

Arkansas Parent Counsel Program Overview

Current Program Statistics

- There are currently 64 attorneys on contract to provide representation to indigent parents and custodians
- In FY15, the attorneys reported that they represented a total state average of 2,746 parents or custodians in Dependency-Neglect cases.
- Attorneys are paid \$855.00 per case on an average number of cases via year-to-year contracts awarded by Judicial District.

Key Responsibilities

- Provide legal representation in the areas, counties, and judicial districts assigned by the AOC.
- Represent the clients in accordance with the Arkansas Model Rules of Professional Conduct and all applicable laws.
- Meet all requirements and the Qualifications for Parent Counsel in Administrative Order Number 15.
- Adhere to the Dependency-Neglect Parent Counsel Standards for Best Practice in Parent Representation.
- Maintain ongoing contact with his/her client.
- File appropriate motions with the Circuit Court.
- Attend and participate in all dependency-neglect proceedings involving his/her client.
- Prepare for hearings.
- Monitor the case plan and court orders to ensure that services are actually provided.

Attorney Evaluation

- ▶ Data Comparison to State Averages
- ▶ File Review
- ▶ Survey and/or Interviews of Stakeholders
- ▶ Client Interviews/ Surveys/Focus Groups
- ▶ Courtroom Observation
- ▶ Attorney Self-Evaluation

Dependency-Neglect Stages Requiring Parent Counsel Representation

- Probable Cause Adjudication Disposition Review
- No Reunification Services
- Permanency Planning
- Permanent Custody or Guardianship
- Termination of Parental Rights

Brief History

- Act 1267 of 2001 established authority for the appointment and payment of attorneys to represent indigent parents in dependency-neglect cases.
- The Arkansas Supreme Court amended Administrative Order 15 to include qualifications and standards for parent counsel in dependency neglect cases on September 21, 2001.
- State funding was made available in August 2001 and parent counsel appointments begin pursuant to the Arkansas Supreme Court Order in January 2002.
- In 2005, Act 1990 made amendments to parent counsel representation. See Ark. Code Ann. §9-27-316(h)
- A *per curiam* opinion dated June 27, 2007 by the Court of Appeals transferred dependency-neglect appeals from the appellate court to the Public Defender Commission effective July 1, 2007.
- In the fall of 2007, the AOC transitioned from attorney appointments to parent counsel contracts so that now all parent counsel attorneys are on contract to provide representation to provide equity, uniformity and to ensure compliance with the standards set forth in Administrative Order Number 15.

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