

APPROPRIATIONS COMMITTEE BUDGET HEARING

March 3, 2011



Commission on Child Protection
State of Connecticut

Office of the Chief Child Protection Attorney

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Testimony of:
CAROLYN SIGNORELLI
CHIEF CHILD PROTECTION
ATTORNEY

Good Afternoon Senator Harp and Representative Walker. Thank you for this opportunity to present the budget request of the Commission on Child Protection. The Governor has proposed and the Commission is requesting \$13,683,586 for FY 2012 and for FY 2013. This level of funding, while insufficient to achieve optimal legal representation in the child protection, custody and support cases we handle, it will permit us to maintain the gains our office has made over the course of the last 5 years and avoid re-creating the problems that plagued the system of legal representation in child protection matters that lead to the decision to establish the Commission in order to address those problems.

GOAL/Quality of Life Improvement:

The goal of the Commission on Child Protection is to ensure that indigent parents and legal guardians and all children who have DCF and the juvenile court intervene in their lives are treated fairly, consistent with their constitutional right to family integrity, through the advocacy of knowledgeable, competent and zealous attorneys. We are also responsible for the quality of representation for poor children in family matters custody disputes and low income child support obligors and putative fathers in family matters cases.

PURPOSE:

Our purpose is to improve the quality of legal representation through practice, caseload and training standards to ensure our goals are achieved for all the clients we are required to serve. The timely provision of quality attorneys by our office is necessary for the Judicial Branch to function efficiently and to render informed decisions on behalf of children. Competent and vigilant attorneys also ensure that DCF meets its obligations to our shared clients.

RESULTS:

As a result of the creation of the Commission and the office of the Chief Child Protection Attorney, Connecticut has been recognized nationally as a model for other states struggling with improving legal representation for children and parents in child protection matters with limited resources. We were one of only 2 states to receive an A+ from First Star's national report card on legal representation for abused & neglected children. The report gave Connecticut an A+ on its statutory framework for protecting children's legal rights, citing the measures that the Commission has implemented to improve legal representation.

Last year Professor Don Duquette, Director of the National Quality Improvement Center on the Representation of Children in the Child Welfare System established by the U.S. Children's Bureau of the Dept. of Health and Human Services came to Connecticut and spent 2 days observing the work of CCPA and its attorneys. As a result Professor Duquette included Connecticut's system as a "Notable Office" on the QIC's website for other states to consider as a model and concluded:

"What you have built in CT stands as a beacon to the rest of the nation when it comes to good child welfare representation. You are really doing this right."

In relation to parent representation, I was invited by the American Bar Association to provide technical assistance to the State of Michigan on measures to improve representation for parents in the child welfare system.

APPLYING RBA TO LEGAL REPRESENTATION: This is complicated given the variables in the system impacting families and cases and the fact that CCPA provides representation for several parties that may have opposing interests and goals in the same case.

Tracking Services to Clients and Measuring Outcomes:

My office has been committed and guided by principles of RBA since its inception. Although I had not heard of RBA in March of 2006 when I took this position, I immediately made inquiries on how I could develop a database that would increase the efficiency of my office in taking over a program with significantly reduced staff; provide a case management tool for the attorneys, an activity and outcome tracking mechanism and a streamlined billing process. Due to the lack of resources and prohibitive costs, I eventually collaborated with Kidsvoice of Pittsburg, an established not-for-profit law office representing approximately 5000 abused and neglected children in Pittsburg County, to modify its database system which was specifically designed for legal representation in the child protection field to fit the needs of Connecticut's system. Through this unique collaboration, including an infusion of foundation grants to keep costs low, CCPA has developed a data base (Kidsvoice Information Database System – K.I.D.S.©) that includes the case assignment function; electronic case management files for each client assigned to the attorneys; and a tracking mechanism for attorney activities, hearing and case outcomes and billing. Attorneys are paid based upon activities and time entered and they must enter Outcomes whenever they bill for a court appearance. Attorneys are now being asked to track their Case Goal so that we can look at whether or not they are achieving increased success for their clients. Through this system, including a recently deployed reporting capacity, CCPA will be able to measure results and ensure that state funds are utilized in the most effective and productive manner possible.

Examples of Measurements:

1. All Child Protection Clients will have an attorney assigned within 24 hours of CCPA receiving a request from Judicial.

I require my staff to have processing goals, including a 24 hour turn-around time for case assignments from when we receive the request to ensure that each child and parent has an attorney representing them as soon as possible and by their first court date. In over 98% of the approximate 11000 assignments made per year a parent who requested an attorney prior to appearing at court has an attorney assigned by their first court date. The 2% failure rate is usually due to the lateness of the parent's application or an attorney conflict is discovered after the assignment of counsel. Children are assigned an attorney within 24 hours of notification in virtually all cases.

2. All children will be seen by their attorney in a timely manner and on a regular basis: CCPA's contract with child protection attorneys requires that they make every effort to see their child client prior to the Initial Plea Hearing. In K.I.D.S. © we can run a query by date of assignment of a neglect petitions, date of client visits to determine if attorneys are seeing their child clients prior to the first hearing and how often during a particular time frame. Below is an example of a report we can run in general to compare overall programs, but we can also run court and attorney and client specific reports.

	Average # of Days Before First Visit	Average Number of Visits	Average Number of Non-Court Related Activities
Non-Profit Offices	31.4	3.1	3.0
\$75 Certified Attorney	91.5	2.3	1.6
Non-Certified Attorney	86.3	2.9	1.8

Evaluating Evidence Based Best Practices:

My office has also embarked on assessing the best and most cost-efficient manner to provide legal representation consistent with the extremely rigorous requirements set by our Standards of Practice. As a result of our research, including the recommendations of a White Paper entitled *Giving Families a Chance: Necessary Reforms for the Adequate Representation of Connecticut's Children and Families in Child Abuse and Neglect Cases*, drafted at the request of former Commission member Shelley Geballe, and data from other states piloting improved methods of delivering legal services in child welfare¹, I wrote and issued an RFP for a not-for-profit law office to devote its practice to representing children in child protection matters.

The Commission now has 5 courts being covered by 3 Model Child Welfare Law Offices: handling approximately 2000 children in Waterford, Willimantic Hartford, New Haven and Bridgeport juvenile courts. These offices are also required by their contract to track their activities and outcomes in our database in order to compare and contrast their model to the independent contractor model as demonstrate in the above chart.

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. Moreover, two CCPA attorneys can have opposing goals on the same case, so it is difficult to credit or blame outcomes on our program. The Commission will focus on outcome measures related to attorney activities that are consistent with the Standards of Practice. Once CCPA masters the recently deployed reporting capacity of K.I.D.S. ©, we will be able to 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?
- How often are the clients represented at administrative, educational or service provider meetings?
- How often are cases continued?

- 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?

PARTNERS:

The juvenile court system and the Department of Children and Families are the critical players in the lives of children and families my office serves. Knowledgeable, skilled and zealous attorneys are a critical component of any fair and accountable system of justice. In order for my office to ensure that our clients receive the representation they need and deserve in the child welfare system, we need support to pay attorneys a fair rate and encourage their commitment and devotion to this extremely difficult, complex and important work. We also need to ensure that DCF communicates regarding case planning and events with attorneys and include them in the process.

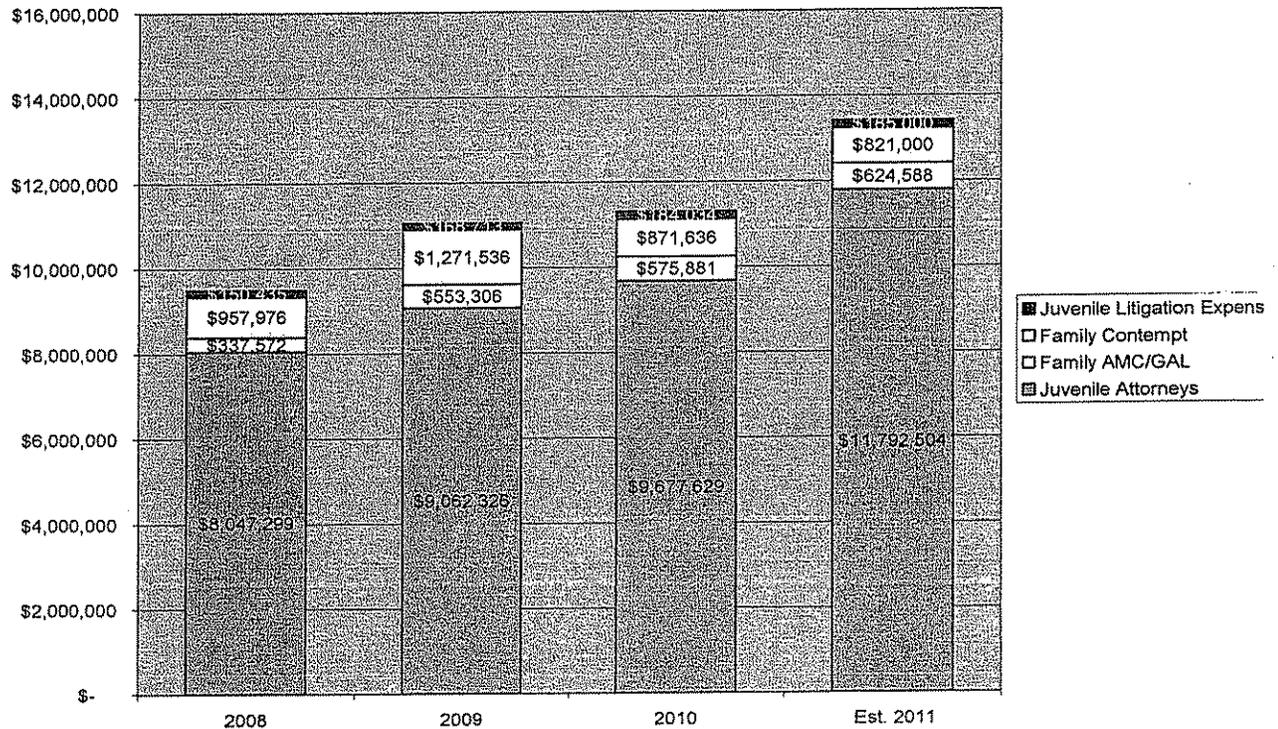
CHALLENGES:

We have attorneys who will do this for \$40.00 per hour and many of them do the work very well – they're not in it for the money. However, we cannot base a system of justice, where each and every client, in each and every case, has their most precious rights zealously guarded, on the backs of the rare few who are willing to make the type of personal sacrifices we ask of our attorneys and I have asked of them this year as a result of implementing caps to control our expenditures. There are attorneys who went through the rigors of becoming certified in order to devote more time to this work who are faced with being on trial on a capped case and not receiving any income for that time. Yesterday I learned that one of my most efficient, zealous, competent attorneys was resigning because she had secured steady employment – she could not withstand the uncertainties of her contract with the state. This is an incredible loss to the children and families she served.

CCPA is an agency that is doing much with very little. We are committed to ensuring that our office and our attorneys are held accountable to follow our purpose and achieve our goals. This necessitates that CCPA is able to attract attorneys who will consistently meet the Standards of Practice and retain them through fair and consistent compensation for the difficult and important work they perform.

I've included a chart at the end of this testimony that compares what CT is spending on this program to other states and provided a figure on how much more those state's programs would cost in CT to give you a sense of the relative bargain we're getting here in CT, especially in light of the quality of our program.ⁱⁱ

FY 08-11 Attorney Expense Breakdown



If we wanted to truly reforming representation in child protection cases, a hybrid organizational and contractor model would increase fixed costs, help lower case loads and thereby ensure practice consistent with our Standards: Model Offices for 2/3 of clients at \$1,126/client: \$9,667,836, plus an additional \$4,199,170 for 1/3 of the remaining clients and conflicts to be handled by independent contractors: \$13,867,006. The Commission's total budget including personnel, equipment, Family AMC's and GAL's, Family Contempt and Paternity and training would be \$16,457,875.00 or \$2,774,289.00 more than the current recommendation in the Governor's Budget. It should also be noted that CCPA in collaboration with the Judicial Branch and Quinnipiac School of Law has been addressing its legislative mandate to implement training standards for GAL's and AMC's in child custody matters. As a result we have seen increased diligence on the part of AMC's and GAL's and resulting increase in costs by over \$150,000.00 since last year and over \$800,000 since 2008. This is also attributable to the increase in custody disputes among low income pro se's in family cases.

I share this information, not to make a request for an increase, because I appreciate the tremendous pressure you are under given the current projected deficit, but to demonstrate how important it is that the amount we are requesting is granted.

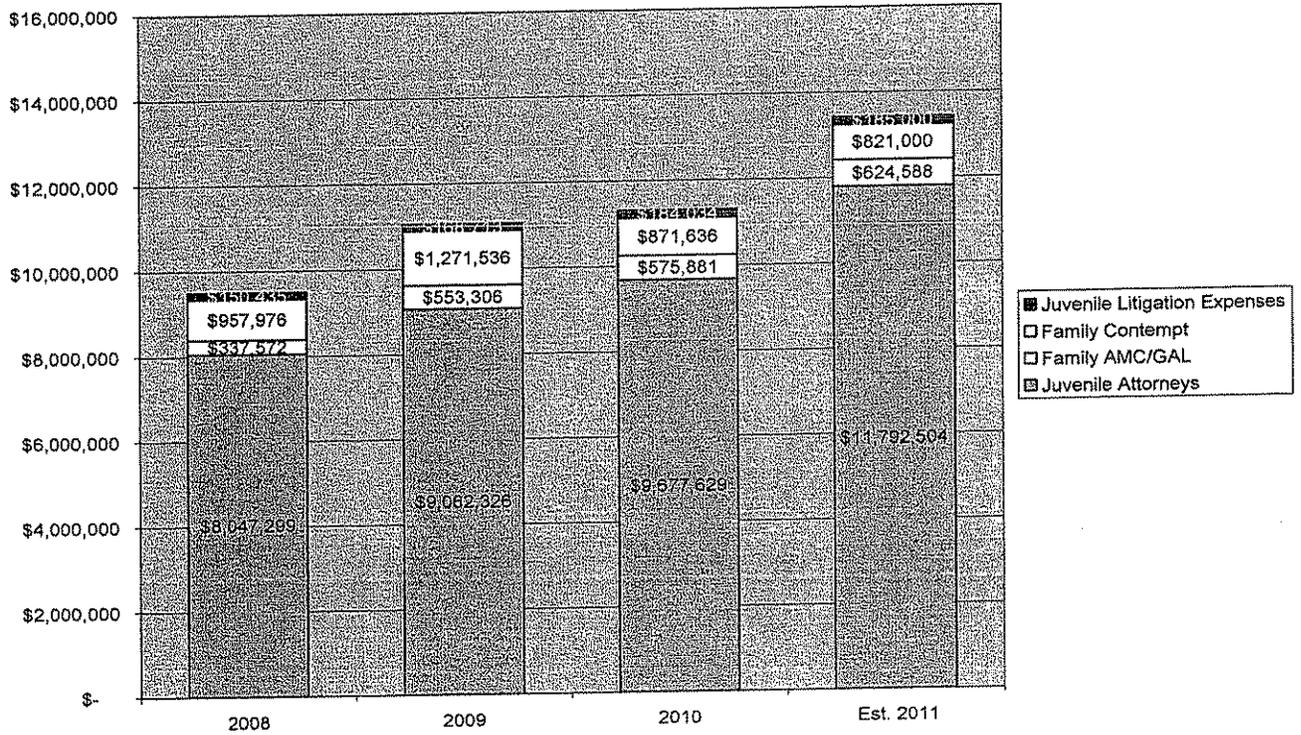
Our current request for this Biennium Budget is \$13,683,586 approximately \$497,000.00 less than our original submission due to the Governor's appeal that we cooperate with a reduction due to the state's budget deficit. However, while we will certainly be able to manage significantly better as compared to how we were able to function with our last appropriation of \$11.6 million, our program is still not adequately funded to achieve the level of quality representation to which our clients are entitled or to serve its critical function of holding the child protection system, DCF, courts, service providers, evaluators, etc. accountable to the children

and families we serve. Therefore, it is imperative that the recommended budget contained in the Governor's Budget not be reduced any further if we are to maintain the progress the Commission has made so far.

The below table shows in the left column the budget as organized currently. The right column is our proposal to create additional accounts to better track our expenditures in the different programs of representation we provide. The chart below demonstrates the increased costs we have incurred over time.

Existing Accounts		Proposed	
Personal Services	\$838,228	Personal Services	\$838,228
Other Expenses	\$201,641	Other Expenses	\$201,641
Equipment	\$41,000	Equipment	\$41,000
Training for contracted Attorneys	\$45,000	JUVENILE	
Contracted Attorneys	\$11,616,407	Contracted	
Contracted Attorneys Related Expenses	\$205,000	Attorneys	\$10,907,717
Family Contracted Attorneys/AMC	\$736,310	Litigation	
		Expenses	\$185,000
		Training	\$45,000
TOTAL	\$13,683,586		
		FAMILY	
		Contracted	
		Contempt	\$825,000
		GAL/AMC	
		Attorney	\$620,000
		Litigation	
		Expenses	\$20,000
		TOTAL	\$13,683,586

FY 08-11 Attorney Expense Breakdown



As you can see the cost of child protection representation has steadily increased as demonstrated in blue. While we reduced costs from 2009 in the Contempt representation in family matters, the cost of GAL's and AMC's in family cases involving custody disputes has almost doubled.

PLANS FOR THE NEXT TWO YEARS:

With this appropriation over the next two years we will be able to essentially continue our existing program as far as keeping the model offices we have and paying a reasonable rate to Certified Child Welfare Law Specialists. However, we will still need to make some difficult choices about the fee schedule and annual caps on billable hours once we know what our appropriation is and do some projections for next year's needs based upon the rate of DCF filings and assignment of counsel in juvenile and family cases this year and prior years.

We will be utilizing KIDS© to track, measure and evaluate our outcomes, provide quality assurance and address training needs demonstrated by the data and in person observation, and to report to you on what the best approach will be going forward to meet our agency's mandates and goals.

COST SAVING PROPOSALS FOR CONSIDERATION BY APPROPRIATIONS:

- Propose legislative amendment eliminating incarceration of indigent contemnors in support cases. The most recent data regarding the effectiveness of contempt proceedings and threatening incarceration in obtaining increased contributions from indigent contemnors reveals little positive effect on collection rates for these low income obligors. Instead we should expand the Problem Solving Pilot being conducted in New Haven statewide: The current pilot in New Haven boasts positive outcomes for contemnors referred as of September 2010: Looking at cases with a 6 month history in Problem Solving only, the average number of payments made 6 months prior to Problem Solving and 6 months after increased from an average of 6.3 payments to 9.3 payments. The total amount collected increased 43.7% per case, with a total net increase in collections for the cases reviewed of 34.2%. This would save CCPA \$821,800.00.(Appendix IV)
- Limit CCPA's responsibility solely to statutorily required representation by eliminating Interest of Justice appointments pursuant to C.G.S. §46b-136. Clarify CCPA's statute regarding representation for which it is responsible. This would save CCPA close to \$300,000.00 per year.
- Pass H.B. 6442 eliminating the dual role of attorneys for children and making the standard for appointment of a separate GAL consistent with the Rules of Professional Conduct. This will reduce the number of separate GAL's required. Currently there are at least 652 child clients being served by 2 separate attorneys, which should significantly reduce the current cost of approximately \$543,768 per year. Also, establishing an option of "permanent guardianships" will save litigation and attorney costs in termination of parental rights cases which are typically contested and result in the most appeals.
- Utilize CIP Volunteers for GAL work in child protection and delinquency cases.

Systemic: These measures will reduce the number of cases that require legal representation in juvenile court and the amount of attorney time on those that cases that do get filed in court:

- Put prevention dollars into programs proven to prevent child abuse and neglect, such as the Children's Trust Fund's Nurturing Families Network program.
- Implement Differential Response statewide by transitioning funds allocated for foster care and court costs to community based services.
- Require Family Conferences prior to filing neglect petition or Orders of Temporary Custody to help prevent removals and petitions.

- Prevent DCF from placing children in Residential Treatment Facilities as there is insufficient support for long-term benefits of such programs to children. Children placed in residential typically remain in care longer, thus requiring ongoing legal representation, including payment by CCPA for out of state travel for attorneys to see their clients.

ⁱ The Washington State model for parent representation provides annual contracts with social workers and paralegals to assist the attorneys and provides office space and supervision. Since its inception, the program has expanded to two-thirds of the state, covering an ongoing caseload of 7,000 cases. The most recent program evaluation concluded: "All else being equal, the exit rate to reunification is 11% higher when a child is living in a county where PRP (Parent Representation Project) is in operation than when a child lives in a county where PRP is not in operation, a difference that is marginally statistically significant at $p < .05$ ($p \approx .051$). The rate at which children are adopted is 83% higher, and the rate at which children enter guardianships is 102% higher ($p < .001$). Although PRP's impact is greater on adoption and guardianship than on reunification, the decrease in time to reunification affects many more children because reunification is the most common outcome for children. Of children achieving permanency during the study period 68% reunified, 26% were adopted, and 6% exited to guardianship. Additionally, reunifications generally happen much more quickly than adoptions or guardianships, so there is less room to decrease days in care. 2010 Washington State OPD Parents Representation Program Study by Partners for Our Kids.

The Center for Family Representation in New York is a multi-disciplinary model with attorney caseloads under 65, reports systemic savings as well: Post-filing cases - children returned home safely in more than 30% of the cases within one year, compared to the 85% with pending cases still in care after a year not represented by CFR. Shorter foster care stays = less \$ spent on placement.

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Cost of Other State Programs	Washington State Parent ⁱⁱ	Massachusetts Parent & Child ⁱⁱ	Colorado Child ⁱⁱ	CT Parent & Childⁱⁱⁱ
Pay Rate	\$105,000 to \$122,400 annually	\$50/hour	\$65/hr. Cap	CCWLS \$75 – first 20 hours Non-CWLS \$40/hour
CAPS	N/A Annual Salary based upon experience.	1,800 hours/yr or \$90,000/yr	\$2,870/case	CCWLS \$2,700/client/yr \$4,700/client Non-CWLS \$2,000/client/yr \$4,000/client
Avg. Attorney Cost/case	\$1,312 - \$1,530	\$2,160	\$1,474	\$777 (\$40) \$978 (\$75)
Maximum Caseloads	80 open	75 open		Max. New Clients 100/yr Avg. Open Clients 62/Attorney
Avg. Hrs/Case	?	43.2	22	13 for CCWLS 18.8 for Non-CCWLS ⁱⁱ
Approx Cost of Program in CT	\$17,336,430	\$24,474,960	\$16,701,894	\$11,062,158 (Approp: \$9.6m)

Activity Date	Office	Activity Type	Duration	Date Paid	Do Not Pay	Do Not Pay Reason
3/1/2011	Dawson, Lynn	Visit - Travel to court other than assigned location	72			
3/1/2011	Horrocks, Hilliary	Travel	39			
3/1/2011	Horrocks, Hilliary	Visit - Travel to court other than assigned location	3			
2/28/2011	Horrocks, Hilliary	Review Notes - Trial Preparation	51			
2/28/2011	Horrocks, Hilliary	Phone Contact - DCF SW/SWS	18			
2/22/2011	Dawson, Lynn	Meeting - Service Providers	48			
2/22/2011	Horrocks, Hilliary	Consultation - Expert	66			
2/22/2011	Dawson, Lynn	Travel	30			
2/21/2011	Horrocks, Hilliary	Review Notes - Trial Preparation	69			
2/19/2011	Dawson, Lynn	Administration - File Maintenance	12			
2/18/2011	Horrocks, Hilliary	Review Notes - Correspondence	18			
2/17/2011	Horrocks, Hilliary	Court	201			
2/17/2011	Dawson, Lynn	Court	378			
2/17/2011 9:30 AM		Hearing - TPR Trial	0			
2/17/2011 9:30 AM		Hearing - TPR Contested Trial	0			
2/17/2011	Dawson, Lynn	Visit - Travel to court other than assigned location	72			
2/17/2011	Horrocks, Hilliary	Travel	39			
2/17/2011	Horrocks, Hilliary	Visit - Travel to court other than assigned location	3			
2/16/2011	Horrocks, Hilliary	Court	189			
2/16/2011	Dawson, Lynn	Court	366			
2/16/2011 9:30 AM		Hearing - TPR Contested Trial	0			
2/16/2011 9:30 AM		Hearing - TPR Trial	0			
			Total			
			Minutes:	29880		
			Total	498.00		
			Hours:			



**COMMISSION ON
CHILD PROTECTION**

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Activity History - [REDACTED]

Activity Date	Office	Activity Type	Duration	Date Paid	Do Not Pay	Do Not Pay Reason
10/11/2011 9:30 AM		Hearing - Permanency Plan Hearing No Objection	0			
5/24/2011 9:30 AM		Hearing - In-Court Review	0			
2/23/2011	SECCJJ - Waterford	Consultation - Other	6			
2/22/2011	SECCJJ - Waterford	Review Notes - Affidavits	12			
2/9/2011	SECCJJ - Waterford	Meeting - Administrative Case Review (ACR)	90			
2/9/2011	SECCJJ - Waterford	Administration	12			
2/9/2011	SECCJJ - Waterford	Consultation - Other	12			
2/9/2011	SECCJJ - Waterford	Consultation - Other	12			
2/9/2011	SECCJJ - Waterford	Administration	12			
2/9/2011	SECCJJ - Waterford	Meeting - Administrative Case Review (ACR)	60			
12/17/2010	SECCJJ - Waterford	Consultation - Other	12			
12/17/2010	SECCJJ - Waterford	Consultation - Other	12			
12/15/2010	SECCJJ - Waterford	Review Notes - Correspondence	12			
12/9/2010	SECCJJ - Waterford	Administration	6			
12/9/2010	SECCJJ - Waterford	Review Notes - Affidavits	18			
12/9/2010	SECCJJ - Waterford	Travel	42			
12/9/2010	SECCJJ - Waterford	Visit - Placement	30			
			Total			
			Minutes:	1674		
			Total	27.90		
			Hours:			

Court / Hearing Type / Outcome

No Outcome / Other	4	14.81 %
Orders	3	11.11 %
Protective Supervision by Agreement	5	18.52 %
Protective Supervision by Decision	1	3.70 %
Transfer Guardianship by Agreement	1	3.70 %
Transfer of Guardianship by Decision	2	7.41 %
OTC Contested Hearing		
Agreement Reached-continued	1	3.70 %
Commitment by Agreement	2	7.41 %
Continued	3	11.11 %
Continued to Contested Hearing / Remand	1	3.70 %
No Outcome / Other	2	7.41 %
OTC Return Home by Agreement	4	14.81 %
OTC Sustained by Agreement	9	33.33 %
OTC Sustained by Decision	2	7.41 %
OTC Vested in Relative Agreement	1	3.70 %
Protective Supervision by Agreement	1	3.70 %
Transfer Guardianship by Agreement	1	3.70 %
OTC Preliminary Hearing		
Adjudication	1	0.58 %
Agreement Reached-continued	5	2.92 %
Commitment by Agreement	1	0.58 %
Continued	25	14.62 %
Continued to Contested Hearing / Remand	36	21.05 %
Dismissed	1	0.58 %
No Outcome / Other	6	3.51 %
OTC Appeal Taken on Behalf of Child	1	0.58 %
OTC Child Returned-by Agreement	1	0.58 %
OTC Return Home by Agreement	7	4.09 %
OTC Sustained by Agreement	74	43.27 %
OTC Sustained by Decision	3	1.75 %
OTC Vested in Relative Agreement	7	4.09 %
OTC Vested in Relative Decision	1	0.58 %
Protective Supervision by Agreement	1	0.58 %
Withdrawn	1	0.58 %
Permanency Plan Hearing		
Agreement Reached-continued	5	3.73 %
Continued	27	20.15 %
Continued to Contested Hearing / Remand	6	4.48 %
Granted	12	8.96 %
No Outcome / Other	6	4.48 %
PP Independent Living Approved	3	2.24 %