



# COMMONWEALTH of VIRGINIA

## Office of the Governor

Office of the Children's Ombudsman  
Eric J. Reynolds, Esq., Director

January 22, 2024

To: The Honorable Scott A. Surovell  
Chair, Senate Committee for Courts of Justice

The Honorable Patrick A. Hope  
Chair, House Committee for Courts of Justice

Senate Bill 1443 (Chapter 730, Virginia Acts of Assembly – 2023 Session) directed the Office of the Children's Ombudsman to *"convene a work group to study the establishment of the Parents Advocacy Commission to provide training, qualification, and oversight for court-appointed counsel who represent parents in child dependency cases. The work group shall review, analyze, and make recommendations for possible models for the Parents Advocacy Commission's standards of practice and training and certification procedures, including the model currently implemented by the Virginia Indigent Defense Commission for court-appointed counsel in criminal proceedings. The work group shall also study and make recommendations for the development of local or regional offices for the Parents Advocacy Commission. The work group shall report such recommendations to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 1, 2023."*

This Report describes the efforts made to fulfill the directive given in SB 1443.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric J. Reynolds".

Eric J. Reynolds, Director  
Office of the Children's Ombudsman

# REPORT OF THE WORK GROUP CONVENED PURSUANT TO SENATE BILL 1443

## INTRODUCTION

### **A. Senate Bill 1443 (Chapter 730, Virginia Acts of Assembly – 2023 Session)**

Senate Bill 1443 directed the Office of the Children’s Ombudsman to:

*convene a work group to study the establishment of the Parents Advocacy Commission to provide training, qualification, and oversight for court-appointed counsel who represent parents in child dependency cases. The work group shall review, analyze, and make recommendations for possible models for the Parents Advocacy Commission's standards of practice and training and certification procedures, including the model currently implemented by the Virginia Indigent Defense Commission for court-appointed counsel in criminal proceedings. The work group shall also study and make recommendations for the development of local or regional offices for the Parents Advocacy Commission. The work group shall report such recommendations to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 1, 2023.*

### **B. Membership**

The Office of the Children’s Ombudsman convened members of the work group created in accordance with Enactment Clause No. 3 of [Senate Bill 396](#) (Virginia Acts of Assembly – 2022 Session – Chapter 305) (the “SB 396 Child Dependency Legal Representation Work Group”) and recruited additional individuals to serve as members of this work group. Members included representatives from the following:

- the Virginia Indigent Defense Commission
- the Virginia Bar Association Commission on the Needs of Children
- the Virginia Commission on Youth
- the Office of the Executive Secretary of the Supreme Court of Virginia
- the Virginia Office of the Attorney General
- the Virginia Poverty Law Center
- Voices for Virginia’s Children
- the Virginia Legal Aid Justice Center
- local departments of social services
- local Court Appointed Special Advocate programs
- University of Richmond School of Law
- the National Center for State Courts
- Casey Family Programs

The work group also included the following:

- Juvenile and domestic relations district courts judges
- Private attorneys that serve as counsel for parents
- Guardians ad litem for children

- Counsel for local departments of social services
- private child welfare and family advocates and consultants,

A list of the work group members is found in Appendix A. The work group met on May 25, 2023, June 29, 2023, September 29, 2023, November 17, 2023, and January 18, 2024.

### **C. Parent Advocacy Commission Study Report**

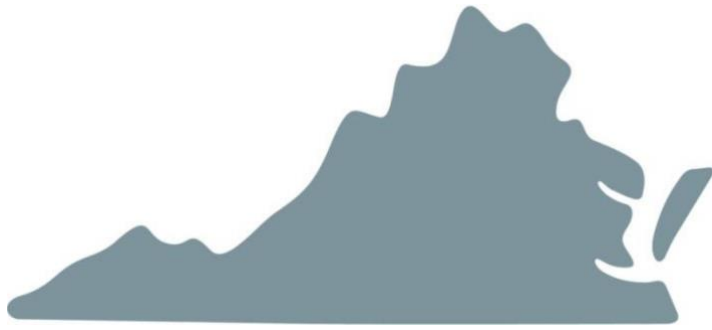
The work group reviewed the recommendations made by the SB 396 Child Dependency Legal Representation Work Group in its Report found [here](#). These recommendations were:

1. The maximum amount of compensation for court-appointed counsel for parents should be increased from \$120 to the maximum amount of compensation allowed for court-appointed criminal defense counsel in cases involving Class III-IV felonies and Class II felonies resolved in district courts.
2. Request the Judicial Council in conjunction with the Virginia State Bar and the Virginia Bar Association, adopt standards for the qualification and performance of attorneys appointed as counsel for parents.
3. Create a Section 1 study for the establishment of a state-level Parent's Advocacy Commission to provide support and oversight over court-appointed counsel for parents.
4. Appropriate funds to establish and launch pilot Multidisciplinary Offices serving diverse jurisdictions of the Commonwealth.

These recommendations were made to explore initiatives that could enhance and improve the quality of legal representation that parents involved in child dependency cases<sup>1</sup> receive. In accordance with recommendation 3 above, work group members from the National Center for State Courts (NCSC) conducted a study of the establishment of a Parent Advocacy Commission and prepared the *Blueprint for Establishing a Parents Advocacy Commission for the Commonwealth of Virginia*, which follows this Introduction and constitutes the Report of this work group and is being submitted pursuant to SB 1443.

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<sup>1</sup> For purposes of this Report, "child dependency cases" are cases involving children who have been alleged to have been abused or neglected and/or who have entered foster care. Child dependency court proceedings include emergency removal order hearings, preliminary removal hearings, preliminary child protective order hearings, adjudicatory hearings, dispositional hearings, foster care review hearings, permanency planning hearings, and termination of parental rights hearings.



# BLUEPRINT FOR ESTABLISHING A PARENTS ADVOCACY COMMISSION FOR THE COMMONWEALTH OF VIRGINIA

PREPARED FOR: THE COMMONWEALTH OF VIRGINIA

PREPARED BY: NATIONAL CENTER FOR STATE COURTS  
COURT CONSULTING SERVICES

DECEMBER 2023

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# Table of Contents

<b><i>Executive Summary</i></b> .....	<b>3</b>
<b><i>The Study</i></b> .....	<b>5</b>
<b><i>A Decade of Efforts to Enhance Quality Legal Representation for Parents</i></b> .....	<b>6</b>
<b><i>Responses from Stakeholder Focus Groups</i></b> .....	<b>7</b>
<b><i>The Role of High-Quality Legal Representation in Well-Functioning Child Welfare Systems</i></b> .....	<b>12</b>
<b><i>Virginia’s Child Welfare Data at a Glance</i></b> .....	<b>13</b>
<b><i>Exploring Leading Practices: Latest Literature, Research, and National Models for Parent Advocacy</i></b> .....	<b>16</b>
<b><i>Recommendations</i></b> .....	<b>27</b>
<b><i>A Blueprint for Virginia’s Parents Advocacy Commission</i></b> .....	<b>31</b>

## Executive Summary

Virginia Senate Bill 1443 of 2023 mandated a study to assess the feasibility and provide recommendations on establishing a statewide Parents Advocacy Commission (PAC) to enhance the quality of legal representation for parents in dependency cases. This study was executed by the Senate Bill 1443 Workgroup in partnership with the National Center for State Courts (NCSC) and leveraged nearly a decade of Virginia's past efforts and initiatives to improve court-appointed parent legal representation. NCSC gathered resources from state and local offices for parent defense, advocacy groups, departments of social services, judicial offices, and academia, including caseload and compensation standards, parent representation models, attorney qualifications, and funding sources. The study also leveraged data from a variety of regions and localities in Virginia and national best practices, trends, and cost-benefit considerations of providing high-quality legal advocacy for parents to formulate statewide recommendations for enhancing parent representation.

This report includes insights from interviews with various Virginia stakeholder groups, including judges, attorneys, Senate Bill 1443 Workgroup Members, parents with lived experience navigating Virginia's child welfare system, and others. Several themes emerged from these interviews, such as inadequate compensation for court-appointed attorneys (who are the lowest paid among all court-appointed counsel), fewer attorneys available to serve as court appointed counsel, and limited time to prepare parents' cases. Interviews also pointed to the need for greater engagement with clients and

training, standards, and oversight specific to parent representation. The interviews revealed that even the most dedicated attorneys are challenged by these systemic issues, resulting in parents perceiving that they are disadvantaged in child welfare proceedings. These views were not dissimilar to concerns expressed by other system partners, whose insights are documented throughout this report.

NCSC also reviewed Virginia's most recent child welfare data, examining permanency outcomes for children. The analysis uncovered concerning trends, including an increase in the number of children in foster care, less frequent use of relative/kinship placement, longer stays in foster care, and lower reunification rates compared to other states. Additionally, the data review revealed, neglect, sometimes coexisting with other reasons, is the primary reason that families enter Virginia's child welfare system. The data also indicates that children of color are overrepresented in foster care compared to the general population. These broader systemic issues are directly related to the issue under study as other states have demonstrated that high quality legal representation can reduce costs long-term while achieving more desirable outcomes for children and families. Effective parent representation, along with other elements of a well-functioning child welfare system, could greatly improve outcomes, disparities and inequities.

This report also includes examples of innovation in high quality parent representation in other states. While these models vary based on existing institutional infrastructure, resources, and needs, they all include some form of oversight to administer training, develop

and enforce standards and establish qualifications for parent attorneys. Moreover, certain jurisdictions embrace the principles of multidisciplinary representation, employing a collaborative team approach that integrates a lawyer, social worker, and peer mentor to craft a comprehensive legal strategy. This not only strengthens legal advocacy but also effectively addresses the diverse needs of families.

NCSC recognizes the challenges, financial and systemic, in improving parent representation, and commends the undertaking of the Senate Bill 1443 Workgroup to improve the state of parent representation in the Commonwealth. The following recommendations are proposed to improve not only the quality of legal representation for parents in Virginia, but also outcomes for children and families involved with the child welfare system.

- *Establish a Statewide Parent Advocacy Commission (PAC):* Create a PAC to oversee, support, and train court-appointed parent counsel to ensure consistent and high-quality representation, elevate the importance and role of parent counsel in dependency cases, and serve as a central hub to address parent concerns.
- *Enhance Compensation for Effective Advocacy:* Increase compensation for court-appointed parent counsel to enable effective advocacy on behalf of clients.
- *Institute Stringent Parent Attorney Qualifications:* Establish qualifications for parent attorneys that uphold a high level of expertise and competence.
- *Develop Statewide Standards:* Advocate for statewide standards of parent representation practice to guide and maintain uniformity in legal representation across the Commonwealth. At a minimum, standards should include expectations around client relationship and contact, case preparation, advocacy inside and outside of court, and follow-up with clients after court hearings.
- *Establish Mandatory Training for Parent Attorneys:* Mandate specific training for court-appointed parent attorneys to ensure a consistent and high standard of legal representation.
- *Pilot Multidisciplinary Representation:* Encourage ongoing efforts to pilot multidisciplinary legal representation offices in select jurisdictions to enhance parent advocacy inside and outside of the courtroom.
- *Optimize Use of Title IV-E Funds to Support Legal Representation Efforts:* Collaborate to propose using Title IV-E funds to support parent representation enhancement efforts both pre- and post-petition filing.



## The Study

This workgroup was convened according to Senate Bill 1443 (Virginia Acts of Assembly – 2023 Session – Chapter 730), which states that:

*The Office of the Children’s Ombudsman shall convene a work group to study the establishment of the Parents Advocacy Commission to provide training, qualification, and oversight for court-appointed counsel who represent parents in child dependency cases. The work group shall review, analyze, and make recommendations for possible models for the Parents Advocacy Commission’s standards of practice and training and certification procedures, including the model currently implemented by the Virginia Indigent Defense Commission for court-appointed counsel in criminal proceedings. The work group shall also study and make recommendations for the development of local or regional offices for the Parents Advocacy Commission. The work group shall report such recommendations to the Chairmen of the Senate Committee on the Judiciary and the House Committee for Courts of Justice by November 1, 2023.*

Pursuant to this mandate, the Office of the Children’s Ombudsman sought members from the child welfare community, including juvenile and domestic relations court judges, private attorneys who represent parents in dependency cases, law professors,

guardians ad litem for children, Department of Social Services employees, representatives from the Virginia Commission on Youth, the Virginia Indigent Defense Commission, and the Virginia Poverty Law Center to participate in said workgroup. The workgroup also included representatives from the National Center for State Courts (NCSC), an independent, non-profit corporation with the mission to improve the administration of justice through leadership and service to state courts, who conducted the study on behalf of the workgroup.

The methodology of this study included:

- 1. Thorough Review and Synthesis of Information:** NCSC reviewed and summarized past efforts to improve the quality of legal representation for parents involved in the child welfare system in Virginia from 2015 to the present. This included studies undertaken by prior workgroups created by the General Assembly, as well as those completed by the Joint Legislative Audit and Review Commission.
- 2. Data Analysis:** NCSC analyzed the most current data available on outcomes for children in Virginia’s child dependency system.
- 3. Engaging Stakeholders through Focus Groups:** NCSC conducted focus groups to capture observations and perceptions of Virginia’s current parent representation structure and recommendations for enhancements.
- 4. Integrating Current Literature, Research, and National Models:** NCSC reviewed and summarized the most recent literature, research



findings, and national models related to high-quality legal representation for parents and the establishment of a Parents Advocacy Commission.

#### **5. Developing Recommendations:**

The Workgroup formulated recommendations for enhancing legal representation for parents and for establishing a Parents Advocacy Commission. These recommendations are based on study findings, stakeholder input, and a review of best practices from the broader national landscape.

## **A Decade of Efforts to Enhance Quality Legal Representation for Parents**

The desire to address the concerns related to parent representation in Virginia is not new. In fact, there have been several legislative proposals designed to enhance legal representation, but they were not successful. However, in 2015 and in 2022, the General Assembly passed legislation to advance these efforts. Both times, Virginia enlisted the help of general assembly members, select citizens, and child welfare system stakeholders, including judges, attorneys, and agency attorneys, to identify strengths, weaknesses, and recommendations for improving parent advocacy. The findings of the 2015 Commission and the 2022 Workgroup provided a strong foundation for the 2023 Workgroup members to continue Virginia's efforts to enhance parent representation. Some of Virginia's previous findings about this topic are presented below for context.

#### **2015 - The Commission on Youth**

A standing legislative body comprised of delegates, senators, and select citizens appointed by the governor, were charged with "study[ing] and provid[ing] recommendations addressing the needs of and services to the Commonwealth's youth and their families."

#### **2015 - Commission Inquiry**

The Commission was asked to study legal representation for parents in child welfare cases and to determine whether modifications to the current system would support the Commonwealth's goal of improving child welfare outcomes. Also were directed to report its recommendations to the general assembly and the governor.

#### **2015 - Commission Findings**

Found that one of the major issues interfering with the provision of high-quality legal representation to parents in dependency cases was low compensation rates. The Commission recommended that courts allow parents' counsel to submit an application for additional compensation for all stages of a child welfare proceeding.

#### **2018 - Joint Legislative Audit and Review Commission Report on Improving Virginia's Foster Care System**

A study on Virginia's foster care and adoption services related to the safety and wellbeing of children. Eight recommendations were made for legislative and executive actions related to managing foster care cases, placements, child permanency and supervision. [Link to Study.](#)

#### **2022 - Child Dependency Legal Representation Workgroup Created**

It was created in accordance with Virginia Senate Bill 396 to "consider issues relating to the Commonwealth's model of court-appointed legal counsel in child dependency cases."

#### **2022 - Workgroup has Similar Findings for Compensation**

Virginia's low rate of compensation continues to impede retention of court-appointed counsel for parents in dependency cases and the rate had not changed for 20 years.

#### **2022 - Workgroup Sees Parent Attorney Workforce Decline**

The workgroup found a larger issue with a workforce decline of willing and able attorneys to accept parent appointments in child welfare cases.

#### **2022 - Workgroup Identifies Lack of Standards and Training**

Another issue identified by the 2022 Workgroup was the lack of standards for parent attorneys. High-quality legal representation for parents could be supported through required training for parent attorneys.

#### **2023 SJR 241 Workgroup's Recommendations**

In 2023, the SJR 241 Workgroup made a series of recommendations to the Governor and General Assembly to increase the compensation rate for court appointed counsel for parents, adopt standards for qualifications and performance, create a section I study for the establishment of the PAC to appropriate funds to launch a multidisciplinary representation office serving diverse jurisdictions of the commonwealth. [Link to study.](#)

A 2017 [review](#) of Virginia's foster care system by the Virginia Joint Legislative Audit and Review Commission (JLARC) found that while requirements to ensure children's health and safety were followed in most cases, lack of adherence in others placed children at risk of harm. The study reported that children were not regularly receiving required monthly visits by caseworkers – some going without a visit for months. The study also revealed that children in the foster care system did not always receive required health screenings.

The JLARC study found that Virginia did not use relatives for placement as often as other states. In 2016, only 6% of children in foster care were placed with relatives, which is much less than the national average (32%). The report also documented that when relatives were not available, there was a shortage of non-relative foster families in Virginia. Further, because of the lack of relative placements and non-relative foster families, local departments have had to place children in more restrictive placements than necessary. This is reflected in Virginia's increasing use of group homes and residential treatment centers. As stated in the JLARC report, unnecessary time in congregate care can contribute to adverse outcomes for children.

Compared to other states, more children in Virginia “age out” of the child welfare without a permanent home. For children 12 and older who entered foster care between 2012 and 2016, 54% aged out without finding a permanent home, which is well above the 50-state average (25%). Moreover, the study found that since 2007, Virginia has been among the worst three states annually for the number of children aging out.

Compounding these challenges are the high foster care caseloads carried by caseworkers. High caseloads are correlated with less frequent medical exams, fewer in-home visits by caseworkers, and fewer monthly contacts between children and their families.

## Responses from Stakeholder Focus Groups

### Stakeholders Unanimously Agree that VA Parent Representation Needs Reform

NCSC facilitated 9 focus groups and one-on-one sessions with a total of 44 individuals representing various stakeholders in Virginia's child welfare system. They represented several regions across the Commonwealth.

## FOCUS GROUPS

- PARENTS WITH LIVED EXPERIENCE
- ATTORNEYS
- DEPENDENCY JUDICIAL OFFICERS
- WORKGROUP MEMBERS
- OTHER STAKEHOLDERS



### Overall impressions from the stakeholder focus groups:

- Virginia needs a **fair and just child welfare system** that offers quality legal representation for children and parents.
- System actors need to **work collaboratively** to support safety, permanency, well-being, family preservation and healing.
- Virginia's child welfare system should recognize the agency, parents, and children as **equal parties in the system**.
- Parents **deserve zealous representation** by their attorneys.
- Attorneys need to **improve their communication with parents, preparation for court proceedings, and advocacy inside and outside of the courtroom**.
- Parent attorneys must be **adequately compensated** to provide effective representation.
- In order to effectively represent their clients, attorneys should be **required to complete training specific to parent representation** and other follow-up training on child welfare- related topics.
- Virginia must **establish statewide standards of practice** for attorneys representing parents in child welfare cases.
- Parent counsel is **in need of a statewide entity** to provide oversight and support.

Participants were asked to describe their perceptions of the current state of parent representation in Virginia. Their responses are depicted in a word cloud below; the size of the words correlates to the number of times it was mentioned by participants.

CONTRIBUTING TO SLOW PERMANENCY RATES  
LACK OF COMMUNICATION  
WITH CLIENTS



Attorneys are overwhelmed with unmanageable caseloads and inadequate compensation, resulting in diminished legal representation for parents. Virginia's compensation rates for parent representation has not changed in 20 years, dissuading new attorneys from accepting cases and causing existing attorneys to

travel to other counties to fill the need and to make up for a competitive salary. The lack of adequate compensation rates has also caused an increase in attorney turnover rates as the parent representation rate is the lowest rate for all court-appointed counsel in the state; compensation is capped at \$120 per case in juvenile and domestic court. These compensation rates are not only expected to cover an attorney's services both in and out of court, but also staff time and office overhead. Despite it being statutorily allowed and listed under [Supreme Court of Virginia's Chart of Allowances](#), not all jurisdictions are uniformly enforcing the compensation of experts and witnesses to testify in dependency proceedings. This further constrains an attorney's ability to effectively advocate for their client in already challenging circumstances. Consequently, this limited pool of parents' counsel is left to shoulder required deadlines and parents' legal needs with insufficient time to prepare and inadequate assistance to support representation, leading some focus group participants to describe parent legal advocates as detached and disorganized. Despite these circumstances, others were described as diligent and dedicated.

*"The lack of compensation is translating into there not being many attorneys."* – Judicial Officer

*"What happens with those of us that remain is that we get all the cases."* – Parent Attorney

*"They get so many cases and (same attorneys) are called so often that there is a burnout factor on this."*

*"I fought for 2 months to get my attorney appointed. They appointed the attorney 3 weeks before my case, spoke to me one time, and refused to submit any evidence to the court."* – Parent with lived experience

**Lack of training specific to parent representation was viewed as a significant setback by focus group participants.** Stakeholders shared that training should include more than the required Guardians Ad Litem for Children education and basic hearings and that other topics should cover a range of legal, ethical, and practical considerations to ensure that attorneys are well equipped to represent parents in child welfare cases.

*"You have to be able to navigate the complexities and the issues that these clients are dealing with in a way that you can advocate for them, or reasonably communicate with them. You have to have knowledge of mental illness and substance use disorder."*  
- Workgroup Member



*"Let's figure out how to prepare them for the work that they're going to be doing, and assume that those who really want to do it are going to be able to do it if we equip them to do it well and we're not doing that right now. We're throwing them to the wolves."*  
- Workgroup Member

### Insights from Parents with Lived Experience

Parents with lived experience navigating the child welfare system participated in a focus group and shared the qualities they desire in legal representation. They expressed their concerns regarding the existing state of parent representation in Virginia and offered suggestions for improvement.

### What do parents look for in an attorney?

**COMPASSIONATE**  
**EMPATHY** EVIDENCE LOYAL  
HONEST **COMMUNICATION**  
**ETHICAL** UNDERSTANDING  
**PREPARED** **FIGHT**  
SERIOUSNESS  
INTENTIONAL **LISTENING**  
**INTEGRITY** PROACTIVE

Parents valued attorneys who with compassion, integrity, and ethics who would fight for them. Parents shared the belief that **the state of parent representation in Virginia is weak and felt as though the child welfare system is heavily stacked against them**. They found their legal representation lacking in effective communication, robust advocacy, and the ability to clearly convey their preferences to the court.

*"The judge entertained him (the child welfare agency) more than me, and so my attorney didn't stand up for me and defend me right, or, you know, object. When they were objecting to all my evidence, everything in my case was rejected. Everything on that side of the case was granted."*

As a group, they noted that they did not believe they were treated fairly, and because of inadequate representation, one focus group member said:

*"It feels like a basketball court....but...they put us in this court with no basket to hoop....for no chance to win."*

Parents were asked the following question- “What were the things they wished their attorney would have done for them?”

Spent more time getting to know them and their wishes.

Wished their attorney met with them after the hearing to explain the judge’s decision.

Wished their attorney got in touch with them more often about their case.

Wished their attorney fought for them more during the court hearing when things were said that they did not agree with.

Wished their attorney attended their family partnership meetings with them.

Wished they shared their wishes during court.

Wished their attorney helped them to connect to services and support.

Like other stakeholders, parents expressed that advocacy can be improved by increasing compensation for attorneys decreasing caseloads, representing their interests both inside and outside the courtroom. They unanimously concurred on the necessity of mandated training tailored for parent attorneys. They indicated that the training should be comprehensive and encompass topics essential for fostering a deeper understanding of their clients' needs and enhancing communication skills to better serve them.

## The Role of High-Quality Legal Representation in Well-Functioning Child Welfare Systems

When there are concerns of abuse or neglect, a well-functioning child welfare system is essential to ensure children are safe and the rights of children and parents are protected. Broadly, the child welfare system encompasses all of the entities responsible for assessing the situation, providing support and services, and making critical decisions about the case, including courts, child welfare agencies, attorneys, service providers and other system stakeholders. Each entity has a responsibility to ensure that families are treated fairly, and that the child welfare system operates effectively with shared goals and a consensus that family preservation is the optimal outcome.

**Court and judicial leadership** are crucial in ensuring fairness for all parties involved and prioritizing the goals of safe and timely permanency and child well-being. This includes both administrative collaboration with stakeholders and effective courtroom practices. Judicial officers should look for ways to minimize potential trauma to the family, thereby upholding the principles of justice and creating an environment where fairness prevails.

**Child welfare agencies** provide reasonable efforts to keep children safely at home and only intervene and remove children when absolutely necessary. When removal is necessary

because of safety concerns, the agency provides supportive services to address the concerns and maintain the integrity of the family unit.

In addition, children and parents involved in dependency cases have a right to **attorneys** to ensure their due process rights are protected and their wishes and needs are effectively voiced to the court. All components of the child welfare system must be equipped with the right tools and resources for the entire system to function well. One component of the system cannot compensate for other components being ineffective or operating poorly. Each component plays a critical role, and their interdependence is paramount.

For example, high-quality legal representation has been shown to result in improved outcomes for children and families; however, those outcomes are not due to legal representation alone. When attorneys practice high-quality legal representation, they equip [judges](#) with critical information needed to make informed and balanced decisions. They zealously advocate for their client, holding the agency accountable for finding kinship placements, maximizing family time, providing services to address the family's unique needs and advocate for case closure when safety concerns are mitigated, and the family service plan is completed. Their client, in turn, feels supported and empowered to participate in their hearings and in their case plan.

High-quality legal representation contributes to increased family engagement and increased perceptions of fairness, thereby instilling greater trust in courts and agencies overseeing dependency cases.



Like a delicate ecosystem, the functioning of the child welfare system relies on the interplay of all its parts. While each component – judges, child welfare and service agencies, and attorneys – plays a crucial role, high-quality legal representation is a vital bridge between families and the court, ensuring informed decisions,

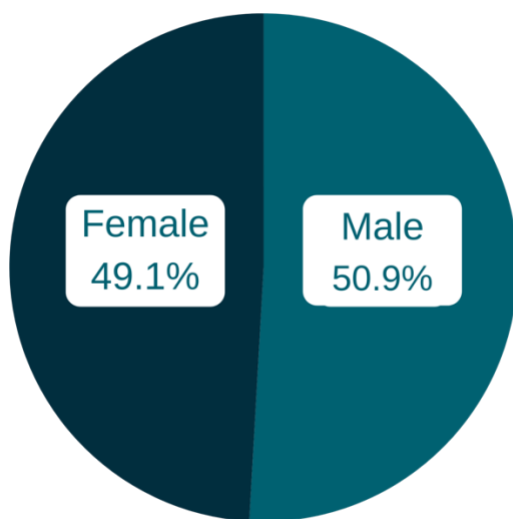
empowering families and responding to individualized needs. Investing in equitable access to high-quality legal representation is a strategic commitment to building a child welfare system where every voice is heard, every right protected, and every family has the chance to thrive.

## Virginia's Child Welfare Data at a Glance

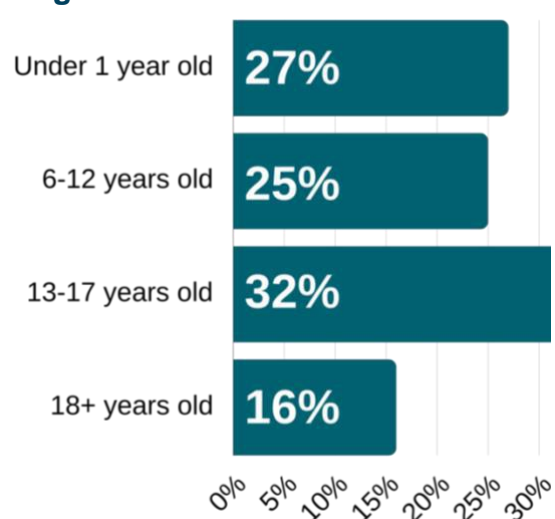
### Who are the children in Virginia's Foster Care System?

As of [October 1, 2023](#), there are 5,007 children in the Virginia foster care system, which is a 4.4% increase since fiscal year (FY) 2017.

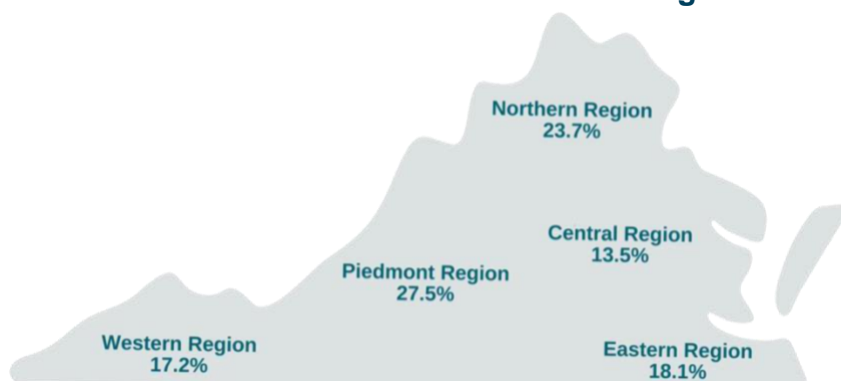
**Sex of Children in Foster Care**



**Age of Children in Foster Care**



**Location of Children in Foster Care in Virginia**



[Source:](#) Children Demographic Report in Virginia Department of Social Services, September 2023

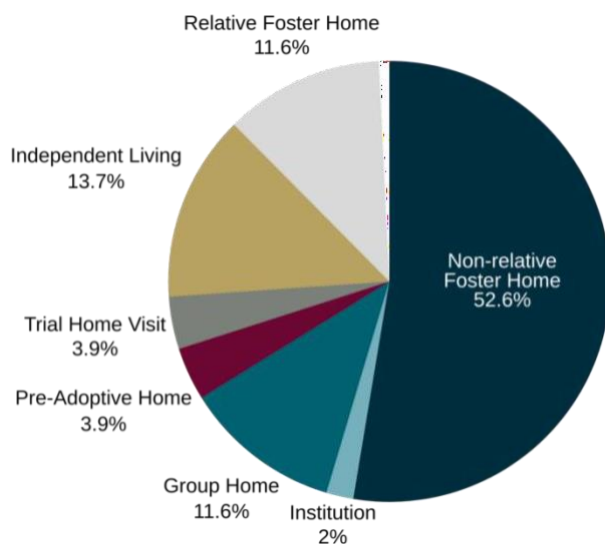
## Why do children enter foster care in Virginia?

Top 5 Conditions at Time of Last Removal:	
Neglect	51%
Parent's Drug Abuse	31%
Child's Behavior Problem	18%
Physical Abuse	14%
Inadequate Housing	14%

Source: Snapshot of Children in Foster Care in Virginia Department of Social Services

- Over 50% of removals in Virginia are attributed to neglect, making it the primary reason for removal.

## Placement



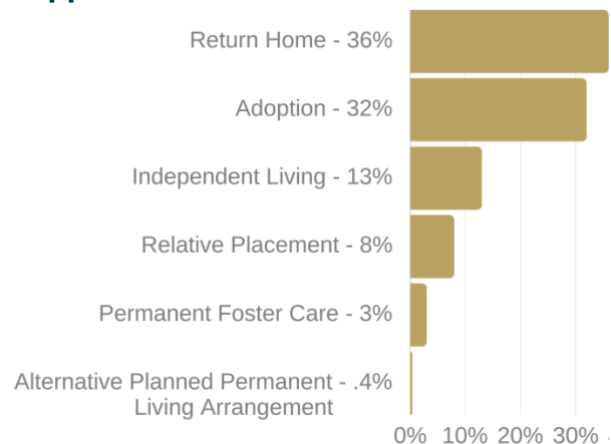
- Over 52% of children are placed in non-relative foster care. This is 9% higher than the national average.

- Only 12% of Virginia's foster children are placed with relatives which is well below the national average of 35%.

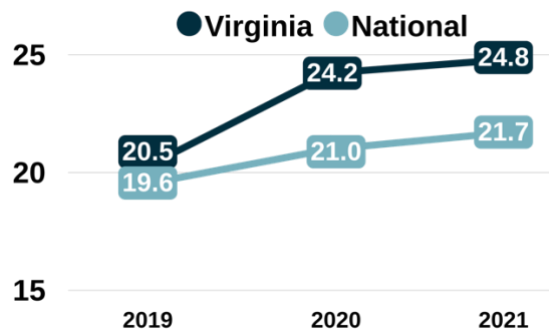
## Black, Multiracial, and Hispanic children are overrepresented.

Race/Ethnicity	Children in Foster Care	Overall Population
White	58%	69%
Black	28%	20%
Asian	1%	7%
Multi-race	11%	3.4%
Hispanic	12%	10.5%

## Approved Goals



### Average Time Spent in Care (in months)



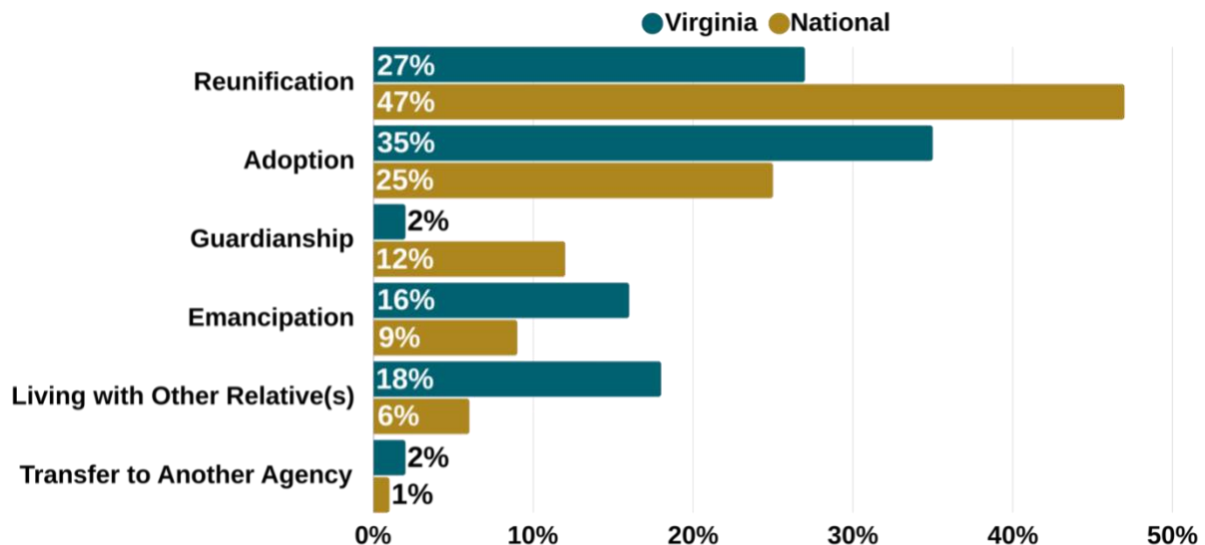
- Through August 2023, the average time spent in care remains approximately 24 months.

Sources:

<https://www.dss.virginia.gov/geninfo/reports/children/fc.cgi>

AFCARS Report National - FY 2021:  
<https://www.acf.hhs.gov/sites/default/files/documents/cb/afcars-report-29.pdf>

### Children Exiting Foster Care Reason for Discharge: Virginia vs National



# Exploring Leading Practices: Latest Literature, Research, and National Models for Parent Advocacy



## 1. Representation Models

Legal representation for parents in dependency cases could be housed through several models, such as public defender systems, executive authorities, independent agencies, non-profit legal aid organizations, or some combination thereof. Here are several examples of parent representation offices throughout the country.

**Non-profit models** mostly consist of full-time staff attorneys dedicated to representing parents, rather than relying on a panel-appointed attorney list. For example, New York City relies upon local non-profit offices to administer parent representation services in the vast majority of dependency cases. These offices operate largely by borough and include the [Center for Family Representation](#), the Brooklyn Defenders, the Bronx Defenders, and the Neighborhood Defender Service of Harlem. In addition to employing full-time staff attorneys, all offices employ social workers and parent advocates to work alongside lawyers to support parents in and outside of court. Other non-profits include Allegheny County, Pennsylvania's [Juvenile Court Project](#) – administered by the Allegheny County Bar Foundation and Philadelphia's Community Legal Services.

Both organizations similarly staffed with full-time parent attorneys, support staff, and parental support.

Other states rely on a **hybrid model**, combining non-profit resources and personnel with court-appointed counsel. Massachusetts' [General Laws](#) created a Children and Family Law (CAFL) Program within its [Committee for Public Counsel Services](#) to oversee the representation of indigent persons needing assistance in both children and family law cases. The Committee has several offices spread out throughout the state; [10 offices](#) committed to providing CAFL services at the trial and appellate level. Each CAFL office includes at least one social worker on staff, with some offices having as many as five, as well as staff attorneys and a managing attorney. Additionally, the CAFL oversees two panels of court-appointed, private attorneys – trials and appellate – each with their own qualification requirements. Law school clinics can also be considered as potential partners in hybrid models of parent representation. One well-known example is the University of Michigan's School of Law [Center for Family Advocacy](#) (CFA). However, the law school continues to represent parents through their [Child Welfare Appellate Clinic](#).

Some states, such as Washington, have a **state/local model through their public defender's office (OPD)**. Washington's Parents' Representation Program (PRP) provides multidisciplinary representation for parents throughout the state. The program launched with two pilot sites in two juvenile courts and has since expanded to the state level. PRP's multidisciplinary representation model includes teams of a parent attorney, a social worker, and a parent mentor. The

program prioritizes staff who have lived experience in the child welfare system.

The Washington State legislature established five program goals to enhance and retain consistent quality of defense representation.	
1	Reduce the number of continuances requested by attorneys; including those based on unavailability.
2	Set the maximum caseload requirements per full-time attorneys.
3	Enhance defense attorneys' practice standards, including reasonable time for case preparation and the delivery of adequate client advice. Additionally, OPD-PRP has their own client complaint form process where parties are provided instructions on how to file grievances/feedback based on services provided.
4	Support the use of investigative and expert services in dependency cases.
5	Ensure implementation of indigency screenings for potential clients.

Another option is to create an **independent agency** within the judicial branch to contract with attorneys to represent parents. Colorado's Office of Respondent Parents' Counsel (ORPC) is responsible for providing these services pursuant to CO. Code § 13-92-104. Their responsibilities include making recommendations for attorney practice standards and establishing pilot programs in local jurisdictions to help further access to quality legal representation in dependency cases. ORPC follows a multidisciplinary model by connecting each parent with a team of contracted staff attorneys, social workers, and peer support specialists with lived experience. Attorneys are still court-appointed in Colorado, but ORPC

ultimately has oversight once a judge identifies a parent needing services.



## 2. Multidisciplinary Representation:

States looking to provide high-quality legal representation in dependency cases have increasingly turned to a multidisciplinary model to provide parents with holistic case advocacy.



**Attorneys** are considered to be the team's legal expert providing quality legal representation to parents from start to finish. They collaborate with team members to formulate comprehensive strategies that best represent and support client interests.



**Social workers** support parents by addressing social, emotional, and environmental factors affecting parents such as housing, food, behavioral health, family supports, etc. and connects the parent to community organizations. The social workers' role on a multidisciplinary representation team is distinct from the case workers employed by the child welfare agency; social workers on the multidisciplinary team are responsible for supporting the parents to navigate the child welfare system and assisting the attorney in better understanding how to work effectively with the parents. They also advocate for the parent outside of court and collaborate with caseworkers and other service providers to help parents with achieving and sustaining child permanency.



**The peer support specialist** offers emotional support, empathy, insight, and advice to the parent for navigating the child welfare system. The peer support specialists, also called parent partners, often have lived experience with the child welfare system and act as a mentor helping to build trust and connection with clients.



**Training.** Participants in the Virginia focus groups emphasized a need for increased attorney training on representing parents, including training on how to advocate for parents and cross-training on child welfare related topics such as trauma-informed practices and behavioral health needs. According to the American Bar Association (ABA), parent attorneys should complete a minimum of **20 hours** of training specific to parent representation in dependency cases, however, some states have required a minimum of **10 hours** of training while other jurisdictions may even require up to **five days** of training. The ABA also recommends that training should include a **mentorship component** pairing newer attorneys with experienced child welfare attorneys. Mentees observe their mentor's hearings, attend client meetings, and serve as co-counsel on at least two cases. Additionally, the ABA recommends that attorneys should be required to complete at least **15 hours of continuing legal education (CLE) credits** every year, but some states have established at least 4-hours of CLE credits per year.

A short summary of different state training requirements [ABA's Summary of Parent Representation Models](#) is documented below:

STATES	HOURS	MENTORSHIPS	OTHER
ARKANSAS	10 initial hours 4 hours/year	New attorneys must participate in a mentorship program with an experienced child welfare attorney.	Implemented standards of practice for attorneys i.e. review relevant documents, meet with clients prior to hearings, and more.
CONNECTICUT	3 days of training 3 CLEs 3/5 trainings a year	New attorneys must participate in a mentor program with an experienced child welfare attorney.	The mentor program requires new attorneys to attend meetings with mentors, observe hearings, and act as co-counsel for at least two cases.
MASSACHUSETTS	5.5 days of training total	New attorneys must work with a mentor attorney for 18 months	The mentor attorney advises newer attorney on cases, observes trial skills, and recommends to CAFL.
SAN FRANCISCO, CA	10 hours/year	None	Attorneys are expected to spend out-of-court time working with their parent-clients to help them prepare for court.



Similarly to the ABA's practice standards, some states have outlined their training requirement within their own state parent representation standards. An example of this is **New York's** training requirements which are outlined within their [Standards for Parental Representation in State Intervention Matters](#) as featured below:

**Standard B: Training and Experience.**

*Counsel must possess sufficient experience, training, knowledge, and skills necessary to provide high quality representation to clients in state intervention matters.*

State intervention practice requires specialized knowledge that even extensive experience in other areas of law does not instill. Attorneys must not accept state intervention cases without training and experience sufficient to provide the necessary knowledge unless they associate with an attorney competent to do so. See New York Rules of Professional Conduct Rule 1.1(b).

**Standard C: Training and Periodic Evaluation.**

*Counsel must complete initial and continuous training that provides the knowledge and skills necessary for high quality representation of clients in state intervention matters. Attorneys must also comply with evaluation requirements established by their institutional supervisors or assigned counsel administrators.*

To maintain their ability to provide high quality representation to clients in [state intervention matters], attorneys must comply with training requirements established by institutional supervisors or assigned counsel administrators specific to representation in [these] matters as well as with the continuing legal education requirements necessary to maintain their bar admission in good standing.



**Qualification.** All focus group participants recognized Virginia's current lack of training qualifications for parent attorneys:

***“There’s an 8-hour course... to become a GAL. There’s nothing you have to do to become an advocate for a parent... [for criminal cases] you have to be certified in felonies; we have to be certified in juvenile... and that is not acceptable.” – Parent Attorney***

Before representing a parent in a child dependency case, attorneys should be familiar with the child welfare laws, policies, and systems surrounding their work. General qualifications for parent attorneys include:

- Attorneys must have a bar license in good standing.
- Attorneys should be familiar with any state standards on parent representation, which may include specific continued legal training.
- It is preferable to have a background in family law, specifically, dependency matters. However, attorney may also complete additional dependency training as decided by the Commission.



As mentioned earlier, the ABA recommends that parent attorneys should receive 20 hours of relevant training prior to being appointed to their first case. This training covers dependency court basics and also provides information on child welfare topics such as visitation, family meetings, grief, loss, and trauma. Initial training must include the following topics: child development; dynamics of abuse and neglect; attorney roles & responsibilities, including ethical considerations; relevant state and federal law, case law, and rules; family dynamics, and the child welfare agency's policies and procedures. In **Arkansas** attorneys must complete their initial 10 hours training within the 2 years prior to qualifying as a court-appointed attorney for children or indigent parents in dependency-neglect cases. **Pennsylvania's** Court Improvement Program, offers an online version of their foundational attorney training [Core:1 An Attorney's Introduction to Pennsylvania's Dependency System](#) that is required for Guardians Ad Litem for Children and is also mandatory in some jurisdictions for parent attorneys prior to accepting client representation.



### **Caseload standards.**

Caseload standards should be established to ensure parent advocates deliver high-quality legal representation to each parent. Establishing caseload standards support both attorney and client satisfaction; clients are able to receive better and more frequent communication because attorneys are less overwhelmed. The American Bar Association's standards of practice drafting committee recommended in their guide a caseload

maximum ranging from 50 - 100 cases depending on the attorney's competency and ability to fulfill such standards. However, some states have established their own individual caseload standards and guidance. For example, [Washington's Office of Public Defense's Parent Representation Program \(PRP\) Standards for Attorneys](#) established their caseload standard as **80 active cases at** any time for full-time attorneys, meanwhile part-time attorneys are only required to ensure their work on non-dependency related cases do not interfere with their obligations with dependency cases. In 2021, the New York State Office of Indigent Legal Services published a [report](#) outlining recommendations based on the proceeding type and provided a **minimum average number of hours** parent attorneys should spend to provide quality representation and a **maximum number of proceedings** per year that a single, full-time attorney could handle if they only represented clients in that specific proceeding type.

<b>Neglect</b>	Minimum average number of hours: 56.25 Maximum proceedings per year: 33.3
<b>Abuse</b>	Minimum average number of hours: 56.25 Maximum proceedings per year: 33.3
<b>TPR</b>	Minimum average number of hours: 56.25 Maximum proceedings per year: 33.3
<b>Conditional Surrender</b>	Minimum average number of hours: 31.25 Maximum proceedings per year: 60
<b>Custody/ Visitation</b>	Minimum average number of hours: 25 Maximum proceedings per year: 75
<b>Adoption</b>	Minimum average number of hours: 18.75 Maximum proceedings per year: 100



**Representation standards.** Parent representation standards hold attorneys accountable and provide parents with clear expectations of their advocate’s responsibilities. Two national sources of information for establishing state representation standards in child welfare include the [American Bar Association’s Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases](#) and the [Family Justice Initiative’s High-Quality Legal Representation for Children and Parents: A Guide for System Change](#).

According to The Family Justice Initiative, more than half of states have some form of performance standards for attorneys practicing in child welfare. The chart below displays states that have adopted their own parent representation standards:

Washington’s Office of  
Public Defense’s Parent  
Representation Program

Standard 1.1 emphasizes the attorney obligation to “advocate for the client’s goals and empower the client to direct the representation and make informed decisions based on thorough legal counseling. Counsel shall not substitute counsel’s judgment or opinions in those decisions that are the responsibility of the client. Counsel shall also protect the parent’s rights including the right to services, visitation and information and decision making while the child is in foster care.”

Pennsylvania’s Legal  
Representation  
Workgroup

Standards of Practice have been established for parent attorneys, guardians ad litem and legal counsel practicing in child welfare dependency cases with attorney goals set forth under [Mission and Guiding Principles](#). While Pennsylvania acknowledges all of their standards as important, they have recognized four key attorney standards as crucial in their [Family Engagement Initiative](#). These standards include client relationship and contact, case preparation, advocacy, and an attorney feedback mechanism.

Ohio’s Best Practice  
Guidance for Attorneys  
for Parents

Attorneys’ role and counsel expectations in child protection matters are outlined. General guidance is included requiring adherence to judicial-specific training and mentorship, as well as information on client relationship, investigation, discovery, court preparation, hearing preparation, advocacy and post hearing functions and appeals.

Currently Virginia does not have standards to guide parent attorneys. This was even noted by parents in the focus groups: *“There are really no standards. Virginia is actually one of these states that really have very minimal standards, if at all, so we really look to the federal government for guidelines. If the federal guidelines don’t exist, we’re pretty much up a creek in the state of Virginia.”*



**Compensation.** In the focus groups, Virginia’s child welfare system stakeholders communicated that parent advocate compensation is inadequate to attract a sufficient number of attorneys.

Compensation Rates by Virginia Dependency Attorney Positions and Services Provided		
POSITION	COMPENSATION	SERVICES PROVIDED
Agency Attorneys	Varies (annual salary or contract)	Represent the local Department of Social Services in Child Dependency Matters
Guardians Ad Litem for Children	\$55-\$75 per hour	\$55 for out of court services with no cap. \$75 for in court services with no cap.
Parent Attorneys	\$120 per stage of the case	\$90 per hour up to a maximum of \$120 per case*
	\$ 158 flat fee	Appeals in Circuit Courts

\*Per case means each petition that gets disposed of by the court. Attorneys can get paid up to \$120 (\$158 for appeals) at Dispositional hearings, Foster Care Review hearings, Permanency Planning hearings, and Termination of Parental Rights hearings.

Compensation rates should appropriately represent the time and amount of work attorneys provide through their parent representation, taking into account both in and out-of- court services provided to effectively represent their clients. By increasing the compensation rate, attorneys would have to accept fewer cases to make ends meet. They would not need to take cases in surrounding counties as frequently, resulting in greater capacity to meet court timelines. [A National Compensation and Support Survey](#) conducted in 2017 by the Family Justice Initiative asked participants to identify the typical pay range for parent attorneys. Some states have increased their hourly rates since this survey was completed. For example, New York State increased its hourly rate to \$158 per hour.

## 2017 National Compensation Survey Results

HOURLY	Low: \$55/hour High: \$65/hour
PER HEARING	Low: \$117/event High: \$174/event
PER CASE	Low: \$446/case High: \$642/case
ANNUAL CONTRACT	Low: \$62,929/year High: \$80,790/year
SALARIED	Low: \$52,694/year High: \$86,329/year

Without proper compensation, attorneys may be forced to take on more cases that exceed recommended caseload maximums. Further, in the absence of adequate compensation, courts incur greater costs associated with extra assistance from court staff. Because of this, [attorney compensation rates](#) should:

1. Be equal to child welfare agency attorney compensation and consistent with other publicly-funded attorneys, such as public defender offices.
2. Account for other costs borne by parent attorneys, including reimbursements for certain expenses.
3. Recognize out-of-court work as equal to in-court work.
4. Recognize the attorney's representation experience and knowledge and compare favorably to other similarly situated attorneys.

The chart below lists parent attorney compensation rates across the country:

Designated State:	Parent Advocacy Compensation Rate:
New Jersey's Pool Attorney Rates	<ul style="list-style-type: none"> <li>• <b>Regional Cases:</b> <ul style="list-style-type: none"> <li>○ <u>Attorneys at a Billable Rate:</u> <ul style="list-style-type: none"> <li>• In-Court: \$75 per hour</li> <li>• Out-of-Court: \$75 per hour</li> </ul> </li> <li>○ <u>Attorneys at a Per Diem Rate:</u> (Attorneys asked to make temporary appearances) <ul style="list-style-type: none"> <li>• \$300 per day</li> </ul> </li> </ul> </li> <li>• <b>Appellate Cases:</b> <ul style="list-style-type: none"> <li>○ <u>Attorneys at a Billable Rate:</u> <ul style="list-style-type: none"> <li>• In-Court: \$75 per hour</li> <li>• Out-of-Court: \$75 per hour</li> </ul> </li> </ul> </li> <li>• <a href="#"><u>Some expenses may be reimbursable and subject to approval, such as mileage, parking, telephone charges, etc.</u></a></li> <li>• Pool attorneys working at a billable rate may only bill up to 9 hours on any given day (\$675).</li> </ul>
Massachusetts' CAFL Panel Rates	<ul style="list-style-type: none"> <li>• <a href="#"><u>Compensation Set by General Laws Part III, Title 1: Chapter 211(a) for Children &amp; Family Law Cases:</u></a> <ul style="list-style-type: none"> <li>○ \$85 per hour</li> <li>○ Attorneys cannot bill for any hours exceeding the yearly cap of 1,650.</li> </ul> </li> </ul>
Maryland's Public Defender's Panel Attorney Rates	<ul style="list-style-type: none"> <li>• <a href="#"><u>\$60 per hour for both in-court and out-of-court proceedings. Mileage, Paralegal, Per Diem is available depending on assistance provided.</u></a></li> </ul>
Colorado's ORPC Office	<ul style="list-style-type: none"> <li>• <a href="#"><u>\$100 per hour for independent contractors.</u></a></li> </ul>
Washington's Parent Representation Program	<ul style="list-style-type: none"> <li>• <a href="#"><u>Attorneys are not paid by the hour but based on experience.</u></a> Approximate caseloads are at 80 per attorney with salaries ranging from \$164,000 to \$182,134 for full-time contracted attorneys. Part-time attorneys are paid on a prorated rate of a full-time attorney.</li> </ul>
New York's State Office of Indigent Legal Services	<ul style="list-style-type: none"> <li>• In April 1, 2023, family law appointed attorneys received a pay increase. Parent defense attorneys are now earning <a href="#"><u>\$158</u></a> per hour for all indigent legal services.</li> </ul>



### **Optimize Use of Title IV-E Funds to Support Legal Representation Efforts:**

Title IV-E of the Social Security Act provides federal funding in support of state and tribal foster care systems. The program assists states with the costs of foster care maintenance for eligible children, administrative expenses, training for staff, foster parents, and certain private agency staff. Courts and NGOs cannot claim Title IV-E funds directly; only the state child welfare agency can claim these funds, but courts and NGOS can access these funds by entering into memorandums of understanding (“MOUs”) with their local state agency to ensure expenses are consistent with Title IV-E requirements. In 2019, the program’s scope extended to make the costs of parent and child representation eligible for reimbursement. Prior to this change, states could only be [reimbursed](#) for agency representation costs. Additionally, Title IV-E funds can be used to pay for training of parents’ and children’s attorneys. In order to learn more information about the drawdown of Title IV-E funds, U.S. Children’s Bureau’s provides a detailed outline through its [Child Welfare Policy Manual](#).

Currently, the Children’s Bureau of the Administration for Children and Families within the U.S. Department of Health and Human Services is [considering](#) formally codifying the 2019 policy change. As stated in the Notice of Proposed Rule Making (NPRM):

*“We propose that a title IV-E agency may claim FFP for administrative costs of independent legal representation provided by an attorney representing a child who is eligible for title IV-E foster care, their parent(s), and their relative caregiver(s), to prepare for and participate in foster care and other civil legal proceedings necessary to carry out the requirements in the agency’s title IV-E foster care plan. We are also proposing that legal representation in civil legal proceedings may include facilitating, arranging, brokering, advocating, or otherwise linking clients with providers and services as identified in the child’s case plan pursuant to section 475(1) of the Act. Consistent with Children’s Bureau policy, a title IV-E agency may claim title IV-E administrative costs of paralegals, investigators, peer partners or social workers that support an attorney providing such independent legal representation to the extent that they are necessary to support the attorney.”*



The Children's Bureau confirms that this use of Title IV-E funds is currently allowed under federal policy. Virginia should monitor this NPRM for changes that could affect its ability to draw down Title IV-E funds. Additional information about Title IV-E reimbursement for parent representation can be found [here](#).



**Oversight.** Oversight of parent advocates is needed to provide parents with a body to whom they can report any issues about the quality of their representation and to hold attorneys accountable to representation standards. Virginia currently lacks such an authority. Colorado's appointment process provides an exemplary model of oversight. [Colorado's Office of Respondent Parents' Counsel \(ORPC\)](#) was established by Sections 13-92-101 to 104 of the Colorado Code, which provides the following information regarding the oversight and administration of respondent parent representation in Colorado.

- *Operating Structure.* Section 13-92-103:
  - The Colorado Supreme Court shall appoint a nine-member respondent parents' counsel governing commission, subject to the following requirements:
    - No more than five members may be from the same political party;
    - The members must represent each of the congressional districts in the state;
    - At least six members must be attorneys admitted to practice law in Colorado, and three of whom must have experience serving as a respondent parent counsel;
    - The remaining three members may be selected as appropriate, but the Colorado Supreme Court is encouraged to appoint at least one member who was a former respondent parent; and
    - Commission members must not be under contract with the office or employed by the state department of human services, a county department of human or social services, or be serving currently as a city or county attorney, judge, magistrate, court-appointed special advocate, guardians ad litem for children, or counsel for youth.
  - Commission members serve for four-year terms, with the exception that of the members first appointed, five shall serve two-year terms. Operating procedures for the Commission are established by the Colorado Supreme Court.



## Recommendations



### Establish a Statewide Parents Advocacy Commission (PAC):

In recognition of the value of high-quality legal representation, Virginia should create a statewide parents advocacy commission. Virginia should select a legal framework that is tailored to meet the needs of children, parents, and attorneys for the **optimal placement** of the PAC. Where the PAC is located within Virginia's governmental structure will depend on state law, rules of professional conduct, court procedures, the availability of local resources, and existing institutional capacities and infrastructures. At a minimum, the PAC should ensure its services are accessible **statewide** to promote uniform representation regardless of where legal services are rendered. In the study's focus groups, participants shared the importance of having a state entity that advocates for parents. Further, in order to build strong attorney-client relationships, the PAC should be separate from any existing social service agency to foster parent trust in the child welfare legal system.

The Commission should advise and support attorneys representing parents. This entity should also include a **supervisory committee** that is separate from the Commission's staff and is composed of members who represent Virginia's child welfare system stakeholders, including parents and youth with lived experience in the child welfare system. Members should be selected through a rotational appointment process and should not actively be representing any parties to ensure impartiality.

If applicable, Virginia should follow any future statutory guidance specifying the structure and duties of the oversight authority. Attorney regulation should involve referral to the Virginia State Bar, if necessary. State bar disciplinary standards should also be consulted to guide development of oversight practices by the Parents Advocacy Commission. In developing standards for a Parents Advocacy Commission, Virginia should refer to the Virginia Indigent Defense Commission standards and other examples included in this report. Additionally, the PAC should issue a charter that outlines the mission, purpose, goals and obligations of the PAC. The charter should serve as a guide for future PAC to ensure a continuum of quality services.



### Ensure a Well-Staffed Parent Advocacy Commission:

The PAC should serve as an independent statewide oversight entity to help provide support and accountability of all parent legal representation services throughout the state of Virginia. The PAC should include staff members with specific roles and duties that will help promote high-quality representation through support, certification, standards, and training. The staff may vary, but at a minimum, should include the [following positions](#):

- An **executive director** working in Virginia's welfare system. The executive director is responsible for overseeing office operation as well as participating in policy discussions with the PAC oversight committee. Together, the executive director and the PAC oversight committee should work to fulfill the commission's mission statement;
- A **managing attorney** to oversee and advise attorneys representing parents;
- A **training and technical coordinator** who specializes in parent representation;
- A **managing social worker** to oversee and advise social workers and peer support specialists working with parents; and
- A **financial manager** to ensure compliance with Title IV-E funding rules and to handle reporting to the Virginia Department of Social Services and the federal Children's Bureau.



### Enhance Compensation for Effective Advocacy:

Competitive attorney compensation is essential for the retention and longevity of attorneys willing and available to represent parents. Compensation rates should accurately represent the time attorneys spend on both out-of-court and in-court client services, as well as the attorney's expertise and litigation experience. Overall, ensuring fair and competitive salaries for parent attorneys furthers their work satisfaction, incentivizes high-quality representation, and contributes to retention. As stated by one workgroup member, "Newer attorneys are not interested in getting on the list. They're not interested in being paid the per hour rate that the guardians ad litem for children are paid, and they're not interested in being paid \$120 flat for three court hearings."



### Develop Statewide Standards:

Virginia should establish statewide caseload and representation standards for parent attorneys. These standards should incorporate guidance from Virginia's Rules of Professional Conduct, the ABA's Standards of Practice for Attorneys Representing Parents, and the Family Justice Initiative's Guide to High-Quality Legal Representation for Parents and leverage examples from other

states with established standards. At a minimum, the standards should set acceptable caseloads for attorneys and outline expectations for client relationship and contact, case preparation, advocacy, and post-hearing consultation.



### **Establish Mandatory Training:**

Virginia should establish mandatory training specifically tailored to representing parents that must be completed to qualify as a court appointed attorney. The ABA recommends 20 hours of training on topics related to dependency law including the dependency hearing process, termination of parental rights, attorney roles and responsibilities, ethical considerations, and relevant state, federal, and case law. In addition to legal topics, training should also cover child development, the dynamics of abuse and neglect, cultural responsiveness, trauma-informed practices, trust-based relationship interventions, grief and loss, and behavioral health issues. To encourage and support high-quality legal representation, attorneys should be required to complete continuing legal education courses and be recertified annually. Finally, when possible, the PAC should identify opportunities for attorneys to cross-train with judicial officers and child welfare agency professionals to promote a

uniformed understanding of roles, responsibilities, and current and new child welfare practices and guidelines. The Virginia Court Improvement Program could be an excellent partner in these training initiatives.



### **Institute Stringent Parent Attorney Qualifications:**

Virginia should have qualifications for parent attorneys to ensure they are competent to represent parents in child welfare hearings, are aware of their due diligence responsibility to protect their clients' rights and understand the gravity of their client's circumstances. These qualifications should be distinct from those for guardians ad litem for children. Qualifications for parent attorneys should require attorneys to be active and good standing state bar members and demonstrate familiarity and proficiency in child welfare law, as demonstrated by having completed required parent attorney training modules.



### Attorney Support Center:

The PAC should offer a resource center that provides ongoing and readily available support to parent attorneys. The resource center can be hosted on the Commission's website as private portal accessible to both staff and panel attorneys. Resources might include training materials and recordings, sample court pleadings, and tips for working with multidisciplinary teams and parents. The PAC should elicit information from parent attorneys across the state to identify the type and of resources that would be most useful.



### Pilot Multidisciplinary Representation:

Virginia should continue efforts to implement multidisciplinary representation offices in select regions and develop a plan to scale the efforts across the Commonwealth. Staffing models should include attorneys, social workers and peer mentors who work as a team providing a holistic approach to advocacy. Virginia should explore local, state, and federal funding sources, including the use of Title IV-E funds for implementation of these offices. Multidisciplinary representation teams may vary, but at a minimum, should include the [following positions](#):

- **Attorneys** in good standing, dedicated to the legal representation of parents;
- **Social workers** to connect parents to local services and resources for basic needs; and
- **Peer support specialists** with lived experiences to provide parents with emotional support, mentorship, and insight into the dependency process.

These positions can be sourced from a variety of state and local offices and agencies, as well as local community organizations.

# A BLUEPRINT FOR VIRGINIA'S PARENTS ADVOCACY COMMISSION

## 1. CHOOSE A STRUCTURE



Create a legal framework for the optimal placement of the Parents Advocacy Commission (PAC) as a standalone entity or within an existing organization.

## 2. SECURE FUNDING



Ensure sustainability for the PAC through various sources of funding, such as county, state, and federal funds, including Title IV-E funds.

## 3. ESTABLISH OVERSIGHT



Form an advisory committee separate from PAC staff, including members like judicial officers, child welfare professionals, attorneys, parent advocates, peer support specialists, and parents and youth with lived experience.

## 4. ADOPT COMMISSION MISSION STATEMENT



Formalize a mission statement created by the advisory committee outlining the purpose of the PAC to provide oversight and consistent high-quality parent legal representation in Virginia.

## 5. DETERMINE PAC STAFF POSITIONS



Define job descriptions, qualifications, and salary ranges for PAC staff including, the executive director, managing attorney, training coordinator, and administrative staff.

## 6. ADOPT STATEWIDE CASELOAD & REPRESENTATION STANDARDS



Set statewide standards covering professional conduct, caseload limits, client relationship and contact, case preparation, advocacy, and post-hearing consultation.

## 7. MANDATE STATEWIDE TRAINING FOR PARENT ADVOCATES



Develop a mandatory statewide training curriculum for parent counsel, required for qualification and yearly recertification.

## 8. IMPLEMENT CROSS-TRAINING



Collaborate with Virginia's Court Improvement Program and other child welfare system partners to provide state and local cross-system trainings for attorneys, judicial officers, and child welfare agency professionals.

## 9. IMPLEMENT PARENT CONCERN POLICY AND PROCEDURE



Establish an authority within the PAC for parents to voice concerns and file complaints regarding their legal representation.

## 10. CREATE PARENT RESOURCE HUB



Develop a centralized statewide access point for parents to find information and resources related to legal representation and available services.

## 11. PROVIDE ATTORNEY SUPPORT



Offer state and local resources on child welfare system related topics to support attorneys in representing parents.

## 12. MONITOR ATTORNEY ADHERENCE TO STANDARDS AND QUALIFICATIONS



Regularly review and update the list of appointed parent counsel to ensure compliance with yearly certification and qualification requirements.

**APPENDIX A**  
**CHILD DEPENDENCY LEGAL REPRESENTATION**  
**WORKGROUP (SJ241/SB1443) MEMBERS**

Eric Reynolds	Director, Office of the Children's Ombudsman
Amy Atkinson	Executive Director, Virginia Commission on Youth
Will Egen	Policy Analyst, Virginia Commission on Youth
Sandra Karison	Director, Court Improvement Program, Office of the Executive Secretary, Supreme Court of Virginia
Rhonda Gardner	J&DR Court Services Manager, Department of Judicial Services, Office of the Executive Secretary, Supreme Court of Virginia
Lori Battin	Data Analyst, Court Performance & Statistical Services, Office of the Executive Secretary, Supreme Court of Virginia
Jane Lissenden	Policy Analyst, Office of the Children's Ombudsman
William Efird	Certification & Enforcement Attorney, Indigent Defense Commission
Crista Gantz	Director, Access to Legal Services, Virginia State Bar
Leslie Haley	Deputy Attorney General, Office of the Attorney General
Ellen Fulmer	Senior Assistant Attorney General, Office of the Attorney General
Jennifer Phillips	Program Manager, Quality Assurance and Accountability, Virginia Department of Social Services
<hr/>	
The Honorable Maha-Rebekah Ramos Abejuela	Judge, Fairfax Juvenile and Domestic Relations District Court (19 <sup>th</sup> Judicial District)
The Honorable Melissa Cupp	Judge, Fauquier County Juvenile and Domestic Relations District Court (20 <sup>th</sup> Judicial District)
The Honorable Heather Ferguson	Judge, Roanoke City Juvenile and Domestic Relations District Court (23 <sup>rd</sup> Judicial District)
The Honorable Deborah S. Tinsley	Judge, Louisa Juvenile and Domestic Relations District Court (16 <sup>th</sup> Judicial District)
<hr/>	
Jennifer Newman	Attorney, Chesterfield County
Rebecca Wade	Attorney, Alexandria
Misty Whitehead	Attorney, Henrico County
Christian Brashear	Attorney, Culpeper
Morgan Cox	Attorney, Charlottesville
Bruce Russell	Attorney, Lebanon-Abingdon-Tazewell
Cassandra Hargrave	Attorney, Virginia Beach
Elizabeth Vaughan	Attorney, Leesburg
Peter Griffith	Attorney, Albemarle County
Sarah Bruns	Attorney, Loudon County

Bretta Lewis	Attorney, Virginia Beach; Member, Virginia State Bar Council
Joanna Suyes	Attorney, Richmond City; Member at Large, Virginia State Bar Council
Daniel Gray	Attorney, Fairfax; Chairman, Virginia Bar Association's Family Law Coalition
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Brandon Butler	Senior Assistant County Attorney, Bedford County
Elizabeth Bruzzo	Assistant Commonwealth Attorney, Washington County; Member, Virginia Bar Association Commission on the Needs of Children
Julie McConnell	Director, Children's Defense Clinic, University of Richmond School of Law; Chair, Virginia Bar Association Commission on the Needs of Children
Meredith J. Harbach	Professor of Law, University of Richmond School of Law
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Jeanine Panzera	Director, Henrico CASA
Esther Sherrard	E. Sherrard Consulting
Gretchen Brown	Director, Henrico County Department of Social Services
Rebecca Morgan	Director, Middlesex County Department of Social Services
Rachael Deane	Chief Executive Officer, Voices for Virginia's Children
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Anna Daniszewski	Legal Fellow, Virginia Poverty Law Center
Frank Valdez	Youth Justice Program Community Organizer, Legal Aid Justice Center
Ann H. Kloeckner	Executive Director, Legal Aid Works (Fredericksburg)
Fallon Speaker	Legal Director, Youth Justice Program Legal Aid Justice Center
Glenda Collins	Executive Director, Lonesome Pine Office on Youth