding and another party in a different matter, and*
- *Representing a party where also representing an agency involved in the case.*

GALs and legal counsel for children must be particularly attentive to the potential for conflicts of interest to exist or arise between siblings as well as between unrelated child clients whose interests may conflict.

*The following situations represent common types of potential conflicts in **new** cases where GALs and legal counsel for children should strongly consider immediately declining to represent a new client, or taking on representation of only one of the clients:*

- *A parent/child relationship exists (i.e., child of a current client; parent of a current client; or when two new clients are parent and child)*
- *One child has harmed or is alleged to have harmed another child (i.e., new client has harmed current client; new client has harmed another new client)*

Other situations may involve former clients (i.e., child of former client; parent of former client). These situations require analysis under Rule 1.9 of the Rules of Professional Conduct for the GAL or legal counsel for the child to determine whether the Rules permit the GAL or legal counsel to accept the representation of the new client.

*The following situations represent common types of potential conflicts in **ongoing** cases, when GALs and legal counsel for children should carefully consider whether a conflict in fact exists, and then should consider whether the GAL or legal counsel for the children must withdraw from representing the existing clients because of the conflict, or whether the Rules of*

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Professional Conduct permit the GAL or legal counsel for the children to continue the representation:

- *Sibling group where the lawyer is appointed as GAL for certain siblings and legal counsel for others*
- *Child has harmed/is alleged to have harmed another child (when clients either are unrelated or when siblings)*

When faced with these situations, GALs and legal counsel for children should recognize that even when clients' interests diverge, there may be strategies, based on available evidence and the status of the case, that can achieve both sets of interests if pursued simultaneously. If this is the case, GALs and legal counsel for children may be able to continue representing the clients and provide continuity of the child's attorney relationship. When the evidence will not allow for this solution, then it is likely that the GAL or legal counsel for the children will need to withdraw from the representation (or in some cases request appointment of an additional lawyer, so that child is represented by both a GAL and by legal counsel.) See Rule 1154.

GALs should note that the Pennsylvania Supreme Court suspended the portion of 42 Pa. C.S. §6311(b)(9) that provided "a difference between the child's wishes under this paragraph and the recommendations under paragraph (7) shall not be considered a conflict of interest for the guardian ad litem." This provision was suspended by the Supreme Court under its rule-making authority because Article V, Section 10(c) of the Pennsylvania Constitution vests the Supreme Court rather than the General Assembly with the authority to determine what is or is not a conflict of interest under the Rules of Professional Conduct. See Pa.R.J.C.P. 1800. Consequently, GALs should be aware that 42 Pa. C. S. 6311(b)(9) does not create an exception to conflicts of interest arising under the Rules of Professional Conduct

**Time Chart -- CHILD REPRESENTATION: ONE CHILD
LEGAL REPRESENTATION WORKGROUP**

DUTY	SOURCE	SPECIFIC TASKS	TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>
CLIENT CONTACT AND COMMUNICATION					
Visit/Meet with minor client as soon as possible after appointment and on a regular basis thereafter.	42 PaCSA § 6311(B)(1), (8); Pa.R.J.C.P. Rule 1154(1), (8); ABA Model Act § 7(b)(5) and (8)	Have a significant initial client visit in their living environment. Visit with the client in their living environment at least once every six months thereafter. Meet with the client as needed including before and/or after a hearing and before and/or after a client-related meeting that the client attends. Explain role as the client's legal representative and expectations. Explain in a developmentally appropriate manner the child welfare process, allegations, what will happen in court etc. Establish a system that promotes regular contact, provide the client with contact information, be appropriately responsive and communicate regularly.	Time for initial visit: 1 hour	1.00	0.00
			Time for subsequent visits & documentation: 1 hr (minimum 2 visits per year at 1 hr per visit) + 0.5 hr. doc/visit	3.00	3.00
			Travel time for visits: 3 x 1.25 hr ([#] of visits at [x] time traveling per visit)	3.75	2.50
			Time meeting with client one-to-one outside of visits (at court, meetings, office, etc.) + calls/emails/texts	2.50	2.50
<i>subtotal: CLIENT CONTACT AND COMMUNICATION</i>				<i>10.25</i>	<i>8.00</i>
CASE PREP: DOCUMENT & RECORDS REVIEW					
Request and review relevant court and county agency records. Request and review other relevant records, for example, reports relating to parents or other custodian of client. Request and review client's records/reports.	42 PaCSA §6311(B)(2); Rule 1154(2) ; ABA Model Act § 7(b)(1) and (7)	Request and review CYS file and copy relevant portions of files; review pleadings Request and review reports of examinations of parents or other custodian of the child (including drug and alcohol reports, psychological reports, etc.). Request and review client records including school, medical, psychological, interactionals, and visitation records for each hearing. Obtain consent or court orders for release of records and send to records holders.	Time to review CYS file & related docs	1.50	0.00
			Time to request and review parent related records (incl. time to obtain/provide consents or court orders): .75 hour	0.50	0.50
			Time to request and review child-client related records: 3.5 hour	3.50	3.50
			Travel time to access records	0.50	0.00
<i>subtotal: CASE PREP: RECORDS REVIEW</i>				<i>6.00</i>	<i>4.00</i>

**Time Chart -- CHILD REPRESENTATION: ONE CHILD
LEGAL REPRESENTATION WORKGROUP**

DUTY	SOURCE	SPECIFIC TASKS	TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>		
CASE PREP: INVESTIGATION, WITNESS & EXHIBIT PREPARATION, ETC							
<p>Conduct such further investigation necessary to ascertain the facts. Interview potential witnesses, including parents, caretakers and foster parents. Prepare witnesses and evidence.</p> <p>Take steps to ensure that client appears in court at least once every six months. File motions as needed</p>	<p>42 PaCSA § 6311(B)(4),(5); Rule 1154(4), (5); ABA Model Act § 7(b)(1) and (7)</p>	<p>Contact and interview potential lay witnesses and expert witnesses for example: caseworker, therapist, teachers or daycare providers, service providers, foster parents or group home, etc. Prepare witnesses to testify. Subpoena witnesses. Gather and prepare documentary evidence.</p> <p>Make contact with client and client's foster parents and/or service providers to arrange and/or coordinate youth's appearance. Draft and file motions as needed</p>	Contact & interview witnesses, document contact: 0.5 hr per potential witness X 5 potential witnesses per hearing = 2.5 hours per hearing X 4 hearings ; Prep witnesses for hearing: 1.5 hours for adj., 1 hour per reviews ;	12.00	11.00		
			Prepare documentary evidence:	1.00	1.00		
			Time to arrange child's appearance: .25 per hearing	1.00	1.00		
			Time to prepare and file motions, objections:	1.00	1.00		
			<i>subtotal: CASE PREP: INVESTIGATION, WITNESS & EXHIBIT</i>			<i>15.00</i>	<i>14.00</i>

ADVOCACY: HEARINGS					
<p>Participate in all court proceedings.</p> <p>Including Pre-hearing conferences and hearings on motions to change placement and other motions.</p> <p>Advise the court of the child's wishes and present whatever evidence exists to support the child's wishes.</p>	<p>42 PaCSA § 6311(B)(3),(7),(9); Rule 1154(3),(7),(9); ABA Model Act § 7(b)(7, 9, 10)</p>	<p>Attend and advocate at all hearings. Advocate to the court on key issues, for example : removal, adjudication, visitation, permanency, placement, and services, etc.</p> <p>Prepare for and advocate at pre-hearing conferences</p> <p>Identify legal or evidentiary issues which require advance ruling by the court. Where possible, reach stipulations as to legal or evidentiary issues. File motions, objections, including for reconsideration if appropriate.</p>	Time for Adjudicatory hearing: 1 hr.	1.00	0.00
			Time for shelter hearings: .5	0.50	0.00
			Time for Permanency hearings: .5 hr, 4 hearings per year	1.50	2.00
			Pre-hearing conferences: .5 hr before adj. hearing	0.50	0.00

Time Chart -- CHILD REPRESENTATION: ONE CHILD
LEGAL REPRESENTATION WORKGROUP

DUTY	SOURCE	SPECIFIC TASKS	TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>
Make specific recommendations relating to the safety and appropriateness of the child's placement and services necessary to address the child's needs and safety.		Make specific recommendations relating to the safety and appropriateness of the child's placement and services necessary to address the child's needs and safety. Make specific recommendations regarding: appropriateness/ stability of educational placement, If needed, appointment of education decision-maker, service plan to meet client's health care and disability needs.	Hearings on motions: .25 if just presenting or responding, .75 if contested hearing	0.50	0.50
			Average travel time to court: .25 hr	1.00	1.00
			Average time to prepare notes for file: .25 hr	1.00	1.00
			<i>subtotal: ADVOCACY--HEARINGS</i>	<i>6.00</i>	<i>4.50</i>

ADVOCACY: OUT OF COURT

Attend and advocate at meetings held out of court which are important and relevant to the client's case.		Attend and advocate at meetings held out of court which are important and relevant to the client's case, including, but not limited to meetings related to placement, treatment, family services, permanency, visitation, transition planning, and educational or school meetings. If needed, apprise clients promptly of the scheduling of any of these significant meetings. Provide a thorough explanation of the relevance of the meeting in the progression of the case. Secure attendance of necessary participants. Meet with clients and obtain necessary documents in advance.	Time FSP meetings per year ([#] meetings at x minutes per meeting): .75 hr, 2 mtgs per year	1.50	1.50			
			Maintain collateral contacts, communicate and collaborate where possible with other counsel, parties, providers, etc.	Other case meetings per year (of other case meetings at x minutes per meeting): 2-4 at .75	2.00	3.00		
			Maintain communication with other counsel, caseworkers; Work with other parties to reach stipulations and joint recommendations for placement, Follow up with CYS and providers to ensure court orders are implemented;		Average travel time for meetings ([x] minutes per meeting): 1 hr	3.00	3.00	
					Provide collateral information to providers for purposes of evaluation and	Average time to prepare notes for file: .25 hr	0.75	0.75
						Average time for communication with collateral contacts:	1.00	1.00
<i>subtotal: ADVOCACY--OUT OF COURT</i>			<i>8.25</i>	<i>9.25</i>				

**Time Chart -- CHILD REPRESENTATION: ONE CHILD
LEGAL REPRESENTATION WORKGROUP**

DUTY	SOURCE	SPECIFIC TASKS	TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>
LEGAL RESEARCH AND WRITING					
Case specific research and writing	ABA Model Act § 7(b)(1)	Research law and/or placement or service options	Case specific research 1 hr	1.00	1.00
			Consultation with supervisor or colleagues:	0.50	0.50
<i>subtotal: LEGAL RESEARCH AND WRITING</i>				<i>1.50</i>	<i>1.50</i>
TOTALS:				47.00	41.25

Time Chart -- Parent Representation: One Child

LEGAL REPRESENTATION WORKGROUP

<u>DUTY</u>	<u>SOURCE</u>	<u>SPECIFIC TASKS</u>	TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>
CLIENT CONTACT AND COMMUNICATION					
Communicate with client as soon as possible after appointment and on a regular basis thereafter.	ABA Parent Rep Standards 7-18, 20	Have a significant initial client meeting. Communicate with clients outside of court and regularly -- at a minimum, prior to each hearing with sufficient time to prepare. Explain role as the client's legal representative and expectations.	Significant initial client interview/visit:	2.00	0.00
		Explain in an accessible manner the child welfare process, allegations, what will happen in court etc.	Time for subsequent substantive communication with client & documentation: (minimum 2 communications at 15 min time per hearing-may be pre & post). (meetings, calls, texts, prepping client for hearings and letters)	2.50	2.50
		Establish a system that promotes regular client-attorney contact, provide the client with contact information and be appropriately responsive.	Average travel time for meetings with client:	0.00	0.00
		Conduct diligent search and communicate with Incarcerated and hard to locate parents			
<i>subtotal: CLIENT CONTACT AND COMMUNICATION</i>				<i>4.50</i>	<i>2.50</i>
CASE PREP: DOCUMENT & RECORDS REVIEW					
Request and review relevant court and county agency records. Request and review client related reports, evaluations and other relevant records Request and review each child's medical, psychological and school records etc prior to each hearing as relevant.	ABA Parent Rep 19, 21, 22, 23	Request and review CYS file as needed, especially early in the case and again prior to TPR. Review pleadings	Time to review CYS file and related documents:	1.50	0.00
		Request and review parent-related provider reports, reports of examinations (including drug and alcohol reports, psychological reports, interactional evaluations) anything else relevant prior to each hearing.	Time to request and review parent-related records (incl. time to obtain/provide consents or court orders):	2.00	2.00
		Request and review each child's medical, psychological and school records etc prior to each hearing as relevant.	Time to review child's records/reports:	1.50	1.50
		Obtain consent or court orders for release of records and send to records holders as needed	Travel time to review CYS or other records:	0.50	
<i>subtotal: CASE PREP--RECORDS REVIEW</i>				<i>5.50</i>	<i>3.50</i>

Time Chart -- Parent Representation: One Child

LEGAL REPRESENTATION WORKGROUP

<u>DUTY</u>	<u>SOURCE</u>	<u>SPECIFIC TASKS</u>	<u>TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"</u>	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>
CASE PREP: INVESTIGATION, WITNESS & EXHIBIT PREPARATION, ETC					
Conduct a thorough and independent investigation at every stage. Prepare case for hearings.	ABA Parent Rep 20-31	In advance of hearing, address with client knowledge of witnesses and anticipated testimony; obtain records, reports or statements of other parties' witnesses	Contact & interview witnesses, document contact: 0.5 hr per potential witness X 5 potential witnesses per hearing = 2.5 hours per hearing X 4 hearings ; Prep witnesses for hearing: 1.5 hours for adj., 1 hour per reviews; Time to subpoena witnesses	12.00	11.00
		Contact and interview potential lay witnesses and expert witnesses including: medical and mental health professionals, teachers or daycare providers, service providers, etc.			
		Prepare and secure attendance of witnesses, including expert witnesses.			
		Thoroughly prepare client for testimony; Plan effective organization of testimony based upon the theory of the case; Prepare evidence, including exhibits:	Time to gather documentary evidence and prep exhibits:	1.00	1.00
		File objections and motions, including motion for reconsideration if appropriate.	Time to prepare and file motions, objections, etc:	1.00	1.00
<i>subtotal: CASE PREP: INVESTIGATION, WITNESS & EXHIBIT PREPARATION</i>			<i>14.00</i>	<i>13.00</i>	

ADVOCACY: HEARINGS					
Participate in all court proceedings. Participate in all pre-hearing conferences and hearings on motions	ABA Parent Rep 25-28, 32, 34	Prepare for and attend all hearings. Advocate to the court about key issues like: removal, adjudication, permanency, placement, services, visitation.	Time for Adjudicatory hearing: 1 hr.	1.00	0.00
			Time for shelter hearings: .5	0.50	0.00
		Prepare for and attend prehearing conferences	Time for Permanency hearings: .5 hr, 4 hearings per year	1.50	2.00
			Hearings on motions: .25 if just presenting or responding, .75 if contested hearing	0.50	0.50
		Identify legal or evidentiary issues which require advance ruling by the court.	Pre-hearing conferences: .5 hr before adj. hearing	0.50	0.00
		Where possible, reach stipulations as to legal or evidentiary issues. File objections and motions for reconsideration if appropriate.			
		Average travel time to court: .25 hr	1.00	1.00	
Average time to prepare notes for file: .25 hr	1.00	1.00			
<i>subtotal: ADVOCACY--HEARINGS</i>			<i>6.00</i>	<i>4.50</i>	

Time Chart -- Parent Representation: One Child

LEGAL REPRESENTATION WORKGROUP

<u>DUTY</u>	<u>SOURCE</u>	<u>SPECIFIC TASKS</u>	<u>TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"</u>	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>
ADVOCACY: OUT OF COURT					
Attend and advocate at meetings held out of court which are important and relevant to the client's case. Maintain collateral contacts, communicate and collaborate where possible with other counsel, parties, providers, etc.	ABA Parent Rep 6, 7, 11, 26 -28	Attend and advocate at meetings held out of court which are important and relevant to the client's case, including, but not limited to meetings related to placement, treatment, family services, permanency, visitation, transition planning, and educational or school meetings. If needed, apprise clients promptly of the scheduling of any of these significant meetings. Provide a thorough explanation of the relevance of the meeting in the progression of the case. Secure attendance of necessary participants. Meet with clients and obtain necessary documents in advance.	Average time FSP meetings per year ([#] meetings at x minutes per meeting) :	1.50	1.50
			Other case meetings per year (of other case meetings at x minutes per meeting): 2-4 at .75	2.00	3.00
		Maintain communication with other counsel, caseworkers; Work with other parties to reach stipulations and joint recommendations for placement, services, visitation, etc.;	Average travel time for meetings ([x] minutes per meeting): 1 hr	3.00	3.00
		follow up with CYs and providers to ensure court orders are implemented;	Average time to prepare notes for file: .25 hr	0.75	0.75
		provide collateral information to providers for purposes of evaluation and the preparation of various plans (e.g., ISP, treatment, etc).	Average time for communication with collateral contacts:	1.00	1.00
<i>subtotal: ADVOCACY--OUT OF COURT</i>				8.25	9.25
EXPERTISE AND KNOWLEDGE					
Develop and maintain expertise and knowledge	ABA Parent Rep 1, 2	Engage in training and continuing education specific to child welfare representation.	Case specific research 1 hr	1.00	1.00
Case-specific research and writing		Case-specific research on law and/or placement or service options.	Consultation with supervisor or colleagues:	0.50	0.50
<i>subtotal:EXPERTISE AND KNOWLEDGE</i>				1.50	1.50
TOTALS				39.75	34.25

<u>DUTY</u>	<u>SOURCE</u>	<u>SPECIFIC TASKS</u>	<u>TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"</u>	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>	<i>PARENT REP FOR ADDED SIB CASE</i>
CLIENT CONTACT AND COMMUNICATION						
GAL and counsel for children: Visit/meet with minor client as soon as possible after appointment and on a regular basis thereafter. Parent lawyer: Visit/meet with parent about additional child.	42 PaCSA § 6311(B)(1), (8); Pa.R.J.C.P. Rule 1154(1), (8); ABA Model Act § 7(b)(5) and (8)	Have a significant initial client visit with the child in their living environment. Visit with the child client in their living environment at least once every six months thereafter. Meet with the client as needed including before and/or after a hearing and before and/or after a client-related meeting that the client attends. Explain role as the client's legal representative and expectations. Explain in a developmentally and language appropriate manner the child welfare process, allegations, what will happen in court etc. Establish a system that promotes regular contact, provide the client with contact information, be appropriately responsive and communicate regularly.	Time for initial visit: 1 hour (diff. pl.), .25 (same pl.)	0.67	0.00	0.25
			Time for subsequent visits: 1 hr (diff. pl.) .25 (same pl.) minimum 2 visits a year at 0.67 hr. per visit)	1.34	1.34	0.00
			Travel time for visits: 1.25-1.5 hr per visit (diff. pl.), 0 (same pl.)	1.87	1.87	0.00
			Time to document a visit: 0.5 hr (diff. pl.), 0 (same pl.)	0.25	0.25	0.00
			Time meeting with client one-to-one outside of visits (at court, meetings, office, etc.) + calls/emails/texts	0.50	0.50	0.25
<i>subtotal: CLIENT CONTACT AND COMMUNICATION</i>				<i>4.63</i>	<i>3.96</i>	<i>0.50</i>
CASE PREP: DOCUMENT & RECORDS REVIEW						
Request and review relevant court and county agency records.	42 PaCSA §6311(B)(2);	As needed request and review CYS file; obtain copies of relevant documents in CYS file; review pleadings	Time to review CYS file & related docs: .25 hour	0.25	0.00	0.25
Request and review relevant records, evaluations, reports concerning the parent/legal custodian.	Rule 1154(2) ; ABA Model Act § 7(b)(1) and (7)	Request and Review parent/legal custodian records/reports pertaining to court ordered services and evaluations (including drug and alcohol treatment and screens, psychological evaluations, domestic violence counseling, parenting instruction, visitation, etc.).	Time to request and review parent-related records:	0.00	0.00	0.00
Request and review relevant records, evaluations, reports concerning the child.		Request and review child's records and evaluations including school, medical, psychological records for each hearing. Obtain consent or court orders for release of records and send to records holders.	Time to request and review child-related records:	3.50	3.50	1.00

Time Chart -- CHILD AND PARENT REPRESENTATION: ONE ADDED SIBLING
LEGAL REPRESENTATION WORKGROUP

May 2014

DUTY	SOURCE	SPECIFIC TASKS	TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>	<i>PARENT REP FOR ADDED SIB CASE</i>
			Average travel time to access records: 0 hr	0.00	0.00	0.00

subtotal: CASE PREP--RECORDS REVIEW

3.75

3.50

1.25

CASE PREP: INVESTIGATION, WITNESS & EXHIBIT PREPARATION, ETC

Conduct such further investigation necessary to ascertain the facts. Interview potential witnesses, caretakers and foster parents). Prepare witnesses and evidence.	42 PaCSA § 6311(B)(4),(5); Rule 1154(4), (5); ABA Model Act § 7(b)(1) and (7)	Contact and interview individuals for case investigation and to determine potential witnesses, i.e., caseworker, therapist, teachers or daycare providers, service providers, foster parents or group home, etc. Prepare witnesses to testify. Subpoena witnesses. Gather and prepare documentary evidence. Document investigation and interviews in file as needed for case and hearing prep.	Contact and interview witnesses: 0.5 hr per potential witness X 4 potential witnesses per hearing = 2.0 hours per hearing X 4 hearings per year; time to subpoena witness: prep witnesses for hearing: .25-.5 hours for adj., .25-.5 hour per reviews. Adjusted for parents.	7.50	7.50	3.00
Take steps to ensure that child client appears in court at least once every six months. File motions as needed		Make contact with client and client's foster parents and/or service providers to arrange and/or coordinate youth's appearance. Draft and file motions as needed				
			Prepare documentary evidence:	0.25	0.25	0.25
			Time to arrange youth's appearance:	0.38	0.38	0.00
			Time to prepare and file motions, objections:	0.38	0.38	0.38

subtotal: CASE PREP--INVESTIGATION, WITNESS & EXHIBIT

8.50

8.50

3.63

ADVOCACY: HEARINGS

Participate in all court proceedings.	42 PaCSA § 6311(B)(3),(7),(9); Rule 1154(3),(7),(9); ABA Model Act § 7(b)(7, 9, 10)	Attend and advocate at all hearings. Advocate to the court on key issues, for example : removal, adjudication, visitation, permanency, placement, and services, etc.	Time for Adjudicatory hearing: 1 hr.	0.25	0.00	0.25
			Time for shelter hearings: 0	0.00	0.00	0.00
Including Pre-hearing conferences and hearings on motions to change placement and other motions.		Prepare for and advocate at pre-hearing conferences	Time for Permanency hearings: 4 hearings per year	0.75	0.75	0.75
Advise the court of the child's wishes and present whatever evidence exists to support the child's wishes.		Identify legal or evidentiary issues which require advance ruling by the court. Where possible, reach stipulations as to legal or evidentiary issues. File motions, objections, including for reconsideration if appropriate.	Pre-hearing conferences: 0 hr before adj. hearing	0.00	0.00	0.00

Time Chart -- CHILD AND PARENT REPRESENTATION: ONE ADDED SIBLING
LEGAL REPRESENTATION WORKGROUP

DUTY	SOURCE	SPECIFIC TASKS	TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>	<i>PARENT REP FOR ADDED SIB CASE</i>
Make specific recommendations or argument relating to the safety and appropriateness of the child's placement and services necessary to address the child's needs and safety.		Make specific recommendations or argument relating to the safety and appropriateness of the child's placement and services necessary to address the child's needs and safety. Make specific recommendations or argument regarding: appropriateness/ stability of educational placement, If needed, appointment of education decision-maker, service plan to meet client's health care and disability needs.	Hearings on motions:	0.25	0.25	0.25
			Travel time to court: 0 hr	0.00	0.00	0.00
			Time to prepare notes for file: 0 hr	0.00	0.00	0.00
<i>subtotal: ADVOCACY--HEARINGS</i>				<i>1.25</i>	<i>1.00</i>	<i>1.25</i>
ADVOCACY: OUT OF COURT						
Attend and advocate at meetings held out of court which are important and relevant to the client's case. Maintain collateral contacts, communicate and collaborate where possible with other counsel, parties, providers, etc.		Attend and advocate at meetings held out of court which are important and relevant to the client's case, including, but not limited to meetings related to placement, treatment, family services, permanency, visitation, transition planning, and educational or school meetings. If needed, apprise clients promptly of the scheduling of any of these significant meetings. Provide a thorough explanation of the relevance of the meeting in the progression of the case. Secure attendance of necessary participants. Meet with clients and obtain necessary documents in advance. Maintain communication with other counsel, caseworkers; Work with other parties to reach stipulations and joint recommendations for placement, Follow up with CYS and providers to ensure court orders are implemented; Provide collateral information to providers for purposes of evaluation and	Time FSP meetings per year ([#] meetings at x minutes per meeting): .25 hr, 2 mtgs per year	0.50	0.50	0.50
			Other case meetings per year (of other case meetings at x minutes per meeting): 2 at .75, 1 at .25	1.75	1.75	1.75
			Average travel time for meetings: 1 hr per mtg	2.00	2.00	2.00
			Time to prepare notes for file: .25 hr per	0.50	0.50	0.50
			Time for communication with collateral contacts:	0.50	0.50	0.50
<i>subtotal: ADVOCACY: OUT OF COURT</i>				<i>5.25</i>	<i>5.25</i>	<i>5.25</i>
LEGAL RESEARCH AND WRITING						
Case specific research and writing		Research law and/or placement or service options	Case specific research .5 hr	0.50	0.50	0.50

Time Chart -- CHILD AND PARENT REPRESENTATION: ONE ADDED SIBLING
LEGAL REPRESENTATION WORKGROUP

May 2014

<u>DUTY</u>	<u>SOURCE</u>	<u>SPECIFIC TASKS</u>	<u>TIME REQUIREMENTS: "Typical -- what it should be, tempered by what is"</u>	<i>Intake Thru 12 months</i>	<i>Year 2 & per year to Case discharge</i>	<i>PARENT REP FOR ADDED SIB CASE</i>
			Consultation with supervisor or colleagues:	0.25	0.25	0.25
<i>subtotal: LEGAL RESEARCH AND WRITING</i>				0.75	0.75	0.75
TOTALS:				24.13	22.96	12.63

Time Chart -- Contested Termination of Parent Rights and Appeal

May 2014

LEGAL REPRESENTATION WORKGROUP**CONTESTED TERMINATION CASE****CASE HOURS**

TASK	TIME ESTIMATE-- CHILD	TIME ESTIMATE -- PARENT
Prepare/file entry of appearance	0.5	0.5
Review file, records	6	6
Communicate & prep client		2.5
Contact with/prep potential witness(es)	3	3
Contact with other counsel	0.5	0.5
Prepare and serve subpoena(s)	0.5	1
Conduct legal research	2	2
Prepare/file pre-trial statement	1.5	1.5
Prepare for hearing/case prep/exhibits	6	6
Attend termination hearing(s), including travel	4	4
Write proposed findings of fact/conclusions of law, closing argument – (6 hours but doesn't happen in all cases; adjusted to 2 hours)	2	2
TOTAL: CONTESTED TERMINATION CASE	26	29

TPR (OR OTHER) APPEAL

TASK	TIME ESTIMATE -- APPELLEE	TIME ESTIMATE-- APPELLANT
Client consultation		1.5
Notice of appeal, Rule 1925(b) Statement & related docs		1.5
Review transcript(s), trial court opinion, briefs	5	5
Review appellate record, including travel	1	1
Conduct legal research	4	4
Write appeal brief	25	30
Prepare brief for filing	4	4
File brief, including travel	0.5	0.5
Prepare for oral argument	10	10
Attend oral argument, including travel and down time in court	4	4
TOTAL: APPEAL	53.5	61.5