



The Groundbreaking *Kenny A* Study of Children's Attorney Workloads (Part 2)

As a result of a federal class action in Georgia, a sophisticated study of the caseloads of Child Advocate Attorneys (attorneys for children) has recently been released. This article is the second part of a two-part series describing the study and its results. Part One described the background of the *Kenny A* case and the methodology of the study. This article discusses the study results and recommendations for reform.

The Workload Study Results

The Fulton County Workload Study used multiple methods to collect data in an attempt to take into consideration all factors that affect a Child Advocate Attorney's (CAA's) representation including focus groups, court observations, case file reviews, and a detailed time study.

During the Workload Study period the CAA Office employed one attorney supervisor, eight attorneys with active caseloads (with two vacant positions), one investigator and two support staff. The study showed that the average point-in-time caseload (children represented at any particular moment) by a CAA, when adjusted for seasonal variations, was slightly under 163 children per advocate. The annually opened caseload (number of new children represented by all CAAs combined) was 2,947 children for calendar year 2006. Based on these figures and the actual work hours of CAAs, the Study concluded that Fulton County CAAs could only spend slightly more than six hours on all tasks relating to the representation of a single child.

Calculations based on the CAAs' reports of how they spent their time during a four-week study period from February 14 to March 14, 2007, showed that CAAs:

- Conducted document reviews in 47% of their open cases, including cases in which no hearings were scheduled during the time period. [The number of "open" cases is an estimate that includes all non-disposed cases minus those older than one year without a disposition. Such cases were considered expired and were subtracted from the caseload.]
- Were in contact with other attorneys in 46% of those cases.
- Interacted with the mother's, father's or guardian's legal representative in 26% of those cases and with just the family or guardian in 34% of those cases.
- Were involved in motion activity in 29% of those cases.
- Made service referrals in 4% of those cases.

In addition, the Study focused on several significant activities. The percentage of total CAA time spent on the following activities was as follows:

- 5.31% of their total available time was spent counseling clients.
- 8.39% of their time was spent in court hearings.

- 9% of their time was spent reviewing case documents
- 6.04% of the time, they were waiting for court hearings.
- 2.3% of their time involved post hearing monitoring.
- .081% of the time they were involved in mediation or negotiations.
- .01% (or 8 minutes per CAA) was spent on appeals.

The Workload Study determined that, under current conditions, the CAAs are unable to meet the standards of the *Kenny A* Consent Decree, which are largely based on the *ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* (<http://www.abanet.org/child/resources.shtml>) and concluded that the size of the caseload was the single most important factor causing this inability.

Caseload Recommendations

The Workload Study concludes that the single most significant step to assure compliance with the Consent Decree will be decreasing caseloads and increasing staffing. Other recommended internal and external reforms, described below, will also help free time and increase the efficiency of the CAAs.

The Study recommends choosing among three different specified point-in-time caseloads to ensure there will be enough CAAs to capably handle Fulton County's overall CAA workload.

First, the Study identified a point-in-time caseload that will be necessary for compliance with the Decree if no further reforms occur. This figure was derived by assessing how increasing the hours spent by a CAA in representing a child would affect the office's ability to achieve the *Kenny A* standards and comparing that to the office point-in-time cases under current conditions. According to this analysis, under current conditions there should be a caseload of no more than 80 children for each CAA. This would require 20 CAAs total, who would each be able to spend 14 hours on each child's case.

The second figure determined that if certain internal office reforms, as described below, are implemented, a CAA should have a caseload of no more than 100 child clients. The result would be 16 attorneys with roughly 11 hours available per child client.

Finally, if both internal CAA Office reforms and external reforms, also described below, are accomplished, the caseloads should be no more than 120 child clients per CAA. The result would be 13 CAAs, with roughly 9 hours available per child client.

Internal Reforms

The Workload Study recommends the following "internal" changes in the Fulton County CAA Office as most likely to

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produce changes in the quality and efficiency of child representation:

- Adopting a “one CAA: one child” vertical representation model
- Increasing the number and use of investigators
- Improving caseload management and use of case management software
- Implementing and enforcing certain office policies and procedures
- Implementing and enforcing written standards of practice
- Providing regular and specialized training
- Increasing funding for and decreasing restrictions on CAAs’ client-related travel
- Developing and increasing use of other available resources such as CASAs and other volunteers, data and brief banks, and a broader range of community referral sources.

External Reforms

The Workload Study also makes the following recommendations for “external” changes outside the CAA Office:

- The Juvenile Court should implement a “one family: one Judge” system; refuse to sign court orders without review by all attorneys; and affirmatively enforce a child’s right to counsel as a party to the case and the right to attend and participate in each hearing concerning his or her family.
- The Division of Family and Children Services (DFCS) should keep CAAs informed of the child’s locations, including 24 hours notice of any changes; consistently bring children to hearings; permit CAA review of information under DFCS control; permit CAA communication with third party service providers under contract with DFCS; and regularly invite CAAs to meetings and staffings concerning the child.
- DCFS counsel should present proposed court orders to the CAAs before submission to the judge and provide reports, evaluations and other documents prepared for submission to the court in a timely manner.

Conclusion

If the Court approves the recommendations of the Workload Study, Fulton County is expected to have 180 days from the date of approval to achieve compliance with those recommendations and the requirements as outlined in the Consent Decree. The Workload Study team recommends that the court-appointed Accountability Agent, a retired presiding judge from another metropolitan juvenile court, review and assess Fulton County’s implementation of the recommended reforms and make further recommendations to the Court about the caseload size and staffing patterns.

This article is adapted from the Executive Summary and various chapters of the Child Advocate Attorney Representation and Workload Study conducted by the Carl Vinson Institute of Government at the University of Georgia. The full report, along with other related materials, can be found on the ABA’s National Child Welfare Resource Center on Legal and Judicial Issues website at <http://www.abanet.org/child/rcjji/online.html> under “Other”. For specific information about the study, please contact Karen Baynes at baynes@cviog.uga.edu or (706) 542-2736.

2007 CFSR Toolkit for Youth Involvement

The 2007 CFSR Toolkit for Youth Involvement is available from the National Child Welfare Resource Center for Organizational Improvement (NRCOI) and the National Child Welfare Resource Center for Youth Development (NCWRCYD). The toolkit promotes youth involvement in the CFSR process and describes ways youth can be more effectively engaged. Toolkit resources include:

- Important information about partnering with youth
- Feedback forms and debriefing strategies for youth and adults
- A CFSR youth involvement checklist
- Condensed descriptions of the CFSR purpose, process, and components
- A glossary explaining CFSR terminology
- Strategies for implementing surveys and conducting focus groups
- Sample survey instruments and focus group questions to solicit youth input
- Adaptable PowerPoint presentations

Available online at www.nrcys.ou.edu/cfsrtoolkit.



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