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LACK OF EFFECTIVE LEGAL REPRESENTATION CONTINUES TO HARM CHILDREN IN PA, STUDY SHOWS

November 12, 2010

Since 1972, children in abuse and neglect matters have had a right to legal representation through the appointment of guardians ad litem. Effective legal representation and advocacy for children in the dependency system can make a huge difference in improving the chances that fair and accurate determinations are made. However, a lack of investment in supervision, training, and compensation of these child advocates continues to harm children.

While there is no shortage of lawyers committed to representing children, more work is needed for child legal advocates to be in compliance with state law, according to research conducted by The Dickinson Schools of Law of the Pennsylvania State University Children's Advocacy Clinic, the [Juvenile Law Center](#), and the [University of Pennsylvania Law School](#).

Unfortunately, the results of the new report, [Assessing the Quality of Child Advocacy in Dependency Proceedings in Pennsylvania](#), echo those published by the Juvenile Law Center almost ten years ago in *Promises Kept, Promises Broken: An Analysis of Children's Right to Counsel in Dependency Proceedings in Pennsylvania*. That study highlighted significant concerns about the legal representation of children in dependency proceedings, including very heavy caseloads, inadequate time to investigate the facts, and inadequate training.

"We had hoped to see significant improvements in the legal representation of children given that nearly ten years have passed since the codification of standards of practice for lawyers of children and the last assessment of representation of dependent children in Pennsylvania," said Jennifer Pokempner, supervising attorney at the Juvenile Law Center. "Unfortunately, considerable weaknesses still exist across the Commonwealth.

Among the report's key findings are the following:

- Many lawyers for children are not complying with the Juvenile Act nor the American Bar Association Standards of Practice;
- Despite a uniform source of legal standards and judicial rules, practice varies widely from county to county;
- Many children and youth are not participating in their court reviews; and
- While there is no shortage of lawyers' commitment to the job of representing children, quality suffers because of a lack of sufficient support for the lawyers, as well as a lack of supervision and monitoring of the lawyers to ensure that at least minimum basic standards are met.

The report calls for the implementation of its recommendations through the enactment of new court rules and legislation that would enhance the capacity of attorneys to provide quality representation for children and more actively involve the court in enforcing standards of practice.

The report makes the following recommendations:

- Attorneys, judges, and agencies must adhere to the requirements of Act 18 and the ABA Standards of Practice;
- Attorneys need specialized training;
- Caseload size should be capped in order to promote higher quality representation;
- Compensation should be increased to reflect standards of practice;
- Youth must be involved more fully in their representation and in court proceedings as required by the law; and
- Judges should have high expectations of the attorneys who appear before them.

“Children will not receive the standard of legal representation that they deserve unless there is an infrastructure to support, guide, and monitor the quality of the work of lawyers who represent them, requirements for consistent training, caseloads standards to make quality work possible, and adequate funding to attract and retain knowledgeable staff” said Lucy Johnston-Walsh, clinical professor and director of the Children’s Advocacy Clinic at Penn State’s Dickinson Law. “We have an opportunity and an obligation to respond to the concerns raised in the report.”

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