



## **Division of Public Defender Services State of Connecticut**

TO: Assigned Counsel and Public Defender Attorneys representing Children in Child Protection Matters

FROM: Christine Perra Rapillo, Director of Delinquency Defense and Child Protection

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As we embark on a new fiscal year, it seems timely to review the Performance Standards for Attorneys in Child Protection Matters which set out the minimum expectations for representing clients in child protection matters. Memos highlighting specific areas will be sent out on a regular basis to increase awareness of how important the client relationship is to a successful resolution of the case.

### **Representation of the Very Young Child**

It is the responsibility of counsel for the child to ensure that the child is receiving proper care and treatment while in the custody of the Department of Children and Families. A verbal child will be able to tell the lawyer what their needs and wishes are. Counsel for a very young, pre-verbal child will need to actively participate in the treatment planning for the child and the permanency plan for the case. This REQUIRES that counsel independently review and comment on the DCF records. Counsel for the child should obtain LINK narratives, evaluations, social worker notes, medical records and educational records where available. Counsel for the child should not rely on DCF's representation of the case. Records can be interpreted differently and the true needs of the child cannot be ascertained without a complete review of the records.

1. Young children must be visited in accordance with the Performance Standards. They require an initial visit and interview. While an infant or preverbal child cannot be interviewed, Counsel for the child should interview the caregiver and other individuals in the home and should observe the child interacting with the caregivers. Counsel cannot rely on others to report on the wellbeing of the child.
2. Counsel should actively participate in the planning process for the child client. Actively visiting, interviewing caregivers and reviewing records will ensure that counsel for the child is prepared to advocate for all necessary services.

3. Like all clients, young children should be visited at least 4 times a year. This should include a visit to the child while in the care of a childcare facility or provider other than the primary caregiver. Medical and other records should be regularly reviewed to ensure that proper care is being given to the child.
4. OCPD Assigned counsel should be billing for time spent visiting clients. Client visits are billable at \$50 per hour as long as they are not held at court. Client visits are a recognized marker for monitoring the quality of representation. If you do not bill for visits, there is no way for OCPD to verify that the visit occurred.
5. When visiting a young child or reviewing records, counsel should consider
  - Physical growth and development
  - Cognitive development (speech, etc)
  - Social Interaction
  - Concerns noted by any professional or caregiver working with the child
  - Concerns noted by biological parents
  - Sibling interaction