

UGA study impacts Fulton County Office of the Child Advocate Attorney

The results of a recent study are changing how the Fulton County Office of the Child Advocate Attorney operates.

UGA's Carl Vinson Institute of Government conducted the study as part of a consent decree in the federal civil rights lawsuit *Kenny A v. Perdue*. The study assessed the number of children a child advocate lawyer can represent and still provide constitutionally adequate representation.

The *Kenny A* lawsuit addressed whether Fulton and DeKalb counties were assuring adequate representation of children in "deprivation" cases, in which the Division of Family and Children Services sought to protect children from abuse and neglect.

In February 2006, the U.S. District Court ruled that the children in these counties had a right to counsel. As part of the consent decree that ensued, Fulton County contracted with the Vinson Institute to study caseload and practice pressures in the Fulton County Office of the Child Advocate Attorney.

Karen Baynes, an associate director at the Vinson Institute, led the study team, which included School of Law Associate Professor

and Director of Civil Clinics Alexander W. Scherr.

The review centered on a six-week time study of child advocate attorneys' work and an in-depth review of 10 years of caseload data. It included focus groups with child advocates, file reviews, court observations and consultations with many different role players in the juvenile court system.

"This study assessed the relationship between caseload or practice pressures and the quality of representation," Scherr said. "The study team had to translate the constitutional mandate for adequate representation into recommendations for the size of staff and the number of children represented by each attorney."

The study concluded that existing caseloads did not permit child advocates to meet the standards of practice set by the parties to *Kenny A*. It also found that both internal office reforms and changes to juvenile court practice further affected the ability of child advocates to meet those standards.

Without any changes to the office or the court, the team recommended a caseload of

only 80 children per attorney, roughly half of the current caseload.

As office and court practices improve, the study suggested the caseload could increase to a maximum of 120 children per attorney with all reforms in place.

"The team's tiered recommendation represents a distinctive approach to assessing adequacy of representation. No lawyer practices in isolation," Scherr said.

"This study acknowledges the importance of office organization and external practice pressures on the ability of an individual attorney to represent clients capably and ethically."

The results of the study have received close attention, not only throughout Georgia but across the nation, as other states are trying to cope with the increasing demand for a coherent and professional approach to the representation of children in deprivation cases, according to Scherr.

The parties in *Kenny A* accepted the study results without argument. Fulton County is now implementing the study, under the supervision of a court-appointed monitor.