

# COURT APPOINTED COUNSEL IN CHILD WELFARE CASES

## Study Mandate

- In a letter received April 28, 2014, Senator George Barker requested that the Commission on Youth study legal representation for parents in child welfare cases. This study will review Virginia's existing system for providing counsel in these cases and ascertain whether modifications or improvements to the system would advance Virginia's efforts to increase permanency.

## Draft Recommendations

### Compensation

#### Recommendation 1

Remove the statutory cap on fees for court-appointed counsel for parents in child welfare cases, and instead allow for the same hourly rate payment structure as Guardian Ad Litem are compensated.

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#### Recommendation 2

Allow court-appointed counsel for parents in child welfare cases to submit a waiver application for additional compensation above the current cap in termination of parental rights cases.

### Training and Support

#### Recommendation 3

Request that Virginia's Court Improvement Program assess the possibility of providing training specifically for court-appointed counsel representing parents in child welfare cases.

#### Recommendation 4

Request the Virginia Supreme Court adopt the 2006 ABA "Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases" in Virginia to establish best practices for court-appointed counsel for parents in child welfare cases.

#### Recommendation 5

Request the Supreme Court of Virginia, Office of the Executive Secretary, Court Improvement Program commission the ABA Center on Children and Law to conduct a comprehensive assessment of Virginia's system of parental representation in child welfare cases.