

**The Fairfax County Democratic Committee Urges the
Fairfax County Board of Supervisors and Fairfax County School Board to
Endorse Improvements to Legal Representation in Child Dependency Cases in the Commonwealth**

Whereas,

In Virginia, courts appoint private attorneys to serve as counsel for parents (and guardians ad litem for children) in foster cases from a list of qualified attorneys who have indicated their willingness to accept appointments within their judicial district. The Commonwealth of Virginia lacks available, competent counsel for court appointment due to the extremely low rates of compensation and lack of training for court-appointed legal counsel for parents of children in child dependency (foster care) cases. This lack of available, competent counsel for court appointment along with a lack of interdisciplinary coordination of public support services contributes to Virginia's unacceptably low rates of permanency for children in foster care (i.e., when a child in foster care exits to a permanent home).

In addition to disproportionately affecting parents challenged by poverty, the lack of high-quality legal representation and low rates of permanency for children in the foster care system disproportionately impacts Black and Latino families. In Fairfax County, Black residents make up about 10% of the population but are 37% of the children in foster care. Latinos are about 17% of Fairfax County residents, but 43% of the children in foster care. The current system for child dependency proceedings in the Commonwealth both reflects and contributes to inequity in Fairfax County. Given the county's commitment to equity through its One Fairfax policy, the county should prioritize addressing the racial disparities impacting children and families in the foster care system.

The Workgroup Studying Legal Representation in Child Dependency Cases, convened by the Virginia Office of the Children's Ombudsman, recently investigated this issue and made a number of recommendations with regard to these matters, including improving court-appointed attorney compensation and launching pilot multidisciplinary offices to provide holistic support to families going through child dependency proceedings.

Improving court-appointed attorney compensation and training. High-quality family legal representation has been proven to improve outcomes for children in foster care—without compromising safety. Virginia currently pays court-appointed counsel for parents at one of the lowest rates of any state and there hasn't been a raise in 23 years. Fairfax Judges say they are finding it difficult to appoint lawyers willing to accept these cases, and attorneys can't afford to put more than a minimum amount of time into a case. With fewer attorneys choosing to remain on courts' court-appointed attorneys list to represent parents, there is also a growing lack of diversity among the community of attorneys practicing in this area.

Currently, Virginia spends \$5,000-20,000 per month per child in foster care. If every one of the 5,000 children in Virginia's foster care system spent even one month less in foster care, the Commonwealth could save at a minimum \$25 million per year. The workgroup noted that federal funds are available to reimburse some of the cost of improving the compensation, which would likely be further offset by reduced foster care costs: better-prepared lawyers lead to fewer continuances and court delays.

The workgroup also proposed the development of statewide qualification and performance standards to further improve the quality of legal representation provided to parents as well as the creation of a state-level office that could provide training and oversight of court-appointed counsel for parents in child dependency cases.

Multidisciplinary office model/holistic support for parents. The multidisciplinary office model (MDO) supports child permanency (having a permanent family) and specifically reunification (going home to the parent or caregiver from whom the child was removed into foster care) by providing families not only with effective court representation, but also with assistance regarding housing, public benefits, re-entry advocacy, employment counseling, parent peer advocates, educational services, healthcare, mental health programs, and related services. The creation of these offices in other states has dramatically improved reunification rates in those jurisdictions, shortened the time children spend in foster care, improved rates of permanency, and achieved significant cost savings, all without compromising children's safety. The workgroup recommended appropriating funds to establish and launch pilot multidisciplinary offices serving diverse jurisdictions of the Commonwealth.

The workgroup's recommendation to increase court-appointed attorney compensation was introduced in the previous General Assembly session and garnered bipartisan support, though it ultimately succumbed to other budget priorities. In the next General Assembly session, the Fairfax County delegation can support all the recommendations of the workgroup, including appropriation of the necessary funds in the state budget. Thankfully, many of Fairfax County's state senators and delegates are already strong supporters of improving outcomes for children and families in child dependency (foster care) proceedings, including Sen. Barbara Favola, Del. Mark Sickles, and Sen. Dave Marsden. With its formidable representation in the General Assembly and the endorsement of the Fairfax County Board of Supervisors and School Board, the Fairfax County delegation can be instrumental in getting these recommendations fully funded and implemented, thereby improving the outcomes of child dependency cases in Fairfax County and throughout the Commonwealth.

Children and their parents have a right to family integrity and support.

Therefore, be it resolved the Fairfax County Democratic Committee urges the Fairfax County Board of Supervisors and Fairfax County School Board to endorse efforts to improve the quality of the legal representation provided by the Commonwealth of Virginia to parents in child welfare and child dependency proceedings, including:

- a. Increasing the level of compensation provided to court-appointed attorneys representing parents in these matters;
- b. Creating standards of practice for attorneys representing parents;
- c. Creating training and certification requirements for attorneys representing parents;
- d. Creating a statewide office of legal representation for parents, to provide such training, standards, and oversight to attorneys in child dependency cases;
- e. Creation of pilot multidisciplinary legal offices such as those that have been shown to be effective for parents in child dependency cases; and
- f. Provision of counsel to parents prior to court removal.