

**House Joint Resolution No 3: Representation for Parents and Children
in Child Abuse and Neglect Cases**

**Recommendations to the Law and Justice Interim Committee
Study of a Statewide Public Defender System
from the Children, Families, Health, and Human Services Interim Committee**

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House Joint Resolution No. 3 directed the Children, Families, Health, and Human Services Interim Committee (Committee) to "examine child abuse and neglect proceedings in order to determine how to best provide representation to families at an appropriate time in the child protective services proceedings to further the goals of balancing the best interests of the child, the rights of parents, and the possibility of reunification of the family and to provide prevention and early intervention strategies as early in the process as possible".

The Committee has concentrated its study on legal counsel for indigent parents, but has also reviewed the use of guardians ad litem and court-appointed special advocates for children. The Committee adopted the following recommendations and refers them to the Law and Justice Interim Committee for consideration as an integral part in the development of a statewide public defender system. A recommendation for a statewide public defender system should civil proceedings including child abuse and neglect, Youth Court, and involuntary commitment of the mentally ill.

I. Representation for Parents

Issue A: Should all parents receive legal counsel in child abuse and neglect cases that reach the court? At what point should legal representation be appointed for indigent parents in child abuse and neglect cases: removal, placement, termination of parental rights?

Background: There are three provisions in Montana law and one federal law that govern appointment of legal counsel for parents in abuse and neglect proceedings. Section 41-3-422(11), MCA, states "The court may at any time on its own motion or the motion of any party appoint counsel for any indigent party. If an indigent parent is not already represented by

counsel, counsel must be appointed for an indigent parent at the time that a request is made for a determination that preservation or reunification services need not be provided."

Section 41-3-432(4), MCA, states that at the show cause hearing, which must be conducted within 20 days of the filing of a child abuse and neglect petition, "the court shall explain the procedures to be followed in the case and explain the parties' rights, including the right to request appointment of counsel if indigent or if appointment of counsel is required under the federal Indian Child Welfare Act".

Section 41-3-607(4), MCA, provides "At the time a petition for termination of a parent-child relationship is filed, parents must be advised of the right to counsel, and counsel must be appointed for an indigent party." This provision was enacted in 1981 (Ch. 420). In subsection (5), there is also a provision that "If a respondent parent is a minor, a guardian ad litem must be appointed to serve the minor parent in addition to any counsel requested by the parent."

The Indian Child Welfare Act was enacted to protect the interests of American Indian children and tribes and provides minimum standards for cases involving American Indian children. Federal law requires that an indigent parent or Indian custodian of an Indian child must be appointed counsel in any removal, placement, or termination proceeding in a state district court.

The Committee has received information that variability exists around the state within and between judicial districts regarding the practice of appointing legal counsel for indigent parents involved in child abuse and neglect proceedings. It is unknown how many parents are already receiving counsel at the earliest stages between the Indian Child Welfare Act and practices for others within the judicial districts of the state. The Child and Family Services Division indicated in testimony¹ the number of Judicial Districts (as of January 2003) in which counsel is appointed:

at the initiation of the proceeding	7
at the termination of the parental rights stage	7
at the adjudication stage	2
on a case-by-case basis	1
varies by county within the district	5

Additional information received on April 30, 2004 provided a breakdown of the above information: the 7 judicial districts that appoint counsel at the initiation of the proceeding are District 1 (Lewis & Clark and Broadwater Counties), District 4 (Missoula and Mineral Counties), District 13 (Yellowstone County), District 14 (Meagher, Musselshell, Wheatland, and Golden Valley Counties), District 18 (Gallatin County), District 21 (Ravalli County), and District 22 (Stillwater, Big Horn, and Carbon Counties). District 2 (Silver Bow County) had at the time of the survey been appointing at the termination of parental rights but has recently begun appointing at the initiation of the proceeding.

The remaining 6 districts that appoint at the termination of parental rights are: District 3 (Deer Lodge, Granite, and Powell Counties), District 4 (Beaverhead, Jefferson, and Madison Counties), District 9 (Pondera, Toole, Teton, and Glacier Counties), District 11 (Flathead County), District 12 (Hill Chouteau, and Liberty Counties), and District 20 (Lake and Sanders Counties).

District 10 (Fergus, Judith Basin, and Petroleum Counties) and District 19 (Lincoln County) appoint at adjudication. District 8 (Cascade County) appoints on a case-by-case basis. The remaining 5 districts appointing stage varies within the counties within the district.

If more information is available to a parent earlier in the process, it could lead to a faster resolution when the parent fully understands the timelines and requirements of any treatment plan or other requirements to reunify the family. The Final Report of the recent Montana Child and Family Services Review indicated that areas needing improvement are:

- consistency in efforts to identify and address families' service needs;
- involving family members in case planning; and
- establishing contact with children and parents with sufficient frequency.²

Representation for a parent could provide more assurances that these areas receive attention and although counsel could make the system more adversarial, there is anecdotal information from a 1996 Court Assessment review that earlier representation of parents resulted in faster resolution of the case.³ Information received from the Yellowstone County Family Treatment Court also suggested that court-appointed counsel for parents did not have to result in a more adversarial process if defense counsel was part of a treatment team and that it also could result in faster

resolution of a case. Parents in Yellowstone County are appointed counsel at the initiation of proceedings.

The U.S. Department of Health and Human Services publishes Standards for Legal Representation of Children, Parents and the Child Welfare Agency. The Guidelines for Representing Biological Parents (and Legal Guardians) are:

Parents Need Counsel in All Court Proceedings: We recommend that States guarantee that counsel represent biological parents (or legal guardians) at all court hearings, including at the preliminary protective proceeding. Such representation should be provided at government expense when the parent or guardian is indigent.

They also recommend that biological parents (or legal guardians) have legal counsel in judicial proceedings, even when the out-of-home placement originates as a voluntary placement, and that a biological parent should not be permitted to relinquish parental rights, even voluntarily, without the benefit of counsel.⁴

The 1995 Resource Guidelines from the National Council of Juvenile and Family Court Judges suggest that all parties have competent and diligent representation at every critical stage of the proceedings, including but not limited to adjudication, disposition, periodic case review, permanency planning, termination of parental rights, and adoption.⁵

In a 1996 audit by the Court Assessment Program, it was estimated that from 23% to 40% of custodial parents were represented by attorneys in proceedings for temporary investigative authority (TIA) and from 80% to 99% were represented in termination cases. For noncustodial parents, the percentages were even lower with estimates ranging from 6.76% to 18.22% in TIAs and from 57% to 81% in termination cases.⁶

Recommendation: Recommend to the Law and Justice Interim Committee to consider statutory changes to require appointment of legal counsel for all parents, guardians, or those with legal custody who are involved in child abuse and neglect proceedings that may result in removal or placement of a child or termination of parental rights as a part of that Committee's consideration in the development of a public defender system in the state.

The Committee also asks the Law and Justice Interim Committee to consider a family law specialist in the public defender system to assist public defenders in difficult cases* and recommends the wisdom of a background or expertise in family law for those who are assigned these cases in a public defender system.

Additional Data Necessary

Issue B: At this point, specific data is not available on how many parents are already receiving legal counsel for removal, placement, and termination proceedings and how many additional parents would need services. Additional analysis would be necessary in order to determine how many children are actually served in 1 year in any capacity that brings the case in front of a court and to determine the number of parents that would need to have counsel provided. The addition of an unknown burden on the various public defender programs that exist separately in each county may not be reasonable, and to fully implement a proposal, additional information is necessary.

Background: The data that is available includes the information received from Shirley Brown in January 2004.⁷

Fiscal Year Ending June 2003	
Total Calls Received:	25,047
Total Reports Entered on Caps:	15,796
Total Investigations:	9,784
Total Placements:	1,447^
^A child may have more than one placement	

* As a potential model, the Committee may wish to review the Montana Department of Justice Child Protection Unit that assists county attorneys across the state with difficult cases or in rural areas where there are few cases.

Information that I have extracted from data provided by the Child and Family Services Division from the Child and Adult Protection System (CAPS) for Fiscal Year Ending June 2003, on the following court events:

Unduplicated Show Cause Hearings:	474
Unduplicated Termination of Parental Rights:	309
Unduplicated Termination Hearings:	59
Duplicated Counts (child's ID may occur more than once):	
Show Cause Hearings	574
Adjudicatory Hearings	666
Dispositional Hearings	408 (★rarely)
Permanency Plan Hearings	296 (★rarely)
Termination Hearings	79★
★hearings at which termination of parental rights was a disposition	

Many children had more than one type of hearing, and children could have more than one of a specific type of hearing because of continuances, etc. Many duplicated entries showed that a court order was extended. Some necessary information includes how many parents are involved in these children's cases and how many parents were already represented by counsel (through the Indian Child Welfare Act and the counties that appoint at initiation of proceedings, before termination, or at termination). Reasons for extending court orders should be explored as they may provide information on excessive caseloads, overscheduling, and lack of resources.

The Committee understands that the Office of the Court Administrator is working with the staff of the Law and Justice Interim Committee and the Legislative Fiscal Division to determine existing public defender/appointed counsel costs and guardian ad litem costs that may impact the development of any proposal.

The Committee was also informed that the Court Assessment Program within the State Court Administrator's Office is in the process of collecting additional information related to this issue and may be of interest to the Law and Justice Interim Committee in the development of a statewide public defender system.

Recommendation: The Law and Justice Committee may want to consider requesting that the State Court Administrator or the DPHHS Child and Family Services Division, in cooperation with the other, determine the numbers of parents, guardians, or those with legal custody of children who would require legal counsel in removal, placement, and termination proceedings. Many parents are not married, are divorced, or even if married may have conflicts of interest.

The Court Assessment Program may be an appropriate entity within the State Court Administrator's Office to perform much of this information gathering and to serve as a liaison to the DPHHS. They have expressed interest in this area and would be a valuable resource in the development of any system. Without additional information, it is unknown how many additional resources would be necessary to implement representation for all indigent parents. The information cited above indicates that of the 9 counties over 25,000 in population, 6 are currently appointing at the initiation of the proceedings anyway (Flathead, Cascade, and Lake Counties are the exceptions), in addition to any parents involving an American Indian child in state district court.

Definition and Standards for Determination of Indigency

Issue C: The issue of a lack of definition of indigency is problematic in determining how many parents are involved in removal, placement, or termination proceedings. Many human services and public assistance programs use the federal poverty level to determine indigency, and the judiciary could adopt a similar approach, take any eligibility for a public assistance program as evidence of indigency, or develop a new definition based specifically on the cost of providing quality legal counsel. Income and assets may not be the only factors determining the need for appointment of counsel (parent as minor, mental competency, etc.) that a proposal should take into consideration. The Washington State Office of Public Defense has a publication on the Criteria and Standards for Determining and Verifying Indigent Defense for reference.⁸

Recommendation: Recommend that a definition of indigency and a standard for a determination of indigency be developed. Indigency may not be the only qualification for appointment of counsel and other areas may require appointment. The issue of a sliding fee scale may also need to be considered.

II. Representation for Children

Issues: If an indigent parent is appointed legal counsel, does the child also need legal counsel? Is appointment of a guardian ad litem sufficient if the guardian ad litem is not an attorney, or do children need both? Is the state adequately funding the current mandate for a guardian ad litem for each child alleged to be abused or neglected?

Background: In Montana as of January 2004, there are 14 local nonprofit programs, one district court, and three tribal Court-Appointed Special Advocate/Guardian Ad Litem (CASA/GAL) programs.⁹ Information received in October 2003 indicated that the programs have budgeted nearly \$500,000 for programs around the state in the current budget year, ranging from \$91,000 in Cascade County to about \$2,000 in the Livingston Judicial District startup program. Local programs exist in about 40 counties. In FY 2003, the state reimbursement to local programs was approximately \$90,000. It is disbursed in a one-time reimbursement of \$400 per case, which often includes more than one child. Also, the state district court program provided a one-time distribution to existing programs of \$32,000. The National CASA Association provided more than \$100,000 in funds for startup or expansion help (not maintenance). Local fundraising provided about \$250,000, and several counties provide in-kind support. CASA/GAL volunteers served about 54% of the children who entered out-of-home placements during the year ending September 30, 2002. The programs estimate the cost of serving one child with one volunteer at \$750 for training, screening, supervision, and maintenance of a local office.¹⁰

In areas where CASA programs do not exist, the counties usually contract with an attorney guardian ad litem. The Law and Justice Interim Committee has access to FY 2004 cost data that may or may not be able to account separately for all costs attributable to guardians ad litem, court-appointed special advocates, court-appointed attorneys who are guardians ad litem and public defenders for representation for children in youth-in-need-of-care cases.

In 2000, Washington State passed a law requiring counsel to be appointed at a hearing for placement out of the home.¹¹ Guardians ad litem are also appointed for most children, and children over 12 years of age or their guardian ad litem may request counsel for the child. They make a distinction between the guardian ad litem who represents the best interest of the child and the legal counsel for the child who represents the child's wishes.

A National Center for State Courts "Representation of Children Survey" reported that in 43 states where judicial officers are authorized to appoint legal counsel for children in child abuse and neglect cases, 20 states appoint counsel in all cases. The variety of ways in which legal counsel were selected (respondents checked all that applied) include volunteers from the local bar association (37.2%), conscripts from the local bar association (20.9%), professionals dedicated to function (60.5%), and other means (44%). The entity responsible for administering

the legal counsel program was the judicial branch--state (23.3%) or local (44.2%), other state level entity--other (30.2%) or nonprofit (2.3%), and the remainder at a local level (21%) or unspecified.¹²

Recommendations:

1. Recommend that an accurate assessment be made of the cost to provide a guardian ad litem to each child alleged to be abused or neglected across the state.

2. Recommend that additional information on the number of children who may also need legal counsel is needed. It is important to note that 20 states appoint counsel in all cases of child abuse and neglect, and that is an issue that warrants attention in the development of a public defender system.**

3. Recommend the development of standards for guardians ad litem (changes at the federal level now require training) and specify responsibilities when a public defender is also involved.

4. Recommend that consideration be made for specific training for child abuse and neglect cases for public defender staff.

III. Where Do Child Abuse and Neglect Cases Fit in a Public Defense System

Issues: Should the CASA/GAL program be included in a statewide public defender system or should it remain under the State Court Administrator? The Law and Justice Interim Committee is trying to determine what would constitute "public defender/appointed counsel" costs and what would constitute other administrative costs. As noted in the previous section, costs for court-appointed special advocates are set per case, regardless of how many children per case, and the amount of revenue from the state is set and does not cover all of the costs of the program. County in-kind services and nongovernmental donations fund the CASA/GAL program also. Guardians ad litem are required to be appointed in all cases, but these services currently are not being fully funded by the state. The equity of this situation would be even more questionable if all indigent parents receive court-appointed counsel funded through a public defender system and the CASA/GAL system remains only a partially-funded state mandate staffed mainly by

**State law (41-3-112, MCA) requires that the court shall appoint for any child alleged to be abused or neglected a guardian ad litem, if necessary at public expense. State law also provides authority for the court to appoint counsel for any indigent party (41-3-422, MCA).

volunteers. Any proposal must address the equity between advocacy for children and representation for parents.

Background: The Law and Justice Interim Committee is developing recommendations for public defense in the state. The current option that the committee is pursuing is establishing a new public defender office with state assumption of all administration, including county public defender offices (as an Executive Branch agency).

For its study purposes, the Law and Justice Interim Committee staff has prepared a definition of "Public Defender (or Appointed Counsel)", which means any attorney, whether under contract, court-appointed for a particular case, or a county public defender, who is assigned by a District Court Judge to represent any party in a case or proceeding, whether or not a determination of indigence has been made. This term does not include guardians, mediators, or advocates appointed by the court, unless the appointment includes also acting as counsel in the court room. "Public defender costs" means any allowable expense incurred by the District Court for appointed counsel.

By these definitions, the costs of advocates for children, such as court-appointed special advocates or guardians ad litem, would not be public defender costs and would be state court administrative costs. The director for the state CASA/GAL program is supervised by the State Court Administrator, as is the Court Assessment Program that is funded partially by a federal grant to assess and improve the cases in the child abuse and neglect system. There may be some confusion if the county doesn't have a CASA/GAL program and the court appoints counsel for the child--is that attorney acting as a guardian ad litem or as a public defender and where would the costs and administration belong? The need for definite roles and responsibilities is apparent.

Currently, the costs of both to a certain extent (and regardless of whether they are, by definition, potentially "public defense costs") are mixed in state assumed District Court expenses that are allowed by 3-5-901, MCA, and include:

- expenses incurred by the state in a proceeding held pursuant to Title 41, chapter 3, part 4 or 6, that seeks temporary investigative authority with regard to a youth, temporary legal custody of a youth, or termination of the parent-child legal relationship and permanent custody;
- transcript and witness fees;

- expenses for medical and psychological evaluation of a youth or the youth's parent, guardian, or other person having physical or legal custody of the youth except expenses for services that a person is eligible to receive under a public program that provides medical or psychological evaluation;
- expenses associated with appointment of a guardian ad litem or child advocate for the youth;
- expenses associated with court-ordered alternative dispute resolution;
- expenses for appointed counsel for the youth;
- expenses for appointed counsel for the parent, guardian, or other person having physical or legal custody of the youth.

In developing recommendations for the administration of a public defender/appointed counsel system, the following information indicates that both representation for parents and representation for children is provided in multiple forms in various states. A survey of "Other States' Use of Public Defenders to Represent Parents and Children in CHIPS (child protection) and TPR (termination of parental rights) Cases" by Judith Nord of the Minnesota Supreme Court, Court Services Division¹³, reported the following statistics for the representation of parents and the representation of children.

Representation of Parents

- 14 of the 25 states report that public defenders (PDs) never represent parents in CHIPS/TPR cases. Instead, they either contract with private attorneys or use a variety of panels from which to appoint.
- 4 of the 25 states report that PDs always represent parents in nearly every CHIPS/TPR case.
- 7 of the 25 states report that PDs sometimes represent parents in CHIPS/TPR cases, usually on a county-by-county basis.

Representation of Children

- 14 of the 25 states report that PDs never represent children in CHIPS / TPR cases, instead, they either contract with private attorneys or use a variety of panels from which to appoint or instead use only guardians ad litem or guardians ad litem who are represented by counsel.

- 5 of the 25 states report that PDs always represent children in nearly every CHIPS / TPR case.
- 6 of the 25 states report that PDs sometimes represent children in CHIPS / TPR cases, usually on a county-by-county basis.

Of this study, over half of the states reporting never use public defenders for either children or parents. They contract with private attorneys or appoint from various panels for parental representation, and for representation of children they use only guardians ad litem or guardians ad litem represented by counsel. This would suggest that a public defender system alone does not resolve the issues that are unique to representing parents and children in child abuse and neglect cases. There may present a need for contract and appointed counsel outside a public defender system.

A distinction needs to be made between legal counsel for parents and children and the appointment of guardians ad litem, even if attorneys, and court-appointed special advocates. The latter's roles are required by state and federal law to represent the "best interests of a child". It is apparent from looking at other states that often children will be appointed a guardian ad litem and both the child and the guardian ad litem may also need to be represented by counsel.

The role of appointed counsel is to provide competent and diligent representation for a client at every critical stage of the proceeding. Parental rights are a fundamental liberty interest, however, protection of the health and welfare of the child is paramount and takes precedence over parental rights. There may be an inherent conflict of interest between the "best interests of the child" represented by a guardian ad litem, the child's wishes, and each parents' wishes, which would also suggest the necessity for separation between a CASA/GAL program and a public defender/appointed counsel program. Because there may also be conflicts between parents, there may need to be an additional "conflicts" program to prevent conflicts of interest within a public defender/appointed counsel program.

Recommendations:

1. Recommend to maintain the administration of the state CASA/GAL program and its specific role in the child abuse and neglect proceedings at the State Court Administrator's Office.
2. Specify that any costs for a public defender who participates on a treatment team be included as "public defender costs". It has been questioned whether the cost of a public defender

participating in a treatment team in a treatment court should be a reimbursable public defender cost. Although the treatment team may not operate in a traditional adversarial model, if the public defender performs diligent representation and fulfills standards of professional responsibility toward the client, the costs for participation in that treatment team are legitimate costs that may save additional costs later and should be reimbursed by a public defender/appointed counsel model. If they require an alternative method, it is suggested that whatever is instituted include the development of an alternate reimbursement scheme to support the goal of diligent representation and treatment court.

IV. Quality of Representation and Other Issues

Issues: There are many issues illustrated by the following studies that must be considered in the development of any system of public defense and appointed counsel, especially in relation to child abuse and neglect proceedings or other specialized areas of law.

Variable Costs

Cost data is not available in Montana, but a look at a neighboring state may at least provide information and a model for future study in this state. In 1999, the Washington State Legislature asked the state Office of Public Defense (administration of appellate defense) to develop a cost proposal to address parental defense and children's representation costs in dependency and termination cases and the impact of increased filings on indigent defense costs. They determined that depending on the county in which a family resides, payment for representation of parents, guardians, or legal custodians ranges from about \$169 per case per year to \$1,000 per case per year. County payment for children's representatives ranges from less than \$100 per case per year to \$1,200 per case per year (compared to an estimate in Montana of \$750 per child for a court-appointed special advocate/guardian ad litem¹⁴).

They discovered great variability in the payment from county to county and found the costs to be disproportionate compared to what the state spent on prosecution of these cases. Issues identified in the report identified the need for:

- case resources, such as experts;
- evaluation and investigation by independent social workers;
- standards of practice; and

- court efficiencies, such as indigency screening and reduction of court delay.

These issues are all areas in which Montana will need to develop additional information for creating a system of quality defense for parents and for children's representation and to avoid adding more responsibilities without adequate resources. The Washington State study process and implementation of pilot programs (see below) provide a model for developing necessary information.

Problems Legal Counsel Face in Child Abuse and Neglect Cases

In the National Center for State Court's survey on representation of children,¹⁵ a question was asked regarding the "biggest problems related to legal counsel for children in child abuse and neglect cases".*** These answers to the question that follow (consolidated for this report) are the same issues that Montana will need to face regarding adequate representation for parents and children in any proposal including:

- profession needs mandatory training;
- funding/compensation;
- lack of recommended performance standards, establishment of statewide standards and consistency of representation, development of best practices guidelines to identify the most opportune time to have counsel appointed;
- caseload and compensation guidelines;
- increased technology;
- recruiting competent counsel, profession needs status;
- confusion when overlap between obligation to represent a child's best interests and traditional attorney role, lack of distinction between role of counsel for child and guardian ad litem, differentiation between legal counsel and guardian ad litem responsibilities (representing a child's best interests v. wishes), lack of defined duties;
- follow-up and status reports;
- identification of funds that may be available for particular types of children and dispositions;
- need for continuing representation and social work support; and

*** The specific question asked the respondents to identify the "biggest problems related to legal counsel . . . that the Center of State Court Administrators (COSCA) could address".

- lack of representation of parents.

The issues identified above--role confusion and lack of defined duties and confusion and lack of distinction or differentiation between the obligation of a guardian ad litem to represent a child's best interests and a traditional attorney role--illustrate well the need for greater study and crafting of specific roles and responsibilities between public defense/appointed counsel and court-appointed special advocates/guardians ad litem.

Parent's Representation Pilot Program

The Washington State Office of Public Defense also created a parent's representation pilot program to provide *enhanced* (emphasis added) legal representation to parents in dependency and termination cases. The appropriation provided better representation of parents, decreased the number of court delays, reduced the attorney caseloads, required them to refrain from requesting court continuances due to overscheduling, and increased compensation for parents' attorneys to make it more equal to the funding provided to the state for initiating and pursuing dependency and neglect cases. The pilot program included one rural and one urban county, each with a different model of providing public defense. It also increased the level of support staff and services available to parents' attorneys, such as paralegals and social workers, and allowed use of expert evaluators and increased discovery. They also developed attorney practice guidelines.¹⁶

An evaluation of the pilot programs was performed by the National Council of Juvenile and Family Court Judges and found that there was a reduction in the average number of days it took to hold hearings--the overall number of days from petition filing to case dismissal decreased by 23.6 % (though there were some setbacks in delays between petition filing and fact finding and between dispositional and review hearings). There was also a 53.3% increase in the rate of reunification.¹⁷ The important point of this evaluation is that a public defender system needs adequate resources to positively affect the child abuse and neglect proceedings. If sufficient resources are not available for greater representation for parents and children, then priorities would need to be assigned and a system deliberately developed with adequate resources.

Standards

The U.S. Department of Health and Human Services published Standards for Legal Representation of Children, Parents and the Child Welfare Agency.¹⁸ The Guidelines for Representing Biological Parents (and Legal Guardians) includes a listing of responsibilities of an attorney prior to each hearing of the proceeding based on the ABA Model Rules of Professional Responsibility.

Recommendation: Of the "other issues" that are vital for development of any proposal to provide appointed counsel for children and parents in child abuse and neglect proceedings, the Committee supports the Law and Justice Interim Committee efforts specifically in the areas of reasonable caseloads and consistency and continuity in representation.

ENDNOTES

1. Exhibit #2, January 22, 2004, Children, Families, Health, and Human Services Interim Committee.
2. FINAL REPORT: Montana Child and Family Services Review. U.S. Department of Health and Human Services, (undated). Obtained from DPHHS website:
http://www.dphhs.mt.gov/services/reports/cfs_final_report.pdf
3. 1996 Audit, Court Assessment Program, Montana Supreme Court, pp. 14-15.
4. U.S. Department of Health and Human Services, Standards for Legal Representation of Children, Parents and the Child Welfare Agency, 6/20/2003. Obtained from website:
<http://www.acf.hhs.gov/programs/cb/publications/adopt02/02adpt7.htm>
5. Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, National Council of Juvenile and Family Court Judges, Spring 1995.
6. 1996 Audit, Court Assessment Program, Montana Supreme Court, pp. 14-15.
7. Exhibit #2, January 22, 2004, Children, Families, Health, and Human Services Interim Committee.
8. See: <http://www.opd.wa.gov/Report%202.htm> for a list of publications by the Washington State Office of Public Defense.
9. Montana Advocate, CASA/GAL of Montana, January 2004.
10. October 31, 2003, memo from Ellen M. Bush, CASA/GAL Coordinator on CASA/GAL programs in Montana.
11. Washington (2000, c. 122, section 6.)
12. Ibid. "Representation of Children Survey - Summary of Survey Results," (National Center for State Courts) COSCA (Center of State Court Administrators) Courts, Children, and the Family Committee, July 2002 (Revised).
13. Information received in an e-mail from Judith Nord, Staff Attorney, Children's Justice Initiative, Minnesota Supreme Court.
14. Ibid, #9.
15. Ibid, #11.

16. "Improving Parents' Representation in Dependency Cases: A Washington State Pilot Program Evaluation," National Council of Juvenile and Family Court Judges, August 2003.

17. "Quality Representation of Parents Improves Outcomes for Families", Child Court Works, a publication of the National Child Welfare Resource Center on Legal and Judicial Issues. Volume 6, Issue 1 (April 2003).

18. Ibid, #4.

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