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Reunification and Case Resolution Improvements in Office of Public Defense (OPD) Parents Representation Program Counties

Summary of Findings:

1. Implementation of the OPD Parents Representation Program in 15 counties resulted in 10.4% more reunifications in filed cases (equaling a 39% rate increase).
2. Implementation of the OPD program also resulted in earlier case resolutions, with 10.6% more case resolutions within about 2.5 years (representing an 18.3% rate increase).
3. Non-OPD program counties' cases showed no significant change in reunification or case resolution rates.

Introduction. The Parents Representation Program was first created as a three-county pilot by the 2000 Legislature, following an investigative report showing many parents had poor attorneys in dependency cases. Now operating in two-thirds of the state, the program provides state-funded attorneys for indigent parents who have a right to counsel. These attorneys are contracted by OPD, which oversees their performance.

Practice Standards. The OPD program practice standards are designed for dependency case representation, uniquely blending a counselor/advisor approach with traditional practice techniques, pursuant to Title 2 of the Rules of Professional Conduct. The standards require attorneys to:

- meet and communicate regularly with their parent clients throughout the case
- ensure their clients have adequate access to services, including visitation
- prevent continuances and delays within their control
- conduct high-quality, early case investigation and prepare cases well
- attempt to negotiate agreements; competently litigate if no agreement is reached

Program Expansion. From 2000 to 2005, independent evaluators conducted four positive evaluations of the pilot; the last three showed that the pilot resulted in increases in family reunifications. Increased reunifications meet the intent of Washington's laws. Chapter 13.34 RCW establishes that the reunification of healthy families is the preferred outcome of dependency cases. The 2005 Legislature funded expansion of the OPD program to 10 counties at the end of 2005, to an additional five counties at the end of 2006, and to an additional seven counties at the end of 2007, bringing the total to 25 counties.

2009 Review of Case Outcomes. As part of its oversight responsibilities, OPD conducts periodic case outcomes studies. Pursuant to RCW 13.50.10(12), OPD gathered court record information regarding some 1,817 dependency cases and analyzed these cases' outcomes. This research was conducted in consultation with Washington State Center for Court Research. (See Appendix I.)

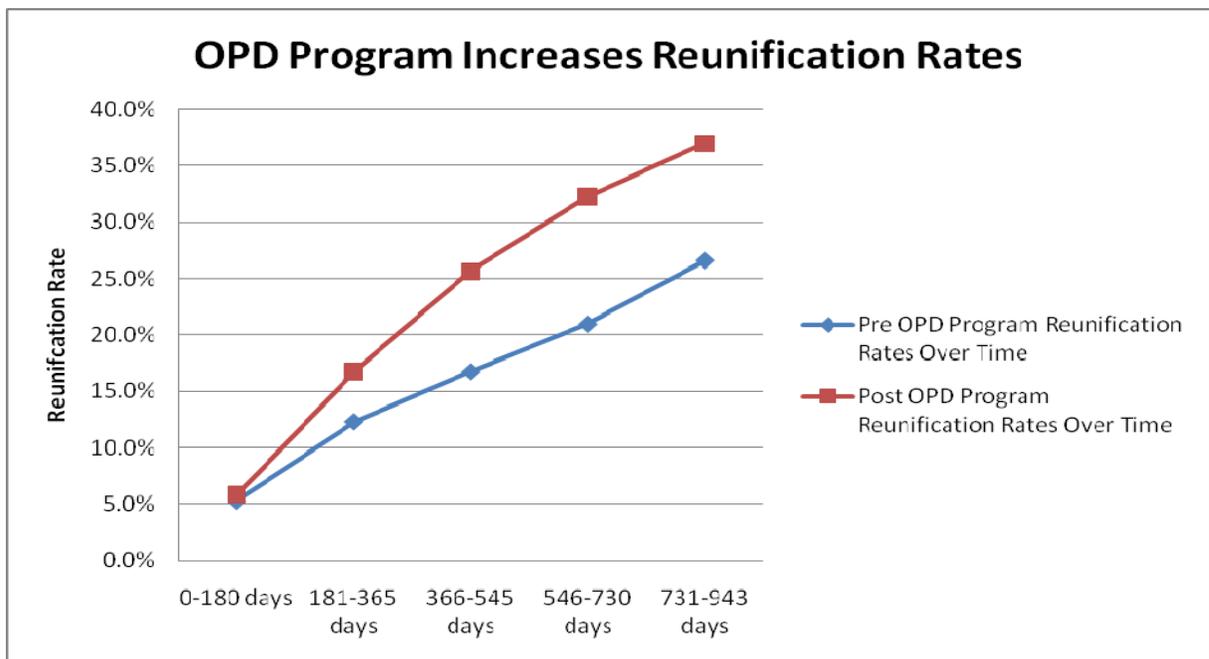
2009 Case Outcomes Study

Purpose: Examine reunification and case resolution outcomes in counties where the OPD Parents Representation Program was implemented in 2005 and 2006.

Counties: Clallam, Clark, Cowlitz, Ferry, Grant, Grays Harbor, Kittitas, Kitsap, Pacific, Pend Oreille, Skagit, Snohomish, Spokane, Stevens, and Yakima.

Method: Examined every case filed in each county for two three-month periods, from January 1, 2004 through March 31, 2004 (the pre-program period), and January 1, 2007 through March 31, 2007 (the post-program period). These cases were reviewed for outcomes and case resolutions within 28-31 months after filing. All 14 of the state's non-OPD Program counties' cases were reviewed as well.

Reunification Increase. A reunification is defined as a dependency case dismissed by court order after a child has been returned home to a biological parent or legal custodian. The percentage of children who were reunified increased after the OPD program was implemented.

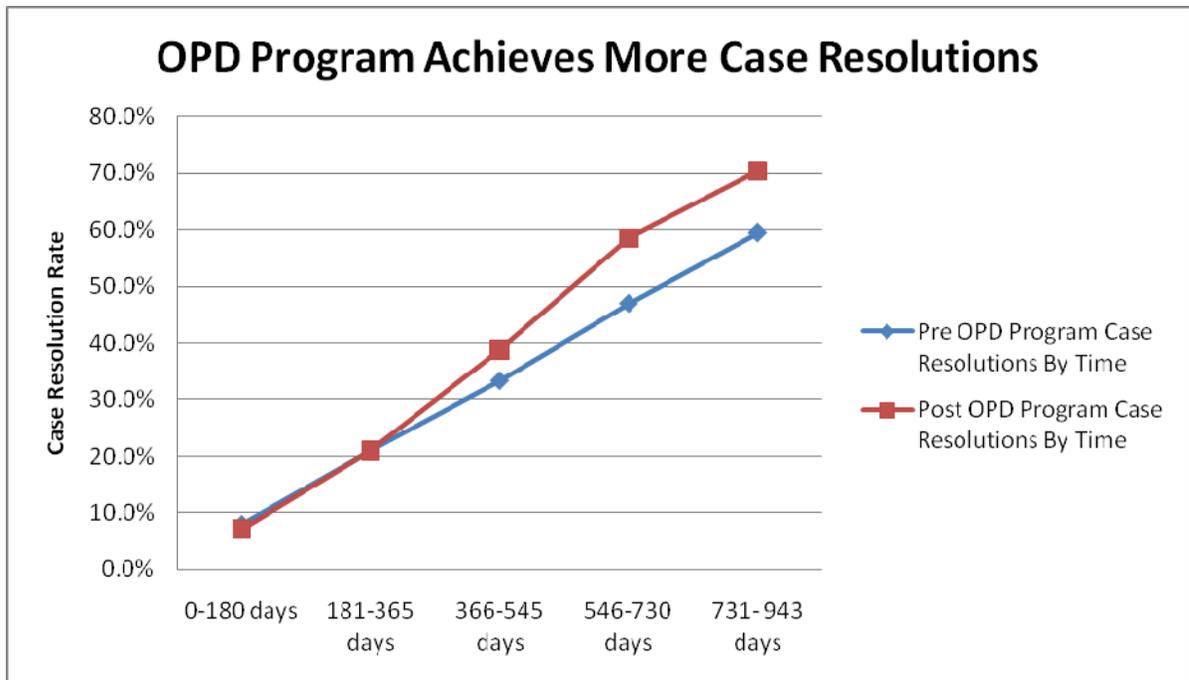


Source: SCOMIS court records and court orders showing outcomes of 1,218 cases.

1. Of 496 pre-OPD program case filings, 26.6% resulted in reunifications.
2. Of 722 post-OPD program case filings, 37.0% resulted in reunifications.
3. The 10.4% reunification increase in filed cases is statistically significant ($p=0.0002$). The increase represents a 39% rate of change in reunifications.

Case Resolutions. With respect to parents in dependency cases, a resolution is defined as a case dismissal due to any of any of the following: a reunification or entry of a third-party custody order; a dependency guardianship; or the child becoming legally free for adoption due to termination or relinquishment of parental rights. Children’s exit from foster care occurs as a result of reunifications or third-party custody orders. Terminations and relinquishments of parental rights are a necessary step before other children exit from foster care, including children who are being adopted.

The percentage of cases resolved earlier increased after the OPD program was implemented.

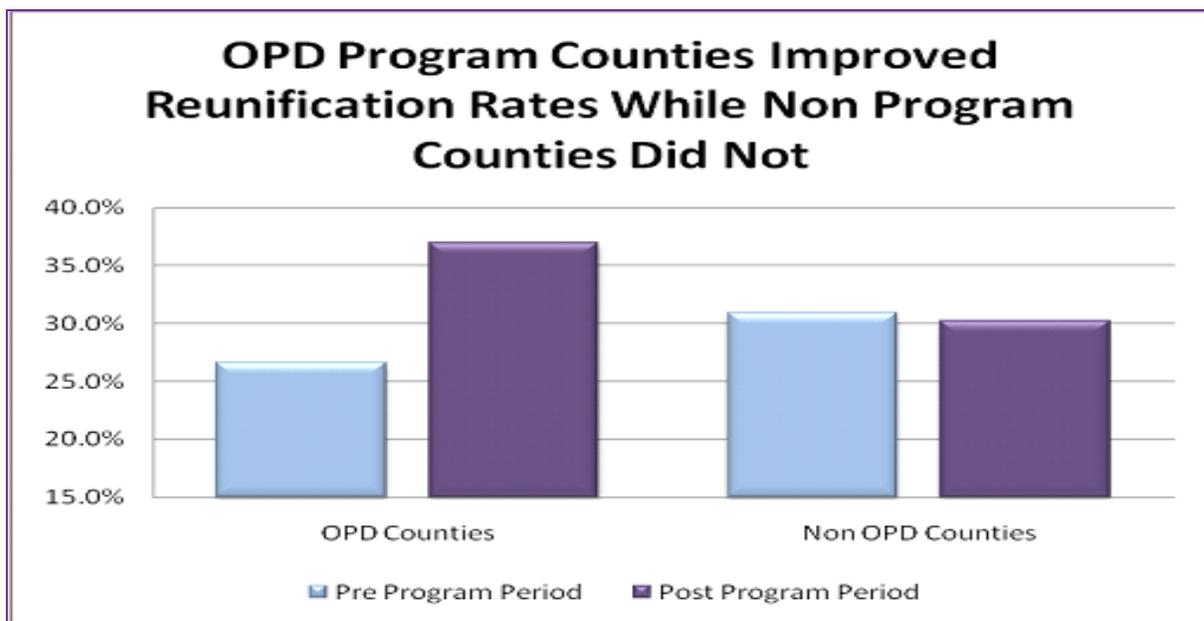


Source: SCOMIS court records and court orders showing outcomes of 1,218 cases.

1. Of 496 pre-OPD program case filings, 59.5% were resolved within 28-31 months.
2. Of 722 post-OPD program case filings, 70.4% were resolved within 28-31 months.
3. The 10.9% increase in resolved cases is statistically significant (p=0.0001) and represents a 18.3% rate of change in case resolution.

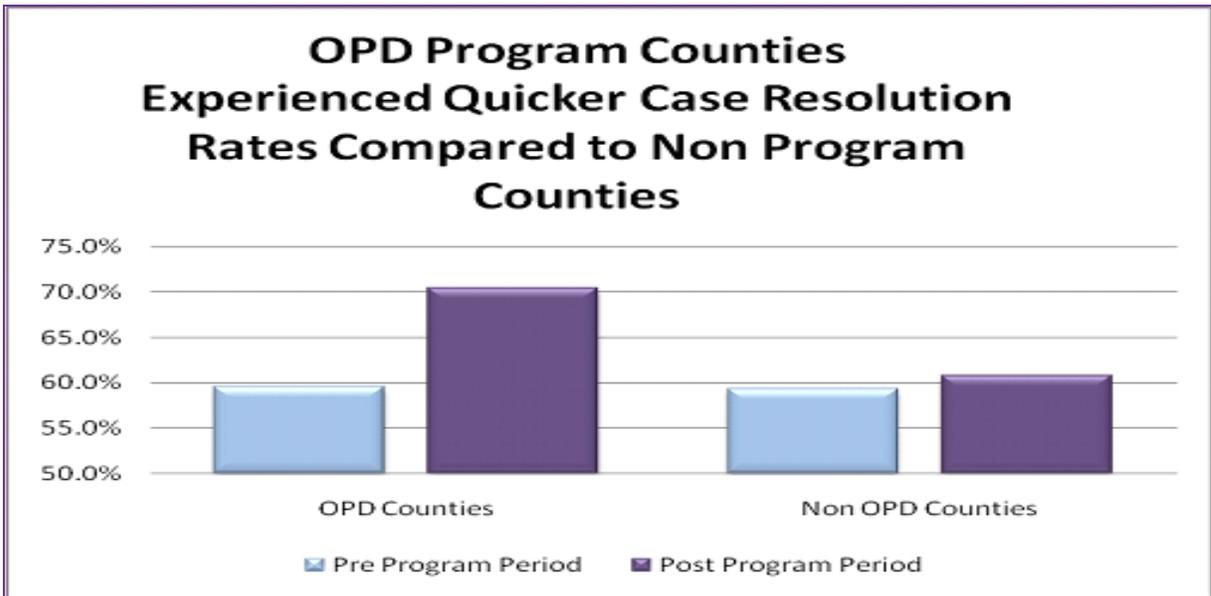
Results Did Not Improve in Non-OPD Program Counties

All cases filed during the same time frames (January 1-March 31, 2004 and January 1-March 31, 2007) in all of the counties where the OPD program has not been implemented were also reviewed. In those 14 counties, the county is responsible for providing parents' representation. In these non-program counties, the percentage of children who were reunified did not significantly change, nor did the percentage of cases resolved earlier.



Source: SCOMIS court records and court orders showing outcomes of 1,218 pre and post OPD period program cases, and 599 pre and post period non-program cases.

1. In the 15 OPD counties, there was a statistically significant 10.4% increase in reunifications during the post-OPD program period, which represents a 39% rate of change in reunifications.
2. In the 14 non-OPD counties, there was a .7% decline in reunifications, which is not statistically significant and represents a -2.1% rate of change in reunifications.



Source: SCOMIS court records and court orders showing outcomes of 1,218 pre and post OPD period program cases, and 599 pre and post period non-program cases.

1. In the 15 OPD counties, there was a statistically significant 10.9% increase in cases resolved during the post-OPD program period, which represents an 18.3% rate of change in case resolution.
2. In the 14 non-OPD counties, there was only a 1.5% increase in cases resolved during the period, which is not statistically significant and represents a 2.5% rate of change in reunifications.

In summary, the 14 non-program counties experienced no appreciable change in outcomes. In contrast, the OPD program counties experienced major gains in reunifications and in earlier case resolutions.

Conclusion

The OPD program resulted in significant increases in reunifications in cases filed in 2007 and tracked longitudinally through August 2009 in comparison to non-program cases filed three years earlier. The OPD program also resulted in a significant increase in earlier case resolutions.

During the same time period, 14 non-OPD program counties' cases showed no appreciable change in reunifications or earlier case resolutions.

These results indicate that the OPD program is positively impacting parents' ability to succeed in their cases and children's ability to reunite with their families.



WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

Jeff Hall
State Court Administrator

December 18, 2009

To Whom It May Concern:

The Washington State Center for Court Research (WSCCR) served as a consultant and research auditor for the Office of Public Defense's 2009 evaluation of the Parents' Representation Program (PRP). In this capacity, WSCCR provided consultation on the methodological design, analysis, and interpretation of results throughout the evaluation. In addition, at the conclusion of the study, WSCCR audited research files and validated case selection and case outcome data in both the Judicial Information System of the AOC and FamLink of DSHS.

Based on the consultations, review, and audit, it is our opinion that the study design was reasonable and appropriate, the statistical analyses were conducted and interpreted correctly, and the results and conclusions of the PRP study were presented in a fair and unbiased manner.

The research audit indicated that the cases included in the study were correctly selected. In addition, the case outcomes used in the study closely aligned with case outcomes in both JIS and FamLink. While the reliability of data is never perfect across data sources, the estimated error rates of the study data are well within acceptable scientific standards and do not alter the conclusions of the study. We are unaware of any other data or analyses that would contradict the researchers' conclusions.

Please feel free to contact us if you have any additional questions.

Sincerely,

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Appendix II

OPD Program's Reunifications are Successful

Case re-filings occur when a child is abused or neglected after he or she has been returned home and the case has been dismissed. At OPD's request, Judicial Information Services (JIS) records were searched by JIS staff to determine the level of case re-filings following reunifications.

Cases Re-filed	Pre-Program %	Post-Program %
Within 1 year of Dismissal	5.3%	3.4%
Within 2 years of Dismissal	8.3%	5.3%

Two-year data showed that the OPD program's increase in reunifications did not lead to more case re-filings due to reunification failures. This indicates that the reunifications achieved after the OPD program's implementation are at least as successful as the reunifications achieved before the program.

OPD Request to JIS
Completed late December, 2009
(Post-Washington State Center for Court Research review of study)