

American Bar Association
Report to the House of Delegates
Los Angeles County Bar Association
RECOMMENDATION

RESOLVED, That the American Bar Association urges Congress, the States and territories to enact and/or adopt the following laws and policies, consistent with recommendations of the national bipartisan May 2004 Pew Commission on Children In Foster Care, for improving outcomes for abused and neglected children under dependency court jurisdiction:

(a) All dependent youth should be on equal footing with other parties in the dependency proceeding and have the right to quality legal representation, not simply an appointed lay guardian ad litem or lay volunteer advocate with no legal training, acting on their behalf in this court process;

(b) Foster youth should be notified of and afforded the opportunity to participate in the proceedings in their own dependency case;

(c) States should attract and retain effective, trained, and qualified lawyers in the dependency practice area by: (i) development and implementation of reasonable compensation for dependency counsel, that isn't tied to the volume of cases or clients a lawyer represents; (ii) establishment of loan forgiveness programs for attorneys who enter or currently practice in this area; (iii) development and implementation of national protocols and standards for reasonable attorney caseloads; (iv) federal and state support for attorney training; and (v) development, implementation of, and funding for, qualification and training standards for dependency counsel;

(d) Greater federal and state resources should be provided for this part of the court system. Policies and resources should be developed to ensure that dependency courts have enhanced and high quality training; outcome-focused data tracking and performance measurement capabilities; stronger case management capacities; and workload measurement tools that enable bench officers to effectively manage cases, meaningfully track children's progress through the system, fully implement federal and state foster care mandates, and implement best practices;

(e) Communication and information-sharing barriers that preclude different data networks and the child welfare, judicial, mental health, criminal justice, education, and other systems from sharing information when necessary for the safety, permanency, and well being of abused and neglected children need to be identified and addressed through changes in laws or practice. For example, child welfare agencies and education systems should be able to share information to ensure appropriate care and education for a child while also protecting the privacy of the child and family;

(f) Recruitment and long-term retention of committed, qualified, and trained bench officers who oversee the needs of abused and neglected children in dedicated dependency courts should be ensured; efforts should also be made to recognize and underscore the importance of the work done by dependency court judges throughout the country;

(g) The Judiciary should, working with bar leadership, facilitate meaningful reforms in, and provide needed support and oversight of, dependency courts, and serve as champions for abused and neglected children in the court system;

(h) Effective collaboration between court and child welfare agency leaders should be established and formalized at a state level to create a vehicle for identifying existing barriers and crafting feasible solutions to meeting the needs of children in foster care;

BE IT FURTHER RESOLVED that the American Bar Association urges Congress, and the state and territorial legislatures, to maintain commitments for adequate resources, and enact laws and implement policies to increase resources and maintain flexibility in use of those resources, that support the needs of children and families at risk regardless of whether an abused or neglected child is removed from home, and without limiting the protections, support, and rights of children in foster care or their families;

BE IT FURTHER RESOLVED that state and local Bar Associations are urged to actively support the development and implementation of these laws and policies.