

APPROPRIATIONS COMMITTEE BUDGET HEARING  
FEBRUARY 23, 2009  
RBA RESPONSES



*Commission on Child Protection*  
*State of Connecticut*

*Office of the Chief Child Protection Attorney*

330 MAIN STREET, 2<sup>ND</sup> FLOOR  
HARTFORD, CT 06106  
Tel: 860-566-1341 Fax: 860-566-1349  
E-Mail: [CCPA@jud.ct.gov](mailto:CCPA@jud.ct.gov)

CAROLYN SIGNORELLI  
CHIEF CHILD PROTECTION ATTORNEY

---

1. *What is the quality of life result to which the program makes the most important contribution?*

Children and parents who are the subject of neglect and abuse petitions in juvenile court experience an attorney-client relationship in which their attorney listens to them, becomes well versed in all the facts of the case through a diligent and independent investigation, and effectively advocates for them with DCF and the court through negotiation and trial skills when necessary.

2. *What is the program's purpose?*

To ensure quality legal representation and guardian ad litem (GAL) services for children and parties entitled to legal representation or guardian ad litem services at the expense of the state in child protection, custody or support matters.

3. *Who are the programs major customers?*

Children and parents in Juvenile Matters child protection cases.  
Children of indigent parents in Family Matters divorce and custody cases.  
Adult obligors and putative fathers in Family Magistrate Support cases.  
Indigent parties in Family Matters facing contempt.  
The Judicial Branch  
Contract Attorneys in juvenile and family magistrate support courts.  
Qualified Attorney for Minor Children (AMC's) and GAL's in family court.  
The Department of Children and Families.

4. *What measures do you use to tell if the program is delivering its services well?*

A. Are attorneys assigned in a timely manner in juvenile matters child protection cases?

The Administrative Program Manager ensures that all requests for appointments from the juvenile court are processed within a 24 hour period (unless the request comes in after 4:30 on a

Friday or before a Holiday). Pursuant to a survey of the clerks of the 13 juvenile courts this important step in the process of ensuring adequate legal representation is met 99% of the time.

B. Are Attorneys receiving necessary training to ensure competency:

- Since 2006, 55 attorneys have attended the Annual Child Welfare Conference offered by the National Association of Counsel for Children (NACC);
- 104 attorneys have participated in the 3 day Trial Skills for Child Protection Advocacy conducted by the National Institute of Trial Advocacy in conjunction with the Commission on Child Protection;
- All new child protection contract attorneys have received 3 days of mandatory Pre-Service Training.
- Since 2007 a paid Mentor has been assigned to assist new contract attorneys and evaluate them in their work during the first year;
- 18 in-service trainings have been offered during the last two years;
- Over 100 attorneys have received a one day comprehensive training on Child Welfare Law and Practice conducted by the NACC.

C. Are children being seen in their placement in a timely manner?

- In November of 2006 the Commission on Child Protection issued Standards of Practice for Representing Children which set forth: "Irrespective of the child's age, the child's attorney should visit with the child when the case is received, prior to court hearings and when apprised of emergencies or significant events impacting on the child."
- Flat Fee attorneys are required to enter on their bill submission forms when they conducted their last visit with their child client and Hourly Fee attorneys must record all their activities and time in order to receive payment.
- The Commission's billing department reviews the bill submissions and contacts attorneys when their submissions consistently do not indicate a visit. The billing staff also perform random audits to verify that recorded visits did in fact occur. Attorneys are advised to see their clients and some have received letters from the Chief Child Protection Attorney warning them that their contract may be rescinded. Follow-up audits have been performed on two of these attorneys and the results have shown improvement.
- The Commission is in the process of deploying a case management information system, called K.I.D.S. © (Kidsvoice Information Data System) that all attorneys will be required to utilize in order to receive payment. This system will allow reports to be run on all case activities including whether or not and how often a child has been visited. We have established a baseline of time between assignment and first visit and number of visits pursuant to a manual review of the bills of several hourly attorneys who we believe represent the most diligent of our contract attorneys and will be tracking with K.I.D.S.© whether this baseline improves going forward.

D. Are average caseloads per attorney being reduced?

As of June 30, 2007 CCPA added 36 additional contract attorneys. New attorneys, unless they had prior experience practicing in juvenile matters, are only permitted 25 cases during their first year. Since taking over in July of 2006 the COCP has reduced the number of attorneys who have been appointed clients in excess of 150 per year from 53 attorneys to only 8 attorneys. The number of attorneys with client assignments in excess of 100 has been reduced from 73 to 31 attorneys. The remaining attorneys have contracts for 100 case assignments per year or less.

5. *What measures do (will) you use to tell if the program's customers are better off?*

While K.I.D.S.© will be able to track some of the ultimate outcome measures relevant to child well-being and family integrity such as time until reunification, recidivism, and time until adoption, these outcomes are influenced by multiple factors in the child welfare system. The Commission will focus on outcome measures related to attorney activities and outcomes that can be directly related to the legal representation. K.I.D.S. © once deployed and in full use by all attorneys will help us measure the following key outcomes along with many others:

- How often are child clients seen by their attorney or a member of the representation team?
- How often do attorneys meet outside of court with their parent clients?
- What percentage of court hearings are attended by attorneys?
- How often are the clients represented at administrative, educational or service provider meetings?
- How often were motions filed by attorneys granted?
- How often do attorneys file Motions for Continuances?
- How often do contested Orders of Temporary Custody or neglect petitions result in a return home or placement with a relative?
- How often do attorneys obtain court orders or administrative hearing results consistent with their clients' wishes?

6. *Who are the partners with a major role to play in doing better?*

The child protection system, as it is carried out through the petition process in juvenile court, requires a great deal of systemic and case specific collaboration. The Department of Children and Families, the Judicial Branch, the Attorney General's Office, contract attorneys, and service providers all have unique, yet intertwined, influence over the outcomes achieved for individual families and the system as a whole.

The Commission on Child Protection has participated in several cross-branch and agency projects intended to improve the functioning of the system and the outcomes for the families it serves. The key partners that have an impact upon the functioning and success of the Commission as well as upon the ability of the attorneys to provide quality representation are the Judicial Branch, DCF and the attorneys themselves.

7. *What works, what could work, to do better, or to do the least harm in a difficult financial climate?*

Having an independent agency responsible for the provision of legal representation in child protection matters is vital to ensuring that the representation is competent and zealous and, therefore, the clients' rights are protected and interests served. Higher pay for independent contract attorneys, as well as statewide implementation of the model offices would work better to ensure the best possible representation and outcomes for the families served. In addition, it is extremely difficult for the Chief Child Protection Attorney to provide quality assurance over 220 independent contract attorneys, most of whom are solo practitioners, without additional attorney staff. The inability to consistently observe attorneys in court renders it virtually impossible to ensure that the state is obtaining the legal services for which it has contracted. The current budget is not insignificant and one additional employee would make a tremendous difference in

the ability of the Commission to ensure that state dollars are being appropriately spent and that our mandate to provide quality legal representation is satisfied.

The Commission recognizes that given the current budget climate, increases for the above measures are not currently possible. However, it is imperative that the Commission suffer no further decreases to its budget. This would jeopardize some of the existing initiatives intended as cost-efficient ways to promote quality representation without the ability to supervise or consistently observe the contract attorneys. The Chief Child Protection Attorney in conjunction with the Center for Children's Advocacy (CCA) has implemented the Mentor Program which requires that Mentors assist new attorneys in meeting the court observation component of their training, co-counsel two cases with them, provide consultation on cases and answer questions, and complete an evaluation of the new attorney's abilities and training needs. The Commission and CCA has also collaborated on a Mentor Cabinet program whose 13 members were selected by the Chief Child Protection Attorney to serve as training and information liaisons between the Commission and each court's panel of contract attorneys. The Mentor Cabinet meets quarterly to discuss practice issues and legal updates. The members are expected to disseminate that information to the contract attorneys in their respective courts, as well as provide feedback to CCPA regarding practice issues that need to be addressed with the Judicial Branch or DCF in the particular regions and ongoing training needs.

8. *What do you propose to do over the next two years?*

- Continue with the Mentor Program and Mentor Cabinet as a way for the Commission to get feedback regarding the functioning of the contract attorneys in the field.
- The Commission is issuing a new application for annual contracts as Family Magistrate Contempt and Paternity Attorneys that should result in an approximate savings of \$300,000.00.
- Transition the training program to more web-based and in-state opportunities, including increased collaborations for cross-training programs.
- Monitor hourly billing and implement cap if necessary.
- Deploy K.I.D.S. © which will reduce billing staff time for data entry and processing. This will allow a transition to more case activity monitoring and auditing to improve quality assurance.
- Deployment of K.I.D.S. © will also reduce the time required for the attorney assignment process because notification to the attorneys will be automatic through the web-based system. Paralegals will receive the 3 days of Pre-Service Training in child protection this year and will be able to devote time to tracking the legislative session, tracking appeals, arranging moot arguments, monitoring Rules Committee agendas and minutes, improving web-site as information source and training tool, investigating and responding to complaints, assisting attorneys with litigation expense requests and locating experts, among other tasks that are primarily handled by the Chief Child Protection Attorney at this time.
- Renegotiate model office contracts at end of pilot to ensure more cases are covered or the contract amount is reduced.
- We've rescinded our request for an independent evaluation of the model offices and intend to use K.I.D.S. © to analyze the outcomes in the model offices versus the outcomes produced by the contract attorneys.
- I've requested that our current state vehicle be traded for a more economical vehicle.



## **EXECUTIVE SUMMARY OF MAJOR ACCOMPLISHMENTS**

### ***Certification Program:***

- COCP spearheaded bringing Child Welfare Law as a Legal Specialty to Connecticut and provided scholarships to 45 attorneys to apply to become certified by the National Association of Counsel for Children. On March 31, 2009 50 attorneys will be sitting for the certification exam, 45 of which received scholarships from CCPA.

### ***Pilot Project:***

- COCP issued a RFP for a Multi-Disciplinary Child Welfare Law Office to represent children in child protection proceedings. Two proposals were accepted and implemented. The South Eastern Connecticut Center for Juvenile Justice in Waterford and New Haven Legal Assistance each commenced executing a multi-disciplinary, holistic model of representation for approximately 1000 children on September 1, 2008.

### ***Case Management Information System***

- The pilot offices have commenced utilizing a state of the art case management database system, KidsVoice Integrated Data System (K.I.D.S.©) for receiving case assignments, organizing files, tracking activities and key case information and measuring outcomes by January 2009.
- Independent Contract Attorneys are scheduled to utilize a modification of K.I.D.S.© that will include a billing function generated by tracked case activities by July 1, 2009.

### ***Caseload Standards:***

**Reduced maximum caseloads for majority of attorneys to 100 or less.**

As of end of FY 07-08:

Number of attorneys with new case assignments less than 100: 162

Number of attorney with new case assignments between between 100-150: 37

Average number of attorney with open cases 150+: 8

**Significantly reduced the number of attorneys with contracts over 150 cases.**

Total number of juvenile contracted attorneys: 207

Average attorney contract caseload: 68

Attorneys with contracts less than 100: 110

Attorneys with contracts between 100-150: 96

Attorney with contract 150+: 1

***Attorney Assessment/Application Review:***

- CCPA conducted attorney observations in the field in 8 of the 13 Juvenile Court locations, the Middletown Child Protection Session, Hartford and New Britain Family Support Court, and the Appellate and Supreme Courts.
- CCPA reviewed renewal applications submitted by 175 attorneys, conducted reference checks, random case and billing audits, and in some cases interviews.
- CCPA interviewed 51 new applicants and granted 36 new contracts.
- CCPA investigated approximately 100 complaints.
- CCPA rescinded or did not renew contracts of 12 attorneys who failed to meet contract standards.

***Mentor Cabinet:***

- In collaboration with the Center for Children's Advocacy, the COCP established a Mentor Cabinet with attorney representatives from each Juvenile Court to facilitate dissemination of critical information for effective legal representation in child protection matters and enhance communication between contract attorneys and the COCP.

***Training:***

- COCP funded and collaborated on 20 training programs including, but not limited to, the 3 Day Pre-Service Training required for new attorneys; In-Service Trainings for all attorneys regarding statutorily mandated topics including: Child Development, Family Violence, Legislative Updates, Educational Issues and Advocacy for Youth in DCF Care, and Child Protection Appellate Training; and a 3 Day Trial Skills Program.

***Appellate Advocacy Program:***

- Completed contract process and approved 10 appellate contracts.
- Appellate Contract requires attorneys to provide consultation for trial attorneys on appellate issues.
- Conducted a day long appellate training attended by 66 attorneys and provide scholarships to 3 attorneys to attend appellate advocacy seminars.

***Family Matters:***

- Established an application process for qualifying Attorneys for Minor Children (AMC's) and Guardians ad Litem (GAL's) to represent children in Family Custody and Support Matters and issued a Qualified List of AMC/GAL's.