

2015

RESEARCH REPORT

EXPLORING OUTCOMES RELATED TO LEGAL REPRESENTATION FOR FAMILIES INVOLVED IN NEVADA'S JUVENILE DEPENDENCY SYSTEM



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EXECUTIVE SUMMARY

In juvenile dependency matters there is no absolute right to legal representation for parents or children. Although almost all states have created statutes that provide parents with legal representation, providing attorneys to children is a newer practice. In Clark County, Nevada the Children's Attorneys Project (CAP) has been working with the Legal Aid Center to provide legal representation to abused and neglected children since 1999. Using data obtained from extensive case file review, the current report provides findings from an evaluation of the differences in outcomes and case-level decisions between children who do and do not have an attorney. Additionally, outcomes and case-level decisions were examined for parents who did and did not have an attorney.

Key Findings from Case File Review

- **Case Outcomes**
 - **Children with legal representation had a higher likelihood of adoption compared to “other” outcomes such as guardianship and aging out. The likelihood of adoption vs. reunification, however, did not differ between cases with and without child representation.**

- **Child Placement**
 - **Children whose fathers had an attorney had a lower likelihood of being placed with a parent at the review hearing.**

- **Sibling Placements**
 - **Children with an attorney had a decreased likelihood of being placed with more siblings at the permanency hearing.**
 - **Mothers with an attorney had a higher likelihood of having their children placed with more siblings at the protective custody hearing.**
 - **Fathers with an attorney had a higher likelihood of having their children placed with more siblings at the protective custody hearing.**

- **Parental Compliance**
 - **Mothers whose children had an attorney had an increased likelihood of being in more compliance with service plans at the review hearing.**
 - **Mothers with an attorney had a higher likelihood of being in more compliance at the review and permanency hearings.**

- **Appearance of Parties**
 - **Fathers with an attorney had a higher percentage of presence across the life of the case.**

- **Case Continuances**
 - **For children and mothers with attorneys, the cases were continued more often. However, there was no evidence that this increase in continuances were due to (i.e., requested by) the attorneys**

As indicated in the “Key Findings” graphic above, results indicated that legal representation for mothers and fathers is related to some positive outcomes and decisions across the life of the case. Percentage of presence of the mother and father across the life of the case and demographic (i.e., the child’s gender and age) factors were also found to be related to outcomes and decisions. Findings regarding the outcomes of child representation, however, were mixed. This may be because cases with children’s attorneys often differed from cases without children’s attorneys in several key aspects. Future research examining cases that were randomly assigned to represented and non-represented conditions could help clarify the effects of the CAP program.

INTRODUCTION

In *Lassiter v. Department of Social Services*, the U.S. Supreme Court indicated that indigent parents do not have a constitutional right to legal representation in termination of parental rights proceedings. The Court, however, urged state courts to appoint counsel to indigent parents in all juvenile dependency hearings.¹ Since the *Lassiter* decision, many states have developed statutes that provide parent attorneys in juvenile dependency matters.²

Children, however, do not have similar protections. Although all states provide statutes for the appointment of representation for a child in child abuse and neglect proceedings, the representation may be a guardian *ad-litem* (GAL), an attorney, or a court-appointed special advocate (CASA).³ Only 17 states require the appointment of an attorney to children and only 15 states require that a GAL should be an attorney.⁴ While the primary goal of a GAL is to act in the best interests of the child and offer recommendations to the court on the child's behalf, attorneys provide voice to the child and express the child's wishes to the court. These expressed wishes can sometimes conflict with the recommendations of the GAL.

One such state that has provided legal representation to children in juvenile dependency proceedings is Nevada. In Clark County, the Legal Aid Center provides attorneys to children through its Children's Attorneys Project (CAP). Formed in 1999 by a task force of County Commissioners, Clark County District Court, Social Workers, Attorneys, Family Law Judges and State Children's Rights workers, CAP attorneys serve as children's voice and provide children with an opportunity to take an active role in deciding the outcome of their cases. Since its formation, CAP has provided legal representation to numerous children. However, there has been no evaluation of this program regarding differences in case outcomes and court decisions when children have legal representation compared to when they do not. Examining the efficacy of the CAP can provide support for the future of the program, as well as encourage similar programs throughout the state. To this end, the current report presents findings of an in-depth evaluation of juvenile dependency case files conducted by the National Council of Juvenile and Family Court Judges (NCJFCJ).

¹ *Lassiter v. Department of Social Services*, 452 U.S. 18 (1981)

² Abel, L. K., & Retting, M. (2006). State statutes providing for a right to counsel in civil cases. *Clearinghouse REVIEW Journal of Poverty Law and Policy*, July-August, 245-270; Pollock, J. (2013). The case against case-by-case: Courts identifying categorical rights to counsel in basic human needs civil cases. *Duke Law Review*, 61, 763-815. A total of 42 states provide the right to counsel for indigent parents in child abuse and neglect cases via statute or court rules. Four additional states provide for an absolute right to counsel for at least some of the proceedings. Six states provide counsel on a discretionary basis. Mississippi is the only state with no provision for counsel for indigent parents.

³ Child Welfare Information Gateway (n.d.). *Representation of children in child abuse and neglect proceedings*. Retrieved on June 25, 2015 from https://www.childwelfare.gov/systemwide/laws_policies/statutes/represent.cfm

⁴ *Ibid*

METHOD

ATTORNEY APPOINTMENT

The way in which children were appointed attorneys was varied. Due to limited resources, attorneys were often assigned to cases in which children had specific needs. For instance, attorneys were appointed for all children in child sex abuse cases and in cases where the child had severe mental health issues (i.e., a special mental health petition was filed). In addition, Judges often made efforts to appoint attorneys for older youth. However, to the investigators' knowledge, there were no formal policies or procedures in place guiding assignment of child attorneys to dependency cases.

CASE FILE REVIEW

NCJFCJ staff collected data from Clark County, Nevada in the spring of 2015. A standardized case file review instrument was used to record information regarding several case-level variables, such as the petition allegations, the dates of each hearing, the parties present at each hearing, and the child's placement across the life of the case. Each case represents a single child. If there were multiple children listed on the petition, one child was randomly selected for inclusion in the study.

A total of 92 cases were included in the current sample. Children were represented in 46.7% ($n = 43$) of these cases.

RELIABILITY ANALYSIS

Six cases were assessed for inter-rater reliability using Cohen's kappa. In two instances, three of the coders coded the same case, resulting in a total of 10 coder pairs for analysis. Inter-rater reliability is a way to assess whether the coding scheme was being implemented consistently across items and across coders. Pairs of coders are compared on each item and an overall score (kappa) is given which is indicative of the reliability. Higher kappa values indicate higher levels of reliability and a value between .61 and .80 is considered "substantial." The average kappa value across all coders was .70. This increases our confidence that the coders were seeing the same thing.

RESEARCH QUESTIONS

The purpose of the current evaluation was to answer several research questions related to child representation:

1) Are there differences in case-related decisions and outcomes between samples with and without child representation on:

- Case closure type/outcome?
- Case timeliness?
- Number and type of placement settings?
- Extent to which permanent connections were maintained (including whether the child was placed with siblings)?
- Service plans for parents and children?
- Extent of parental compliance with service plans?

2) Are there relationships between the time at which a child's attorney was appointed and case outcomes?

3) Is child representation associated with increased youth attendance at hearings?

As an additional component, we examined several research questions related to parent representation:

4) Are there differences in case-related decisions and outcomes in samples with and without parent representation (for mothers, fathers, and both)?

5) Are there relationships between the time at which parents' attorneys were appointed and case outcomes?

6) Is parent representation associated with increased parent presence at hearings?

7) Are there relationships between child representation, parent representation, and number of continuances? If yes, what percentage of continuances were requested by children's attorneys and parents' attorneys?

RESULTS

There was a substantial amount of missing data for many of the variables of interest. This occurred because some pieces of information could not be consistently obtained from the case files. The extent of missing data is important to consider in interpreting the following results. It should be noted that all percentages reported are “valid percents.” Valid percents are calculated from the total number of applicable cases. For example, there may be 92 cases in the total sample, but information regarding the final case outcome was only available for the 91 cases that had closed. Thus, the percentages of the different types of final case outcomes are calculated based on the sample of the 91 cases from which this information was available, rather than based on the total sample of 92 cases. All “*n*” figures represent the total number of cases that included a specific variable of interest. For instance, if five cases in the overall sample resulted in TRP/Adoption, this would be reported as “*n* = 5.”

The mean (*M*), or average, age of children in the sample was 5.6 years. The standard deviation, *SD*, of the age of the child was 5.1. Standard deviation indicates how much variation there is from the average value. Small standard deviations indicate that the data points are close to the average, while larger standard deviations indicate more dispersion of the data around the average value.

The child was removed from the home in 90 out of the 92 cases. In the other two cases, it was unclear from the case file whether the child was removed. Further, the placement of four children at removal could not be identified. Among the 86 cases in which the child was known to be removed and the placement at removal was identified, 39.5% (*n* = 34) were then placed in foster care, 34.9% (*n* = 30) were placed with a relative, 22.1% (*n* = 19) were placed into a group or treatment facility, and three (3.5%) were placed with the non-charged parent.

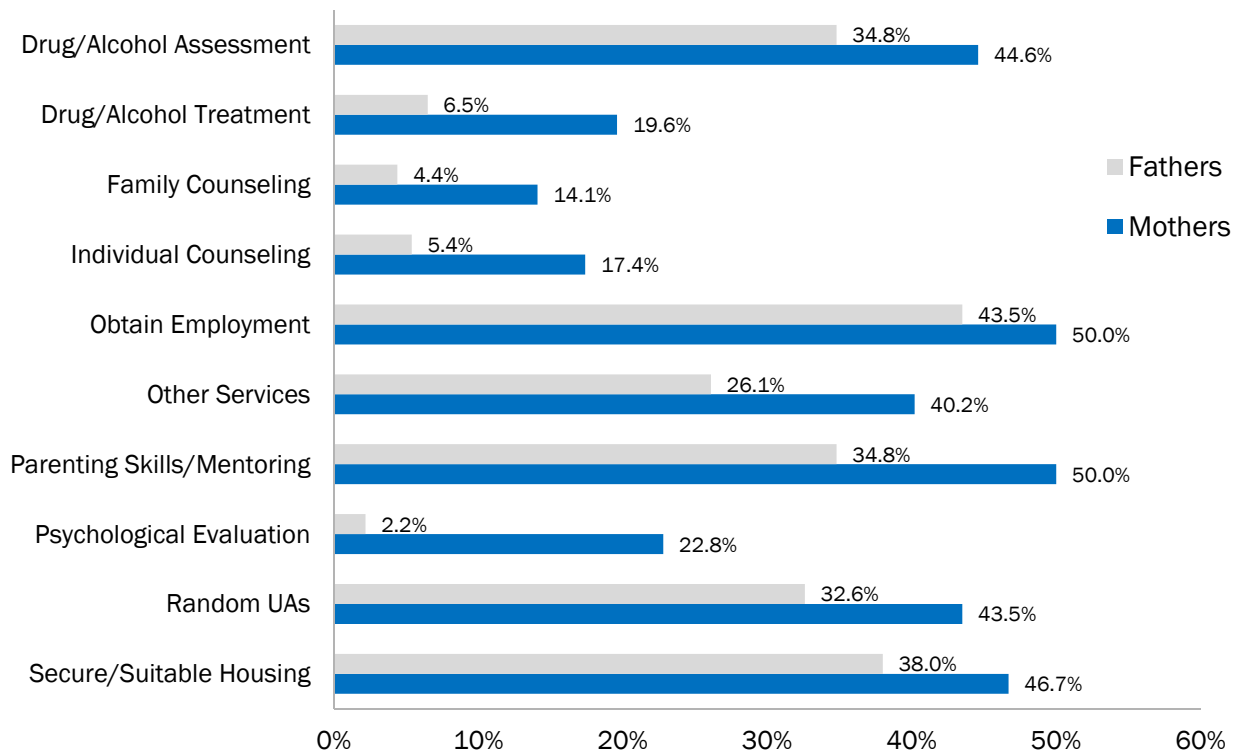
The primary allegations against the mother that precipitated removal were neglect (92.4%; *n* = 85), physical abuse (8.7%; *n* = 8), and abandonment (5.4%; *n* = 5).⁵ The three most common presenting problems associated with these allegations were substance abuse (48.9%; *n* = 45), “other” problems (48.9%; *n* = 45), and incarceration (23.9%; *n* = 22). “Other” problems included prior juvenile dependency petitions/history with child protective services, positive drug tests for children, and a lack of resources to properly care for the children. Similarly, the primary allegations against father were neglect (73.9%; *n* = 68), abandonment (6.5%; *n* = 6), and physical abuse (3.3%; *n* = 3). The

⁵ More than one allegation or presenting problem could be listed on the petition against an individual. Therefore, the percentages for each may total more than 100%.

three most common presenting problems for fathers were “other” problems (34.8%; $n = 32$), substance abuse (29.4%; $n = 27$), and domestic violence (19.6%; $n = 18$). The “other” problems included being an unfit caregiver, failure to provide care, and selling drugs from the home.

Figure 1 displays the frequencies of case plan components ordered for mothers and fathers in the total sample. The most common services ordered for mothers were to obtain employment (50.0%; $n = 46$), attend parenting skills/mentoring classes (50.0%; $n = 46$), and obtain secure/suitable housing (46.7%; $n = 43$). Fathers were most frequently ordered to obtain employment (43.5%; $n = 40$), obtain secure/suitable housing (38.0%; $n = 35$), and attend parenting skills/mentoring classes (34.8%; $n = 32$).

Figure 1. Frequencies of Case Plan Components Ordered for Mothers and Fathers



PRE-EXISTING DIFFERENCES

We initially examined the cases that did and did not have a child attorney to ensure that there were no pre-existing case-level (e.g., number of presenting problems for mother, number of allegations

against mother, and allegation type) differences.⁶ Such an examination was warranted to ensure that any differences emerging between case samples were due to child representation, rather than some other difference.

Analyses did reveal some differences between cases with and without child representation. Children who were not represented by an attorney had fathers with a higher number of allegations ($M = 1.7$, $SD = .92$) and presenting problems ($M = 1.5$, $SD = .89$) than children who were represented by an attorney ($M = 1.3$, $SD = .69$; $M = 1.1$, $SD = .95$, respectively). Children who were not represented by an attorney ($M = 3.0$, $SD = 3.0$) were also younger than children who were represented by an attorney ($M = 8.7$, $SD = 5.4$). Children without representation had fathers with a higher percentage of neglect allegations (84.0%; $n = 42$) than children with representation (61.9%; $n = 26$). These differences may have occurred by chance or may be systematic across the child representation groups. The implications for these differences and the interpretation of any subsequent analyses will be addressed later in this report.

CHILD REPRESENTATION

TIME TO ATTORNEY APPOINTMENT

NCJFCJ considers early appointment of legal counsel to parents and children involved in the juvenile dependency system as a “best practice.” Prior research has found that having a parent attorney present at early hearings (e.g., protective custody and adjudication) is related to an increased likelihood of reunification over the life of the case⁷ and an increase in positive placement outcomes (return to parent/dismissal of petition or relative/guardianship placement).⁸ However, no research, to our knowledge, has been conducted on the relationship between timely appointment for children and juvenile dependency outcomes.

Accordingly, the current study examined the amount of time between petition filing and attorney appointment for children. The date of attorney appointment could not be located for five children. To compensate for this missing data, the date of the first hearing that the attorney was present at was

⁶ The attorney and no attorney groups were compared on: the child’s age, the number of presenting problems for mother, the number of presenting problems for father, the number of allegations against mother, the number of allegations against father, the number of children listed on the petition, and allegation types listed on the petition (i.e., physical abuse, sexual abuse, emotional abuse, neglect, and abandonment).

⁷ Wood, S. M., & Russell, J. R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review*, 33, 1730-1741.

⁸ Wood, S. M., Duarte, C., & Summers, A. (in press). Legal representation in the juvenile dependency system: Travis County, Texas’ Parent Representation Pilot Project. *Family Court Review*.

used as the appointment date. Using this approach, the protective custody hearing date was imputed for one case. Data on the appearance of the attorney across the life of the case was unavailable for the remaining four children.

In 11 instances, children received an attorney prior to the petition filing; that is, the attorney was assigned to the child shortly after removal or at the preliminary protective hearing. For analysis purposes, the number of days from petition filing and attorney appointment for these cases was set to 0. As a result, the average amount of time from petition filing to attorney appointment was 143.6 (SD = 252.8) days. The longest a child went without an attorney was 972 days.⁹ Ultimately, further analyses revealed no relationships between the timeliness of attorney appointment for children and final case outcomes

APPEARANCE OF PARTIES

There is currently no research, to our knowledge, on the relationship between child presence at hearings and juvenile dependency outcomes. To examine this question, the percentage of child appearance was calculated by dividing the number of hearings the child was present at by the total number of hearings that the child could have been at. For example, if a child had three possible hearings across the life of the case and he or she appeared at two of them, his or her percentage of appearance would be 66.7.

Based upon prior literature, age¹⁰ and the presence of the mother and father across the life of the case¹¹ were included in all analyses (unless otherwise noted) to statistically control for their influence on case outcomes. Statistically controlling for the influences of these variables allows researchers to assess the extent to which child presence at hearings was related to case outcomes independent of other factors that may correlate with child presence at hearings. For example, child age is often related to child presence at hearings, such that older children typically attend hearings more frequently than younger children. Statistically controlling for child age allows researchers to determine what influence (if any) child representation has on child attendance at hearings, regardless of child age. The total number of allegations against the mother and the father were also

⁹ An extreme value of 1193 days was removed from this analysis.

¹⁰ Courtney, M. E. (1994). Factors associated with reunification of foster children with their families. *Social Service Review*, 68(1), 81-108.

¹¹ Wood, S. M., & Russell, J. R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review*, 33, 1730-1741.

added in all analysis as a proxy for case severity (i.e., more allegations indicating more serious cases). Finally, the child's gender was added to the analyses to control for any possible differences.

Children with attorney representation did have a higher percentage of presence across the life of the case ($M = 10.1\%$, $SD = 17.4\%$) than children without an attorney ($M = 1.5\%$, $SD = 4.5\%$). However, when controlling for other factors, only the age of the child was related to the percentage of presence for the child. In other words, although child representation was statistically related to child presence at hearings (and also to child age), it was actually the age of the child that influenced child hearing attendance. The older the children were, the higher their percentage of presence across the life of the cases.

CASE OUTCOMES

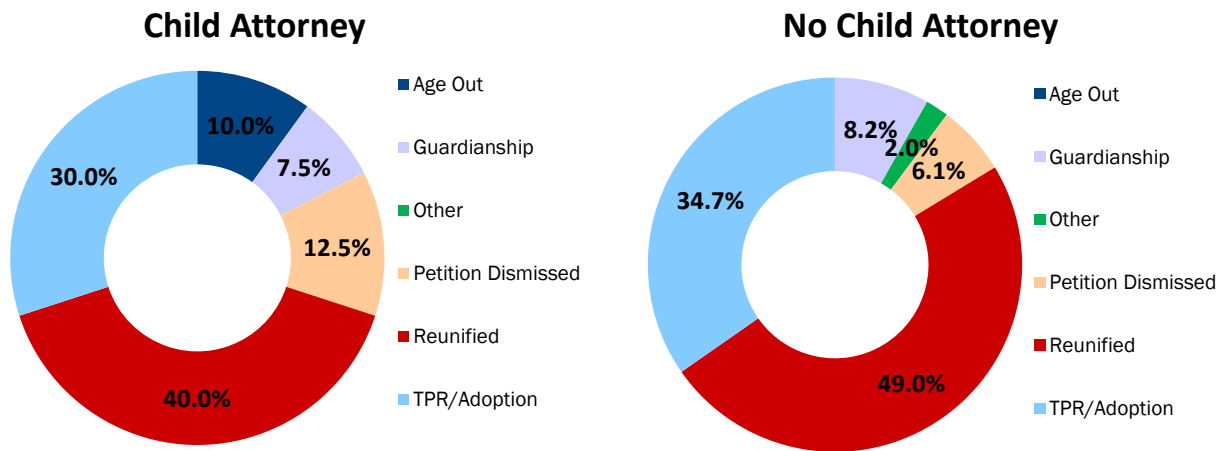
Of primary interest in this study, we examined several case-related outcomes for those children who did and did not have legal representation. Almost all of the cases had closed, (98.9%; $n = 91$). Figure 2 displays the outcomes of closed cases in the no child attorney and child attorney samples. Of these closed cases, 44.9% ($n = 40$) of children were reunified with their parents; 32.6% ($n = 29$) involved a termination of parental rights and subsequent adoption plan; 9.0% ($n = 8$) of the petitions were dismissed; 7.9% ($n = 7$) of children were placed with a legal guardian; 4.5% ($n = 4$) of children aged out of the system; and one child experienced an "other" outcome. The final case outcome for two children could not be located.

An analysis was conducted to examine whether having representation for a child was related to case outcomes. The outcome measures were collapsed into three groups: reunification, adoption, and other outcome. The "reunification" group ($n = 48$) included those cases in which the petition was dismissed or the child was reunified with his or her parent(s). The "adoption" group ($n = 29$) included those cases in which the parents had their parental rights terminated and the child was freed for adoption. The "other" outcome group ($n = 12$) included all remaining cases with a known outcome.

The results of the analysis indicated that child representation was related to the likelihood of adoption versus an "other" outcome. Children with an attorney had a higher likelihood of adoption than children without an attorney. Age and the percentage of presence of the mother at hearings were also related to the likelihood of adoption. Increases in the age of the child and the percentage of presence for the mother were related to a lower likelihood of adoption when compared to the "other outcome" group.

Unlike adoption, child representation was not related to the likelihood of reunification. Parent presence at hearings and other demographic variables also were not related to reunification.

Figure 2. Outcomes of closed cases with and without child attorneys



Note. This figure displays the valid percentages of case outcomes within child attorney and no child attorney groups. It does not account for the influence of sample size, missing data, or control variables. Thus, these figures do not depict the *relationship* between child representation and case outcomes.

CASE TIMELINESS

NCJFCJ's *Resource Guidelines* suggests that cases should be processed in a timely manner to ensure children do not languish in care or continue to be involved in the juvenile dependency system without a permanent case resolution. For the current project, we examined case timeliness by calculating the time (in days) from petition filing to the adjudication hearing and petition filing to case closure.

Days from Petition Filing to Adjudication. The average amount of time from petition filing to the adjudication hearing did not differ depending on whether the child had an attorney. For children who had an attorney, the average time from petition to adjudication hearing was 47.8 ($SD = 35.7$) days, compared to 36.7 ($SD = 29.2$) days for children without an attorney.

Days from Petition Filing to Case Closure. There was also no difference between the child attorney and no child attorney groups on the number of days from petition filing to case closure. For cases that closed, the average time from petition filing to case closure in the no attorney group was 627.6 ($SD = 304.1$) days, compared to 595.1 ($SD = 370.6$) days in the attorney group.

CHILD PLACEMENT

We examined whether there were any differences in the placements for children who did and did not have an attorney. First, we compared the number of placement moves across the life of the case between closed cases in the attorney group ($n = 39$) and closed cases in the no attorney group ($n = 48$). The total number of placement moves was missing for four closed cases—two in the attorney group and two in the no attorney group. See Table 1 for a breakdown of findings regarding child placement by attorney groups.

Total Placements. Child representation, in and of itself, was not related to the number of total placements. However, a higher percentage of presence of the father across the case was related to fewer total placements for the child. An increase in the age of the child was related to an increase in the number of total placements.

Placement Types. Second, we examined placement types at each of the hearings. The placements were categorized as parent (charged or non-charged), relative, or foster care (including group or treatment facility). For the sake of brevity, when referring to parent or relative placement, the likelihoods of these placements are being compared against the likelihood of a foster care placement.

There was no relationship between legal representation and child placement at any of the hearings. There were, however, relationships between parents' presence at hearings and child placement settings as well as between child age and child placement settings. At **removal, protective custody, and adjudication**, older children were less likely to be placed with a relative than were younger children. Conversely, the higher the percentage of presence of the mother, the higher the likelihood of a relative placement.

At the **review** hearing, when compared to foster care placement, an increase in the percentage of presence of the father increased the likelihood of placement with the parent. For placement at the **permanency** hearing, only the percentage of presence of the mother was positively related to an increased likelihood of parent placement. It is difficult to draw conclusions about this hearing, however, because only cases explicitly identifying a "permanency" hearing ($n = 35$) were included in this analysis. Case files for several cases that had closed did not include "permanency" hearings but included several review hearings. Because the investigators could not determine which of these numerous review hearings were actually considered to be the first "permanency" hearing, they were not included in analyses.

Table 1. Child Placement: Summary of Results

Outcome Variable	Child		Mother		Father	
	Attorney (n = 42)	No Attorney (n = 50)	Attorney (n = 77)	No Attorney (n = 12)	Attorney (n = 52)	No Attorney (n = 33)
Child Placement						
Average # of placement moves	2.1	1.7	1.8	2.3	1.8	2.2
Child Placement at Removal						
Percentage with parent/non-charged parent	0.0%	6.3%	2.8%	8.3%	6.1%	0.0%
Percentage with relative	25.6%	43.7%	39.7%	8.3%	40.8%	30.3%
Percentage in foster care	74.4%	50.0%	57.5%	83.3%	53.1%	69.7%
Child Placement at Protective Custody						
Percentage with parent/non-charged parent	5.1%	6.4%	5.6%	8.3%	8.2%	3.1%
Percentage with relative	28.2%	48.9%	44.4%	8.3%	46.9%	31.3%
Percentage in foster care	66.7%	44.7%	50.0%	83.3%	44.9%	65.6%
Child Placement at Adjudication						
Percentage with parent/non-charged parent	11.5%	11.6%	10.6%	18.2%	13.6%	10.0%
Percentage with relative	37.1%	46.5%	45.5%	18.2%	45.5%	40.0%
Percentage in foster care	51.4%	41.9%	43.9%	63.6%	40.9%	50.0%
Child Placement at Review						
Percentage with parent/non-charged parent	12.1%	15.4%	16.4%	0.0%	14.6%	11.1%
Percentage with relative	39.4%	48.7%	44.3%	40.0%	46.4%	44.4%
Percentage in foster care	48.5%	35.9%	39.3%	60.0%	39.0%	44.4%
Child Placement at Permanency						
Percentage with parent/non-charged parent	40.0%	18.2%	29.4%	28.6%	31.8%	23.5%
Percentage with relative	20.0%	54.5%	35.3%	42.9%	36.4%	41.2%
Percentage in foster care	40.0%	27.3%	35.3%	28.6%	31.8%	35.3%

***Note.** The reported sample sizes (*ns*) indicate the total number of cases in each group. These sample sizes may vary across outcome variables, depending on the extent of available data.

SIBLING PLACEMENTS

We examined whether child representation was related to sibling placements at each of the hearings.¹² The possible response options were “None,” “Some,” or “All.” See Table 2 for a breakdown of the percentage of each response across all hearings and representation types. There was no relationship between child representation and sibling placements at any of the hearings. Presence of parents at hearings and demographic variables such as child age and gender also had no effect on sibling placements at any hearing.

Table 2. Sibling Placements: Summary of results

Outcome Variable	Child		Mother		Father	
	Attorney (n = 42)	No Attorney (n = 50)	Attorney (n = 77)	No Attorney (n = 12)	Attorney (n = 52)	No Attorney (n = 33)
Sibling Placement						
Protective Custody Hearing						
All	47.8%	51.7%	56.5%	0.0%	60.7%	33.3%
Some	8.7%	24.1%	15.2%	33.3%	14.3%	23.8%
None	43.5%	24.2%	28.3%	66.7%	25.0%	42.9%
Adjudication Hearing						
All	45.5%	53.6%	54.6%	20.0%	59.3%	35.0%
Some	9.1%	25.0%	15.9%	40.0%	14.8%	25.0%
None	45.5%	21.4%	29.5%	40.0%	25.9%	40.0%
Review Hearing						
All	52.4%	43.5%	51.4%	33.3%	47.8%	44.4%
Some	9.5%	17.4%	10.8%	33.3%	8.7%	22.2%
None	38.1%	39.1%	37.8%	33.3%	43.5%	33.3%
Permanency Planning Hearing						
All	33.3%	30.0%	35.0%	25.0%	33.3%	21.4%
Some	6.7%	40.0%	20.0%	25.0%	22.2%	21.4%
None	60.0%	30.0%	45.0%	50.0%	44.4%	57.2%

***Note.** The reported sample sizes (*ns*) indicate the total number of cases in each group. These sample sizes may vary across outcome variables, depending on the extent of available data.

¹² Once again, the percentage of presence of the mother and father across the life of the case were omitted from these analyses due to instability in the statistical models.

PARENTAL COMPLIANCE

Prior research has suggested that appointing attorneys for children may increase parental compliance with their service plans, perhaps because child attorneys emphasized the need for parents to complete appropriate services and make positive changes.¹³ The relationship between child representation and parental (mother and father) compliance at the review and permanency hearing was examined. Parental compliance was coded as *None*, *Partial*, and *Substantial*. See Table 3 for the percent of compliance at review and permanency hearings across all representation groups.

Review. Child representation was related to compliance for the mother at the review hearing.¹⁴ Mothers whose children had an attorney had an increased likelihood of having a higher compliance rating. Percent presence of the mother also was related to mother compliance. Increases in the percentage of presence was related to an increased likelihood of being in a higher compliance group.

Legal representation for children was not related to fathers' compliance at the review hearing,¹⁵ but increases in the percentage of presence of the father increased the likelihood of being in more compliance.

Permanency. At the permanency hearing, child representation was once again related to compliance for the mother. However, at this hearing, mothers of children who had an attorney had a lower likelihood of being in compliance than mothers of children who did not have an attorney. In addition, increases in the percentage of presence of the mother was related to an increase in the likelihood of the child's mother being in compliance.

Child representation was not related to compliance for the father, and neither were any other case-level or demographic variables. Again, these findings should be interpreted cautiously, as the sample size of cases that identified permanency hearings was limited.

¹³ Zinn, A. A., & Slowriver, J. (2008). *Expediting permanency: Legal representation for foster care children in Palm Beach County*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago. Retrieved from <http://www.improvechildrep.org/Portals/0/PDF/Expediting%20Permanency%20%20Legal%20Representation%20for%20Foster%20Children%20in%20Palm%20Beach%20County.pdf>

¹⁴ Percentage of presence of the father was removed from analyses related to mother compliance. This was done because it was unlikely that this factor would be related to mother's presence and we did not want to create statistical artefacts in the analyses.

¹⁵ Percentage of presence of the mother was removed from analyses related to father compliance for the same reasons outlined above.

Table 3. Parental Compliance: Summary of Results

Outcome Variable	Child		Mother		Father	
	Attorney (n = 42)	No Attorney (n = 50)	Attorney (n = 77)	No Attorney (n = 12)	Attorney (n = 52)	No Attorney (n = 33)
Parental Compliance						
Review hearing						
None	Mother: 32.1% Father: 66.6%	Mother: 36.1% Father: 39.3%	26.8%	87.5%	38.2%	88.9%
Partial	Mother: 25.0% Father: 6.7%	Mother: 30.6% Father: 25.0%	30.4%	12.5%	23.5%	0.0%
Substantial	Mother: 42.9% Father: 26.7%	Mother: 33.3% Father: 35.7%	42.8%	0.0%	38.3%	11.1%
Permanency planning hearing						
None	Mother: 57.2% Father: 85.7%	Mother: 40.0% Father: 38.5%	41.7%	80.0%	50.0%	66.7%
Partial	Mother: 7.1% Father: 0.0%	Mother: 20.0% Father: 23.1%	12.5%	20.0%	14.3%	16.6%
Substantial	Mother: 35.7% Father: 14.3%	Mother: 40.0% Father: 38.5%	45.8%	0.0%	35.7%	16.6%

***Note.** The reported sample sizes (*ns*) indicate the total number of cases in each group. These sample sizes may vary across outcome variables, depending on the extent of available data.

COURT-ORDERED SERVICES

We examined whether the number of services ordered for children differed between children who did and who did not have an attorney.¹⁶ Child representation by itself was not related to the number of court ordered services. Children who had an attorney received, on average, 1.8 (*SD* = 1.9) services compared to 1.4 (*SD* = 1.2) for children without an attorney. However, the age of the child was related to the number of services, with older children receiving more services than younger children.

¹⁶ The percentage of presence of the mother and father across the life of the case was omitted from all analyses pertaining to court-ordered services due to instability in the statistical models.

CONTINUANCES

Prior research has indicated that continuances are a barrier to achieving permanency,¹⁷ and can extend the duration of the juvenile dependency case and the children's stay in foster care.¹⁸ Thus, we examined if having an attorney was related to an increase or decrease in continuances. Having representation was related to the number of case continuances. There were more continuances, on average, in cases in which children had an attorney ($M = 2.2$, $SD = 1.7$) than when he or she was not represented ($M = 1.3$, $SD = 1.4$). However, continuances were only requested by the child's attorney in 1 of the 59 cases in which there was a continuance. In this one instance, the attorney requested a continuance to keep the case open long enough for the state to pay for the child's dental work. An increase in the percentage of the father's presence at hearings was also related to an increase in the number of case continuances.

PARENT REPRESENTATION

TIME TO ATTORNEY APPOINTMENT

In 18 instances, the father received an attorney prior to petition filings. In 39 instances, the mother received an attorney prior to petition filings. For all of these cases, the number of days to attorney appointment was set to 0. After making this adjustment, the average amount of time from petition to attorney appointment was 27.2 ($SD = 39.3$) days¹⁹ for the father and 7.2 ($SD = 17.8$) days²⁰ for the mother. The longest a mother waited for an attorney was 89 days and the longest a father waited was 154 days. The timeliness of parents' attorney appointment was not related to final case outcomes.

APPEARANCE OF PARTIES

Prior research indicates that the presence of parents at hearings across the life of the case is related to an increase in the likelihood of timely reunification.²¹ However, having an attorney has not been

¹⁷ National Council of Juvenile and Family Court Judges. (1998). Summaries of twenty-five state court improvement assessment reports. *Technical Assistance Bulletin*. Reno, NV: Author

¹⁸ Washington State Institute for Public Policy. (2004). *How do court continuances influence the time children spend in foster care?* Retrieved from <http://www.wsipp.wa.gov/ReportFile/874>

¹⁹ Two cases with extreme values of 299 and 381 days were removed from analysis.

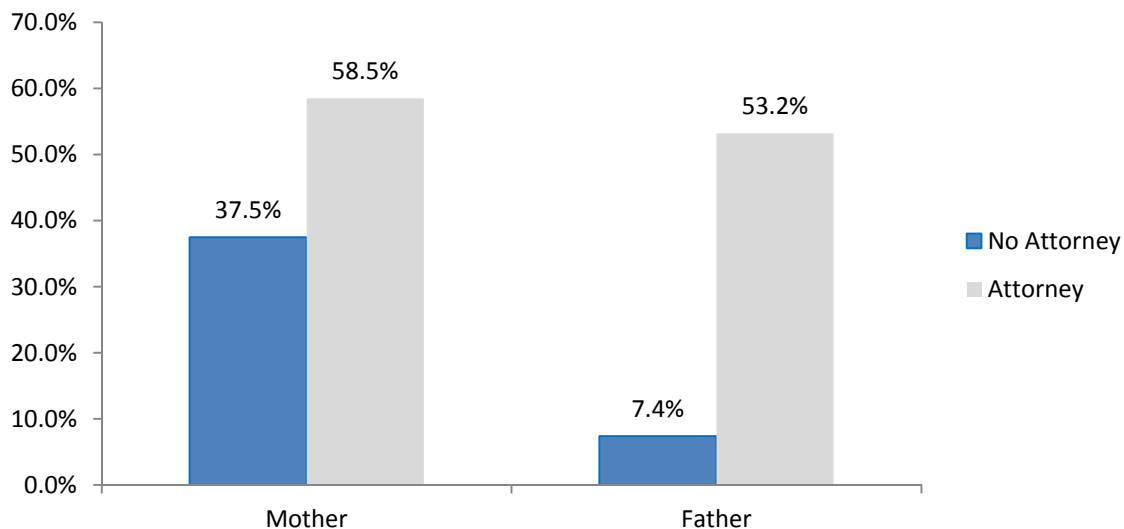
²⁰ One case with an extreme value of 458 days was removed from analysis.

²¹ Wood, S. M., & Russell, J. R. (2011). Effects of parental and attorney involvement on reunification in juvenile dependency cases. *Children and Youth Services Review*, 33, 1730-1741.

shown to increase the percentage of presence for parents.²² This notion was re-examined in the current report. Figure 3 displays the percentages of presence at hearings for parents with and without representation. Results indicated that, unlike prior studies, there was a difference in parents' hearing attendance between the parent attorney and no parent attorney groups. Legal representation for the mother was not related to the percentage of presence across the life of the case. In cases where the mother had an attorney, mothers were present, on average, for 58.5% ($SD = 31.2\%$) of the hearings across the life of the case, compared to 37.5% ($SD = 29.8\%$) for mothers without an attorney. While this difference seems large, when controlling for other case factors, the percentage of presence of the father and the age of the child were the only factors related to appearance. The higher the percentage of presence for the father, the higher the percentage of presence for the mother. Conversely, the older the child, the lower the percentage of presence of the mother.

Legal representation for the father, however, was related to percentage of presence. Fathers with an attorney were present, on average, for 53.2% ($SD = 28.5\%$) of the hearings and only 7.4% ($SD = 15.3\%$) of the time when they did not have an attorney. A higher percentage of presence of the mother also was related to a higher percentage of presence for the father.

Figure 3. Percentage of Presence across the Life of the Case for Mothers and Fathers

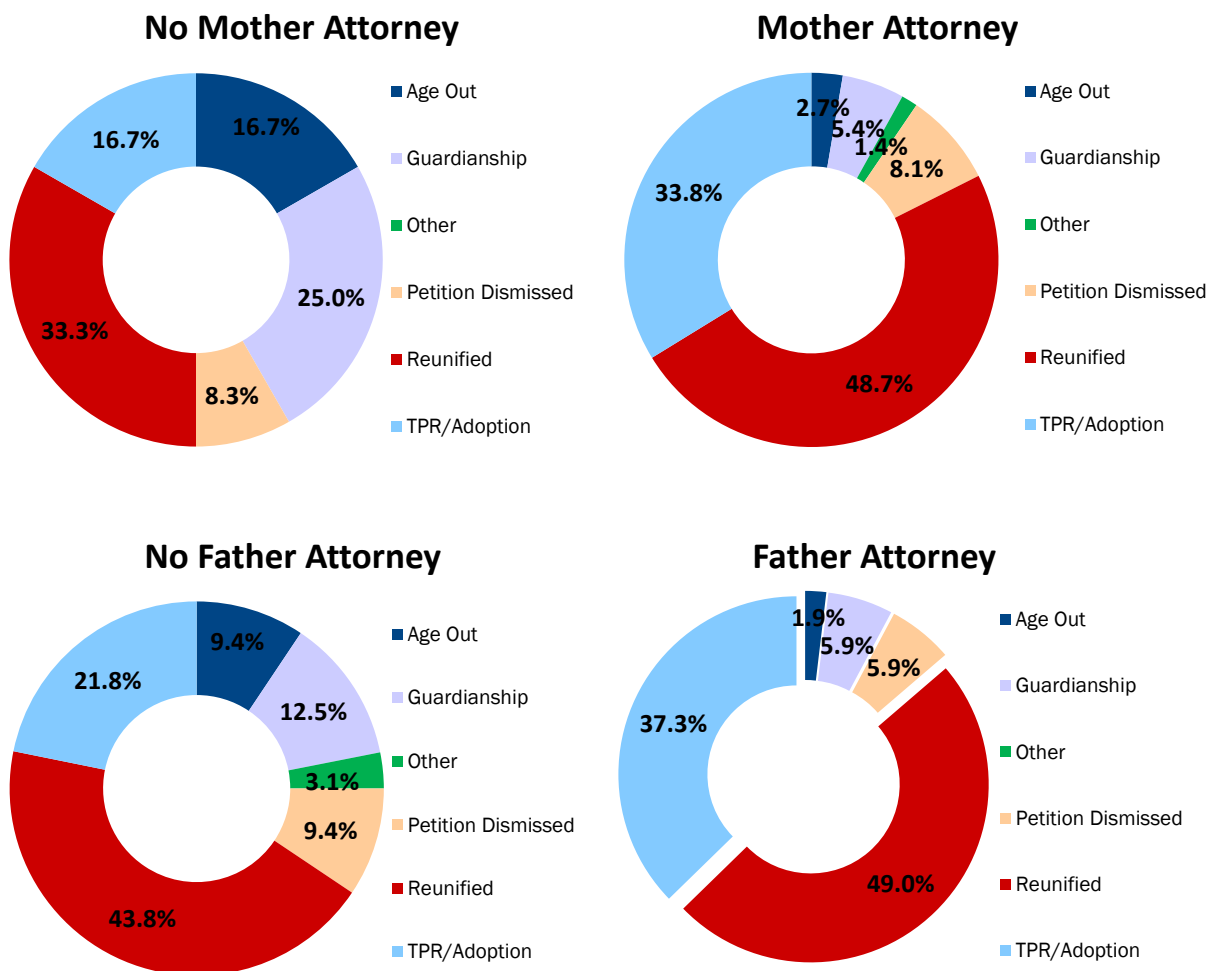


²² Sicafuse, L., Wood, S., & Summers, A. (2014). *Exploring outcomes related to legal representation for parents involved in Mississippi's juvenile dependency system*. Reno, NV: National Council of Juvenile and Family Court Judges.

CASE OUTCOMES

Prior research has shown parent representation to be related to several juvenile dependency outcomes and decisions, such as number of services, timeliness of case processing, and dismissal of petitions.²³ In the current study, legal representation for the mother and father was not found to be related to final placement outcomes. See Figure 4 for the outcomes of closed cases across the mother and father attorney groups.

Figure 4. Outcomes of closed cases with and without parent attorneys



Note. This figure displays the valid percentages of case outcomes within parent attorney and no parent attorney groups. It does not account for the influence of sample size, missing data, or control variables. Thus, these figures do not depict the *relationship* between child representation and case outcomes.

²³ Sicafuse, L., Wood, S., & Summers, A. (2014). *Exploring outcomes related to legal representation for parents involved in Mississippi's juvenile dependency system*. Reno, NV: National Council of Juvenile and Family Court Judges.

CASE TIMELINESS

Days from Petition Filing to Adjudication. Case timeliness was also examined for mothers and fathers.²⁴ Mothers who had an attorney ($M = 44.5$, $SD = 33.9$) experienced more days from petition filing to the adjudication hearing than mothers without an attorney ($M = 25.3$, $SD = 16.3$). However, when controlling for other variables, this relationship was not statistically significant.

Fathers with an attorney ($M = 42.6$, $SD = 31.8$) did not experience a difference in the number of days to the adjudication hearing than fathers without an attorney ($M = 37.8$, $SD = 32.3$).

Days from Petition Filing to Case Closure. Legal representation for the mother, father, or both was not related to the time from petition filing to case closure. However, the numbers were trending in a positive direction. Mothers ($M = 610.1$, $SD = 326.3$) and fathers ($M = 619.3$, $SD = 315.4$) with an attorney had a shorter time from petition filing to case closure than mothers ($M = 721.6$, $SD = 356.9$) and fathers ($M = 647.6$, $SD = 348.2$) without an attorney.

CHILD PLACEMENT

Total Placements. The number of placement moves across the life of the case for closed cases and the placement at each hearing were examined for mothers and fathers. For the mother and father, there was no difference in the number of placement moves between the attorney and no attorney groups. See Table 1 for the average number of placements across groups.

Placement Types: Mother. There was no difference in placement types when the mother had an attorney versus when she did not.

Placement Types: Father. Examining placements at decision points throughout the case, legal representation for the father was only an influential factor at the review hearing. Children whose father had an attorney had a lower likelihood of being placed with a parent than children whose father did not have an attorney.

SIBLING PLACEMENTS

Mother. For the mother, legal representation was only related to sibling placements at the protective custody hearing. Mothers with an attorney had a higher likelihood of having their children placed with more siblings than mothers without an attorney. However, there were no differences in sibling

²⁴ Three extreme values of 224, 233, and 315 days were removed from analyses.

placements when comparing cases in which mothers did and did not have representation at any of the other points in the case.

Father. Similarly, legal representation for the father only was related to the likelihood of sibling placement at the protective custody hearing. Fathers with an attorney had a higher likelihood of having their children placed with more siblings than fathers without an attorney

COURT ORDERED SERVICES AND PARENTAL COMPLIANCE

Mother. There was no difference in the number of court-ordered services for mothers who did and did not have an attorney. Mothers with an attorney received, on average, 3.8 ($SD = 2.5$) services, while mothers without an attorney received, on average, 3.4 ($SD = 2.4$) services. However, legal representation was related to mothers' compliance with service plans. At both the review and permanency hearings, mothers with attorneys were more likely to be in compliance than mothers without attorneys.

Father. There was no difference in the number of court-ordered services for fathers who did and did not have an attorney. On average, fathers with an attorney received 3.2 ($SD = 2.7$) services, while fathers without an attorney received 1.7 ($SD = 2.4$) services. Although this difference may seem large, when including other variables in the analysis, the effect of legal representation is diminished. It appears that the age of the child, not father legal representation, is related to the number of services. Fewer services are ordered for the father as the age of the child increased. Moreover, there was no relationship between legal representation and fathers' level of compliance with service plans at either the review or permanency hearings (See Table 3).

CONTINUANCES

Mother legal representation had a relationship with the number of case continuances. For mothers with attorneys, cases were continued an average of 1.9 ($SD = 1.7$) times, compared to 1.0 ($SD = .74$) times for mothers without attorneys. For fathers, there was no relationship between attorney representation and continuances. Fathers with attorneys had an average of 1.7 ($SD = 1.5$) continuances compared to 1.7 ($SD = 1.8$) continuances for fathers without attorneys. Based upon the data, it was difficult to tell how many continuances were being requested by the parent attorneys. However, it appeared that few cases were being continued by parent attorneys. Instead, cases were being continued for a variety of reasons, such as late caseworker reports, the mother not receiving notice of the hearing, and the agency's need to prepare case plans.

DISCUSSION

The current report examined whether legal representation for the child was related to juvenile dependency outcomes and decisions. The findings of the current report are mixed for child, mother, and father attorneys.

CHILD ATTORNEYS

In some instances, legal representation is related to outcomes and decisions. When compared to children without an attorney, children with an attorney: (1) have a higher likelihood of adoption over some “other “ outcome (e.g., aging out and guardianship); (2) a decreased likelihood of being placed with more siblings at the permanency hearing; (3) an increased likelihood that the mother will be in compliance at the review hearing; (4) a decreased likelihood that their mothers will be in compliance at the permanency hearing; and (5) a higher number of case continuances. In other instances, child representation is not related to outcomes and decisions, such as the total number of placements across the life of the case or the likelihood of reunification versus an “other” outcome.

In general, these findings are mixed regarding whether providing legal representation for children results in better case outcomes. The findings also must be understood within the caveat that the study samples initially differed on several important characteristics. Children with legal representation were older, more likely to be involved in cases with allegations of sexual abuse, and more likely to suffer from severe mental

Yet, it is quite possible that the lack of consistent positive relationships between child representation and case processes and outcomes is attributable to the many other factors associated with cases in which attorneys were appointed, rather than to having representation or the quality of representation.

illness requiring court intervention than children without legal representation. In addition, the age of the child was consistently (and often negatively) related to juvenile dependency outcomes and decisions. Efforts were made to control for variables such as child age and allegations against parents. Yet, it is quite possible that the lack of consistent positive relationships between child representation and case processes and outcomes is attributable to the many other factors associated with cases in which attorneys were appointed, rather than to having representation or the quality of representation. It follows that the relationships that did emerge also may be attributable, at least in part, to the complex issues in many of the cases in which children were represented. Finally,

it is worth noting that children's attorneys were often not assigned to cases until several months after the petition had been filed. This delay in appointment may have affected the extent to which representation influenced cases processes and outcomes.

Since CAP attorneys appeared to be assigned to more challenging cases and cases in which children were deemed in the most need of representation, the anticipated outcomes of representation may be different than those expected from providing children with representation in other juvenile dependency cases. For instance, if attorneys were specifically assigned to youth aging out of foster care, it may be useful to measure youth's "readiness" for independent living and their functioning and well-being after they have exited care.²⁵ Attorneys representing youth with severe mental illness may have aimed to secure the most appropriate, therapeutic services and placements possible for these children, but such details were not captured in this study. These are only examples, but all child and parent representation programs may benefit from identifying a few specific outcomes they expect will result from their efforts so that they can clearly demonstrate the impacts of their efforts.

Future research would benefit from initiating a child representation program in which children were randomly assigned to the attorney or no attorney groups. For example, children who are brought before the court on Monday, Wednesday, and Friday could be assigned to the attorney group, while children brought before the court on Tuesday and Thursday could be assigned to the no attorney group. Depending on court practice, the day the child appears before the court should not be related to case-level or extralegal factors. Another possibility would be to assign children based upon a random number. For example, the 1st, 5th, 6th, 9th, etc. child on a given day would receive an attorney and the 2nd, 3rd, 4th, 7th, etc. child on a given day would not receive an attorney.

Random assignment also can be conducted within a specific population. For instance, if the CAP is focusing on youth 12 and older, approximately half of the youth age 12 and older who are parties in dependency cases could be assigned an attorney through a random procedure. A similar procedure would apply if the CAP is focusing on children involved in dependency cases with allegations of sexual abuse. Random assignment to attorney and no attorney conditions in such circumstances is not unethical, as this is the only means by which researchers can determine if the representation is truly making a difference independent of other "confounding variables" (things that may be associated with particular cases) and case characteristics.

²⁵ Please contact Lorie Sicafuse at lsicafuse@ncjfcj.org to obtain templates for measuring youth readiness for independent living and/or for other example measures of transitioning youth's functioning and well-being.

PARENT ATTORNEYS

The findings of the report are similarly mixed for parent representation. For mothers, legal representation was related to: (1) a higher likelihood of having their children placed with more siblings at the protective custody hearing; (2) a higher likelihood of being in more compliance at the review hearing; (3) a higher likelihood of being in more compliance at the permanency hearing; and (4) a higher number of case continuances.

The relationship between mother legal representation and sibling placements and compliance is a positive outcome. Regarding compliance issues, attorneys may act as a support for mothers to ensure that they are completing their court-ordered services, attending hearings, and making progress on their case plan. Parent attorneys may also help with compliance designations by advocating to the court regarding their client's progress. Similarly, parent attorneys may improve the likelihood of the child being placed with more siblings by advocating for this in court as an outcome that is (presumably) in the best interest of the child and the attorney's client.

For fathers, legal representation was related to (1) a decreased likelihood of their child being placed with a parent at the review hearing; (2) a higher likelihood of having their children placed with more siblings at the protective custody hearing; and (3) a higher percentage of presence across the life of the case. Legal representation for the father may help with sibling placements by providing the father an advocate who can argue on his behalf regarding his interests and the interests of his child. Having legal representation was also related to a higher percentage of presence across the life of the case. This may have occurred because the attorneys provide an additional person to be accountable to and interact with. However, rather than being seen as an adversary—as the court and caseworkers can sometimes be viewed as—an attorney is often seen as an ally. Therefore, father attorneys are in a unique position to provide a credible voice regarding the importance of showing up to hearings.

Although father's legal representation may not have been directly related to many court outcomes, it was inadvertently related to these decisions via presence of the father. A higher percentage of presence of the father was related to several court outcomes, including fewer total placements for the child and an increased likelihood of the child being placed with the parents at the review hearing. Equally, if not more, important, increases in the father's presence was related to increases in the mother's presence. Across several outcomes and representation types, the percentage of presence of the mother was consistently related to court outcomes and decisions. By examining only the direct

influence of father attorneys on court outcomes, their influence could be underestimated, misunderstood, and misleading.

In addition to legal representation, other variables of interest were related to juvenile dependency decisions and outcomes. Across several of the analyses, age of the child and percentage of presence of the mother and father across the life of the case were consistently related to decisions and outcomes. The age of the child is often considered in juvenile dependency stakeholders' decisions. However, the presence of the mother and father at hearings are likely factors that often get overlooked. The results of this report suggest that there should be a concerted effort to ensure that mothers and fathers are able to appear for the hearings.

CONCLUSION

Despite some limitations with sample size, pre-existing differences between groups, and missing data, the findings of this report suggest that legal representation for children and parents are related to some case outcomes and decisions. Although the relationship between each of these groups differs, they all indicate that assigning attorneys to these individuals may benefit children and families in the child welfare system. However, results did not reveal any consistent positive effects of child representation on case processes or outcomes across the life of the case. In reality, the method in which attorneys were assigned to children made it nearly impossible to compare cases with an attorney to cases without. Future research involving random assignment or matching represented and non-represented samples on key variables should help clarify the effects of the CAP Program on expected outcomes.