

Evaluation of the Washington State Dependent Child Legal Representation Program 2021



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2021 Evaluation of the Washington State Dependent Child Legal Representation Program

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Executive Summary

In 2016 the Washington State Legislature instructed the Washington State Office of Civil Legal Aid (OCLA) and the Washington State Center for Court Research (WSCCR) to work together to implement and evaluate a program that offered Standards-Based Legal Representation (SBLR) to all dependent youth in Grant and Lewis counties. The study was named the Dependent Child Legal Representation (DCLR) Program. OCLA implemented the program from September 2017 through August 2019. Due to internal staffing issues at the time, WSCCR hired outside contractors to complete the evaluation project. There were five components of the evaluation, and each component has a designated section in the full report below. We highlight the main findings in this Executive Summary.

Outcome Evaluation

Cases involving a total of 434 children were served by the DCLR study and included in the evaluation. Using two counties (Douglas and Whatcom) as comparison, and a difference-in-difference analytic approach to account for both changing trends over time and baseline differences between jurisdictions, we found statistically significant associations between DCLR program participation and permanency outcomes, placement stability, and school stability. First, the likelihood of achieving reunification was approximately 45% higher in the DCLR group than the comparison group. Second, the DCLR program was associated with a 30% reduction in the rate of placement moves. Finally, the DCLR program was associated with a 65% reduction in the rate of non-normative school transitions.

Benefit-Cost Analysis

We completed an analysis of the potential cost savings of the DCLR program based on the permanency outcome. Using a simulation of 50,000 children in each group, we estimate the cumulative child welfare costs for the DCLR group to be \$5,228,802, compared to a cost of \$6,519,115 for the business as usual (BAU) group. This represents a hypothetical cost savings of over 1.2 million dollars, after taking into account the cost of providing SBLR. These conservative calculations do not take into account potential cost savings outside of the child welfare system, such as in the educational, employment, health, or criminal justice domains.

Youth Voice

An important component of the evaluation project was soliciting feedback from the youth regarding their experience with the DCLR program. This component of the evaluation proved to be the most difficult, mainly due to issues regarding guardian consent for participation in the study. Our original plan to recruit current DCLR program participants was modified to attempt to interview former participants. Despite much time and effort, we completed only one valid interview. We treat the interviewee's responses as a helpful case study, finding that the participant was very satisfied with the communication, preparation, and advocacy of his appointed attorney throughout his dependency case. We offer several suggestions for how to adjust future studies' protocols to potentially increase participation.

Program Implementation

We assessed DCLR program implementation by interviewing stakeholders, including attorneys, caseworkers, and Guardians Ad Litem (GALs) in Grant and Lewis counties. Through these discussions, we found that, despite initial challenges, such as a lack of clarity around roles, having trained attorneys often resulted in increased communication among stakeholders and better advocacy for children.

Attorney Behaviors

The final component of the evaluation involved study attorneys recording their actions during the life of the case, so as to document the potential advocacy that can be provided by children's attorneys. We collected 205 tracking sheets, and found that attorneys frequently reported such actions as: advocating against unwanted school moves; helping to enforce the youth's individualized education plan; and advocating for the child's desired placement. We also provide recommendations for how the tracking sheet can be improved for future studies.

Conclusion

This five-part evaluation of the DCLR pilot program offers evidence that providing standards-based legal representation to dependent youth on a large scale could improve the court experiences of dependent youth, reduce disruption in their lives, and shorten the dependency process. Based on early preliminary findings from this study, the legislature passed SSHB 1219 in 2021, which expands the DCLR program to all Washington State counties over a six-year period, beginning in 2022. The bill also provides funding for ongoing quality assurance and evaluation. Thus, future reports will provide results from larger scale evaluations.

Introduction

The 2017 Washington State Legislature established a new program to support children and youth involved in the Washington State juvenile dependency courts. The program is intended to provide young people involved in the child welfare system with access to universal legal representation from the point of “shelter care” through the completion of the dependency process. The Legislature directed the Office of Civil Legal Aid (OCLA) to implement the program and the Administrative Office of the Courts’ (AOC) Washington State Center for Court Research (WSCCR) to evaluate the program. The legislature specifically directed that the evaluation examine:

[t]he time to achieve permanency and permanency outcomes; [e]ducational, social, or other relevant child welfare indicators as determined relevant by the center including, but not limited to, relevant child welfare indicators identified through consultation with foster children, youth, and other stakeholders involved in the research assessment. The assessment must also identify and project cost savings to the state, if any, as a result of providing legal representation for children at the shelter care hearing.¹

The legislation requires WSCCR to complete two reports. The first, an interim report, was submitted to the legislature in March 2020 and described the program and initial program implementation, presented descriptive information regarding outcomes of children represented under the program, outlined broad plans for WSCCR’s final evaluation, and identified potential limitations based on available data and funding. This document is the final report. To help carry out the evaluation, WSCCR contracted with a senior research scientist and lecturer at the University of Washington School of Social Work and an independent qualitative researcher.

Background

For over half a century, juvenile delinquency courts in the United States have recognized a child’s right to due process within the juvenile justice system. Beginning with *In re Gault* (1967), the United States Supreme Court ruled that children within the juvenile justice system have many of the same rights as adults, including a right to counsel. Federal guidance related to children’s due process rights within dependency proceedings (those proceedings in which courts are petitioned to find the child a legal dependent of the state, and to place the child in the legal custody of the state) is somewhat less clear. Although federal statute requires that states develop procedures for the appointment of a Guardian ad Litem (GAL) in dependency cases, there is no requirement that the GAL be an attorney. In many jurisdictions, this requirement is frequently met with a volunteer non-attorney Court Appointed Special Advocate. Furthermore, GALs are appointed to represent the best interests of the child as compared to delinquency cases where counsel typically represents the child’s stated interest.²

¹ 2nd Engrossed Substitute Bill 5890

² 42 U.S.C. §5106a(b)(2)(A)(xiii)

In response to continuing concerns over whether the voice of children should be more fully heard in dependency cases in Washington State and whether the appointment of attorneys to represent the stated and legal interests of children might markedly affect the trajectory of the lives of dependent children, the 2017 Washington State Legislature enacted Second Engrossed Substitute Senate Bill 5890. Among other things, this law appropriated funds to OCLA to oversee universal legal representation for dependent children in two counties. In addition to funding universal appointment in two counties, the legislature also appropriated funds to support an evaluation of the universal appointment focused on the experiences of children in these two counties (Grant and Lewis) who are served by trained attorneys representing their stated and legal interests, and those in two other counties (Douglas and Whatcom) that continued to operate “business as usual”. Thus, this project is part of a deliberate effort by the legislature to develop evidence that will inform consideration of whether to expand the right of dependent children to legal representation by assessing and quantifying the impact that such an expansion might have across multiple domains.

Program Implementation

Program Logic

There is a paucity of published studies examining the legal representation of dependent children, and until recently, the field lacked consensus regarding legal practice standards for child representation in dependency proceedings. In 2009, in an effort to establish such standards, the Children’s Bureau (CB) established a National Quality Improvement Center on the Representation of Children in the Child Welfare System (QIC-ChildRep). Housed at the University of Michigan Law School, QIC-ChildRep formalized a best-practice model for stated-interest legal representation in dependency proceedings. This model was evaluated using randomized controlled trials in Washington State and Georgia.

Results of the Washington QIC-ChildRep evaluation suggest that, relative to children who were represented by lawyers with no specialized training, children receiving representation under the best-practice model had a higher rate of early exits from foster care (Orlebeke et al., 2016). Additionally, best-practice attorneys were found to have more contact with foster parents and other substitute caregivers. Cases in which best-practice attorneys were assigned were also more likely to have utilized non-adversarial case resolution options, including family team decision-making meetings (FTDMs). The American Bar Association (ABA) has since adopted this model as the recommended standard in juvenile dependency proceedings (Lehrmann, 2010).

While the QIC-ChildRep evaluation demonstrated some benefits from the use of the best-practice attorneys as compared to untrained attorneys, the study did not answer a more basic question: does the presence of stated-interest attorneys benefit children compared to the condition of no attorney? While the literature is similarly silent on this question, Zinn and Peters (2015) published findings of the Foster Children’s Project (FCP) of the Legal Aid Society of Palm Beach County, Florida, a project in which children placed in foster care from July 2001 to December of 2004 were provided stated-interest counsel for the duration of their dependency cases. While this study predates the establishment of the QIC-ChildRep model (i.e. there was no specific practice model utilized by attorneys in the FCP pilot), the findings of the study suggest that children with stated-interest legal representation achieve permanency more quickly than children without representation.

Similar to the QIC-ChildRep evaluation, the underlying hypothesis of the current study evaluating the Dependent Child Legal Representation (DCLR) pilot is that dependent children who receive timely legal representation from trained and effective attorneys will obtain permanency sooner than those who do not and will experience more positive outcomes, along a range of relevant indicators, than those who do not. The QIC-ChildRep pilot assessed the efficacy of the type of standards-based legal representation involved in the DCLR pilot relative to other forms of legal representation. Unlike the QIC-ChildRep study, this pilot is not focused on whether the type of legal representation provided in the pilot is preferable to another model of representation. Rather, the overarching research question under consideration in this study is whether the presence of DCLR is beneficial to dependent children, as compared to no legal representation.

The comparison to no legal representation is an important consideration. Washington currently has no universal requirements for the appointment of attorneys prior to terminating the parent-child relationship. Some Washington jurisdictions voluntarily appoint counsel at public expense to children once they reach a particular age. This discretion is allowed under 13.34.100 RCW, which also permits a child in any jurisdiction to request appointment of counsel and requires that dependent children be regularly notified of their right to request counsel after the age of 12. Starting in 2014, 13.34.100 RCW also requires the appointment of counsel to all dependent children who remain in care with “. . . no remaining parent with parental rights for six months or longer. . .” Since 2014, the provision of post-termination legal counsel has been implemented by OCLA. All attorneys appointed under this program are also trained under Washington’s standards-based legal representation framework (SBLRF), which is based on the QIC-ChildRep model.

Thus, the DCLR pilot can be seen as an expansion of Washington’s due-process protections for dependent youth. While the DCLR pilot is not permanent and not universal, it does represent a clear effort by the state legislature to explore changes in the legal process that will facilitate better outcomes for children involved in Washington’s dependency courts. As with the post-termination legal counsel program described above, OCLA is also utilizing the SBLRF within the DCLR pilot. That is, all attorneys hired to represent youth in the DCLR pilot will be trained and required to operate within the SBLRF.

This project involved multiple sub-studies, and each project is summarized in a separate part of this report. Part 1 presents the results from the quantitative evaluation of the DCLR pilot, examining the program’s effects on case processing timelines and child outcomes. Part 2 examines the potential cost savings of the program based on the results of the outcome evaluation. Part 3 describes the efforts we made to qualitatively capture the “youth voice” in this pilot. Part 4 summarizes the results of our qualitative assessment of program implementation issues captured through interviews with court staff and partners. Finally, Part 5 descriptively explores some attorney advocacy behaviors over the course of the study using attorney tracking sheets and attorney case notes.

Methods

Data Sources and Procedures

Data for this study were drawn from three sources: Department of Children, Youth, and Families (DCYF's) Transitional Comprehensive Child Welfare Information System (CCWIS); AOC's Court Contact and Recidivism Database (CCRD); and data from the Washington State Office of Superintendent of Public Instruction (OSPI). Data share agreements and confidentiality agreements were completed by all parties, data were shared across agencies and matched, and a final de-identified data set containing all study variables was provided to the lead research team for analysis. All study procedures were approved by the Washington State Institutional Review Board (WSIRB).

Sample

Our sample includes children entering a period of shelter care. In Washington State, shelter care begins by one of two mechanisms:³

1. A law enforcement officer takes a child into custody, finding "...probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order."⁴
2. A court orders the child into custody, finding that there are "...reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody."⁵

As noted above, the Legislature required that the evaluation team compare the pilot counties, Lewis and Grant, in which DCLR was offered universally to all children entering shelter care, with two explicitly identified comparison counties, Whatcom and Douglas. In order to be both responsive to the Legislature and rigorous in our evaluation, we attempted four different approaches to define our BAU condition. Depending on the outcome, we refined the sample for practical reasons (e.g., only a subset of dependent children, i.e., school-aged children, are at risk of non-normative school transitions) or for sensitivity analysis to confirm the validity of the legislatively chosen comparison groups. Our four approaches included:

1. **Pre-Post:** We compared children in the DCLR condition (Lewis and Grant county shelter care events from September 1, 2017, through August 31, 2019- hereafter, our "treatment period") with children entering care in Lewis and Grant in the preceding two-year period (September 1, 2015, through August 31, 2017 - hereafter, our "control period").
2. **Approximate Difference-in-Differences (aDID) (Legislatively Required):** We compared children in the DCLR condition with children entering shelter care in Lewis, Grant, Douglas, and Whatcom in the control period or Douglas and Whatcom in the treatment period. Our approach is similar to the Difference-in-Differences (DID) approach made famous by Card and Krueger (1994). There are, however, critical statistical differences between the models used to develop DID (i.e., ordinary least squares) and the models and samples we use in this evaluation. We thus do not claim that this approach will necessarily yield an average treatment effect of the treated (ATT) and note that our method yields an aDID estimator.

³ RCW 13.34.060

⁴ RCW 26.44.050

⁵ RCW 13.34.050

3. **Approximate Difference-in-Differences (aDID) (University of Wisconsin Population Health Institute (UWPHI)):** One potential shortcoming of the aDID approach is the choice of the comparison group. Improperly matched control groups can bias the results of classical DID models (Basu & Small, 2020) and would likely bias the results of aDID models as well. We identified alternatives to Douglas and Whatcom as control counties using the UWPHI county health rankings tool to address this possibility (UWPHI, 2020). The health rankings tool uses various metrics to identify Washington counties closely resembling the DCLR counties in health and well-being measures. The UWPHI tool identified Adams, Clallam, Grays, and Mason counties as the closest match to the DCLR counties. We thus developed an additional business as usual (BAU) approach comparing children in the DCLR condition with children entering shelter care in Lewis, Grant, Adams, Clallam, Grays Harbor, and Mason in the control period or Adams, Clallam, Grays Harbor, and Mason in the treatment period.
4. **Approximate Difference-in-Differences (aDID) with IPTW:** Simply choosing better counties for comparison helps the match issues identified above. However, this approach does not address the bias that may result from mismatched children between the DCLR and BAU counties. For example, Grays Harbor and Grant counties may fare similarly on county-level health and well-being measures, but the children in shelter care within each county may look very different. To address this issue, we weighted our estimated models developed from the aDID-UWPHI approach using the inverse probability of treatment weighting (IPTW) technique proposed by Williamson et al. (2013).

We find similar results across all four approaches to defining our BAU condition. In most analyses, the aDID-Legislative (Option 2) and aDID-UWPHI (Option 3) represent the average of all estimated treatment effects. Additionally, while helpful for sensitivity analyses, the propensity score model from which we derived weights for the aDID-IPTW approach is not stable. Specifically, we have a limited number of confounding variables available to specify the propensity model, and the weights are sensitive to the choice of confounding variables. Taking all of the BAU approaches into account, along with the legislative mandate to report on aDID-Legislative (Option 2), we limit the remaining discussion to this BAU approach. This sampling approach will allow us to compare outcomes in the DCLR pilot with outcomes in the same jurisdictions before the pilot while simultaneously comparing the DCLR pilot with Douglas and Whatcom counties over the same period. A total of 1,451 children were included in our quantitative sample:

- 434 children who entered shelter care in Lewis and Grant in the treatment period,
- 322 children who entered shelter care in Lewis and Grant in the control period,
- 265 children who entered shelter care in Douglas and Whatcom in the treatment period, and
- 430 children who entered shelter care in Douglas and Whatcom in the control period.

Measures

Treatment

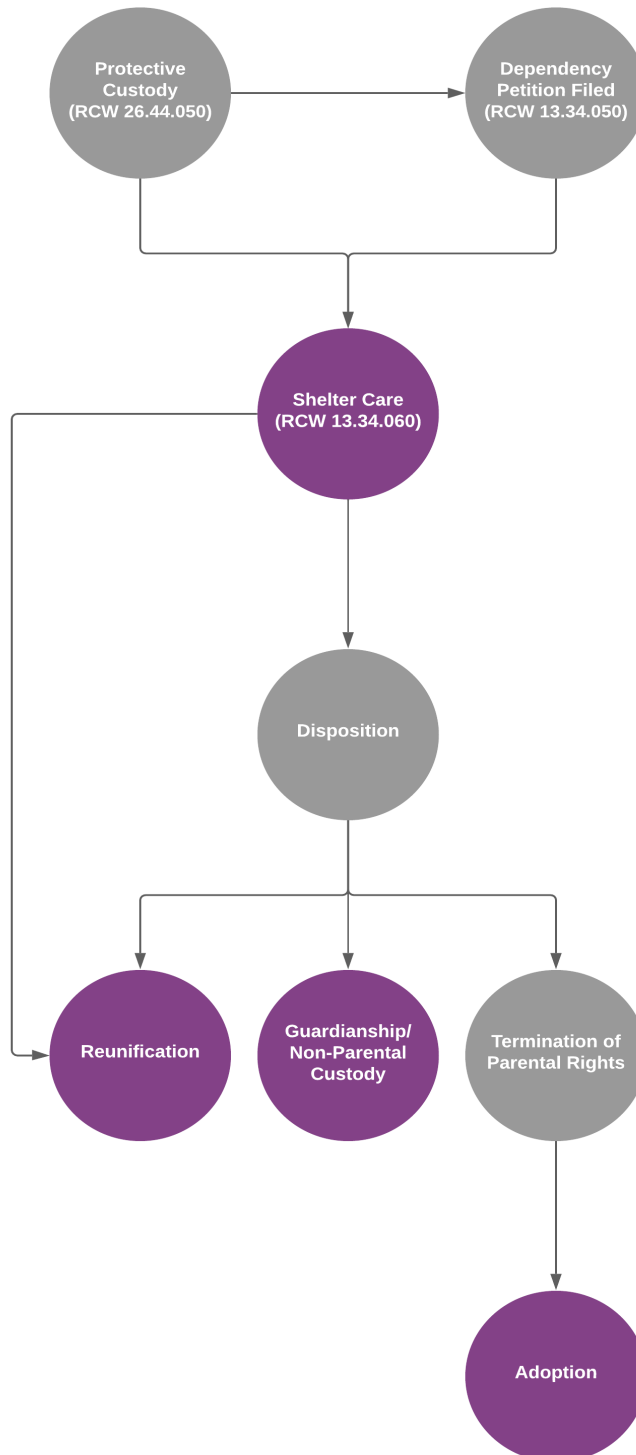
The treatment or intervention for this study was participation in the DCLR pilot program. Thus, the treatment group consisted of all youth who had a new dependency case in Grant or Lewis counties between September 1, 2017 and August 31, 2019. Each youth was appointed an OCLA-contracted attorney to provide SBLR starting at the initial shelter care hearing.

Outcomes

With guidance from the legislature and child welfare stakeholders, we identified three legal and extra-legal child outcomes to assess.

Permanency. Analysis of child outcomes in dependency courts must account for the various legal milestones in a dependency case. For example, a child reunified with their parents may experience a disposition of their case (through adjudication of the dependency petition), or the court may simply exit the child from the system because the child does not meet the legal requirements for shelter care. Understanding how children transition through these various milestones is critical to understanding the impact of DCLR. To examine these transitions, we estimate a simplified multi-state transition model exploring the states outlined in purple in Figure 1: reunification, guardianship, and adoption.

Figure 1. Dependency Transition States



Placement Stability. We operationalize placement stability as a count of the number of placements per days in care, from shelter care hearing to dismissal. Thus, a negative effect of the DCLR program would indicate a reduction in placement instability.

School Stability. We also examined the program's effect on school stability, measured as the number of non-normative school transitions per days in care. That is, we counted the total number of transitions from one school to another, for reasons other than grade promotion. Again, a negative effect of the DCLR program would indicate a reduction in school instability.

Control Variables

In the models presented below we control for age and race/ethnicity. Age was calculated at the time of shelter care. Race/ethnicity was recorded in the CCRD, and we coded the data to create the following categories: African American, Asian/Pacific Islander, Hispanic/Latinx, Native American, Unknown, and White. When demographic information was missing in the CCRD, data from the CCWIS was used. For the models predicting outcomes, race/ethnicity was dichotomized into minority and non-minority (White).

Analysis

Predicting Permanency

To assess permanency, we initially estimate two models - a Cox proportional hazards model and a Gompertz proportional hazards model. We estimate the Cox model as the typical choice for examining variance in the rate of permanency outcomes across groups of children in foster care. We separately estimate a fully parametric Gompertz model that will allow us to easily make the predictions necessary to perform the cost analysis, a required evaluation component. For the Cox model, we utilize the survival package in R for estimation. This model included a clustered sandwich estimator to avoid bias due to autocorrelation among sibling groups. We also parametrized the Cox model to allow the baseline hazard to vary by strata defined by time and jurisdiction. Parameter estimates from the Gompertz model provided similar conclusions to the results of the Cox model. For the sake of simplicity, since we require the Gompertz model for the cost analysis below, we report only the Gompertz model in this report.

Predicting Placement Stability and School Stability

For the remaining two outcomes, given that our dependent variables were counts of events (placement moves and non-normative school transitions), we estimated multivariate generalized linear models, assuming a Poisson distribution and log link. Models controlled for age at shelter care hearing and racial minority status. The model predicting placement stability used the full treatment and comparison samples. The model predicting school stability included only children who were age six or older at the time of shelter care (n=549). As noted above, a negative effect of the DCLR program in these models indicated a reduction in instability (i.e., an increase in stability).

Results

Sample Descriptive Statistics

We list the characteristics of the sample in Table 1. The median age at shelter care is 3.8 years. Just over half of the sample is female (n= 727). The two largest racial categories are White (51.1%) and Hispanic/Latinx (21.8%). We see no statistically significant differences between the BAU and DCLR groups except for race. Most notably, 21.3% of the BAU sample is identified as Native American (compared with 10.8% in the DCLR sample) and 18.1% of the BAU sample is identified as Hispanic/Latinx (compared with 30.4% of the DCLR sample).

Table 1. Sample Characteristics

Variable	Representation Condition			Sig ²
	Overall, N = 1,451 ¹	BAU, N = 1,017 ¹	DCLR, N = 434 ¹	
Age at Shelter Care	3.8 (0.7, 8.5)	3.5 (0.6, 8.1)	4.5 (0.9, 9.1)	p=0.069
Race				p<0.001
<i>African American</i>	102 (7.0%)	73 (7.2%)	29 (6.7%)	
<i>Asian/PI</i>	26 (1.8%)	21 (2.1%)	5 (1.2%)	
<i>Hispanic/Latinx</i>	316 (21.8%)	184 (18.1%)	132 (30.4%)	
<i>Native American</i>	264 (18.2%)	217 (21.3%)	47 (10.8%)	
<i>Unknown</i>	2 (0.1%)	1 (0.1%)	1 (0.2%)	
<i>White</i>	741 (51.1%)	521 (51.2%)	220 (50.7%)	
Gender				p=0.39
<i>Female</i>	727 (50.1%)	502 (49.4%)	225 (51.8%)	
<i>Male</i>	724 (49.9%)	515 (50.6%)	209 (48.2%)	

¹Median (IQR); n (%)

²p-value associated with Wilcoxon rank sum test (for Age); Fisher's Exact Test with simulated p-value (for Race); or Fisher's Exact Test (for Gender)

Permanency

The estimated effects on exit to reunification, guardianship, or adoption for children represented are presented in the Table 2 (DCLR Period * DCLR County). Children in the treatment group were significantly more likely to achieve permanency through reunification than children in the comparison group (b=0.37, p=.02). Specifically, the likelihood of experiencing reunification was about 45% higher for the treatment group (Hazard Ratio [HR]=1.45).

Table 2. Effect of DCLR on Permanency

Variable	Reunification		Guardianship		Adoption	
	b	p ¹	b	p ¹	b	p ¹
Age at Shelter Care	0.01	0.27	-0.01	0.41	0.84	<0.01
Minority Child	-0.14	0.05	0.76	0.01	1.09	0.25
DCLR Period	0.10	0.21	0.79	0.07	0.74	0.16
DCLR County	-0.12	0.13	-0.10	0.40	0.92	0.26
DCLR Period * DCLR County	0.37	0.02	0.58	0.18	1.23	0.29

¹p-value associated a two-sided t-test of the HR

Placement Stability

The estimated effects of treatment on the number of placement moves are presented in Table 3 (DCLR Period * DCLR County). Children in the treatment group, on average experienced fewer placement moves than children in the comparison group (b= -0.35, p<0.001). When we convert this to an Incident Rate Ratio (IRR=0.70), we find that, accounting for shared trends across time and county-level differences, as well as individual demographic factors, implementing the DCLR program decreased the placement rate by 30%. The lack of a significant effect for the three-way interaction term suggests that the effect does not appear to be impacted by age. That is, the effect appears to be consistent across age groups.

Table 3. Effect of DCLR on Placement Stability

Variable	Beta	Sig.
DCLR Period	0.11	p<0.001
DCLR County	0.26	p<0.001
Age at Shelter Care	0.09	p<0.001
Minority Child	0.07	p<0.001
DCLR Period * DCLR County	-0.35	p<0.001
DCLR Period * Age at Shelter Care	-0.02	p<0.001
DCLR County * Age at Shelter Care	-0.02	p<0.001
DCLR Period * DCLR County * Age at Shelter Care	0.01	p=0.210

Predicting School Stability

The estimated effects of treatment on non-normative school transitions are presented in Table 4 (DCLR Period * DCLR County). Most notably, the results indicate that, on average, children in the treatment group experienced significantly fewer non-normative school transitions during their dependency than the comparison group ($b=-1.053$, $p<0.001$). The IRR (0.35) indicates that implementing the DCLR program decreased the rate of non-normative school transitions by 65%. There is some indication that these results may vary by age and race, but additional analyses will be completed in future evaluations to examine this possibility.

Table 4. Effect of DCLR on School Stability

Variable	Beta	Sig.
Age at Shelter Care	0.00	$p<0.001$
DCLR County	1.31	$p<0.001$
DCLR Period	0.14	$p<0.001$
Minority Child	0.18	$p<0.001$
Age at Shelter Care * DCLR County	-0.00	$p<0.001$
Age at Shelter Care * DCLR Period	-0.00	$p<0.001$
DCLR Period * DCLR County	-1.05	$p<0.001$
Age at Shelter Care * Minority Child	0.00	$p<0.001$
DCLR County * Minority Child	-1.01	$p<0.001$
DCLR Period * Minority Child	-0.20	$p<0.001$
Age at Shelter Care * DCLR County * DCLR Period	0.00	$p<0.001$
Age at Shelter Care * DCLR County * Minority Child	0.00	$p<0.001$
Age at Shelter Care * DCLR Period * Minority Child	-0.00	$p<0.001$
DCLR County * DCLR Period * Minority Child	-0.38	$p<0.001$
Age at Shelter Care * DCLR County * DCLR Period * Minority	0.00	$p=0.004$

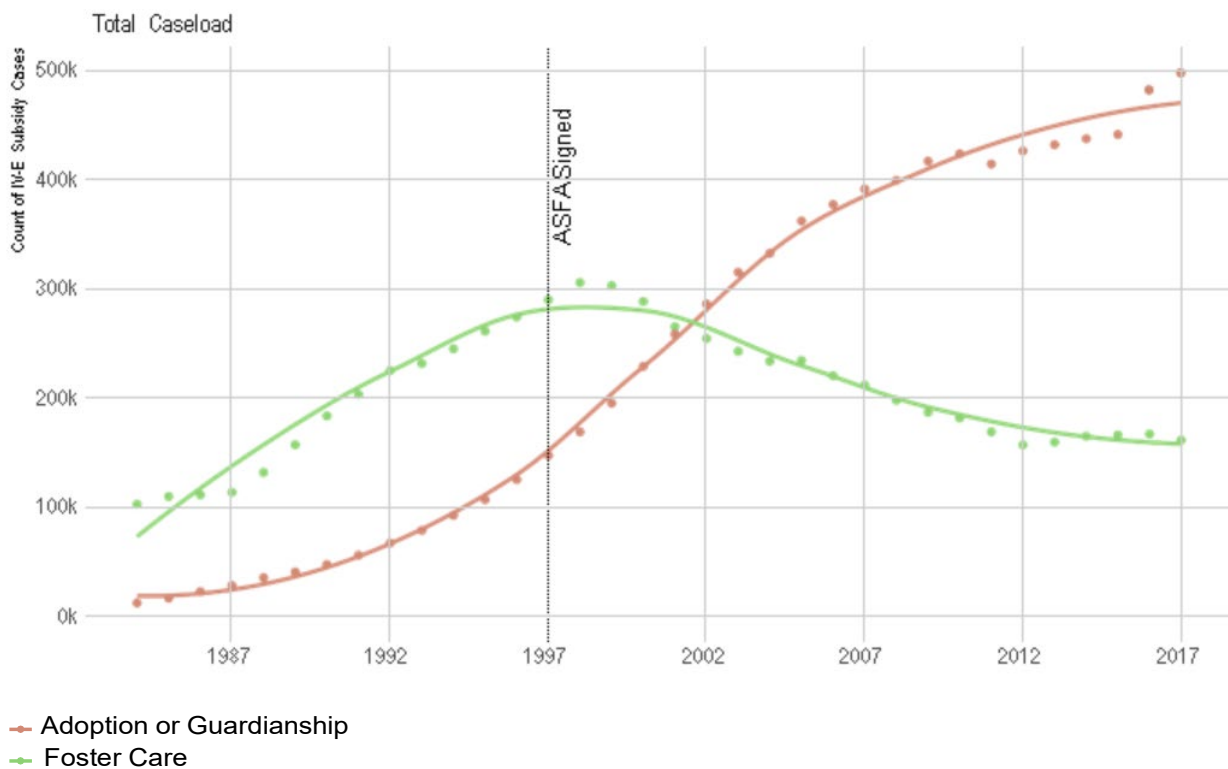
Results

The results of this outcome evaluation provide evidence that the DCLR program was beneficial to youth. Specifically, youth in the program were more likely to exit foster care through reunification, had lower out-of-home placement rates, and lower rates of non-normative school transitions. Unforeseen barriers relating to data acquisitions and subsequent time constraints prevented us from fully exploring the interaction between program participation and demographic variables to determine if the program is equally effective for all youth, but we are confident that future studies will investigate this research question.

Background

When trying to understand the total cost of the child welfare system in the US, it is essential to consider all expenditures. Figure 2 illustrates that, on average, foster care does not drive the child welfare system's total costs; adoption subsidies account for most of the government's costs. In 2017, for example, 76 percent of all IV-E cases were adoption or guardianship cases. The difference between foster care and adoption cases results from the Adoption and Safe Families Act of 1997 (ASFA). Among other things, ASFA significantly incentivized adoptions compared to other forms of permanency or care. Specific costs associated with these caseloads are not currently available nationally or from Washington State. However, under current practices in Washington and most other states, on average, adoption will yield higher costs to the child welfare system than other forms of permanency. The cost difference is due to the state's adoption subsidy obligations (and guardianship subsidy obligations). Typically, the state makes adoption subsidy payments (and provides other support) for adopted children until adulthood. As such, cost savings for any program can come both from reducing time spent in out-of-home care and from increasing the likelihood of reunification as compared to adoption or subsidized guardianship. For DCLR, cost savings come from decreasing length of stay and increasing the likelihood of reunification relative to adoption or guardianship. Most of the savings are from the latter.

Figure 2. National IV-E Caseloads, Federal Fiscal Years 1984-2017



Source: 2018 House Ways and Means Committee Green Book

Method

The cost modeling portion of the DCLR evaluation adopted a health economics approach to assessing savings. Our work proceeded in three distinct phases.

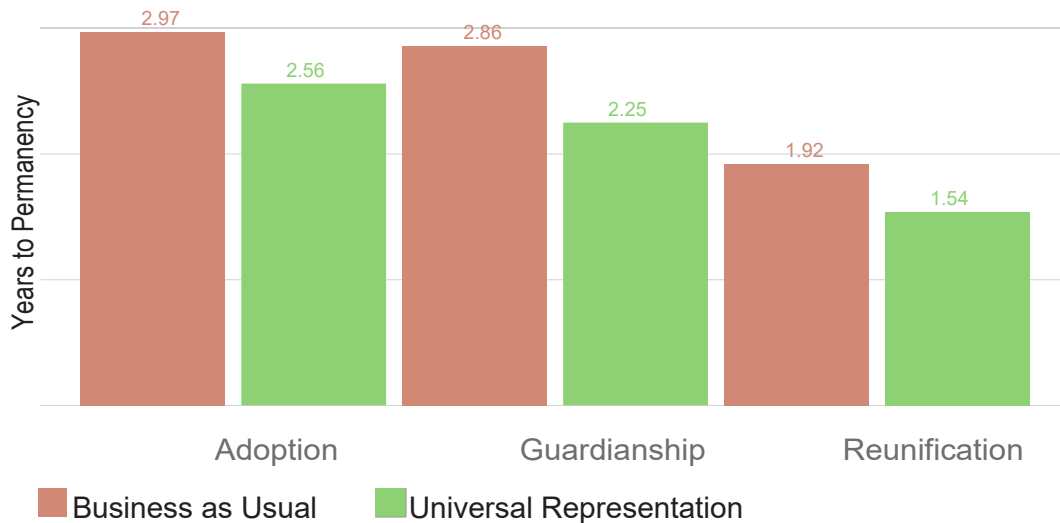
- Phase 1 - We estimate an individual-level continuous-time state transition model to predict permanency outcomes based on our observations to date.
- Phase 2 - We use the models in Phase 1 to simulate what would happen to a typical child with two different policy strategies - the DCLR program and BAU.
- Phase 3 - We estimate costs associated with the outcomes assessed in Phase 2 and summarize those costs to make it easier for policymakers to digest.

Results

Phases 1 and 2

As noted above, we estimated four different outcome models predicting permanency. Because all models produced similar results, in this report we present the model that best represents the legislature’s original intent of comparing outcomes in the DCLR pilot counties, Lewis and Grant, with two selected comparison counties, Douglas and Whatcom. After controlling for race and age, children in the DCLR counties are expected to experience permanency more quickly than children who did not participate in the DCLR program. The expected time to each permanency outcome is displayed in Figure 3. This graph is based on 100,000 simulated permanency outcomes based on the model we developed in Phase 1.

Figure 3. Expected Time to Permanency



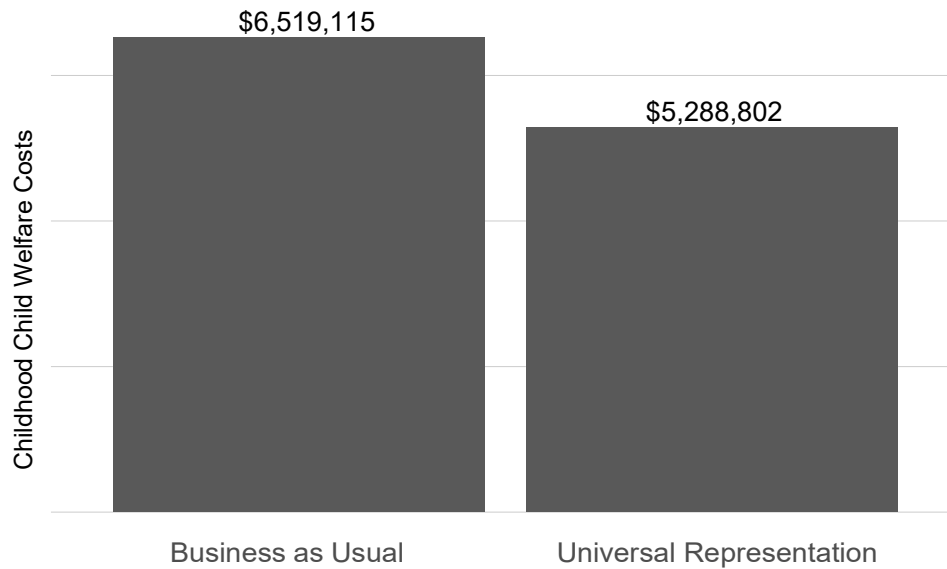
Phase 3

Phases 1 and 2 provided us with key information that allows us to estimate the cumulative child welfare cost of a theoretical expansion of DCLR to a cohort of 50,000 children. We then compare these costs to caring for a cohort of 50,000 children under BAU. Of course, Washington never has 50,000 children in care. There are, however, tens of thousands of children on Washington's IV-E caseload on any given day. Thus, we choose 50,000 children as a good order of magnitude to demonstrate the type of costs or savings attributable to DCLR. Additionally, we make the following assumptions about the costs associated with time in care and each permanency outcome.

- Care day costs: Following the Washington State Institute for Public Policy (WSIPP) approach to cost-benefit analysis, we adopt a low estimate of the cost of a care day focused on the direct variable costs related to foster care subsidies. Excluded from this number are staffing costs, facilities costs, etc. DCYF estimates this value at \$56.67 per day. We add \$5.00 per day for those care days associated with the DCLR program. We base this number on total program costs as reported by the OCLA.
- Adoption day costs: Also following values from WSIPP cost-benefit analysis model, we adopt an estimate of adoption day costs based solely on adoption subsidies. With inflation adjustment to numbers reported by WSIPP, we estimate an adoptive day cost to be \$22.40 per day.
- Likelihood of guardianship subsidy: The analysis presented here relies solely on information from court records. These data do not provide information as to whether or not a particular guardianship outcome contains subsidy. Using information from the congressional "Green Book" cited above, we estimate the probability of guardianship subsidy (across all guardianship and non-parental custody outcomes in our sample) to be 5%.

Using the numbers described above, we estimate the cumulative costs over our simulation – both in care and out of care in various predicted permanency outcomes – to be \$5,288,802 for the DCLR program and \$6,519,115 for BAU. These results are shown in Figure 4.

Figure 4. Expected Cumulative Child Welfare Costs



Costs include time in foster care and ongoing costs after care

Discussion

Results of the DCLR program presented in Part 1 of this report show that the program was associated with positive outcomes. Results from the benefit-cost analysis show that expanding DCLR to a larger cohort of Washington State youth could potentially save the state a substantial amount of money. We consider these preliminary benefit-cost analyses to be conservative, given that we only examined child welfare costs. The outcome analyses presented above showed that the DCLR program was also associated with lower rates of school instability. Future evaluations should also examine potential cost savings due to better outcomes for program participants in other domains, including education, court involvement, and employment.

Study Overview

An additional goal of this study was to gain a better understanding of the young people's experiences with their attorney. The youth perspective is important because the program was specifically designed to give a voice to youth in the dependency system and ensure their expressed interests are heard in court. Specifically, we were interested in the youths' experiences with representation in three main areas: communication, advocacy, and overall perceived benefit. We designed the Youth Experience Survey (YES), and the original study protocol included plans to interview young people age 12 and above, using the YES. DCYF required that we obtain assent from the youth as well as consent from the legal guardian. Recruitment for this qualitative portion of the study began in spring of 2019. Unfortunately, despite extensive efforts on the part of the research team, the requirements for consent as laid out by DCYF proved extremely difficult and only four surveys were completed.

In early 2020, the research team altered the study protocol to focus on recruiting young people who had experienced the program first-hand, but were over the age of 18 and thus, able to provide consent on their own behalf. This portion of the study also adopted a purely qualitative design, and we planned to conduct focus groups or individual interviews (depending on the preferences of the young people) using a semi-structured interview format. Due to Covid-19 restrictions, interviews were designed to be conducted via video conferencing. All study procedures were approved by the WSIRB. Unfortunately, despite the considerable recruitment efforts of the attorneys and the consistent follow-up of the researchers, only one valid interview was completed. Although findings from this one interview are clearly not generalizable to all youth experiences, they do provide a valuable first-person "case study" narrative of a youth's experience of having an attorney in his foster care case. The study methods and results are presented below.

Methods

Target Sample Description and Recruitment

Because the young people already had established relationships with their attorneys, initial recruitment was conducted by the attorney. We identified all program participants who had turned 18 and sent the list to OCLA staff, who distributed it to the DCLR study attorneys. After verifying that the young people to be recruited into interviews had reached age 18, attorneys contacted the potential participants and invited them to participate in the qualitative interviews. Attorneys were asked to first attempt contact via text message and/or email using a script provided by researchers. In the event that potential participants did not respond to written communication, attorneys were asked to follow up with a phone call. Attorneys told individuals who were interested that their phone number and/or email address would be given to a researcher and the researcher would be reaching out to them to complete a consent form and schedule the interview. Participants were offered a \$60 gift card as a token of appreciation for their time.

We identified 21 study participants over the age of 18. Attorneys reported that they had no valid contact information for four of these individuals. Attorneys attempted to contact eight individuals (up to three times), but received no answers. Four individuals expressed interest in participating in the study to attorneys, but did not respond to researchers' attempts (up to three) to schedule an interview.

In these instances we also asked the attorneys to schedule directly with the young people, but that strategy was also unsuccessful. Three individuals scheduled interviews with the researchers, but did not attend or respond to follow-up attempts to reschedule. Two young people completed the consent form and participated in the interview. However, it became apparent during one of the interviews that the information collected should not be used, as the interviewee gave conflicting accounts, at one point saying they had no recollection of ever having an attorney. Thus, responses from that interview are not included in this report. The responses from the sole completed interview are summarized in the Results section below and are organized around the primary interview topics.

Data Collection Instrument and Procedures

A semi-structured interview was used to elicit narratives describing youth experiences with having an attorney in their foster care cases. The semi-structured questioning format allowed the interviewer to pursue emergent, unexpected directions in participants' answers. Questions were open-ended to facilitate flexibility and probes were used to facilitate depth in responses. Interviews were conducted via a web-based video conferencing platform, and covered: 1) attorney communication (e.g., frequency, nature, quality); 2) attorney preparation and advocacy (e.g., advocating for youth's wishes, preparing for court hearings); 3) attorney treatment (e.g., interactions, fairness); 4) value of having an attorney (e.g., opinions about having an attorney, whether or not all children should have an attorney); and 5) any suggestions for change (e.g., what worked well and what could be improved). To establish rapport, youth were asked an ice-breaker question about their hobbies or interests. For context, youth were also asked a few questions about their background and experience in foster care (e.g., placement history, including number of placement and school moves).

Results - One Youth's Experience

J is over 18 and is in extended foster care. J loves hiking and camping and really appreciates living close to the woods where he has an opportunity to do both. J was 14 when he first went to live with someone besides his parents. He says that he experienced "*about 5-6 different placements*" and two school moves. J had an attorney from the onset of his foster care case at age 14.

Attorney Contact and Communication

J first learned about having an attorney from his social worker and he first met his attorney at the end of a court hearing when he was 14. When asked how he felt about that first meeting, he said his reaction was fairly neutral, sharing that he "*honestly didn't care because of the situation*" he was in – "*I was just young, wasn't having it, irritated, mad, I mean I sat there and didn't say a word really.*" J explained that at that time of his initial meeting with his attorney he also didn't fully understand what his attorney was going to do for him in the case – "*I knew she was my lawyer, but I didn't know what she was doing for me ...*" When asked if his attorney was able to talk with him and explain her role in his case in a way that he could understand, J said that yes, his attorney had been able to do that. As a result, he did come to understand that "*she was there to protect me and express my opinion in the whole thing ...*"

J described having the "*right amount*" of communication with his attorney. J knew how to contact his attorney (he had her card and email) and felt that he could contact her anytime he thought he needed to. He shared, though, that he "*never really got a hold of her [because] I haven't needed her.*" Instead, his attorney "*gets a hold of me when she needs to, checking up and all that.*" When contact with his attorney happened, it was mostly over the phone. Overall, J was satisfied with the level and quality of communication with his attorney, noting that "*the contact was there when needed. She informed me of things or asked me questions if she needed.*" J also noted that he appreciated

knowing that someone was there if he needed to raise any issues. J, who is in extended foster care, still has contact with his attorney. He's unaware, however, if the plan is to have her remain his attorney until his extended foster care ends.

Attorney Preparation and Advocacy

J felt his attorney "*helped him a lot*" to prepare for court hearings because "*I didn't understand the whole court thing.*" Before J attended court hearings, his attorney would speak with him to prepare him. J described this interaction as his attorney "*informing me about the hearing saying, if you want to go, you can come. And is there anything you want me to say?*" J shared that his attorney would:

"Generally inform me of what the main basis of what [the hearing] was going to be about ... And, you know, she would tell me a couple of things that were going to happen. She would also check in with me to see if I needed anything else; you know, if [there was] anything I needed stated or not."

J believed his attorney fought for what he wanted in the case. J said his attorney asked about his specific wishes in the case and how he wanted the case to proceed. When he needed something "*she was right on it,*" "*kept all the information straight,*" and "*she really got my points straight through to everyone.*" Asked to recall a specific example of witnessing his attorney speaking up for him, J brought up an instance where his attorney advocated for visits with his mother to take place closer to J's placement location (as the distance needed for J to travel to visit was interfering with his progress at school).

"I was falling down in grades a lot, and because of that, and mom's visits being so far away, we had to shorten the visits with her. We had to pretty much bring her closer to us, so I could get more time to visit and to work on school. And she [my attorney] pretty much got right on it to make sure that was done."

After court hearings, J's attorney would speak with him about what had happened in the hearing and explain any next steps.

Value of Having an Attorney

J believes that if he had an attorney "*everyone in foster care should have a lawyer because it really helps a lot.*" He saw value in having an attorney who would speak up for you and "*handle issues*" as they came up. Although he didn't feel he needed to access his lawyer much because he "*really didn't need much help,*" he mentioned that he appreciated knowing that someone was there to advocate for him if and when he needed.

"If you could give everyone a lawyer, give everybody a lawyer... It helps a lot! I didn't really care much about the case thing, but it was really good to have someone handle things for me and she handled it very well. She always checked to see if I needed something and was right on it. If I needed it, and when I needed it, she was there to help right away. Having a lawyer was great!"

Discussion

Although based on just one youth's experience, J's interview highlights some strengths of attorney practice and suggests some areas that might be enhanced. J's experience with his attorney was clearly positive. He knew how to contact her and felt comfortable reaching out to her if he needed. J reported that the amount of contact was appropriate for his situation and that the quality of communication with his attorney was good. J's attorney played a clear role in helping him understand the case process, prepare him for court hearings, and facilitated his understanding of what would happen moving forward at the conclusion of hearings. While J believed that he "*didn't need much help*" from an attorney, he reported that his attorney would proactively reach out to him to keep him informed, ask if he needed anything or if there was something he wanted brought up. J's attorney asked about his wishes in the case and he directly witnessed her advocacy on his behalf.

Although overwhelmingly positive, J's experience with his attorney does provide some insight into areas for possible attorney program implementation and practice improvements. J remembered, for example, not fully understanding why he was getting an attorney and what her role would be in his case ("*I knew she was my lawyer, but I didn't know what she was doing for me...*"). In J's case, his social worker was the first person to tell him he was getting an attorney. Perhaps more guidance could be given to those first point-of-contact individuals (if they are not the attorneys themselves) regarding how best to communicate with youth about the role and responsibilities of attorneys assigned to them in foster care cases. A sample script could be developed to help facilitate that initial conversation, with examples tailored to the age of the child. In addition, a brochure about "what your attorney does for you" could be designed and handed out to youth to help explain the role of their attorneys in a dependency case. J indicated that he was unsure whether his attorney would remain his attorney through to the end of his time in extended foster care. This suggests that attorneys should be clear not only about how their role or responsibilities might adapt or change depending on the stage of the case, but also about when their representation of the youth will ultimately end.

Recommendations for Including the Voice of Youth in Future Evaluation Efforts

Sampling Youth Aged 18 and Older

As noted above, the research team attempted to survey/interview foster youth aged 12 and above. However, response rates were low, mainly because obtaining consent from legal guardians or caretakers proved an insurmountable obstacle. Consequently, the current study limited the interview sample to young adults ages 18 or older who, because they are legal adults, were capable of consenting to participation. While the advantage is that those who had reached the age of majority could provide consent, the drawback to this approach is that opinions and experiences of younger children with their attorneys, which may be qualitatively different than those of older youth, are missing from the study. Despite this concern, given past problems with obtaining consent and low response rates, the recommendations for different recruitment strategies offered below are based upon having youth ages 18 or older participate, so that sample sizes might be increased, and more youth voices included in evaluation findings (albeit older youth voices).⁶

⁶ Interview instruments in this study were designed to ask older youth to retrospectively reflect on earlier stages of their case (when they were younger but still had an attorney), to provide some perspectives on what that experience was like for them at younger ages. nd Engrossed Substitute Bill 5890

Content of Recruitment Scripts

To facilitate participation, perhaps a stronger case should be made during recruitment for why youth input into the program design of DCLR is important. While the current study presented a rationale for obtaining their observations to the youth, and did stress the value of their participation, future recruitment scripts/materials should clearly emphasize the important role a youth could play in helping to improve the attorney program and possibly to provide evidence favoring expansion of the program to provide attorneys to all children and youth in foster care. This emphasis should be made with the youth themselves and also recruitment allies (e.g., social workers, attorneys, others) if they are the first point of contact with the youth about the study. Offering to circle back with the youth to share findings of the study or allowing them an opportunity to provide input into draft reports of interview findings before they are finalized, may alleviate any concerns youth have about what might be done with the information they provide, making their participation more likely and may also engender a sense of purpose and meaning related to expressing the youth's perspective. In addition, interview protocol questions could be sent beforehand so the youth have a better understanding of what questions will be asked during the interview, and how the conversation will be structured, enhancing comfort with the interview process.

Enlisting Recruitment Allies

In the current iteration of the study, we received contact information for eligible and interested youth from the attorneys and then a member of the research team directly contacted the youth. When youth failed to get back with us using this method, we then recruited the attorneys to reach out to their clients and, if the youth was willing to participate, to schedule a date and time for the interview. This approach failed to increase our sample size. Future evaluation efforts might consider involving other individuals with a connection to the youth as recruitment allies in addition to the attorney. Social workers, biological parents, foster parents, and CASAs, for example, could be asked to reach out to eligible youth (i.e., those who meet the study parameters), to explain the study, inquire about participation, obtain informed consent and schedule interviews with the research team. Youth who are alumni of foster care, as credible messengers, might also be offered a role in recruitment and scheduling of interviews. Trained on proper recruitment for the study and informed consent protocols, youth who are alumni of care might be especially successful recruiters as our interview subjects can easily connect with and relate to them. In sum, determining who has the most interactions with and relationship to the youth, and considering ways to include these individuals in efforts to recruit eligible youth for the study, may increase the response rate. In some instances, this may not be the attorney, but perhaps the social worker, CASA, the independent living program specialist/coordinator, or someone from the foster youth association.

Consider Different Points of Contact/Opportunities for Recruitment

There may be additional opportunities to access eligible youth (those who have had attorneys in their dependency case), as well as youth who have experienced the system without an attorney, for comparison. Court hearings, family team meetings, permanency planning/independent living conferences for youth, or programs for youth who are involved in, or recently aged out of the foster care system and are transitioning to independent living may all be possible venues for youth contact and study recruitment.

- Court hearing recruitment: Researchers could ask judges/commissioners to make an announcement at the conclusion of hearings when eligible youth are present to inform them of the study and ask if they would like to participate. A carefully crafted recruitment script would be written for the judges/commissioners that outlines the purpose of the study and the value of participation but does not appear to unduly pressure the youth (a possible concern when recruitment is coming from an authority figure such as a judge). If the youth expressed interest, contact information for the researchers would then be provided. This process would work well for both in-person and remote/online hearings. For the latter, contact information for the research team could be given verbally and in text via the chat feature of the web-based conferencing platform.
- Youth meeting recruitment: Each month, a designated staff member from DCYF could email the research team a list of meetings involving eligible youth (e.g., permanency planning/independent living conferences) that are scheduled to take place. The list would include the date, time and location of the meeting, including if it will take place remotely/online due to COVID-19 pandemic safety restrictions. For confidentiality purposes, information about the meeting would not include identifying case information.
 - o In-person meetings: A researcher would not observe the meeting but would be available at its conclusion to directly recruit youth for participation in the study. If youth consented to be interviewed, the interviews could then be held face-to-face immediately following the conference (in a private room) or scheduled for a date, time and location more convenient for the youth. Alternatively, the meeting facilitator could be asked to read a recruitment script at the conclusion of the meeting and ask youth if they would be interested in participating in the study. Contact information for follow-up with the research team to schedule an interview, as well as more information about the study and consent forms, would then be handed-out to interested youth.
 - o Remote/online meeting recruitment: A researcher would not observe the meeting but would be “linked in” at its conclusion to recruit youth for the study. The meeting facilitator would introduce the researcher, who would then explain the study. If youth consented to be interviewed, the researcher would share contact information to schedule an interview (or provide the youth with some possible pre-determined dates and times and have them select an interview time). If it is not possible for the researcher to link into the remote meeting, the meeting facilitator could read a recruitment script at the conclusion of the meeting and ask the youth if they would be interested in participating in the study. Contact information for follow-up with the research team to schedule an interview could be provided verbally and in the chat feature of the web-based conferencing platform.

Offer a Menu of Options that Match Youth’s Participation Preferences

COVID19 has affected the way child welfare data are collected. Our evaluation plans developed pre-pandemic, which relied on in-person data collection via focus group methods, had to be revised in light of travel restrictions and safety precautions. Specifically, the current study was adjusted to require youth to call in (at a minimum) but ideally to also share video in a web-based conferencing platform to be interviewed. While we assumed this approach would allow youth the flexibility to participate from a location and time most convenient for them, we learned that access to the internet and technology were unequal among the youth we were trying to reach. In one instance, after a young woman failed to participate in three separate scheduled interviews, we learned from her attorney that she does not have access to reliable Wi-Fi and may have been too embarrassed to share this with us. Future recruitment efforts should explore possible access challenges in advance,

and ascertain if the youth can, and wants to, go online for an interview. If they do not, other options for participating in the interview should be offered, such as via a telephone call only, via email or text only (these options are described further below), or via an in-person interview (but socially distanced) in a place selected by the youth. Given COVID-19 pandemic safety protocols, the ability to conduct face-to-face interviews is restricted. To overcome these restrictions, the current study used a remote/virtual interview format. However, to increase participation in future research, a menu of “participation options” might be offered to youth.

Caseworkers and/or youth attorneys, for example, could make initial contact with youth to let them know about the study and ask if they would be willing to be contacted by a member of the research team. Youth would then be offered a selection of different ways they could be contacted (i.e., by phone call, email or text), and also which mode of interview they would prefer (e.g., which method they are most comfortable with or best suits their schedule). In addition to the web-based video conference interview method used in the current study, alternative options for the interview that might be offered to youth moving forward include:

- An asynchronous email-based interview. Asynchronous email interviewing is a qualitative research method where questions and answers to interview questions are exchanged online (e.g., Brondani and Marino, 2017; Richards et. al, 2020). Asynchronous email interviewing does not require people to be present at the same time to communicate. Researchers email interviewees one or two interview questions at a time and ask the participant to respond. The process differs from a web-based survey in that interviewers can react to the participant’s answers, follow-up with probes, and modify questions based on the responses given. In this way, the process mimics an in-person or telephone interview. An overall time limit can be imposed on the interview exchange (e.g., researchers can require the exchange be completed within one week) but breaks between questioning and responses may last a few seconds to minutes or days because the interviewee would not have to provide an immediate answer to the questions. The advantage to this approach is that there is no need to find a time when both researcher and participant are ready and available for the interview, nor to ensure that the participant has enough time to think their answer through. Participants can describe their experiences in the comfort of their home environment, whenever they feel ready. The information will lack some spontaneity, but the responses provided may be more detailed as participants have more time to think before responding.

There are limitations to email interviewing. The fact that the email interview lacks nonverbal cues is one of the main disadvantages of this method. Of course, the use of email interviews is also limited by the youth’s ability to use a computer and access the internet. Additionally, a problem might arise for youth who are less able to explain themselves in writing than in speech. These are all important limitations to consider, but given the difficulty encountered in gaining participation from youth for our study, email interviewing may be a viable option to increase sample sizes.

- A synchronous text/chat-based interview. Synchronous interactions are “live” communications that take place simultaneously over text or chat applications or apps (e.g., Richards et., al 2020). A synchronous “texting” interview option may appeal to youth who routinely communicate by texting or via chat apps. The synchronous format has an advantage over the email interviewing format as interviewing via text or chat apps more directly mimics in-person discussion. Like the email interview, the anonymity of the online text/chat communication may also encourage participants to disclose more information. Virtual focus groups are also possible using smart phone chat apps and would involve a small group of participants who can reflect on and react to responses of others to interview questions posed in the chat.
- An online survey. The current interview protocol could be adapted and offered in an online survey format as another option for participation. Although the survey method was tried before for this study and obtained low response rates, perhaps offering it as one of a few response options may increase the likelihood that someone who selects the survey option will complete it.
- An in-person or web-based (“zoom”) focus group. Originally, we intended to travel to conduct in-person focus group interviews with youth. Because of pandemic safety and travel restrictions we modified our focus group interview and implemented a web-based (e.g., “zoom” conferencing) interview instead. Perhaps, if we had continued to offer the focus group option, either in-person or as a “zoom” focus group, we may have had more willing participants. Youth may have been more interested in an opportunity to share their thoughts about having an attorney in a group setting of their peers– even if the group was convened over the web and not in-person.

Conclusion

The challenges to including the voice of youth faced by this study are certainly not unique and reflect the challenges faced by the field as a whole when trying to include the perspective of vulnerable populations in study methods. Securing participation proved difficult even when restricting the study sample to youth who were of legal age to consent. To address these challenges, future evaluation efforts might consider enhancing the existing recruitment process by updating the recruitment scripts/protocols, identifying and including additional recruitment allies who have relationships to the youth, exploring different venues that could serve as recruitment opportunities, and by offering youth different options for how they participate in the study. In addition, it could be helpful for DCYF to re-evaluate the assent/consent procedures to strike a better balance between protecting vulnerable youth populations and incorporating their invaluable perspectives into program evaluations. Just one completed interview for this study provided an informative first-person narrative about the youth-attorney relationship and suggested areas for possible practice improvement. Continuing research efforts to include more voices of youth would have a meaningful impact on understanding the effectiveness of attorney representation for youth in foster care cases in Washington State.

Study Overview and Methods

Issues concerning the program implementation in the pilot sites were assessed with interviews with child welfare stakeholder groups. A focus group was held in Lewis County and included: two caseworkers, two children's attorneys, two GALs, and an assistant attorney general. The group interview was held over two hours at the local library. Telephone interviews were completed with GALs and a children's attorney from Grant County. The interview questions posed by the facilitator asked participants about their understanding of the pilot program, how attorneys are assigned to cases, the effectiveness and efficiency of the service delivery, the clarity of the program model and stakeholders' roles relative to the program, and program strengths, benefits, and challenges. Interviews were confidential and no identifiers were recorded or maintained. Notes and recordings of the interviews were analyzed for key themes.

Results

The major themes garnered from interviews with child welfare stakeholders in the two pilot counties are summarized below.

- The program created to study children's representation was met with skepticism at first, but the children's attorneys in both counties became valuable members of the team of professionals working on dependency cases, establishing trust and collegiality among stakeholders.
- There were some issues with program rollout, such as lack of orderly preparation or training for the court-based stakeholders as well as early miscommunication or lack of information about the purpose and approach of SBLR for dependent children.
- Greater clarity is needed about the overlapping but distinct roles of children's attorneys and GALs, especially in cases involving nonverbal children.
- Benefits from the use of children's attorneys, perhaps unrelated to time to permanency, arise from the attorney's ability to advocate for a child's desires, increased communication among stakeholders, additional insight for the court, and the attorney's potential mediating role.
- Standardized training for attorneys has proved beneficial, as the children's attorneys present as consistent and reliable, though some participants noted that different children's attorneys vary in their level of involvement with cases.

Discussion

The results indicate that there are lessons to be learned about how to prepare site-based stakeholders for the local implementation of SBLR for dependent children. The immediate goals of the program, its intended effects, and its structure and operation relative to the roles of other participants in the court process, such as GALs and court-appointed advocates, should be the objects of education and outreach before the local program start date. Further, the focus group discussion points to a shifting conception of the benefit of the program, from an initial idea centered on speedy process and case resolution to a more nuanced view of the impact, over time, of advocacy for the child's interest, whether stated or legal, especially for pre-verbal children.

Study Overview

As part of the SBLRF, OCLA created tracking sheets for attorneys to complete at the close of each study case. These sheets were designed to track challenges faced by the young person in the family and school domains, significant changes, and the subsequent actions of the attorney. The tracking sheets were completed by attorneys, the hard copies were scanned, and then the data were inputted into a data base for analysis. A total of 205 tracking sheets were completed and analyzed by February 2021. In addition, attorneys kept notes on their activities that they deemed especially impactful.

Results

School Issues

Of the 205 youth for whom a tracking sheet was completed, 110 (53.7%) were school aged. Over 98% of these school aged youth were enrolled in school at the close of the case. One potentially impactful consequence of child welfare involvement is often a change in school. Around two thirds (64.5%) of school aged youth with a tracking sheet experienced at least one school move during the life of the case (range: one to five total school moves). Attorneys reported engaging in multiple school-related advocacy activities, including working to enforce an Individualized Education Plan (IEP), bringing it to the attention of the court when a school move resulted in negative consequences, preventing school moves, and expediting enrollment in a new school when a placement change necessitated a school move. Notes from a study attorney illustrates this advocacy work.

My 11 and 9 year old clients have been placed with their grandparents in [a town] for almost 9 months. Fortunately, grandma agreed to, and has transported the kids to their schools in [another town] for the past 9 months. This drive takes 20-30 minutes each way on a rural road. Mother hasn't made great progress and Dad is not in the picture. Grandparents now want the children immediately removed. At the [Family Team Decision Making meeting] today, [it was announced] that the only foster home they can find for the kids is in [another town], which is at least 35 minute drive...[The kids will be moved] Tuesday following an urgent change of placement motion. I just called the 11 year old's school counselor/principal who I have met before. I asked if they could help me find a family where these children could stay. The School personnel was very sympathetic and agreed with me that my 11 year old client is very shy and would be destabilized if forced to move to [new town]. They will have a meeting and brainstorm potential options and seemed glad to be asked. Tomorrow I will drive to [town] and continue knocking on doors looking for an option for the kids to remain there...This particular service seems to be a critical one for lawyers given the limited foster homes.

Placement Issues

Over 90% of children with a tracking sheet experienced at least one out-of-home placement during the life of the case (range: one to four total placements). In 85.5% of the cases, the attorney reported visiting their client in each placement. Attorneys reported engaging in important activities related the child's placement, including working to prevent a change of placement that was not suitable and advocating in court for the child's desired placement or placement with a relative.

One attorney relayed a story about a 17 year old Latinx student who identifies as male and gay who had experienced multiple placements. He was placed with a distant relative, and this placement resulted in a school change from his small, predominantly Latinx high school to a larger, much less diverse school. He endured teasing from students at his new school. Due to mental health and substance use issues, the young man was admitted to an in-patient treatment facility. The study attorney wrote:

When I attempted to call my client at the treatment facility, I was told he was not allowed phone calls due to his behaviors. I obtained a court order the next day to allow phone contact. When I finally reached him by phone, it was clear he was upset and did not want to return to his former placement. I immediately got on the road to visit him at the facility...After reminding my client that our conversation was confidential, he unloaded months of unhappiness. Although I had visited him in every placement, this was the first time he talked at any length. He wanted to return to his hometown high school and family. He missed his sisters and friends. I asked him again if he could come up with anybody in [his hometown] who could be a placement. He mentioned a paternal aunt...I asked if there was anyone who could write a supporting declaration on his behalf. He mentioned a former teacher...I later informed the parties that I would be filing a motion for a return home or placement with the paternal aunt...The aunt very much wanted her nephew in her home...I also contacted my client's teacher...The teacher was willing to write a declaration supporting a return home...During the hearing, the commissioner considered a return home, but ultimately placed with the aunt...I immediately called my client who was overjoyed to be returning to his community and school. His 17th birthday was the next day – he said it was the best present he ever received.

Discussion

The attorney tracking sheets are a useful tool, not only for attorneys to document their work, but to provide supplemental information to researchers evaluating the effects of the SBLR program. The tracking sheets completed by the attorneys in the current study provided helpful information highlighting some of the work that goes into SBLR that may go unseen, such as advocating for or against placement and/or school changes. Attorneys should continue to use these tracking sheets for all cases.

The tracking sheets were created specifically for this study, and this is the first time they have been used. Thus, we were able to gain insights on how they can be improved. First, the focus of the questions was split between circumstances of the child's case and actions of the attorneys. Because we have access to administrative records that will provide information on the case specifics and youth outcomes, the tracking sheet should focus primarily on the behaviors of the attorney, as this information is not available elsewhere. Second, the sheets should be modified to include "gating" questions for each section so that it is apparent whether each activity is applicable to the case or not. For example, attorneys report whether they successfully prevented a school move, but it is not clear if that specific situation was relevant to each case. So if an attorneys says no, we do not know if it was not applicable or if the attorney did not advocate. Finally, the tracking sheets can be expanded to include additional areas of advocacy beyond the home and school domains. It is evident from the attorney notes that they can play an important role in many areas of the child's life.

Conclusion

This five-part mixed methods process and outcomes evaluation of the DCLR pilot program was valuable for several reasons. First, the quantitative evaluation piece showed that program participants had a higher likelihood of reunification and lower rates of both out-of-home placements and non-normative school transitions. Second, the benefit-cost analysis showed that taking the DCLR program statewide could result in substantial cost savings. Third, we learned important lessons regarding incorporating youth voice into the evaluation and, specifically, how our approach can be improved for future studies. Fourth, the process evaluation revealed areas in which program implementation can be improved as the program scales up. Finally, we learned that the attorney tracking sheets are valuable, but need to be edited for clarity to improve the quality of analyses. Overall, this report supports the legislature's decision to expand the DCLR program to other counties across the state. Future studies can draw from the lessons we learned in our evaluation of the pilot program.

References

- Basu, P., & Small, D. (2020). Constructing a more closely matched control group in a difference-in-difference analysis: Its effects on history interacting with group bias. *Observational Studies*, 6, 103-130.
- Brondani, M. and Marino, R. (2017). Asynchronous Email Interviewing. In Liamputtong P. (eds) *Handbook of Research Methods in Health Social Sciences*. Springer.
- Card, D., & Krueger, A.B. (1994). Minimum wage and employment: A case study of the fast-food industry in New Jersey and Pennsylvania. *American Economic Review*, 84(4), 772-793.
- Orlebeke, B., Zhou, X., Skyles, A., and Zinn, A. (2016). *Evaluation of the QIC-ChildRep Best Practices Model Training for Attorneys Representing Children in the Child Welfare System*. Chicago: Chapin Hall Center for Children at the University of Chicago.
- Richards, T., Thomson, A., Fromknecht, A., Murphy, J., and Graham, E. (2020). *Effective Child Welfare Research and Evaluation Using Remote Methods*. James Bell and Associates.
- University of Wisconsin Population Health Institute. (2020). County health rankings key findings report 2020. Retrieved from <https://www.countyhealthrankings.org/reports/2020-county-health-rankings-key-findings-report>.
- Williamson, E., Forbes, A., & White, I.R. (2013). Variance reduction in randomised trials by inverse probability weighting using the propensity score. *Statistics in Medicine*, 33(5), 721-737.
- Zinn, A. and Peters, C. (2015). Expressed-interest legal representation for children in substitute care: Evaluation of the impact of representation on children's permanency outcomes. *Family Court Review*, 53(4), 589-601.