

Request for Application (RFA) Guide Court Appointed Counsel Title IV-E Match Funding

Purpose: This document is designed to guide you through considerations when completing the request for application for the Federally Funded Dependency Representation Program,¹ aimed at supporting high quality legal representation for children and parents in the juvenile dependency court system.

High quality legal representation increases a party's perceptions of fairness, increases party's engagement in case planning, services and court hearings, leads to more personally tailored and specific case plans and services, increases in visitation and parenting time, and expedites permanency.²

Family Justice Initiative: The Federally Funded Dependency Representation Program in California will rely heavily on principles from the Family Justice Initiative (FJI). FJI is a collaboration of the ABA Center on Children and the Law, the Children's Law Center of California (CLC), the Center for Family Representation (CFR), and Casey Family Programs (CFP). Information on FJI is online at: <https://familyjusticeinitiative.org/>.

The main objectives of FJI are to improve representation through legal advocacy and system change, including developing a continuous quality improvement process to measure qualitative and quantitative outcomes.

Improvement through Legal Advocacy includes:

- Pursue client's goals by developing a case theory and legal strategy for adjudication and support reunification.
- Engage in proactive case planning, identification of service providers, and set visitation schedules if in family reunification.
- Litigate issues and use experts when needed to achieve the client's goals, including through active motion practice.
- Explain to the clients their right to attend court hearings and advocate for clients who want to attend court in person.
- Understand how client's trauma history impacts client's experience with the child welfare system and in the attorney/client relationship.
- Meet and communicate regularly with clients before all court hearings.
- Counsel clients about all legal matters related to the case, including placement arrangements, education, language and culture.
- Advocate for visiting arrangements consistent with child safety.
- Conduct a thorough and independent investigation at every state of the proceeding.
- Research applicable legal issues and legal arguments, ensuring that the department has met its burden of proof and applies the appropriate legal standard.

¹ Question 31 of Section 8.1B of the Child Welfare Policy Manual found here: https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=36&fbclid=IwAR0Xq4pSBr4CO2c8Kvtvnut1iiqxGAdydhOs8YyBQP706N5oNEHngRbCquQ

²ACYF-CB-IM-17-02: <https://www.acf.hhs.gov/sites/default/files/cb/im1702.pdf>

- Ensure client's input is considered in the development of case plan, placement decisions and permanency planning.

Improvement Through Systemic Change Includes:

- Efficient use of court time through fewer continuances and increased settlement conference.
- Opportunities and incentives for early case resolution.
- Predictable court practices and procedures.
- Differentiated case management.
- Establishment and maintenance of specialty calendars and collaborative courts.
- Ensure court appointed counsel for parents and children have a reasonable caseload.
- Ensure attorneys have access to work in an integrated and interdisciplinary model with interpreters, experts, social workers, and investigators as needed.
- Ensure systemic training around bias and cultural and human dignity.
- Ensure attorney supervision and oversight to reflect on bias.
- Develop and implement a strategy to ensure a diverse attorney and staff workforce.
- Ensure attorneys are appointed and can have a meaningful meeting with the client before any court appearance and can competently represent their client.
- Define clear roles and expectations for attorneys and all members of the multidisciplinary team.
- Provide training and education opportunities.
- Provide oversight and performance evaluation.
- Provide the opportunity for clients to provide feedback on representation.
- Promote greater respect for the integrity of the families that enter the child welfare system.

Requirements: To complete the RFA, programs will be required to adopt one or more objectives from FJI. To do this, we encourage the legal service providers and trial courts to collaborate on what objectives would be most beneficial for their local jurisdiction. Some examples could be using the funds to:

- Alleviate attorney caseload
- Ensure adequate courtroom coverage
- Create multidisciplinary teams with social workers and investigators, if applicable
- Create time to meet with clients
- Staff collaborative courts