

2016 State Roundtable Report



Legal Representation Workgroup



Co-Chairpersons

Honorable Christylee Peck
*Court of Common Pleas
of Cumberland County*

Shara Saveikis, *Executive Director
Westmoreland County
Children's Bureau*

April 22, 2016

Dear Members of the Pennsylvania State Children's Roundtable:

On behalf of everyone on the legal representation workgroup, we graciously thank the State Roundtable for the honor of serving on this subcommittee and for allowing us to contribute to the betterment of dependency practice in Pennsylvania. Our group has great expectations that, through our work, representation of all parties in dependency court will be stronger than when we started. This group trained dependency legal advocates across the state in several trainings, created training DVDs, published a children's activity book, and published standards of practice for attorneys, together with recommended caseload sizes, time charts, information regarding attorney compensation and a suggested structure by which counties may oversee the implementation of the standards of legal practice. Our final product this year, a parent's guide to dependency practice video, makes accessible to all parents information to explain to them key components of dependency practice. We hope the video is shown throughout the state in waiting rooms, by attorneys to their clients, and used by all as a tool to help parents be prepared and encourage them to work toward their families being successfully reunited.

We as co-chairs were humbled to have served with such dedicated and talented individuals. Their experience and insights are invaluable. Our members gave hundreds of hours out of their lives to have meetings, conference calls and produce work product, without any request to have anything in return except that they wanted dependency legal representation to be at an excellent standard that everyone going through the dependency practice deserves. We cannot thank each member enough for all of their hard work, even when the going of the work was tough. We further thank our predecessors, the Honorable Kelley Streib of Butler County and Wendy Demchick-Alloy, Administrative Judge of Montgomery County, for their efforts in chairing this workgroup at its inception, and Christy Stanek and the Office of Children and Families in the Courts for their support throughout the years. We are grateful that the State Roundtable and OCFC will continue our work by providing further trainings to dependency attorneys into the future. Thank you all!

Very Truly Yours,

Christylee Peck
Co-Chair
Judge, Cumberland County

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

Legal Representation Workgroup

Co-Chairpersons

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Background:

2009 Pennsylvania State Roundtable

In 2009, through the Pennsylvania State Roundtable system, 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, 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, along with a Workgroup to lead this charge. As such, the Legal Representation Workgroup, chaired by the Honorable Kelley Streib, Court of Common Pleas of Butler County, was convened.

2010 Pennsylvania State Roundtable

At the 2010 State Roundtable, the Workgroup presented information supporting a national and statewide focus on enhancing quality representation for children and their parents in order to positively impact permanency. In addition, the Workgroup shared the results of a statewide survey conducted. The survey showed little Guardian ad Litem turnover. However, due to the number of part time parent attorneys across the state, the survey concluded that turnover is much greater for parent attorneys. The Workgroup emphasized the need to develop core training for both Guardians ad Litem and Parent Attorneys that would revisit key elements of representation for each hearing type, understanding of the Mission and Guiding Principles and a better understanding of key practices occurring in dependency.

The following recommendations were approved:

- 1. Continue meeting to address issues of curriculum development, roll-out, monitoring and evaluation of training;**
- 2. Commence a pilot core training in 2011 for Guardians ad Litem and Parent Advocates;**
- 3. Evaluate the training and provide a report to the 2011 State Roundtable;**
- 4. Develop a pre and post-test to be administered to training participants to aid in the evaluation process of the training;**
- 5. Explore ways to make training required for all Guardians ad Litem and Parent Advocates; and**

6. **Explore the impact of training requirements on court appointed pro-bono attorneys and develop training recommendations specific to their involvement in child dependency cases.**

2011 Pennsylvania State Roundtable

On March 21 and 22, 2011, the “test-site” training for Core I was held at the Pennsylvania Judicial Center, Harrisburg. The training consisted of 50 experienced attorneys. 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:

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 I 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 best practice and high quality representation.**

2012 State Roundtable

At the 2012 State Roundtable, Core I training was highlighted. Also in 2011, the Honorable Wendy Demchick-Alloy, Administrative Judge, Court of Common Pleas of Montgomery County, joined the Workgroup as co-chair with the Honorable Kelley Streib, Court of Common Pleas of Butler County. With their leadership and the endless dedication of the Workgroup, the development of Core I was completed. Beginning in the fall of 2011 and into early 2012, over 600 Guardians ad Litem, Parent Attorneys and Solicitors participated in Core I regional training throughout Pennsylvania. 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

Additional accomplishments included the following:

- Completion of an outline for standards of practice, as they relate to supporting best practice and high quality representation;
- Creation of a guide for children titled "What's Happening in Dependency Court? An activity book for children going to court in Pennsylvania"; and
- Creation of 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.

The following recommendations were approved:

- 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

At the 2013 State Roundtable, Core II was highlighted. In 2012, the Workgroup spent much of their time on the development of 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 sites, with participation from over 250 Guardians ad Litem, Parent Attorneys and Solicitors. Because the Core II curriculum material differed from that of Core I, the Workgroup and core faculty from Core I thought it best to have presenters who were legal experts in the curriculum topics of 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 focus areas.

Core II was offered to 3 regional sites in the Fall of 2012. Those regional sites included:

- Mechanicsburg (Central Region) November 15, 2012
- King of Prussia (Eastern Region) November 16, 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:

- 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 following recommendations were approved:

- 1. 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. Creation of final Standards of Practice with commentary and citations be submitted to the 2014 State Roundtable;**
- 5. Submission of a final proposal regarding 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 Pennsylvania State Roundtable

Following the 2013 State Roundtable, and with the original charge of training being completed, the Honorable Christylee Peck, Court of Common Pleas of Cumberland County

and Shara Saveikis, Executive Director, Westmoreland County Children's Bureau, assumed the new role of co-chairs. As co-chairs, they would now lead the Workgroup's new focus of finalizing standards of practice for attorneys, caseload size, compensation and accountability.

Throughout the fall of 2013 and leading up to the 2014 State Roundtable meeting, sub-committees for standards, caseload size and compensation had numerous and extensive conference calls. In addition, the compensation sub-committee completed and released an extensive statewide survey in early 2014. With 54 of Pennsylvania's 67 counties responding, the sub-committee received detailed information pertaining to questions surrounding the attorney 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 Workgroup believes continued survey analysis needs to occur throughout the next year to gather information not obtained and compile the most accurate data report.

Accomplishments during this report period included the following:

- Completion of the Compensation Survey
- Finalization of Standards of Practice for Guardians ad Litem and Parent Attorneys
- Finalization of a process by which attorney caseload size could be analyzed

The following recommendations were approved:

- 1. Standards of Practice as FINAL;**
- 2. Time study chart and caseload size analysis process as FINAL;**
- 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.**

2015 Pennsylvania State Roundtable

Following the 2014 State Roundtable, the Workgroup focused its efforts on analyzing data from the compensation survey completed by counties in the spring of 2014. Due to gaps in information from survey responses and the inconsistencies among counties, a small sub-

committee of the Workgroup reached out to counties for clarification of their data. The results of the compiled data were provided as an attachment within the 2015 report.

Simultaneously, another sub-committee used the approved analysis process to calculate an appropriate caseload size for attorneys to provide quality representation to both children and parents. After determining an appropriate caseload size and consideration for compensation, the Workgroup identified recommendations for accountability and oversight of quality representation.

Finally, the Workgroup completed a Standards of Practice booklet for Parent Attorneys, Guardians ad Litem, and legal counsel practicing in Pennsylvania's Child Dependency System. Chapters contained within this booklet include the following:

- Section 1:** Client Contact
- Section 2:** Expertise and Knowledge
- Section 3:** Case Preparation
- Section 4:** Collateral Contacts and Collaboration
- Section 5:** Advocacy
- Section 6:** Appellate Advocacy
- Section 7:** Ethical Considerations

The completion of these recommendations was packaged into one final document, within the report to the State Roundtable, titled "Enhancing Legal Representation for Child and Parent Attorneys in the Dependency System: A Call to Action."

The following recommendations were approved:

- 1. Endorsement and distribution of the report contained within titled "Enhancing Legal Representation for Child and Parent Attorneys in the Dependency System: A Call to Action" Attachment A and accompanying appendices;**
- 2. Creation and delivery of an overview educational session regarding the Standards of Practice for Attorneys for Dependency Judges, Hearing Officers, Attorneys and other key stakeholders, as deemed appropriate; and**
- 3. Completion of 2014 State roundtable charge to create and deliver a parent representation handbook or other educational tool, which assist parents in understanding the dependency court process to be presented to the 2016 State Roundtable.**

Progress and Update on approved 2015 State Roundtable Recommendations

Over the past year, the Legal Representation Workgroup has worked diligently to complete the remaining charges of its work. With approval of the first recommendation, as reflected below, the Workgroup began its task of its second recommendation.

- 1. Endorsement and distribution of the report contained within titled “Enhancing Legal Representation for Child and Parent Attorneys in the Dependency System: A Call to Action” Attachment A and accompanying appendices.**
- 2. Creation and delivery of an overview educational session regarding the Standards of Practice for Attorneys for Dependency Judges, Hearing Officers, Attorneys and other key stakeholders, as deemed appropriate**

The Workgroup thought it was important to provide training to Attorneys practicing in the child dependency system, prior to that for Dependency Judges, so that the attorneys would be prepared for any changes in judicial expectation. As such, an advanced legal training was held on June 19, 2015 in Mechanicsburg, with a separate site held the same day in Greensburg. The purpose of two sites on the same day was to allow the Greensburg site to satellite conference into the Mechanicsburg site for the morning educational session overview on the Standards of Practice. The Workgroup wanted both sites to receive the same message of importance regarding the Standards of Practice, from the same presenters. The following faculty dedicated their time, knowledge and passion to this full day advanced training:

- **Honorable Christylee Peck, *Court of Common Pleas of Cumberland County***
- **Honorable Joy Reynolds McCoy, *Court of Common Pleas of Lycoming County***
- **Honorable Eleanor L. Bush, *Court of Common Pleas of Allegheny County***
- **Frank P. Cervone, *Executive Director, Support Center for Child Advocates***
- **Katherine J. Gomez, *Deputy Director of Legal Practice, Community Legal Services***
- **Shara Saveikis, *Executive Director, Westmoreland County Children’s Bureau***
- **Ann Marie Lancour, *Associate Director and Director of State Projects, ABA***
- **Sandra Moore, *Director, Office of Children and Families in the Courts***
- **Christy Stanek, *Judicial Analyst, Office of Children and Families in the Courts***

In addition to Standards of Practice, presentations were provided on Legal Safety Analysis: Critical versus Assumptive Thinking and Achieving Permanency: Compliance versus Progress. The Mechanicsburg site received an overall rating of 4.4 out of 5.0 and the Greensburg site received an overall rating of 4.5 out of 5.0. Details of the participation evaluation results can be found in the back of this report under APPENDIX I: Mechanicsburg and APPENDIX II: Greensburg.

The next educational session occurred on July 23, 2015, at the Pennsylvania Conference for State Trial Judges. The Honorable Christylee Peck, Court of Common Pleas of

Cumberland County and Co-Chair to the Legal Representation Workgroup, along with the Honorable Eleanor L. Bush, Court of Common Pleas of Allegheny County and Legal Representation Workgroup member, presented highlights of the Standards of Practice and emphasized the judge's role in supporting quality representation for children and parents.

The final educational session occurred at the September 9, 2016 Hearing Officer Education Session. Frank Cervone, Esquire and Kathy Gomez, Esquire, presented the same Standards of Practice overview that was provided to Attorneys at the June 19, 2016 advanced legal educational session. Participation evaluation results showed a 4.8 out of 5.0 rating, by the Hearing Officers, for the Standards of Practice overview session.

Standards of Practice booklets were also provided to members of the Leadership Roundtables in the fall of 2015. Copies were also provided, through the OCFC Judicial Analysts, to judges and administrators who did not attend a Fall LRT meeting. Finally, the document was posted on the OCFC website for public access.

The Workgroup's focus then shifted to its last charge of "creating a tool to assist parents in understanding the dependency court process." Details this final 2015 SRT charge are provided throughout the remainder of this section.

3. Completion of 2014 State roundtable charge to create and deliver a parent representation handbook or other educational tool, which assist parents in understanding the dependency court process to be presented to the 2016 State Roundtable.

After significant discussion, Workgroup members came to a consensus that parents would be best served by the creation of a video explaining the dependency court process rather than a handbook. Having made that decision, the majority of the Workgroup's focus over the past year was spent developing; planning and preparing a storyboard outline for filming of an educational video to help parents better understand the child dependency system. Countless hours were spent on workgroup phone conferences drafting an outline that would communicate the key elements that were most important for parents to understand. Workgroup phone conferences were occurring weekly in the final months leading up to the filming.

In addition, two separate focus groups were held with several parents to gather their thoughts and suggestions as to what parents want or need to know as they experience various stages of the child dependency system. Finally, extensive planning occurred within the Administrative Office of Pennsylvania Courts Communications department to prepare the videographers. It was important to the Workgroup that this video be both interesting enough to hold parents' attention and informative enough to equip them with skills to assist in achieving their child's permanency.

The parent video contains five chapters. A parent can watch the video as a whole, or they may choose to watch only one chapter of the video. Each chapter was filmed to stand alone to best assist parents in returning to a topic they may not experience for months into their case (i.e. Termination of Parental Rights). The chapters contained within the video are as follows:

- Courtroom Experience
- Working with Your Attorney
- Case Planning
- Visitation
- Permanency

The following impressive list of participants dedicated their time, knowledge and passion for children and families to be part of the filming for this video:

- Justice Max Baer, Pennsylvania Supreme Court
- Honorable Christylee Peck, Court of Common Pleas of Cumberland County
- Honorable Eleanor Bush, Court of Common Pleas of Allegheny County
- Honorable Jolene Grubb Kopriva, Court of Common Pleas of Blair County
- Honorable Edward Guido, Court of Common Pleas of Cumberland County
- Hearing Officer Clay Cauley, Court of Common Pleas of Chester County
- Shara Saveikis, Executive Director, Westmoreland County Children's Bureau
- Kathy Gomez, Esquire
- Kathleen Creamer, Esquire
- Cathy Volponi, Esquire
- Sharron England, Child Welfare Resource Center
- Marissa McClellan, Esquire
- Ben Zuckerman, Esquire
- Wesley Allen, Esquire
- Kim Sweger, Director ABC Visitation House Cumberland County
- Brian Yluchurosky, Youth Advocate Programs
- Necole McElwee, Administrator Cumberland County
- Justin Walker, Caseworker Cumberland County Children and Youth
- Amanda Sigrist, Caseworker Cumberland County Children and Youth
- Dan Drachbar, Supervisor Cumberland County Children and Youth
- April Herring, Caseworker Chester County Children, Youth and Families
- Georgette Foster, Caseworker Chester County Children, Youth and Families
- Professionals within the Cumberland County Courthouse
- Administrative Office of Pennsylvania Courts Communications Department
- Legal Representation Video Sub-Committee

Once approved by the 2016 State Roundtable, the parent video will be available through both the Office of Children and Families in the Courts website, along with two supportive resources: Question to Ask Your Attorney and the Parent Visitation Guide, previously

approved by the State Roundtable. *The parent video will be presented at the 2016 State Roundtable.*

Finally, the Workgroup asked the 2016 Spring Leadership Roundtables if they had any additional recommendations for the Legal Representation Workgroup to address. The two issues recommended by some, but not all, LRTs included training for child welfare solicitors and outreach to law schools to determine whether or not an educational track for dependency should be offered. The Workgroup believes both issues, if deemed important by the SRT, could be handled outside of the workgroup structure through the Office of Children, Families and the Courts but will seek guidance from State Roundtable members regarding both issues.

Workgroup Accomplishments 2009 - 2016

Following State Roundtable approval of the parent video, the Workgroup will request to dismantle as all charges and work will be completed. In recognition of the Workgroup's efforts over the years, please reflect on the following accomplishments since 2009:

- Pilot Core Training
- Core I: Cranberry, Wilkes Barre, Monroeville, Carlisle, Philadelphia, Villanova,
- Core I: Solicitors Association State College
- Core II: Mechanicsburg, King of Prussia, Cranberry
- "What's Happening in Dependency Court? An activity book for children going to court in Pennsylvania"
- Pre-Service DVD for Guardians ad Litem
- Standards of Practice booklet for Parent Attorneys, Guardians ad Litem and Legal Counsel practicing in Pennsylvania's Child Dependency System
- Caseload Time Charts
- Caseload Calculation Charts
- A Call to Action: Implementation, Enforcement and Accountability of Standards of Practice
- Advanced Legal Training
- Parent Video (pending approval from 2016 State Roundtable)

Recommendations:

The Legal Representation Workgroup respectfully submits to the Pennsylvania State Roundtable the following recommendations:

1. Endorsement and distribution of the Parent Video
2. Approval to disband the Legal Representation Workgroup, acknowledging that its assigned tasks have been successfully completed.

On behalf of the co-chairs and workgroup members, we would like to thank the State Roundtable for the privilege of serving on the Legal Representation Workgroup. We trust that positive change will occur for children and families across Pennsylvania as a result of the work done by this group. We would like to further thank the Honorable Kelley Streib and Honorable Wendy Demchick-Alloy for chairing the beginning efforts of this Workgroup, along with the expertise and passion of so many members past and present. As Pennsylvania's Mission and Guiding Principles clearly state that one of its goals is to "Ensure competent, trained legal counsel for children and parents who qualify for court-appointed legal counsel," this Workgroup hopes to have assisted in enhancing this mission for the children and parents served by Pennsylvania's Child Dependency System.

Advanced Legal Training June 19, 2015

What is your overall Evaluation of the training	4.3
How relevant was the information provided	4.5
Standards of Practice	4.1
Legal Safety Analysis	4.2
Compliance versus Progress	4.2

What two things will you do differently in your dependency proceedings?

“Insist on inclusion to meetings at children and youth regarding my client”

“Question the caseworker’s safety assessment of the family”

“I will change my “lingo” and try to help my clients understand compliance versus progress better”

What questions do you still have about the material presented?

“What are the funding streams to help counties improve practice and staffing?”

“More clarity on the best interest versus legal interest for GALs?”

What topics would you like to see at the next Hearing Officer/Master Education Session?

“Case Law Update”

“Disclosure requirements for “best interest” attorney per CPSL”

“Overview of successful services across the state”

Advanced Legal Training June 19, 2015

What is your overall Evaluation of the training	4.5
How relevant was the information provided	4.6
Standards of Practice	4.4
Legal Safety Analysis	4.3
Compliance versus Progress	4.6

What two things will you do differently in your dependency proceedings?

“More contact with potential witnesses”

“Evaluate the prospect of safety plan utilization and address this with our court”

“Be mindful to not continuously raise the bar at each proceeding”

What questions do you still have about the material presented?

“Is there a time chart for part time advocates who do not have support staff available?”

“How do we accommodate visitation with incarcerated parents in a county where the jail simply doesn’t allow contact visits?”

“Why is the calculation chart based on full time attorneys, when most across the state are part time?”

What topics would you like to see at the next Hearing Officer/Master Education Session?

“Incarcerated Parents”

“Self-Care for professionals in the system”

“Multi-Cultural training to include, race, religion, LGBT, male versus female parenting, etc.”