

**OAKLEY & CHIZINSKI, LLC**  
**ATTORNEYS-AT-LAW**  
CONNECTICUT, NEW YORK, AND FEDERAL DISTRICT COURT OF CONNECTICUT  
\*CERTIFIED CHILD WELFARE SPECIALIST  
WWW.CTLAWPRACTICE.COM

Attorney Chris Oakley\*  
ChrisOakley@ctlawpractice.com  
Attorney Brian Chizinski  
BrianChizinski@ctlawpractice.com

516 Main Street, Suite #7  
Middletown CT 06457

Paralegal Kim Starr  
KimStarr@ctlawpractice.com  
Law Clerk Claire Morgan  
ClaireMorgan@ctlawpractice.com

Tele # (860) 342-2302  
Fax # (860) 342-2304

Thursday, March 03, 2011

To: Appropriations Committee  
Room 2700, Legislative Office Building  
Hartford CT 06106

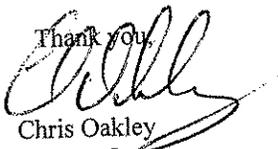
Re: Budget Hearing  
March 3, 2011 at 6:30 p.m.  
Commission on Child Protection (CCP)

Dear Senator Harp, Representative Walker and members of the Appropriations Committee,

My name is Attorney Chris Oakley. I am a managing partner at my law firm. We represent children and parents in Family and Juvenile Matters in Middletown and New Britain. My partner and I represent over three hundred children and parents.

I am addressing you today in SUPPORT of ADEQUATE FUNDING TO THE COMMISSION ON CHILD PROTECTION FOR THIS FISCAL YEAR AND THE NEXT FISCAL YEAR. I have attached my written testimony and a study regarding Parents Representation in Washington State for your review. I intend on appearing at the budget hearing on March 3, 2011; however, if I am unavailable, then I request that you accept this written testimony in lieu of my appearance.

If you have any questions or concerns, then contact me at your convenience.

Thank you,  
  
Chris Oakley  
Attorney-at-Law

## WRITTEN TESTIMONY

Attorney Oakley a Juvenile Court Appointed Attorney  
Contracted through the Commission on Child Protection (CCP)

The Juvenile Court hears child protection matters that occur at the intersection of two fundamental societal interests: the community's concern for the health and welfare of children and the right of parents to raise their families.

Prior to 2005, the Judicial Branch paid attorneys a flat fee to represent indigent parents and children in Juvenile Court. The Judicial Branch budget was approximately **9.2 million dollars** for these attorneys, which provided that they would be paid a flat fee of \$350 for the first 30 hours of representation and \$40 per hour for representation beyond the initial 30 hours. This meant that lawyers were paid only **\$11.67 per hour** for the first 30 hours of representation.

In 2004, the Juvenile Matters Trial Lawyers Association *filed suit in Federal District Court* against the Judicial Department claiming "the rates and conditions of compensation are such that the persons represented by appointed counsel are routinely deprived of effective representation, notwithstanding the good faith efforts of court appointed counsel to provide zealous representation."

In 2005, the General Assembly established the Commission on Child Protection (CCP) to address concerns about the *effectiveness of legal representation* being provided in child protection matters.

The CCP has:

- Established standards of practice with case limits and
- Instituted continuing legal education standards for contract attorneys.

In 2007, the CCP began paying contract attorneys an hourly rate in lieu of a flat fee. The CCP paid attorneys \$40 per hour. The CCP began to have attorneys seek certification as a Certified Child Welfare Protection Attorney (CCWPA). To become a (CCWPA), an attorney must have:

- Substantial involvement in the practice of child welfare law;
- Satisfactory continuing legal education credit in child welfare law;
- Acquisition of satisfactory peer reviews of competence, including one (1) judge; and
- Passage of the NACC national child welfare law exam

In 2009, the CCP paid \$75 per hour to CCWPA and \$40 per hour to non-certified attorneys.

In FY 2010, the CCP has been successful in improving the quality of legal representation, serving over 11,000 clients. In addition since 2005, the *CCP has taken additional responsibilities* such as provided GALs in Family Matters and providing representation in contempt matters and delinquency matters, The CCP requested approximately 13.7 million dollars for their budget, but received approximately **11.4 million dollars**.

- No increase in the rates is being sought.
- Legal representation provided by CCP contract attorneys are very cost effective:
- These are fee for service hourly contracts: no additional benefits or reimbursement for overhead.
- Contract attorneys earn less than the Assistant Attorneys General who represent DCF in Juvenile Court
- The average costs per case of Connecticut contract attorneys are less than those in neighboring Massachusetts.
- Connecticut cannot afford to suffer a reduction in the quality of representation provided to families in child protection matters. There must be *adequate funding* to insure that attorneys with sufficient skill, experience and commitment will continue to be drawn to this difficult but vital field of law.



## Washington's Parents Representation Program Helping Children in Child Welfare System Reach Permanency

### KEY MESSAGES

- The Parents Representation Program is helpful in moving children from the child welfare system to permanent homes.
- The Parents Representation Program cuts the time it takes for children to reach permanency.\*

Reunifications occur  
**1 MONTH** sooner\*\*

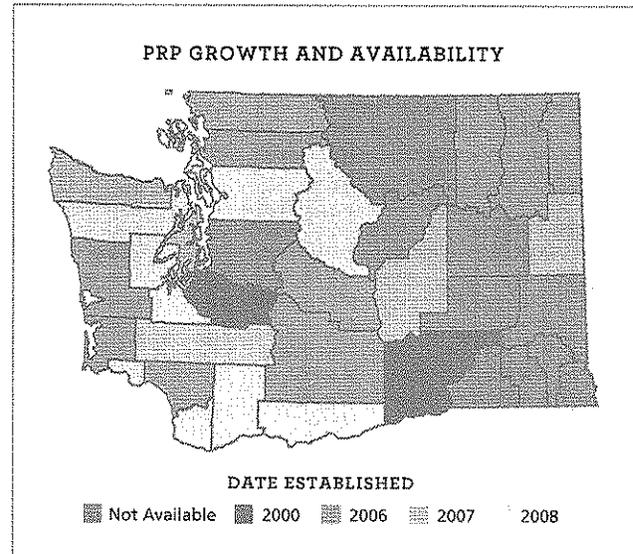
Adoptions and Guardianships  
occur **1 YEAR** sooner\*\*

\*Based on a projection of statewide implementation on a cohort of children entering care in 2001. \*\*Approximations

### Summary

Legal representation in juvenile court has been recognized by most states as an essential protection for parents when children have been removed from their custody. A 1999 study called into question whether parents in Washington were receiving adequate legal representation in processes that have significant consequences for parents and children.<sup>1</sup> The Parents Representation Program (PRP) was developed by the Washington State Office of Public Defense (OPD) and the Washington State Legislature to enhance the quality of defense representation for parents in dependency and termination hearings. The program aims to reduce the number of continuances requested by attorneys, limit caseloads (no more than 80 cases per attorney) and supports their work by ensuring attorneys have reasonable time to prepare cases and work with clients. The program provides social workers, expert resources, periodic trainings, and oversight through OPD. Piloted initially in three counties in 2000, the program has now expanded to 25 counties across the state. See Map.

<sup>1</sup> Washington State Office of Public Defense (1999). *Costs of Defense and Children's Representation in Dependency and Termination Cases*. Olympia, WA; Author.



In 2010, Partners for Our Children at the University of Washington conducted a study on the impact of PRP, looking at the program's influence on the speed with which children are reunified, adopted or enter guardianships.<sup>2</sup>

<sup>2</sup> To date, the PRP is the only program of parental representation in juvenile dependency proceedings known by the authors to have been the subject of evaluation research.

## The Study

The study followed 12,104 children who entered care for the first time in 2004 to 2007 through the end of 2008 to see whether they achieved reunification, adoption or guardianship. To assess the impact of PRP, the study compared counties with PRP to counties without PRP. The research methodology also accounted for other causes of variation, including the child's sex, age at entry, race, year of entry, reasons for removal, presence of siblings in the system, the type of placement, number of moves, and the number of children entering foster care in each county each year.<sup>3</sup>

## The Results

The availability of adequate parental legal representation speeds reunification with parents, and for those children who do not reunify, hastens permanency through adoption and guardianship. In counties where PRP is present, the rate at which children are reunified is 11% higher, the rate at which children are adopted is 83% higher, and the rate at which child children enter guardianships is 102% higher.<sup>4</sup> Although PRP's impact is greater on adoption and guardianship than on reunification, the decrease in time to reunification affects 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.

*Although PRP's impact is greater on adoption and guardianship than on reunification, more children are impacted by the speed up to reunification because it is the most common outcome.*

*This information is taken from "Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing of Permanency Outcomes for Children in Foster Care," by Mark E. Courtney and Jennifer L. Hook, Partners for Our Children, University of Washington.*

**partners  
forourchildren.**

For more information, please contact  
[info@partnersforourchildren.org](mailto:info@partnersforourchildren.org)

## The Implications

- Washington should extend PRP to all counties.
- PRP is helpful in moving children from the child welfare system to permanent homes.
- PRP cuts the time it takes for children to reach permanency: Reunifications occur 1 month sooner and adoptions and guardianships occur 1 year sooner.
- Policymakers interested in improving the prospects of legal permanency for children who become dependents of juvenile courts should consider PRP or a similar program.
- Jurisdictions that want to address poor parental representation and potentially shorten the time that children are in foster care should consider a program like PRP.
- PRP is a fairly straightforward intervention that can be readily replicated in other jurisdictions.
- The findings support the arguments of advocates for adequate parental representation in the dependency court process.
- The findings call into question concerns that parents' attorneys delay moving from a case goal of family reunification to adoption or guardianship.

<sup>3</sup> Per thousand, measured in each county, each year

<sup>4</sup> All else being equal, the exit rate to reunification is 1.11 times faster when a child is living in a county where the PRP is in operation than when a child lives in a county where PRP is not in operation. Marginally significant at  $p < .05$  ( $p = .051$ ). The exit rate to adoption is 1.83 times faster;  $p < .001$ . The exit rate to guardianship is 2.04 times faster;  $p < .001$

Mark E. Courtney, PhD.

Mark, currently Professor of Social Service Administration at the University of Chicago, serves as advisor to POC and is affiliated faculty at the UW School of Social Work. He is a national expert on child welfare issues and policies, and his background includes extensive research on individual, family and other social factors contributing to the well-being of children in out-of-home care.

Jennifer L. Hook, PhD.

Jen is a Research Scientist at POC. Her research focuses on the influence of public policy on family processes, with a particular interest in parents' time with children. She also serves as a Research Affiliate at the Center for Studies in Demography and Ecology at the University of Washington.