

# Annual Report 2014-2015

## PARENT CHILD REPRESENTATION PROGRAM



# Parent Child Representation Program

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## Introduction

The Parent Child Representation Program was developed by the Office of Public Defense Services, and initially funded by the Oregon State Legislature in 2013, to enhance the quality of legal representation for parents and children in juvenile dependency and termination of parental rights cases. The program aims to ensure competent and effective legal representation throughout the life of the case by ensuring reduced attorney caseloads, the provision of specialized support services, and adherence to best practices for attorney performance. The goal of the program is to achieve positive outcomes for children and families through the reduction of the use of foster care and reduced time to permanency for children. Repeated studies show that when parents are represented by attorneys with reasonable caseloads, the attorneys spend more time with parents and, as a result, both parents and children have better experiences with the child welfare system.<sup>1</sup>

The PCRCP is a pilot program modeled on the highly successful Washington State Parent Representation Program (PRP) which, over the past 15 years, has increased the speed at which children achieve permanency and reduced the use of foster care. According to a 2011 study, the children served by the Washington PRP reach reunification one month sooner and other permanency outcomes one year sooner than those not served by the program.<sup>2</sup>

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<sup>1</sup> Laver, *Improving Representation for Parents in the Child-Welfare System*, American Bar Association Children's Rights Litigation (2013).

<sup>2</sup> Courtney, Hook & Orme, *Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing of Permanency Outcomes*, 34(7) Children and Youth Services Review 1337 (2012).

The focus of the Oregon PCRCP is on providing high quality representation, including a caseload limit of 80 cases, additional oversight and training requirements, and multidisciplinary collaboration. The PCRCP began in Linn and Yamhill counties in August 2014.

Initial PCRCP results are encouraging, and significant improvements have been achieved in the first year of the program. One immediate gain was representation for parents and children at shelter hearings, the preliminary hearing in the case that occurs within 24 hours from the time a child is removed from a parent's custody. Prior to implementation of the PCRCP, parents and children were without an advocate during the initial, often traumatic, portion of the case. This was, in large part, due to excessive caseloads. In Yamhill County, prior to the PCRCP, attorneys handled caseloads that included up to 100 juvenile cases, in addition to many other case types. Due to high caseloads in both counties, attorneys were not consistently present at shelter hearings and initial client meetings were delayed. As a result of the PCRCP, parents and children in Yamhill and Linn counties are now consistently represented at initial shelter hearings by attorneys who have access to discovery and, in many cases, meet with their clients before the hearings.

Cases are also resolving more efficiently because attorneys with reasonable caseloads are requesting fewer continuances due to scheduling conflicts. PCRCP attorneys are able to maintain regular and consistent client contact throughout the life of the case.<sup>3</sup> Case managers, part of the legal representation team on 10-15% of cases, are

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<sup>3</sup> The attorneys within the PCRCP program report monthly time and activities to OPDS. The PCRCP contract addendum suggests attorneys dedicate approximately 1/3 of their time to meeting with clients, 1/3 of attorney time on case preparation, and 1/3 to court appearances and meetings.

working closely with attorneys on difficult cases to assess and address client needs, motivate parents, develop alternative safety and visitation plans, model appropriate behaviors, and identify solutions to expedite permanency for children. Attorneys report that they have time to identify, research, and adequately litigate legal issues. And, attorneys are more frequently conducting an independent investigation early in the case, prior to the hearing to determine whether the court should establish jurisdiction over a child.

In conjunction with the first anniversary of the implementation of the PCRCP, the Office of Public Defense Services (OPDS) began development of an annual PCRCP report. Creating an annual report is the first step toward establishing benchmarks, identifying trends, and initiating data-driven quality improvement principles to guide the growth of the PCRCP.

Shortly after the initial development of the PCRCP report, the American Bar Association Center on Children and the Law (ABA), in partnership with the Administration for Children Youth and Families (ACYF), released the *Indicators of Success for Parent Representation* evaluation tool.<sup>4</sup> The evaluation tool, which was developed, tested, and validated by the ACYF Federal Region IV states over a three-year period, is intended to be used to measure the impact of a rule, policy, or practice change on parent representation within a jurisdiction. The tool contains fourteen indicators, each with suggested measures and data sources intended to provide guidance for benchmarking and quality improvement.

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<sup>4</sup> *Indicators of Success for Parent Representation*, American Bar Association Center on Children and the Law, [http://www.americanbar.org/content/dam/aba/administrative/child\\_law/ParentRep/Indicators-of-Success.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/Indicators-of-Success.authcheckdam.pdf) (2015).

In creating the structure of the PCRCP annual report, OPDS relied heavily on the indicators of success recommended by the ABA while following the ABA's guidance to appropriately adapt the measures to apply to jurisdiction-specific programs. According to the developers of the tool, there are four prioritized measures that will most assist jurisdictions in assessing the effectiveness of representation. The measures are: reasonable caseloads, access to multi-disciplinary staff, representation out of court, and quality representation decreases time to safe permanency.<sup>5</sup> The PCRCP annual report contains these priority indicators described above as well as a number of other measures intended to assist OPDS and policy-makers in determining whether the changes being made as a result of the PCRCP are having positive effects for parents and children.

***In their own words: Case Manager Perspective***  
*I am so lucky to work as a case manager for this program. Many of my clients think it is very important for them to have a case manager outside of DHS. So far I found many clients who have a hard time trusting their DHS caseworker and find working with me is helpful. In many cases, it is about communication and trust. Having a third party reduces the tension a bit, and they become able to start working together towards the goal. As we know, many studies have found that family engagement is the key for successful reunification. Sometimes the parents and the caseworkers hear better from me than from each other. I love watching my clients slowly learning what works and what does not. Some take a long time and some learn quickly.*  
—Chiho Gunton, LCSW

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<sup>5</sup> *Id.* at 1.

## Summary

This annual report provides detailed data on seven key indicators and fifteen measures. Data within the report is from a number of sources, both internal and external to the PCRCP.<sup>6</sup> The data is intended to show the quality of legal representation provided, and to assess whether the PCRCP's system changes are associated with positive effects. Caution should be used when interpreting the data described within the report; the PCRCP is in its infancy and there are a number of factors, in addition to the quality of legal representation, which could impact the measures contained within the report.<sup>7</sup>

The report is organized by program goals: to provide competent and effective legal representation throughout the life of the case; to provide meaningful representation of parents and children at all proceedings; and to improve outcomes for children and families. Each goal is divided into indicators and, in some cases, the indicators have a number of associated measures. Within each measure, the particular data source is identified and, when appropriate, described in further detail. At times, the PCRCP counties are compared with statewide metrics, similarly-sized

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<sup>6</sup> OPDS expresses sincere appreciation to the Oregon Judicial Department and the Department of Human Services for assistance in providing some of the data contained within this report.

<sup>7</sup> The juvenile dependency system is incredibly complex. Cases may have many parties and typically involve a number of state and local agencies, the court, and non-profit service providers. Improvement initiatives and system changes, in addition to those promulgated by the PCRCP, likely impact data and outcomes. Factors that may have influence on data measures include: staffing levels within the local Department of Human Services Child Welfare office; the role of the Attorney General and the District Attorney in prosecuting dependency cases; changes in judicial officers; the rollout of Differential Response in Linn County in April 2015; court data system conversion; and other initiatives occurring within the counties.

counties, or with counties with a similar percentage of children in foster care. These comparisons are provided in order to better educate the reader on variances and where the PCRCP counties fit within these variances.

### ***In their own words: Attorney Perspective***

*I feel that what the PCRCP program provides to our clients is phenomenal. As a result of the program, I have more time to handle the legal needs of clients which is where my training, expertise and experience are needed and best utilized. And, collaboration with case managers provides invaluable assistance in assessing legal strategies and needed services. The success of the program results from a team effort: lawyers, case managers, and local partners.*

*–Susan Isaacs, Attorney, Yamhill County*

## Notable Observations

The PCRCP is intended to serve as a vehicle for improved legal representation. However, improving representation is a process that takes time and consistent focus. The heightened expectations of the PCRCP and the change in the way OPDS contracts for legal services in PCRCP counties have required that program attorneys make rapid practice changes. Stakeholders within the PCRCP counties have also had to adapt to culture changes including improved advocacy, lawyers attending shelter hearings, and multi-disciplinary representation through case managers.

Recognizing that data interpretation should be done cautiously, three promising themes arise from the initial PCRCP data: improved quality of representation through practice changes, preservation of families through reunification and guardianship, and a reduction in the use of foster care.

Improved quality of legal representation has been achieved through the use of case managers, the appropriate use of investigators and experts, caseload limits, a focus on time spent with clients, and increased attorney participation in case-related meetings.

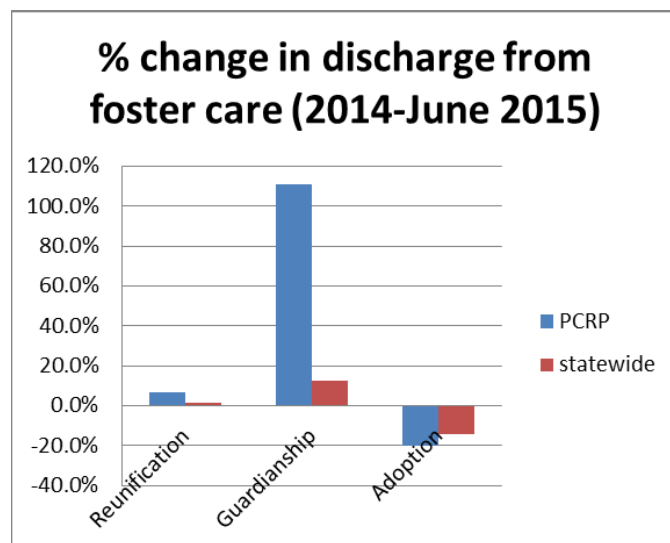
Because of the workload limitation of 80 open cases, the attorneys within the program now have adequate time to prepare cases for trial. PCRCP attorneys have embraced their obligation to investigate the facts of each case and, in 2014, used investigators nearly five times more frequently than non-PCRCP attorneys. PCRCP attorneys utilize experts ten times more frequently than non-PCRCP attorneys. Case managers are available to all PCRCP attorneys and have provided direct service to 150 clients within the first six months of implementation.

In addition, PCRCP attorneys are expected to spend one-third of their time in client contact outside of court. The PCRCP attorneys are spending closer to one-fourth of their time in out-of-court client contact, but when combined with case manager client contact hours, the legal representation team of case manager and lawyer spends over 70 hours per month in direct client out-of-court contact. Attorneys with reasonable caseloads have increased availability to attend the many case-related meetings necessary to ensure quality representation for parents and children. Lawyers are attending approximately twelve meetings per month, and the increase in meeting participation has been noted by stakeholders in both counties.

The Department of Human Services records the reason children are discharged from foster care. The reasons for discharge are reunification,

guardianship, adoption, discharge without attaining permanency, and unknown.<sup>8</sup>

From 2014 to June 2015, the statewide rate of change in children exiting foster care to reunification was 1.7% while in the PCRCP counties over the same time period the average rate of change was 6.5%. From 2014 to June 2015, the statewide rate of change in children exiting foster care to guardianship was 12.5% while in the PCRCP counties over the same time period the average rate of change was 111%. And, while the percentage of children discharged to adoption is decreasing within the PCRCP counties and across the state, the rate of decrease in the PCRCP counties is greater than it is across the state.<sup>9</sup>



On December 31, 2014, there were 7539 children in foster care in Oregon, including 118 in Yamhill County and 255 in Linn County. By June 30, 2015, there were slightly more children in foster

<sup>8</sup> Reunification is defined as “discharged to reunification including living with relatives.” Oregon Child Welfare Data See report CM.05 Discharge Reason (of those discharged), [https://rom.socwel.ku.edu/Oregon\\_Public/MyReports.aspx](https://rom.socwel.ku.edu/Oregon_Public/MyReports.aspx).

<sup>9</sup> For raw data and a graphical representation of the rate of change in discharge reason for those children leaving foster care, See Indicator: Case resolution, p 14 of this report.

care within the state (7571) but substantially fewer in Yamhill (105) and Linn (214) counties. The decline in the foster care population in Linn and Yamhill counties began in 2013, but the rate of decline has increased since the start of the PCRCP.

In summary, initial indicators from the PCRCP are encouraging. Although the indicators do not

establish a causal relationship between improved representation for parents and children and the metrics within this report, it is evident that the manner of legal representation of parents and children in Linn and Yamhill counties has changed for the better.

***In their own words: Client Perspective***

*As soon as I became aware I had a daughter, I realized my life had to change. I straightened out, got clean, stopped running from the police and took responsibility for my actions. I worked hard to change my behavior so I could provide a safe home for my daughter.*

*If I could give advice to any parents in the child welfare system it would be to talk to your lawyer. My lawyer knew exactly what to say to the court to make the judge understand my circumstances and my wishes in the case. She knew what to ask for in order to have my daughter placed with me as soon as possible. When I arrived at that first court hearing, it was scary and overwhelming. I wondered whether I even had a valid argument to make. My lawyer listened to me, explained my rights and the court process, and right away gave me the confidence to ask to have my daughter placed with me. I was overjoyed knowing that I did have a leg to stand on and getting my daughter returned to me was realistic.*

*Today, a few months after dismissal of the case, my daughter and I live with my parents. They provide a lot of support and encouragement for me and babysit my daughter at night while I go to work. It is a struggle to be a single father caring for an active toddler but I wouldn't trade it for the world. It is amazing how my daughter has impacted my life. I think about her before I make any decision. She is the most important thing in my life.*

*—Former Client, McMinnville*

# PCRP Program Goal: Competent and Effective Legal Representation Throughout the Life of the Case

## I. Indicator: Immediate and consistent access to multi-disciplinary staff

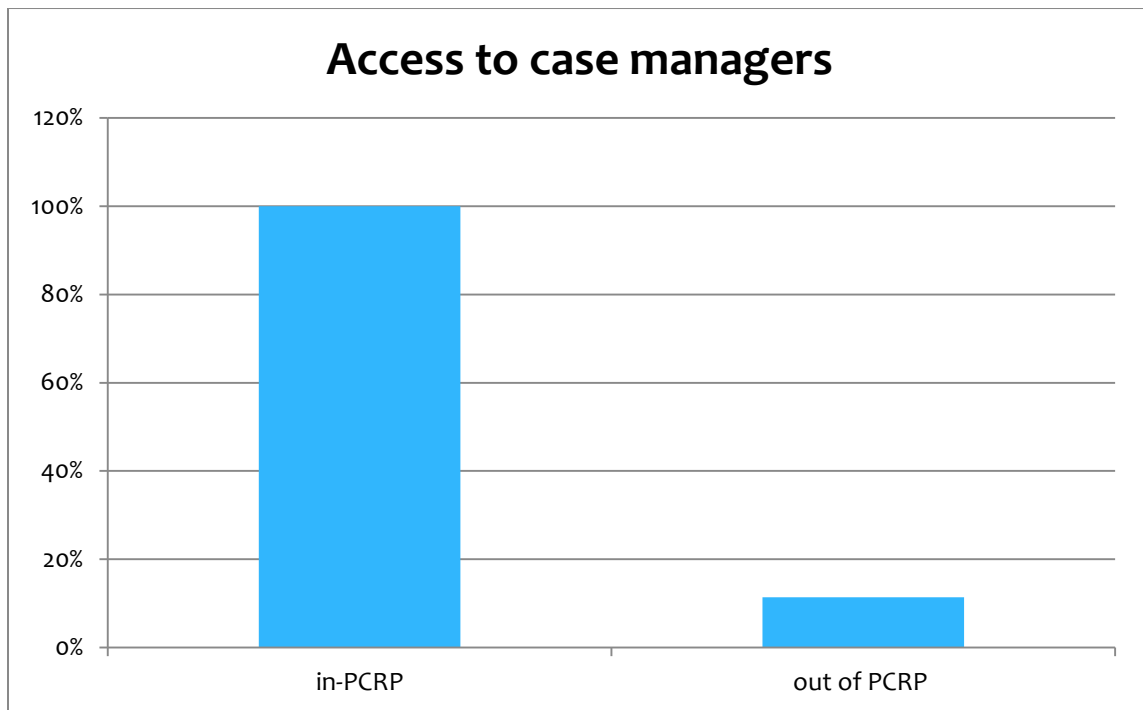
### a. Access to and use of case managers

*Measure:* Percentage of attorneys that have access to case managers as part of the legal team and percentage of cases in which a case manager is used.<sup>10</sup>

*Explanation:* When lawyers and social workers collaborate to help parents succeed in reunifying with their children, the entire child welfare system benefits. Case managers, who fulfill a function similar to a social worker, are working closely with PCRP attorneys to assess and address client needs, motivate parents, develop alternative safety and visitation plans, and identify solutions to expedite permanency for children. Case managers are a limited resource, and typically help resolve issues during a particularly difficult stage of a case, rather than throughout the entire case.

*Data:* In the PCRP, case managers work as part of the legal team on 10-15% of open cases and are available to work with clients from the moment an attorney is appointed. From January through June 2015, PCRP case managers served 150 clients.

During 2014-2015, 100% of the PCRP attorneys had access to case managers as part of the legal representation team. During 2014, 11% of the public defense attorneys who represented parents and children in dependency cases statewide had readily available access to social workers or case managers.



*Note:* A limited number of public defender offices maintain a social worker on staff. The Klamath Defenders, the public defense provider in Klamath and Lake counties, utilize case managers in a role similar to that of the PCRP.

<sup>10</sup> Data sources: PCRP attorney activity reports, case manager assignment spreadsheet, OPDS contract analysts.



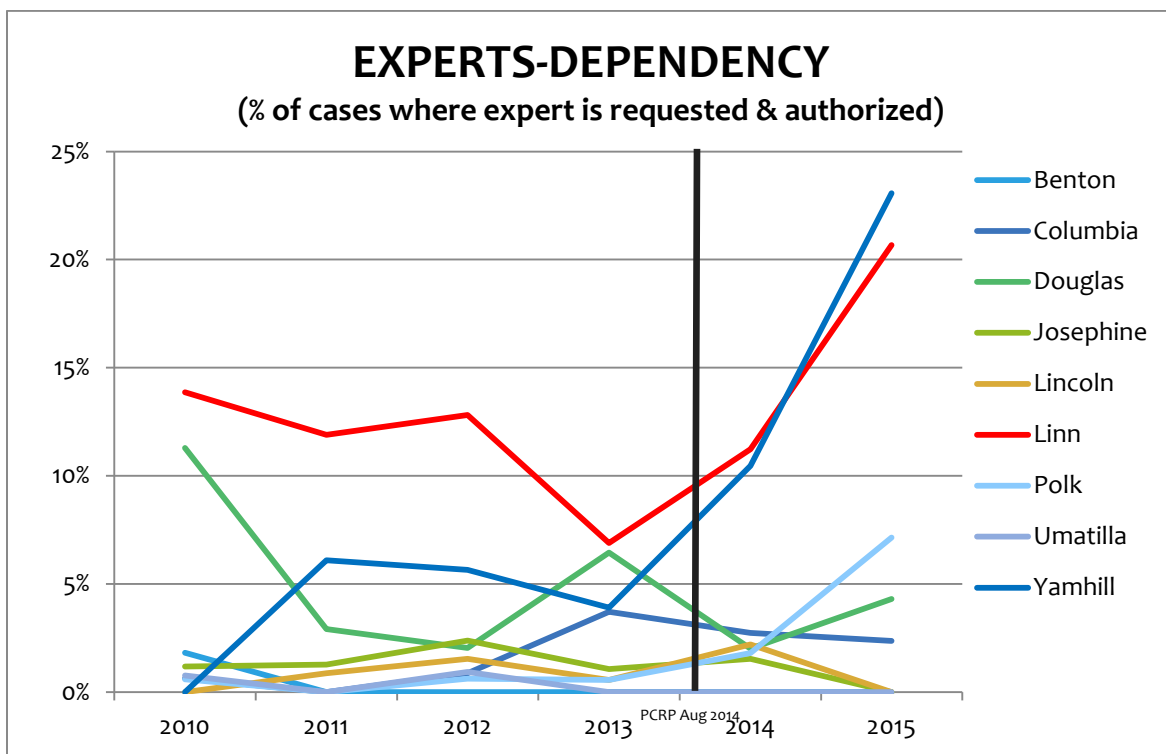
**b. Access to and use of expert witnesses**

*Measure:* Percentage of attorneys that have access to expert witnesses and percentage of cases in which an expert witness is requested and determined by OPDS to warrant funding as a necessary and reasonable expense.<sup>11</sup>

*Explanation:* Each attorney must have access to independent expert analysis to assess and present the client’s case and to challenge the state’s case. The right to court appointed counsel at state expense includes necessary and reasonable fees and expenses for the investigation, preparation, and presentation of the case.<sup>12</sup>

*Data:* All juvenile public defense attorneys have access to non-routine expense funds for case investigation, preparation, and presentation. In order to receive funding authorization, the attorney must document that the funds are both necessary and reasonable in the case at issue.

During 2014, in comparable counties, an expert was requested and authorized by OPDS in an average of 1% of the juvenile dependency cases. In the first six months of 2015, this number is 2%. In contrast, during 2014, in PCRP counties, an expert was requested and authorized by OPDS in an average of 11% of the juvenile dependency cases. In the first 6 months of 2015, this number is 22%.



<sup>11</sup> Data sources: PCRCP attorney activity reports, OPDS non-routine expense data, OPDS case credit reports.

<sup>12</sup> ORS 135.055(3)(a) (2014).

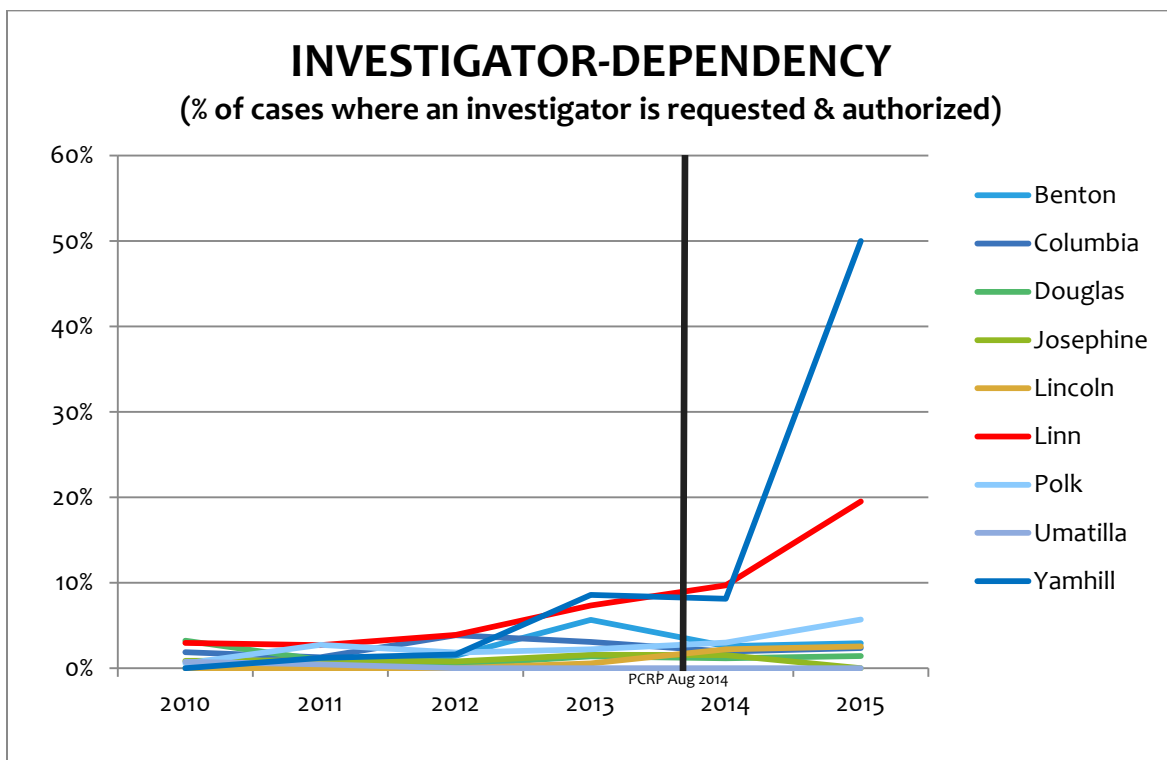
### c. Access to and use of investigators

*Measure:* Percentage of attorneys that have access to investigators and percentage of cases in which an investigator is requested and determined by OPDS to warrant funding as a necessary and reasonable request.<sup>13</sup>

*Explanation:* Each attorney must independently investigate the state's allegations and seek evidence that challenges the state's case. The right to court appointed counsel at state expense includes necessary and reasonable fees and expenses for the investigation, preparation, and presentation of the case.<sup>14</sup>

*Data:* All juvenile public defense attorneys have access to non-routine expense funds for case investigation, preparation, and presentation. In order to receive funding authorization, the attorney must document that the funds are both necessary and reasonable in the case at issue.

During 2014, in comparable counties, an investigator was requested and authorized by OPDS in an average of 2% of the juvenile dependency cases. In the first 6 months of 2015, this number is 2%. In contrast, during 2014, in PCRCP counties, an investigator was requested and authorized by OPDS in an average of 9% of the juvenile dependency cases. In the first 6 months of 2015, this number is 35%.



<sup>13</sup> Data sources: PCRCP attorney activity reports, OPDS non-routine expense data, OPDS case credit reports.

<sup>14</sup> ORS 135.055(3)(a) (2014).

## II. Indicator: Reasonable caseloads

*Measure:* Caseload limit for full- and part-time PCRCP attorneys; percentage of PCRCP attorneys who fall within the limit.<sup>15</sup>

*Explanation:* A reasonable workload allows attorneys to provide standards-based legal representation and meet their ethical obligations. Lawyers within the PCRCP are expected to have frequent client contact, attend all case-related meetings, conduct independent investigations throughout the life of the case, and advocate at all court and CRB hearings at every stage of the case.

*Data:* Within the PCRCP, attorneys are limited to a full caseload of no more than 80 open cases. The PCRCP caseload limitation requires attorneys to limit the number of non-PCRCP cases they handle, including privately retained work, so that they remain within the case limit.

During 2014-2015, juvenile attorneys in two of Oregon's counties, Linn and Yamhill, were subject to a caseload limit of 80 open cases. In the remainder of the counties, attorneys did not experience caseload limits imposed by OPDS.<sup>16</sup>

Another way of examining the scope of caseload limits is to compare the number of children in foster care represented by attorneys within the PCRCP with those children represented by non-PCRCP attorneys. On the last day of 2014, there were 373 children in foster care, approximately 5%, represented by attorneys in counties with caseload limits. The remaining 7166 children were represented by attorneys in counties without caseload limits.

## III. Indicator: Representation out of court

### a. Time spent in contact with clients outside of court hearings

*Measure:* Time spent with clients, outside of the courtroom, as reported by the PCRCP attorneys and PCRCP case managers.<sup>17</sup>

*Explanation:* Establishing and maintaining a relationship with the child client is the foundation of representation. It is often more difficult to develop a relationship of trust with a child client than with an adult. Meeting with the child personally and regularly allows the lawyer to develop a relationship with the client and to assess the child's circumstances. The child's position, interests, needs, and wishes change over time. A lawyer for a child must develop a relationship through frequent contacts.<sup>18</sup>

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<sup>15</sup> Data source: PCRCP attorney activity reports, Oregon Child Welfare Data Set report CM.02 Count of Children in Foster Care by Placement Type-Last Day of Period, [https://rom.socwel.ku.edu/Oregon\\_Public/MyReports.aspx](https://rom.socwel.ku.edu/Oregon_Public/MyReports.aspx).

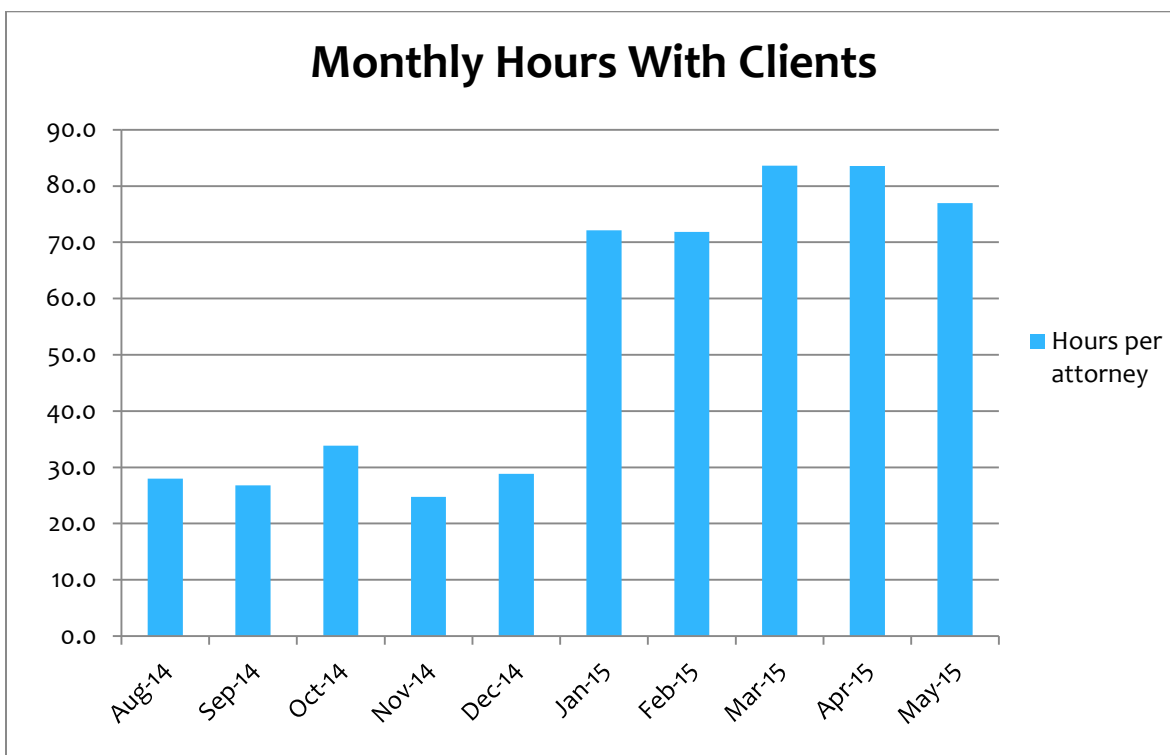
<sup>16</sup> The issue of high caseloads for public defenders has been repeatedly identified as a concern. See *Public Defense Services Commission Retreat Agenda and Objectives* (March 20, 2014) <http://www.oregon.gov/OPDS/docs/Agendas/03-20-14.pdf>. The Joint Interim Task Force on Juvenile Court Dependency Proceedings raised this issue during their meetings in 2014. Task Force members discussed the issue of caseloads, noting that in many counties, lawyers representing children and parents have well over 100 cases at any given time. And because there can be multiple children in each case, lawyers representing children can have many more clients than cases. See *Joint Interim Task Force on Juvenile Court Dependency Proceedings Final Report*, (December 3, 2014) <https://olis.leg.state.or.us/liz/201311/Downloads/CommitteeMeetingDocument/41222> (DRAFT COPY).

<sup>17</sup> Data source: PCRCP attorney activity reports, PCRCP case manager activity reports.

<sup>18</sup> Oregon State Bar Report of the Task Force on Standards of Representation in Juvenile Dependency Cases, *The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary*, Standard 2-Relationship with the child client (2014).

Gaining a parent client’s trust and establishing ongoing communication are two essential aspects of representing the parent. The job of the lawyer extends beyond the courtroom. The lawyer should be a counselor as well as litigator. The lawyer should be available to talk with the parent to prepare for hearings, and to provide advice and information about ongoing concerns.<sup>19</sup>

*Data:* The goal of the PCRCP is for attorneys to spend 1/3 of their time with clients outside of the courtroom. Since the inception of the PCRCP, attorneys report spending closer to 1/4 of their time with clients. However, beginning in January 2015, case managers worked with clients as part of the legal representation team. As a result of case manager involvement, time spent with clients, per attorney team, has increased by an average of 172% over the average time spent with clients in the first five months of the program.



### **b. Attorney presence at key case non-court events**

*Measure:* Number of case-related meetings attended; time spent in case-related meetings. Attorney presence at case-related meetings from a stakeholder perspective.<sup>20</sup>

*Explanation:* Lawyers should actively engage in case planning, including attending substantive case meetings, such as initial treatment planning meetings and case reviews of treatment plans.<sup>21</sup>

<sup>19</sup> Oregon State Bar Report of the Task Force on Standards of Representation in Juvenile Dependency Cases, *The Obligations of the Lawyer for Parents in Child Protection Proceedings with Action Items and Commentary*, Standard 2-Relationship with the parent client (2014).

<sup>20</sup> Data source: PCRCP attorney activity reports, April 2015 PCRCP Stakeholder survey results.

<sup>21</sup> Oregon State Bar Report of the Task Force on Standards of Representation in Juvenile Dependency Cases, *The Obligations of the Lawyer for Parents in Child Protection Proceedings with Action Items and Commentary*, Standard 4-General principles governing conduct of a case (2014).

Many important decisions in a case are made outside of the courtroom in case-related meetings. Advocacy at case planning meetings is an essential part of effective legal representation. PCRCP attorneys are expected to attend case-related meetings unless a court appearance is scheduled at the same time.

*Data:* From August 2014-May 2015, PCRCP attorneys attended a total of 1255 case-related meetings, an average of 12 meetings per month. At times, a staff assistant or case manager may attend a case-related meeting at the attorney's request. However, for purposes of this report, only attorney attendance at meetings is reported.

Interestingly, although attorney participation in case-related meetings is significant, a number of system partners within the PCRCP counties report it is insufficient to meet case planning needs. In April 2015, OPDS surveyed juvenile court stakeholders within both counties. When asked about attorney participation in case-related meetings, 63% of respondents in Linn County and 18% in Yamhill County found the level of participation to be sufficient. But, in both counties, respondents noted an increase in the level of participation since the beginning of the PCRCP. In Linn County, 41% of respondents noted a participation increase; in Yamhill, 75% noted a participation increase.

# PCRP Program Goal: Meaningful Representation of Parents and Children at all Proceedings

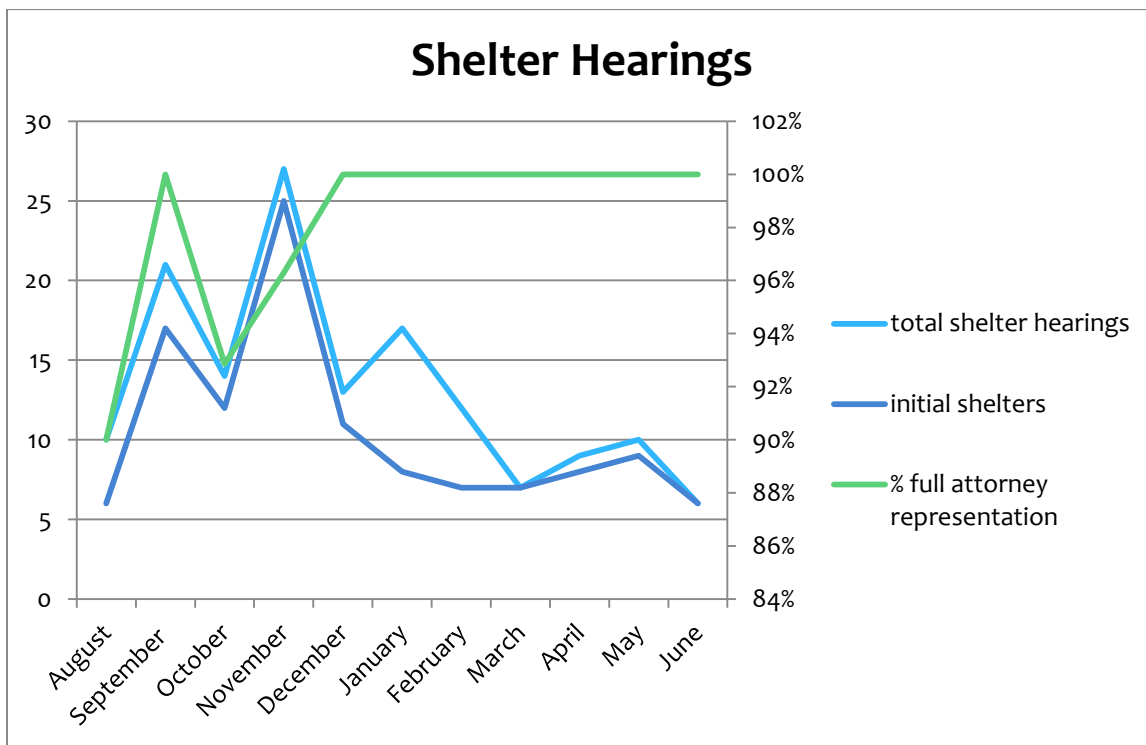
## I. Indicator: Shelter hearing representation

*Measure:* Percentage of parties represented by an attorney at shelter hearings.<sup>22</sup>

*Explanation:* PCRP attorneys are required to provide representation at the initial hearing, called a shelter hearing, in each case. Prior to the PCRP, attorneys in Linn and Yamhill counties were not consistently present at shelter hearings and, as a result, parents attended these hearings, where children were often removed from their care, without an advocate. And children, who have their own legal rights and often substantial needs, had no voice in the proceeding.

As a result of the PCRP, parents and children are now consistently represented at initial shelter hearings by attorneys who have access to discovery and, in many cases, meet with their clients before the hearings. Research underscores the importance of early engagement in juvenile court cases. Families are more likely to be reunified when parents, mothers in particular, and attorneys are present and involved in early stage hearings.<sup>23</sup> The direction a case takes early on often predicts whether a child will return home.<sup>24</sup>

*Data:* Between December 2014 and June 2015, PCRP attorneys have been present, on behalf of all parties, at shelter hearings.



<sup>22</sup> Data source: PCRP attorney activity reports, Oregon e-Court case information system.

<sup>23</sup> National Council of Juvenile and Family Court Judges, *Effects of Parental and Attorney Involvement on Reunification in Juvenile Dependency Cases*, PPCD Research Snapshot (2011), [http://www.ncjfcj.org/sites/default/files/Parental%20Involvement%20One%20Pager\\_Final\\_0.pdf](http://www.ncjfcj.org/sites/default/files/Parental%20Involvement%20One%20Pager_Final_0.pdf).

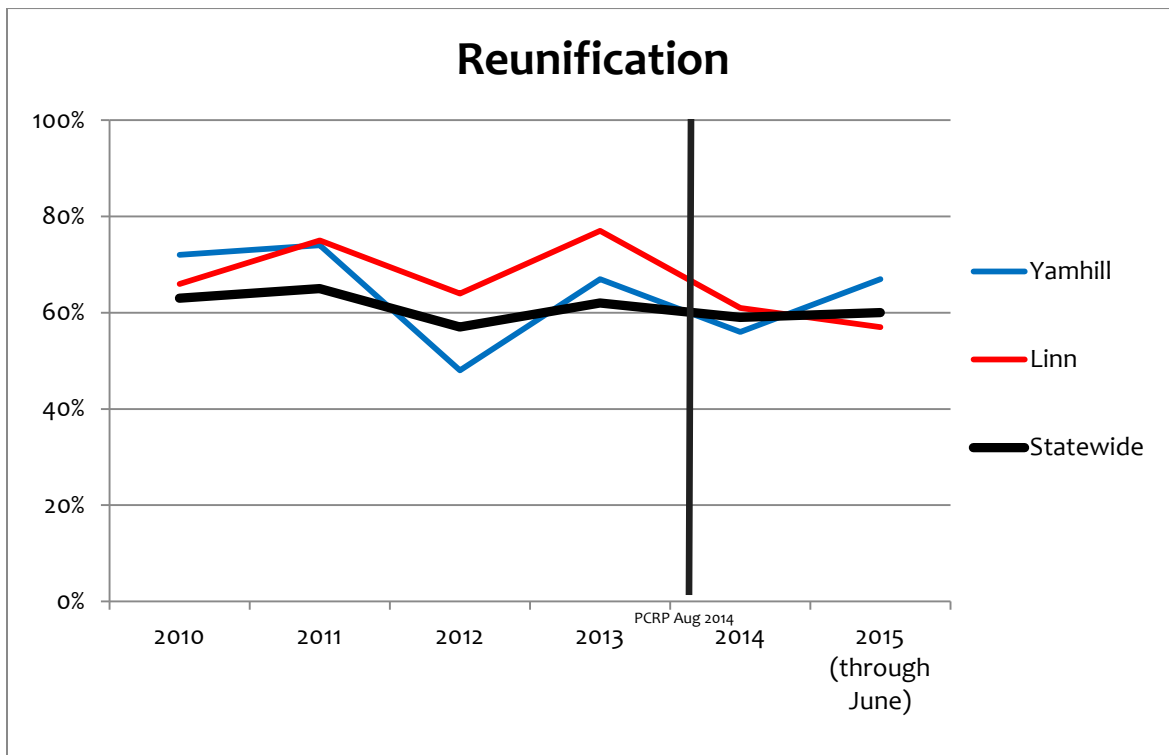
<sup>24</sup> Cohen and Cortese, *Cornerstone Advocacy in the First 60 Days: Achieving Safe and Lasting Reunification for Families*, ABA Child Law Practice (2009).

## II. Indicator: Case resolution

*Measure:* Discharge reason for those children leaving foster care.<sup>25</sup>

*Explanation:* High-quality legal representation for parents, in which attorneys have adequate time to devote to their client's case, and parents have access to independent social workers as part of their legal team, has been shown to reduce the time children spend in foster care.<sup>26</sup> Washington state's Parent Representation Program, which began in 2000 and is similar to the PCRCP, has increased safe reunifications by 36%.<sup>27</sup>

*Data: Reunification:* The State of Oregon expresses a strong preference that children live in their own homes with their own families when possible.<sup>28</sup> Since 2012, the statewide percentage of children who were reunified with a parent upon discharge from foster care has averaged 60%. From 2014 to June 2015, discharge to reunification increased by 1.7% across the state. In the PCRCP, over the same time period, the percentage of children leaving foster care to reunification increased by an average of 6.5%.



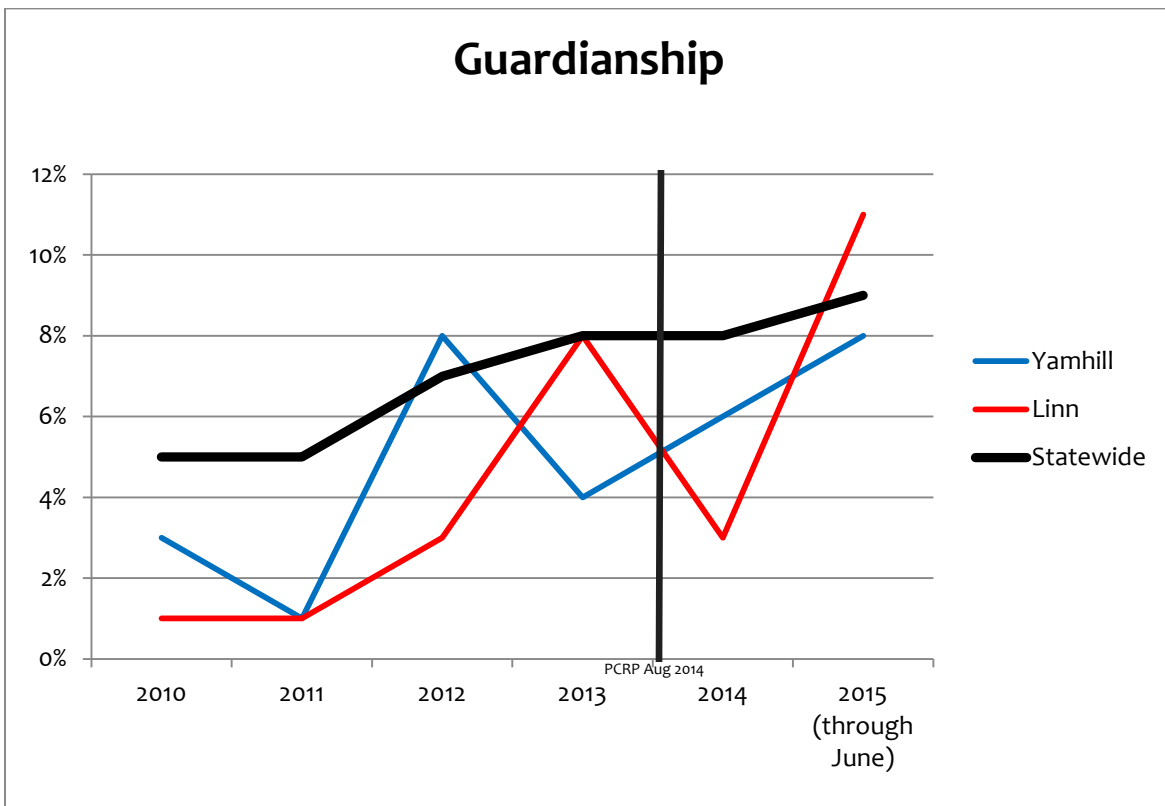
<sup>25</sup> Data source: Oregon Child Welfare Data Set report CM.05 Discharge Reason (of those discharged), [https://rom.socwel.ku.edu/Oregon\\_Public/MyReports.aspx](https://rom.socwel.ku.edu/Oregon_Public/MyReports.aspx).

<sup>26</sup> Courtney, Hook & Orme, *supra* n.2.

<sup>27</sup> American Bar Association, *National Project to Improve Representation for Parents Fact Sheet*, <http://schubert.case.edu/files/2014/02/ABAFactsheet.pdf>.

<sup>28</sup> ORS 419B.090(5) (2015).

Guardianship: Guardianship is an important measure of permanence which allows children to be discharged from foster care and has the added benefit of maintaining the legal parental relationship between the child and his or her birth parents.<sup>29</sup> The statewide percentage of children who entered a guardianship upon leaving foster care has been increasing steadily since 2010. In 2010, 5% of children entered guardianships, and by June, 2015, the number has increased to 9%. In the PCRCP counties, for 2014, both counties had a guardianship rate below the statewide average (Linn 3% and Yamhill 6%). However, the rate of guardianship has increased substantially since the inception of the PCRCP in August 2014. From 2014 to June, 2015, the statewide rate for discharge to guardianship increased from 8% to 9%, an increase of 12.5%. Within the PCRCP, over the same time period, the average rate for discharge to guardianship increased from 4.5% to 9.5%, an increase of 111%.

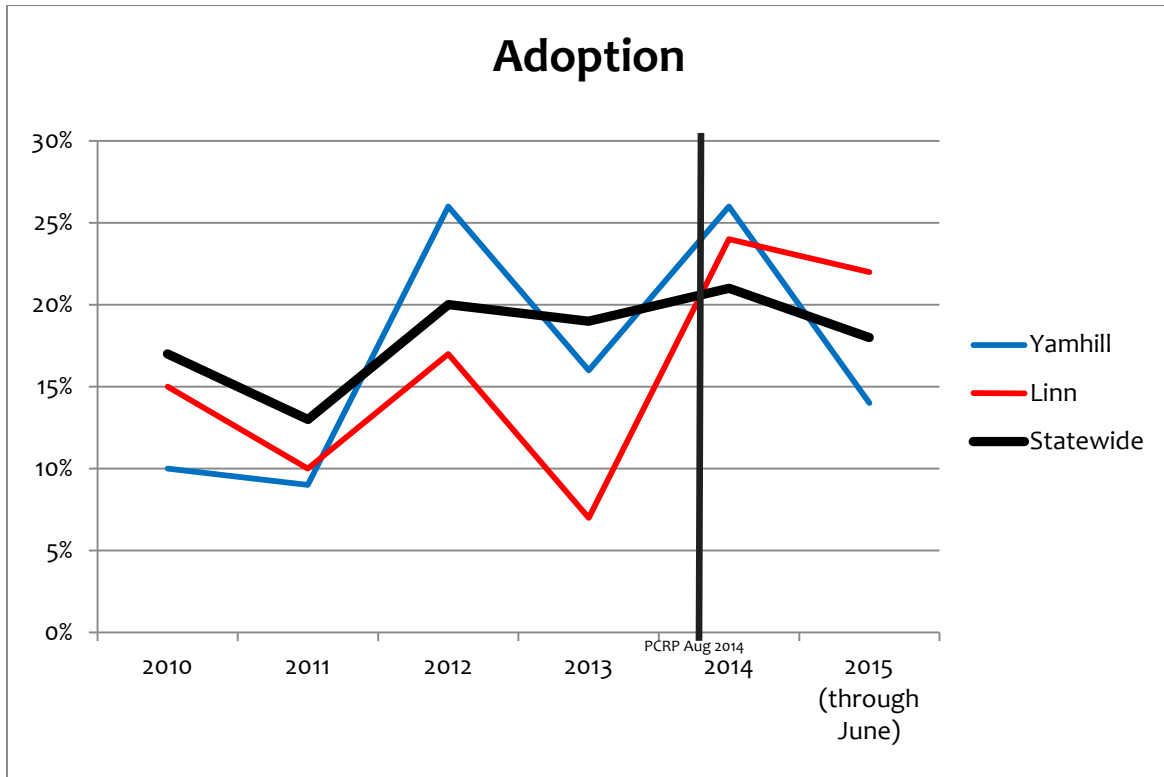


<sup>29</sup> Guggenheim and Sankaran, *Representing Parents in Child Welfare Cases* 303 (American Bar Association 2015).



Adoption: Children have a legal right to permanency with a safe family.<sup>30</sup> Adoption is the most permanent alternative for children after reunification. However, the termination of parental rights, while necessary in some cases, can have severe negative consequences for a child.<sup>31</sup> Between 2012 and 2014, the statewide percentage of children who discharge from foster care to adoption has averaged 20%. In the first 6 months of 2015, the statewide percentage decreased to 18%, a decrease of 14.3% over 2014. In the PCRCP counties, the percentage of children who discharge from foster care to adoption has been decreasing at a rate higher than the statewide average.

In 2014, in the PCRCP counties, an average of 22.5% of children leaving foster care exited to adoption and in the first half of 2015, an average of 18% of children leaving foster care exited to adoption. From 2014 to June, 2015, the average percentage decrease in adoption as a discharge reason in Linn and Yamhill counties is 20%.



<sup>30</sup> ORS 419B.090(2) (2015).

<sup>31</sup> Guggenheim and Sankaran, *supra n.29*, at 311.

# PCRP Program Goal: Improved Outcomes for Children and Families

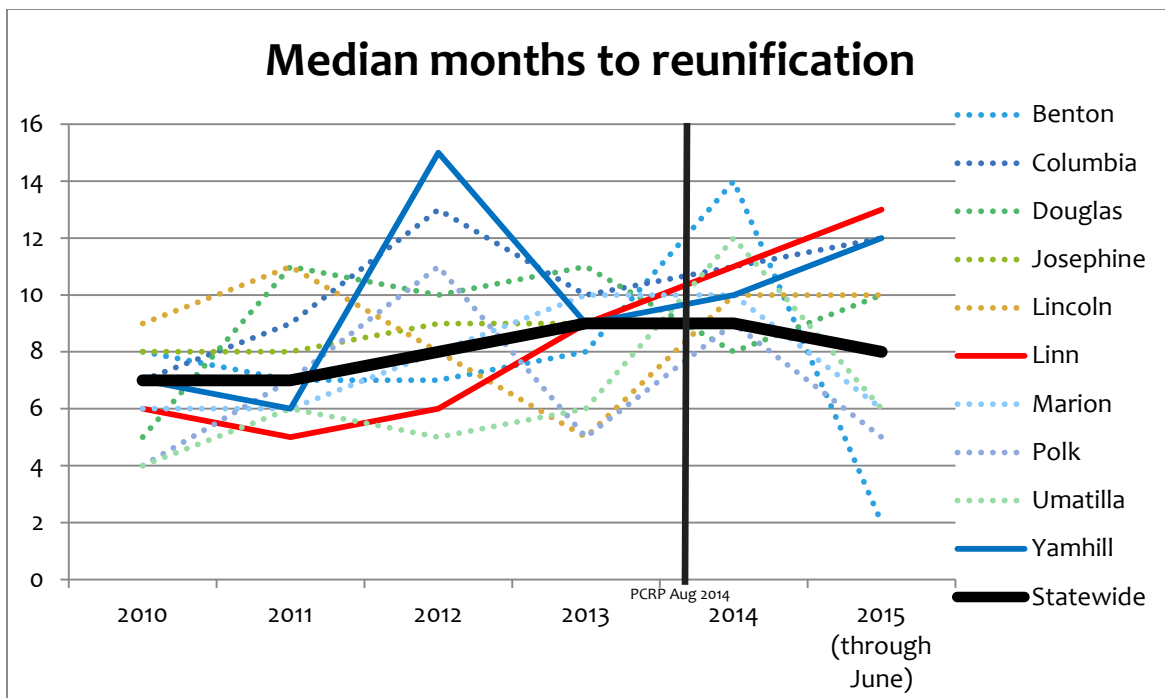
## I. Indicator: Quality representation decreases time to safe permanency

### a. Median time to reunification

*Measure:* Median months of those reunified within the time period sampled.<sup>32</sup>

*Explanation:* Reunification occurs when children leave foster care to be reunified with parents or families. In 2014, 58.5% children who left foster care were reunited with families.<sup>33</sup> An attorney's advocacy for frequent visitation, parent engagement, and the right service plan helps steer the case toward early reunification.<sup>34</sup>

*Data:* Statewide, between 2010 through June, 2015, the median number of months to reunification averages 8 months. Beginning in 2013, both Linn and Yamhill counties have seen an increase in the median number of months to reunification. In 2014 and, through June of 2015, the number of months to reunification is well above the statewide average. And, it appears that time to reunification continued to increase after the start of the PCRP. When compared to similarly-sized counties, Linn County's 13 months for 2015 is the highest.



### b. Median time to adoption

*Measure:* Median months of those adopted within the time period sampled.<sup>35</sup>

<sup>32</sup> Data source: Oregon child welfare data set report FO.01.2 Median Months to Reunification-of those reunified, [https://rom.socwel.ku.edu/Oregon\\_Public/MyReports.aspx](https://rom.socwel.ku.edu/Oregon_Public/MyReports.aspx).

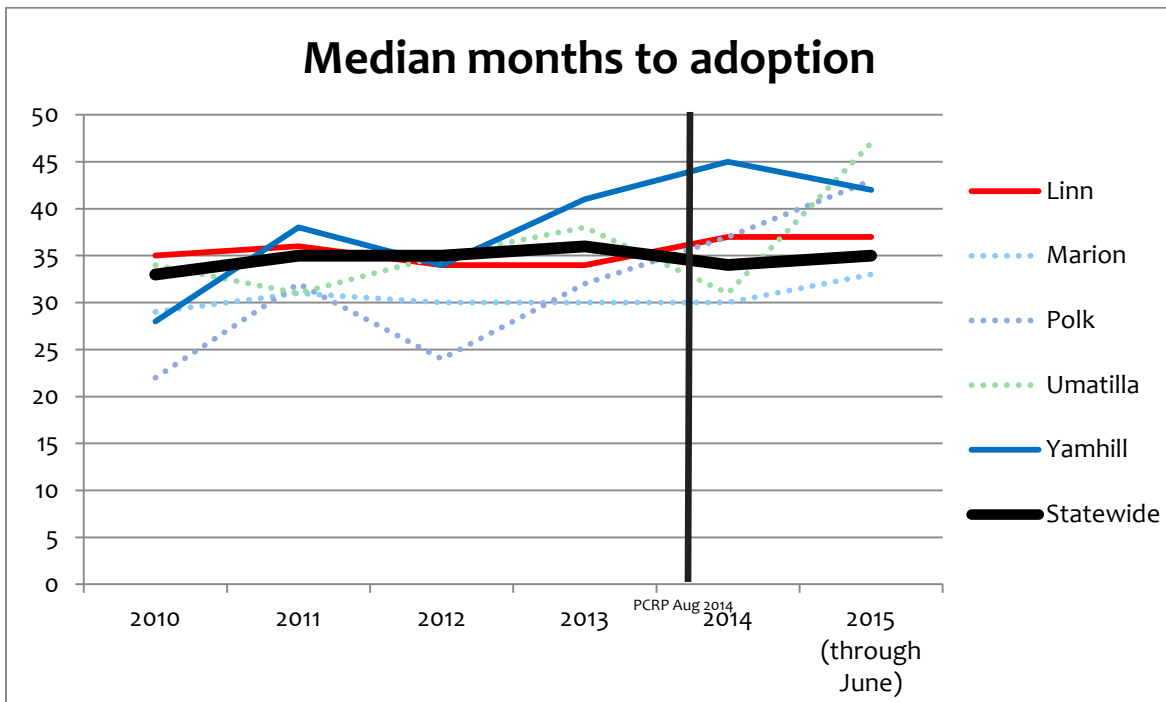
<sup>33</sup> Department of Human Services, 2014 Child Welfare Data Book (2014).

<sup>34</sup> Cohen and Cortese, *supra* n. 24.

<sup>35</sup> Data source: Oregon child welfare data set report FO.02.2 Median Months to Adoption-of those adopted, [https://rom.socwel.ku.edu/Oregon\\_Public/MyReports.aspx](https://rom.socwel.ku.edu/Oregon_Public/MyReports.aspx).

*Explanation:* Focused advocacy by attorneys for children and parents is needed to expedite the achievement of permanency for children. Research conducted on Washington State’s parent representation program has found that the availability of adequate legal representation speeds reunification with parents, and for those children who do not reunify, it speeds achieving permanency through adoption and guardianship.<sup>36</sup>

*Data:* Since 2010, the statewide average is 34.6 months. Linn and Yamhill counties have seen an increase in the median months to adoption since 2013. In 2013, the median months to adoption in Linn and Yamhill counties was 34. For the first half of June, 2015, Linn County had a median of 37 months and Yamhill 42 months. In Yamhill County, since the start of the PCRCP in 2014, median months have declined by 6.6%. Linn County remains unchanged at 37 months. When compared to similarly sized counties with a similar foster care population percentage, the time to adoption is remaining steady or falling while the comparison counties show a sharp rise in the median months to adoption.



**c. Time to achieve permanency**

*Measure:* Percentage of children who achieved permanency within 24 months of removal.<sup>37</sup>

*Explanation:* When consistent with the client’s interests, the lawyer should take every appropriate step to expedite proceedings. Delaying a case often increases the time a family is separated and can reduce the likelihood of reunification.<sup>38</sup> Research shows that the effectiveness

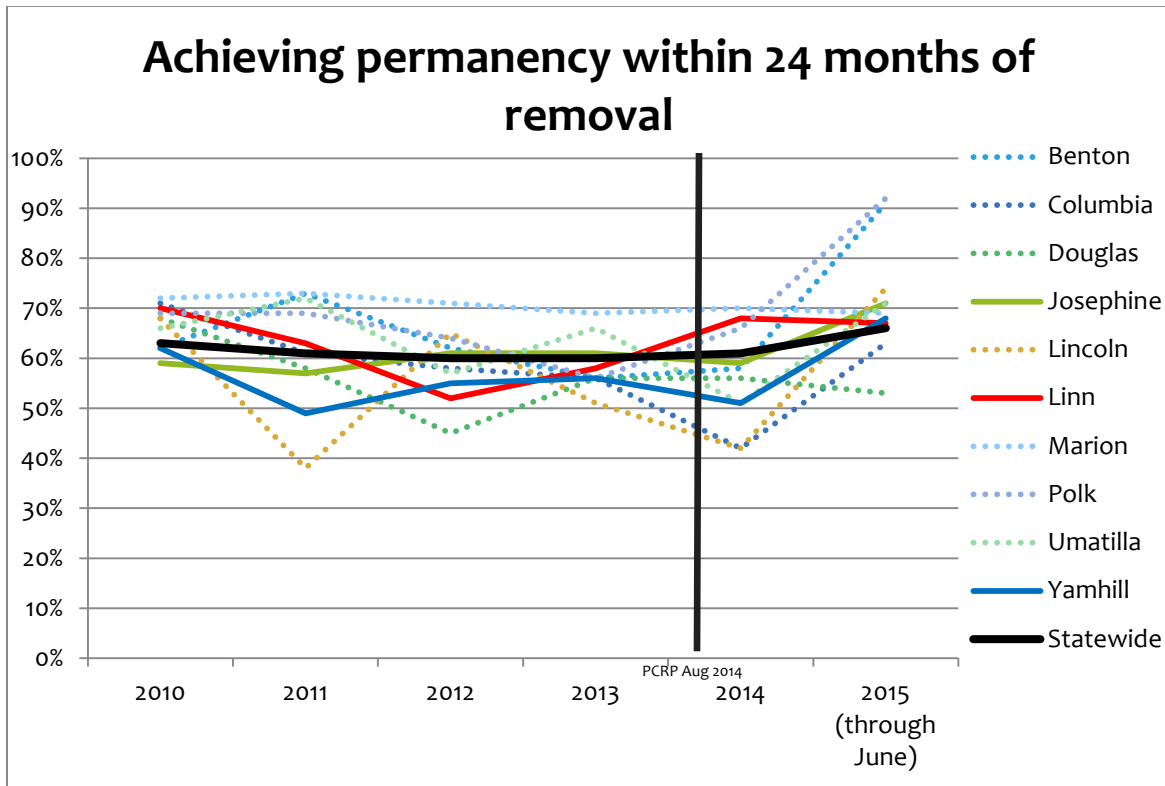
<sup>36</sup> Courtney, Hook & Orme, *supra* n.2.

<sup>37</sup> Data source: Oregon child welfare data set report PO.02. Permanency in 24 mos-of those entered care 24 mos ago, [https://rom.socwel.ku.edu/Oregon\\_Public/MyReports.aspx](https://rom.socwel.ku.edu/Oregon_Public/MyReports.aspx).

<sup>38</sup> Oregon State Bar Report of the Task Force on Standards of Representation in Juvenile Dependency Cases, *The Obligations of the Lawyer for Parents in Child Protection Proceedings with Action Items and Commentary*, Standard 4-General Principles Governing Conduct of a Case (2014). Oregon State Bar Report of the Task Force on Standards of Representation in Juvenile Dependency Cases, *The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary*, Standard 4-General Principles Governing Conduct of a Case (2014).

of foster care diminishes over time. The longer children remain in foster care, the less effective foster care is in meeting children's needs.<sup>39</sup>

*Data:* From 2010 through 2014, the statewide average hovered at 61%. In the first half of 2015, the statewide average increased by 8.2%. Before the start of the PCRCP, both Linn and Yamhill counties had rates lower than the statewide average. However, the percentage of children who achieve permanency within 24 months has been increasing in the PCRCP counties; for the first six months of 2015, both counties have rates higher than the statewide average.



**d. Rate of re-entry after discharge from foster care**

*Measure:* No re-entry into custody of those discharged 12 months ago.<sup>40</sup>

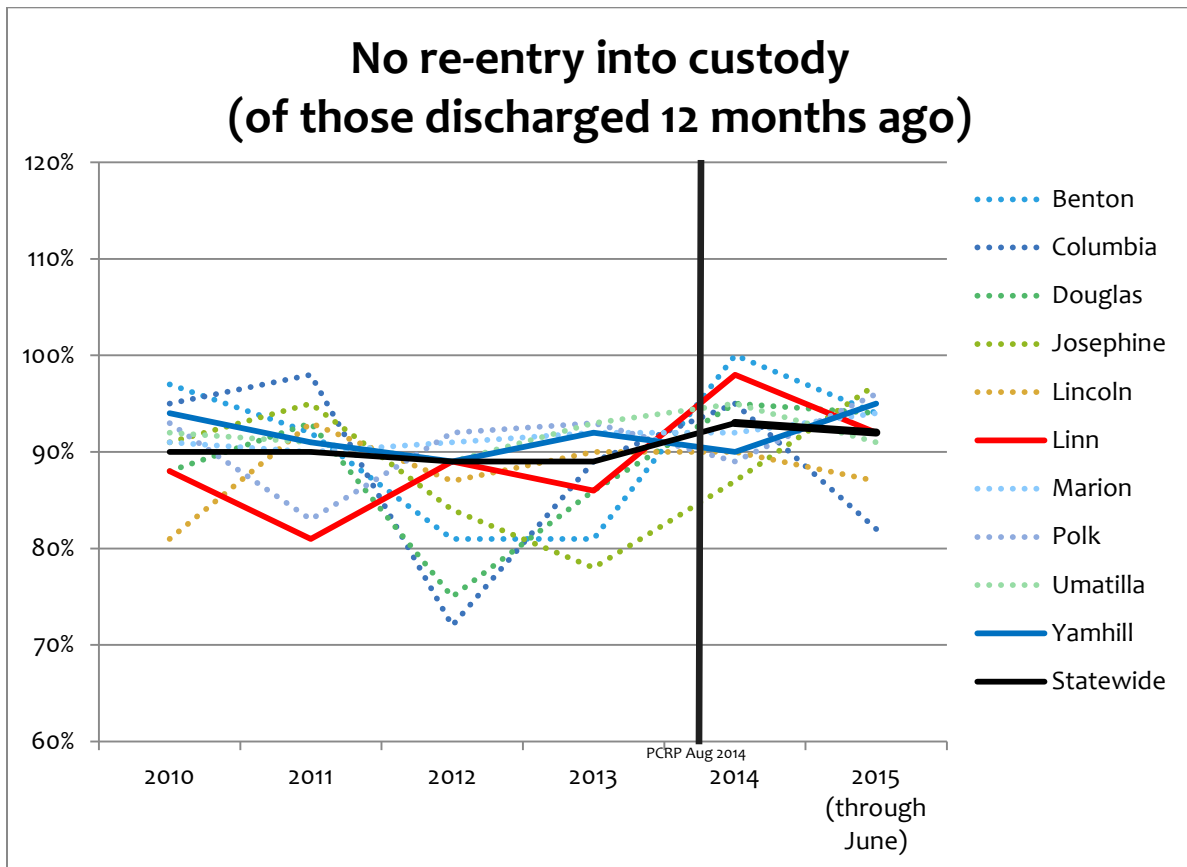
*Explanation:* Safe reunification, as shown by no re-entry into custody within 12 months of discharge from foster care, is a necessary measure when determining whether cases have resolved appropriately, whether parents have remediated the issues which led to foster care placement, and whether services provided to families were appropriate and effective.

*Data:* Between 2010 and 2014, the statewide percentage of children who were safely reunified (or placed into guardianship or adoption) upon discharge from foster care hovered between 89% and 90%. In 2014 and the first half of 2015, the percentage of children who were discharged from foster care and did not re-enter foster care within twelve months of discharge increased to 93% in 2014 and 92% in 2015.

<sup>39</sup> Joint Interim Task Force on Juvenile Court Dependency Proceeding Final Report (December 3, 2014), <https://olis.leg.state.or.us/liz/201311/Downloads/CommitteeMeetingDocument/41222> (DRAFT COPY).

<sup>40</sup> Data source: Oregon child welfare data set report CM.06 No Re-entry into Custody-of those discharged 12 mos ago, [https://rom.socwel.ku.edu/Oregon\\_Public/MyReports.aspx](https://rom.socwel.ku.edu/Oregon_Public/MyReports.aspx).

In 2014, Yamhill County had a safe reunification rate of 90%, below the statewide average. In the first half of 2015, the percentage of safe reunification increased to 95%, well above the statewide average. On the other hand, Linn County's rate was 98% in 2014, and during the first half of 2015 is consistent with the statewide average.



**e. Number of children in foster care**

*Measure:* Count of children in foster care by placement type.<sup>41</sup>

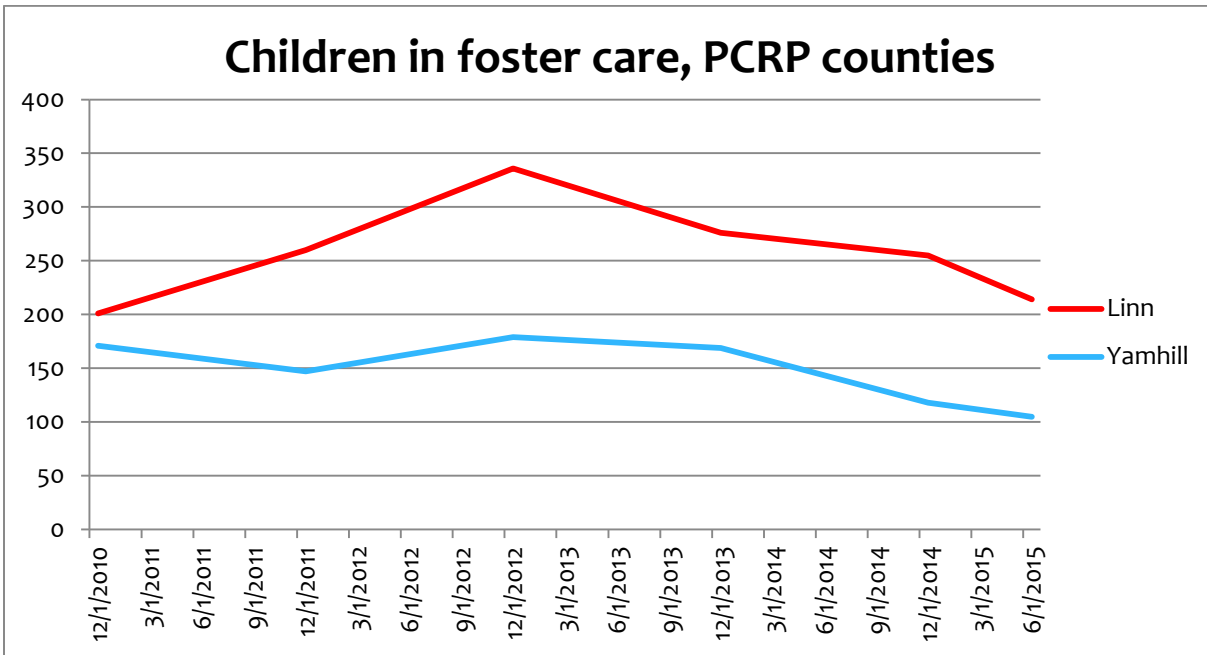
*Explanation:* According to Partners for Our Children, a Washington state research and policy organization, jurisdictions that want to improve parental representation and potentially shorten the time children are in foster care should consider a program focused on improved legal representation similar to Washington's parent representation program.<sup>42</sup> Reducing the use of foster care is a goal of the Parent Child Representation Program.

*Data:* Across the state, the number of children in foster care has been steadily declining from 2010 (8722 children in care on December 31, 2010) to June, 2015 (7572 children in care on June 30, 2015). From 2013-2014, the number of children in foster care decreased by 4.33%, and from January 2015-June 2015, there was an increase of .44%.

<sup>41</sup> Data source: Oregon child welfare data set report CM.02 Count of Children in Foster Care by Placement Type-Last Day of Period, [https://rom.socwel.ku.edu/Oregon\\_Public/MyReports.aspx](https://rom.socwel.ku.edu/Oregon_Public/MyReports.aspx).

<sup>42</sup> Courtney, Hook & Orme, *supra n.2*.

In Linn and Yamhill counties, the number of children in care has been declining since the end of 2012. On December 31, 2012, there were 336 children in foster care in Linn County and 179 in Yamhill County. By June 30, 2015, there were 214 children in foster care in Linn County and 105 in Yamhill. Although the number of foster children had been declining even prior to the start of the Parent Child Representation Program, the *rate* of reduction has increased since the PCRCP began and, the rate of reduction has outpaced the statewide rate. The average rate of reduction in children in foster care for PCRCP counties was 19% in 2014 and 13% for the first six months of 2015. In contrast, the number of children in foster care statewide decreased by 4.33% in 2014 and increased by .44% between January 2015 and June 2015. The graph below reflects the number of foster children in Linn and Yamhill counties over the past 5 years.



## II. Indicator: Client satisfaction

*Measure:* Percentage of former PCRCP clients who report overall satisfaction with the representation provided by their attorney.<sup>43</sup>

*Explanation:* Client satisfaction, trust and participation are important elements of any successful legal representation. Without these elements, there is a high probability that the client will not fully cooperate with or confide in his or her attorney and could jeopardize the effectiveness of the client's defense.<sup>44</sup> Client satisfaction is an important component in assessing attorney competence and effectiveness. Within the PCRCP, an attempt is made to contact each former client regarding their experience.

*Data:* Former clients are asked questions related to attorney responsiveness, thoroughness, communication, and investigation. Client satisfaction surveys began in April 2015 and, as of September 2015, 24 former clients have completed the survey with the majority reporting being very satisfied with the quality of representation.

<sup>43</sup> Data source: PCRCP client satisfaction survey.

<sup>44</sup> Washington State University, *Hamilton County Customer Satisfaction Pilot Project* (May 31, 2010), [http://www.americanbar.org/content/dam/aba/events/legal\\_aid\\_indigent\\_defendants/2014/ls\\_sclaid\\_3d\\_%20janet\\_moore\\_indig\\_def\\_ref\\_proj.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/legal_aid_indigent_defendants/2014/ls_sclaid_3d_%20janet_moore_indig_def_ref_proj.authcheckdam.pdf).

## Overall client satisfaction

