

IMPROVE COURT REPRESENTATION FOR PARENTS: SUPPORT HB 401/SB 878

The Problem:

Attorneys for parents in child welfare cases rarely do more than simply show up for court. Parents relate that court-appointed attorneys rarely:

- Meet with them prior to court hearings
- Return their phone calls
- File for Discovery or investigate allegations
- File motions

Attorneys representing parents who can't afford their own attorneys are paid less than half the hourly rate charged by privately-hired attorneys. Parents whose children have been removed by the court due to allegations of neglect or abuse are entitled to counsel to represent them in court proceedings, but these attorneys are paid only \$120 per petition filed in the Juvenile & Domestic Relations Court. Each petition may include more than one court hearing. (For cases appealed to Circuit Court, attorneys may be paid \$158.)

The Solution:

Better representation for parents saves money by getting kids out of the child welfare system faster.¹ Paying parents' attorneys slightly more than we currently do is a step in the right direction.

This was a recommendation of the Virginia Commission on Youth in 2014. 2015 bills to implement this recommendation failed in House Appropriations.

HB 401/SB 878 would:

- Allow attorneys for parents in child welfare proceedings to request up to an additional \$120 (or \$158) if they perform additional work
- Increase likelihood that parents receive meaningful due process in cases involving their Constitutional right to parent their child

HB 401/SB 878 will improve representation of parents in court-appointed cases by providing attorneys with additional compensation when performing additional work.

¹ Mark Courtney, Jennifer Hook & Matt Orme, Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing of Permanency Outcomes for Children in Foster Care, PARTNERS FOR OUR CHILDREN, http://pocrest.spiders.net/sites/default/files/2011_evaluation..._impact_of_enhanced_parental_legal_representation....discussion_paper.pdf

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