

EVALUATION OF THE PHILADELPHIA  
DEFENDER CHILD ADVOCACY UNIT

FINAL REPORT

VOLUME II: PROCESS EVALUATION

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VOLUME II: PROCESS EVALUATION

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## VOLUME II: PROCESS EVALUATION

### Preface

The Process Evaluation documents the day-to-day operations of the Philadelphia Defender Child Advocacy Unit, exploring its program procedures, organizational structure, and operational strengths and weaknesses. This portion of the evaluation describes what the CAU does and how it functions, and, together with the Impact Evaluation, describes the relationship of program activities to outcomes.

The preceding volume, the Context Evaluation, has set the stage for this description of CAU activities. Further description of the actual conduct of advocacy work in Philadelphia opens the Operations section of this volume. It is the desire of the evaluation team to emphasize the complexity of philosophical and service systems within which the CAU operates. Entropy seems to plague all organizations; reality never matches the ideal. Hopefully, this volume will assist the Defender Child Advocacy Unit to function as effectively as it desires, and will be ultimately useful to all who are concerned about child advocacy.

This report is organized under three broad headings. The first section describes the organization and its structure, with observations about the interpersonal climate. The second section discusses the unit's operations; the organization of the unit and its relations with the outside world become more clear as its activities in the courtroom and in the field are described. Finally, while many recommendations are contained with the text of other sections, these are drawn together and codified in the final portion of this report. Case Studies are included in Volume III of this report, but serve as examples in this volume.

## METHODOLOGY AND DATA GATHERING

Structured and unstructured interviews and systematic observation were the primary data gathering methods of the Process Evaluation. In addition, evaluators administered an intra-organizational rating scale, and carefully studied documents generated by the CAU, including case files, funding proposals, annual reports, memoranda, and internal reports. Finally, the evaluation team recounted an entire year's case activity. All instruments may be found in the Appendices to this volume.

Each CAU staff member, including temporary social service students, was interviewed at length by a member of the evaluation team. The open-ended Organizational Interview Schedule (Appendix 1) elicited material covering roles, job satisfaction, intra- and interagency communications, management of the CAU, and philosophies of child advocacy. In addition, the evaluators held many casual conversations and nonstructured interviews with staff members during the course of the evaluation. Virtually every issue raised throughout this report arose from these fruitful discussions with CAU staff and was amplified and studied by observation. The staff's general level of candor and insight into their organization was remarkable.

Through the entire evaluation, the evaluation team observed nearly three hundred CAU-represented cases in Family Court. Approximately eighty percent of these cases were heard during a two-week period in January of 1980, when the evaluators pre-arranged with the Child Advocacy Unit staff and Family Court judges to observe in the courtroom, and used the Courtroom Observation Protocol (Appendix 2). Thus CAU attorneys knew that they would be observed on some or all of their court days between January 14th and January 25th, 1980.

The evaluation team observed the remaining twenty percent of cases during systematic social service observations and data gathering for Case Studies. The evaluation team either accompanied a social worker into court in the normal course of

a day previously arranged for social service observation, or the evaluation team entered a courtroom specifically to observe a selected client's case come before the bench. Thus the CAU social workers had some opportunity to control the observations to their advantage in that they could choose to invite the evaluation team to observe cases of their choice, and that they were fully aware of which cases were under scrutiny as Case Studies. However, CAU attorneys did not know when to expect evaluators to appear in the courtroom during this second phase of the courtroom observation.

Systematic field observation was conducted during the last two weeks of February, 1980. A member of the evaluation team prearranged to accompany each CAU social worker during at least one full day's activities in the office, the courtroom, and on visits to homes and agencies; most workers were observed over two or more days attending to at least four different cases in the field and numerous others by telephone and in the courtroom. Case files for twenty cases observed in the field were reviewed.

The evaluation team conducted unobtrusive office observation over the entire course of the evaluation. While waiting for interviews and court hearings, reviewing hundreds of case files, and carrying on casual conversations with the staff, the evaluators had the opportunity to observe all staff members carrying out their daily work, including interactions of attorneys and social workers with each other and with welfare and other social service workers immediately preceding court hearings.

In addition, the evaluation team observed CAU staff, both attorneys and social workers, in the crucial interactions with Department of Public Welfare staff and other social service workers before clients' hearings. As participants gather for hearings, agreements are frequently concluded on-the-spot as to recommendations and placements. In addition, evaluators observed CAU staff-client interactions before, during, and after hearings in the Family Court Building.

Finally, using the Case File Review Data Sheet (Appendix 3), court evaluators reviewed the CAU's case records for twenty cases observed in the courtroom, conducted structured interviews with CAU attorneys about their case preparation and goals of courtroom presentation for these cases (Post-case Presentation Interview, Appendix 4), and merged this information with courtroom observations. Additional case files studied included the twenty nine cases prepared as Case Studies (included in Volume III of this report) and the two hundred cases in the time Series Analysis.

## PART I: ORGANIZATION

### Organizational Context

Organizations can be described as open systems composed of interdependent parts, each contributing to the whole which in turn interacts with the larger external environment. The open systems model of organizations replaced what are now called closed systems models, characterized by structures (e.g., bureaucratic, administrative, managerial) chosen to achieve specific organizational goals most efficiently. In practice, a combination of closed and open system elements can be found in many organizations. The closed systems aspects are found at the technical levels of the organization where tasks are completed within established bounds; the open systems elements are found at the institutional level where the organization interacts with other organizations and with environmental constraints which are beyond its control (Thompson, 1967). The Child Advocacy Unit is an organization with interdependent parts (social workers and attorneys), each of which is responsible for a specific set of tasks (social work and court representation). It is also an organization which interacts with others in the larger context of the Family Court and a large social service delivery system, and which responds to environmental constraints and contingencies, such as judicial control and an unregulated client load.

Two implications of this organizational model are particularly relevant to the CAU. The role of management in mediating between the closed system and open system aspects of the organization is obviously crucial. Management must define the boundaries within which the social service and legal components operate and must coordinate the activities as output of all components so that the organization acts consistently and effectively in the larger context.



A second crucial area identified by the model is the nature of the interdependence between components. Pooled interdependence exists when the outputs of each part are inputs to the whole (e.g., field offices and headquarters); sequential interdependence exists when the outputs of one part are required inputs of another part (e.g., assembly lines); reciprocal interdependence exists when the outputs of each part are inputs for the other. Reciprocal interdependence implies the closest relationship between the components and certainly describes the goal of the CAU operation. The evaluation shows that there are problems which must be addressed before true reciprocity can be realized.

The multidisciplinary structure of the CAU combines the disciplines of law and social service in an attempt to serve children's needs more effectively than either alone. Volume I of this report describes the inherent difficulties in joining these two disciplines. Successful cooperation within one agency requires an unusual commitment and understanding, and careful clarification of appropriate advocacy functions of attorneys and social workers (Levy, 1974).

Personnel, Qualifications and Training

At the outset of the evaluation, the professional and administrative staff of the Child Advocacy Unit included five attorneys, five social workers, two investigators and two secretaries. One additional social worker was hired during the course of the evaluation, and both investigators left. The evaluators conducted structured interviews with these fifteen people as well as with the Director of the Philadelphia Defender's Association under whose supervision the CAU operates,

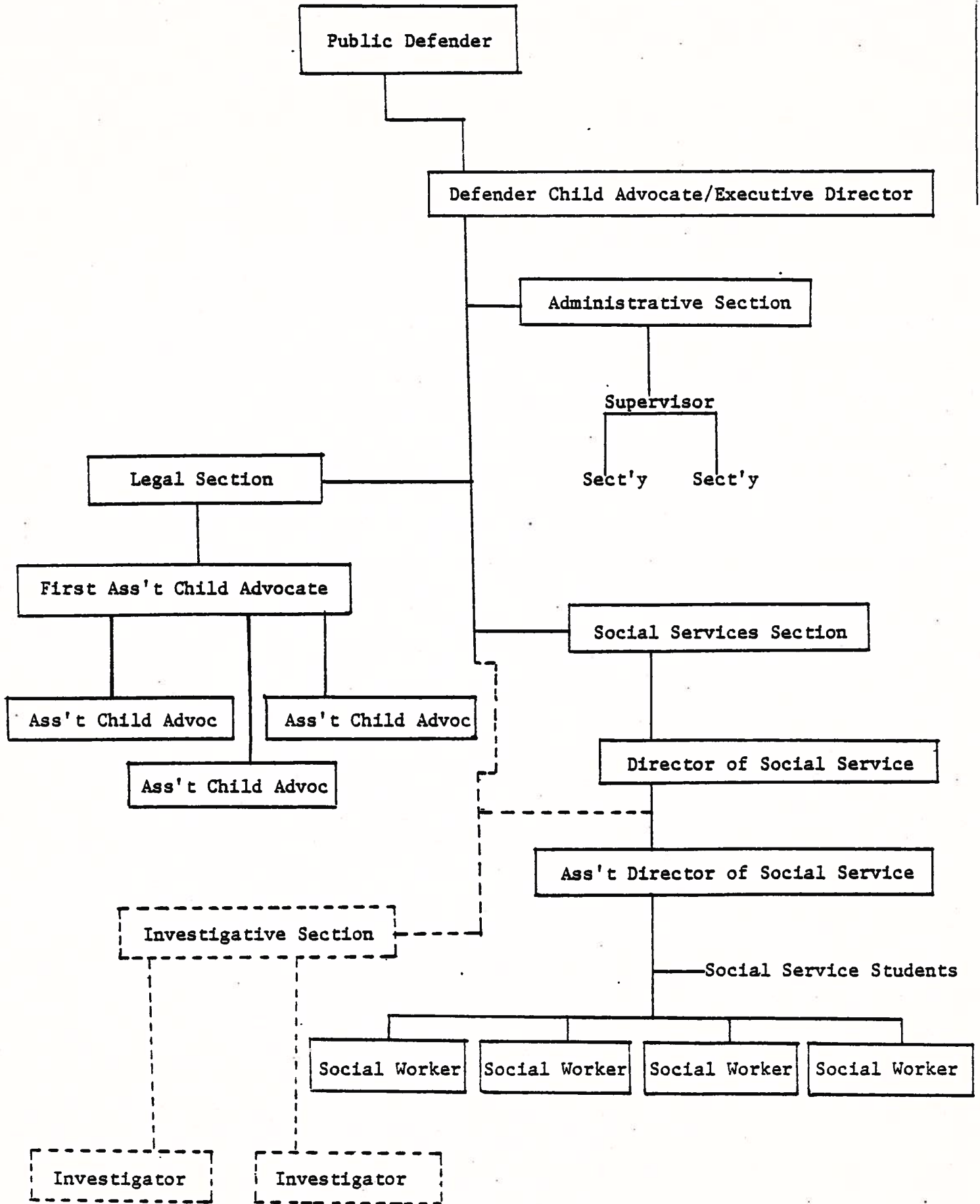
When the Child Advocacy Unit was established in 1976, the staff consisted of one social worker, one investigator, three attorneys and a secretary. A social worker and an investigator were added in 1977; one attorney left and three were hired in 1978; two social workers were hired in 1978, and one social worker was hired in February 1980. There has been some turnover in the staff, more among the administrative support staff than in the legal or social service sections, but the staff has generally been stable. There was a steady increase in staff size from five profes-

sionals in 1976 to thirteen in early 1980. The organizational chart on the following page shows the staff composition.

Each of the attorneys has a law degree. Three had practiced in other fields of law before joining the CAU, one had some legal research experience, one had some prior courtroom experience, two had worked outside the field of law. The field of child advocacy law is new enough that nonadversarial advocacy is not within the standard training of lawyers. There are few experienced attorneys, so that training on the job is crucial. The CAU attorneys perceived a lack of professional preparation for advocacy work in dependency proceedings, citing the adversarial model by which the law is taught pedagogically. Observation in dependency court for a period of two weeks to two months was mentioned by the attorneys as the extent of their on-the-job training after hire. This limited training, not strengthened by any ongoing, structured program, appears to be inadequate for this complex field.

The six social workers, including one hired in February 1980 during the evaluation, all have bachelors' level degrees in social science fields such as rehabilitative education, psychology, corrections and political science. Two have masters' level degrees, one in psychology and one an M.S.W. who also has a doctorate in social work. Four of the social workers had previous experience in counseling and all had some practical experience in social service and related agencies prior to joining the CAU. Social workers do not enjoy any structured training, and all felt the need for more specific and continuing training in the field to meet client needs.

Beginning in 1978 with the hiring of a degreed social worker, the social service staff has been augmented by bachelors' and masters' level social work students who have been assigned to their required practicum or field placement at the CAU. As temporary staff members, the students are assigned a regular caseload for investigation, recommendation and follow-up under the supervision of experienced staff. This professional apprenticeship practice provides the CAU with additional resources in the form of highly motivated personnel. One disadvantage is the lack of continuity



for the children whose cases are assigned to the students. When the practicum is completed and the students leave, their caseload is reassigned to other social workers whose existing caseloads may not permit the same level of involvement. Case Study #3 illustrates such a problem.

The two investigators had both retired from the Juvenile Aid Division of the Philadelphia Police Department. Their investigative work for the CAU was similar in purpose, procedures and clientele to their police work. There was the only section of the CAU staff which felt well prepared for the job and not in need of any additional training or supervision in the field. The CAU decided during the course of the evaluation that the investigative function ought to be assumed by trained social workers, so these positions were eliminated.

The two secretaries had prior experience relevant to some of their responsibilities in the CAU, but both mentioned a desire to take classes to improve their knowledge of fields related to advocacy for children.

#### Organizational Structure

The Director of Social Services prepared job descriptions for the social services staff just prior to the beginning of the evaluation period. Attorneys do not have job descriptions; even with such descriptions, most probably there would still be confusion about lines of authority within the agency. Similarly, written procedures exist only in draft form and only for the social services section of the unit. These procedures, not a product of the complete, multidisciplinary unit, are discussed in the Field Operations Section.

Lines of authority, as shown in the organizational chart above, are focused on the Defender Child Advocate; all authority derives in principle from that level, with the Public Defender having played a minimal administrative role heretofore. Some authority is delegated to the First Assistant Child Advocate in the legal section and to the Director of the social service section. In practice, major decisions seem to be reached by consensus among three principal actors: the Defender Child

Advocate, the First Assistant and the Director of Social Services; the remainder of the staff perceives decision-making as ad hoc and devoid of planning and follow-through.

The position of the secretarial section (and of the investigative section while it still existed) in the agency is unclear. There is a clear emphasis on legal authority, since two of the three principal positions are held by attorneys and attorneys' salaries far exceed those of all social workers except the director. There are no structured lines of authority between the attorney and social work sections. Staff members report that secretaries provide support even to attorneys' extra-mural business; however, secretaries refused to type social workers case notes, and are administratively supported to resist answering phones and taking messages for social workers.

### Philosophy

The evaluation team elicited and studied the philosophical tenets held by the Child Advocacy Unit through interviews and observation. Most aspects of CAU philosophy appear in and provide structure to the Courtroom and Field Operations sections of this report; a few are addressed here only. This chart, then, serves as a brief outline of the beliefs and objectives of the CAU.

Argyris and Schon (1977) present a useful structure for discussing philosophy; they differentiate between espoused theories and theories-in-use.

Espoused theories or philosophies are the publicly stated beliefs and explanations of reality, the external image an individual or an organization wishes to put forward. Theories-in-use, however, are the beliefs that actually govern behavior, the often tacit assumptions that both create and describe the world to which they apply. While subjects can verbalize their espoused philosophies, theories-in-use must be construed from observation. Argyris and Schon suggest that people and organizations often try desperately to protect and maintain their theories-in-use by a variety of devices. One can keep espoused theories and theories-in-use compartmentalized, and maintain

"the illusion of congruence through systematic self-deception" (p. 33); one can become inattentive to data that cast doubt on one's assumption, until one is well into a crisis; or one can actively threaten and suppress or banish those who challenge one's theories. Therefore, the authors propose that making theories-in-use explicit and congruent with espoused theories is beneficial to the effectiveness and health both of individuals and organizations.

The following outline illustrates that the CAU's espoused and practical philosophies are not always congruent. It is the opinion of the evaluators that this incongruence contributes to staff stress and detracts from the efficiency and public profile of the agency.

#### Espoused Philosophy

1. The Child Advocacy Unit is a unique organization at the forefront of the child advocacy.

2. The CAU is a strong legal advocate, aggressive in the courtroom and active in appellate work.

3. The CAU is a multidisciplinary unit, a close-knit team of attorneys and social workers.

#### Philosophy-in-Use

1a. The Child Advocacy Unit is an integral and interdependent part of the existing justice and social service system, and fares best when it doesn't make waves.

1b. Other organizations and individuals conduct advocacy activities and pose a potential threat to the CAU.

2a. Legalistic maneuvers are less effective and more threatening to families and agencies than social service solutions.

2b. Appellate work is time-consuming, alienating, and less effective than simply bringing cases back to court for review or waiting for things to work out naturally.

3a. Attorneys and social workers frequently don't communicate or disagree about the needs and interests of clients, the concept of advocacy, and the relative importance of each discipline to the work of the unit.

3b. Functioning in the CAU requires each discipline to devise methods of circumventing the serious shortcomings and inefficiencies of the other.

4. The CAU offers child-centered advocacy - each case is prepared and monitored individually, and the child's interests are preeminent.

4a. Children do not really have the cognitive tools to make decisions about their own lives.

4b. Time constraints require CAU staff to organize cases into categories of priority and need, to represent some cases in court without adequate preparation, and to strictly limit post-hearing follow-up.

4c. The child's interests are best served by not offending the court or the welfare department, and are always intertwined with the interests of the parents.

5. The CAU strengthens the ailing natural family unit.

5a. Most CAU clients come from broken homes or single-parent families, so "family" can be variously defined.

5b. Parents have an ultimate right to their children unless they are proven permanently inadequate.

5c. Intervention by law-enforcement is almost always deleterious to the health of the family, so it is better to remove the child from a dangerous home than to use criminal statutes to coerce or punish offending parents.

5d. Foster care is a good protective mechanism, but is the ultimate responsibility of the welfare department.

5e. The problems of most children stem from the poverty and unemployment of their parents. Unfortunately, therapy and psychological types of interventions are the only services available to help families.

6. Mediation and conciliation are the proper tools of child advocacy.

6. When conciliation fails, threats of court reprisals or removal of children are effective motivators.

## Organizational Effectiveness

### Quantitative Findings

CAU staff members were provided with an intraorganizational effectiveness questionnaire to complete and return to the evaluators. The text of the 15 items is listed below. Mean ratings of the items by the three sections of the CAU staff separately and the unit overall are shown in Table 1 which follows.

The four items which received the highest overall mean ratings were agreed on by all sections of the staff. There was consensus that working at the CAU is challenging, that the job keeps them busy, that colleagues provide helpful information, and that the social workers are utilized effectively. On the remaining 11 items there was no consensus. Only the investigators thought that investigators were utilized effectively, and in fact the position was terminated during this evaluation. Only the attorneys rated the utilization of secretaries above average, reflecting their greater access to secretarial support. The attorneys were also the only group who thought that attorneys were effectively used.

Evident in the ratings are divisions among the staff as well as the personal solidarity which partially mitigates their interdisciplinary rivalry. Similarly, three of five items specifically related to management received the lowest overall mean ratings. The staff do not believe that conflicts are effectively confronted or resolved. Their work is adversely affected by the inability of management to make decisions; and they regard the decision-making processes in the CAU as ineffective. The attorneys generally rated all of the management items on the positive side of the scale. The basic division between attorneys and social workers is clearly indicated by these ratings.



## ORGANIZATIONAL EFFECTIVENESS SCALE ITEMS

### JOB ITEMS

How much does your job challenge you

How busy does your job usually keep you

Do you get adequate in-service training for your present job

How frequently do you feel you receive helpful advice from colleagues

How much do the people in the CAU feel part of a team that works together

### MANAGEMENT ITEMS

How much authority is delegated in the CAU

How effective are the decision-making processes in the CAU

How often does management's inability to make decision affect your work

How often do conflicts between people or divisions of the CAU interfere with effective services to clients

How effectively are conflicts in the CAU confronted and resolved

### STAFF ITEMS

How effectively are the attorneys utilized

How effectively are the social workers utilized

How effectively are the investigators utilized

How effectively are the secretaries utilized

### SYSTEM IMPACT

How much impact does the CAU have on changing the way the schools, courts, employers, and social service agencies treat clients.

TABLE 11

## ORGANIZATIONAL EFFECTIVENESS RATINGS BY CAU STAFF

	Total n = 11	Attorneys	Social Workers	Investigators
Job Challenging	2.0	1.8	2.8	1.5
Job Busy	1.5	1.5	1.8	1.0
In Service Training	3.4	2.7	4.3	3.0
Colleagues Helpful	2.8	1.5	3.8	3.5
Team Feeling	3.5	2.8	4.5	3.0
Authority Delegated	3.7	3.3	4.5	4.0
Decision-Making Effective	4.4	3.3	5.5	4.0
Management Indecisive	4.2	3.7	5.2	3.0
Conflicts Interfere	3.4	2.7	4.7	2.5
Conflicts Resolved	4.5	3.8	5.0	4.5
Attorneys Utilized	4.2	2.5	6.0	5.0
Social Workers Utilized	2.5	2.0	2.8	3.0
Investigators Utilized	4.5	4.5	6.3	1.5
Secretaries Utilized	3.5	2.3	4.5	4.5
Impact on System	3.5	2.8	4.3	3.5

1 = positive direction

7 = negative direction

4 = scale midpoint or average

The final scale item concerned the impact of the CAU on the larger justice and social services system. The attorneys' higher mean rating for this item is offset somewhat by the lower ratings of the investigators and social workers.

### Qualitative Findings

Staff concerns grouped in four general areas: organization and leadership; internal communications; interdisciplinary relations; and the CAU's response to the constraints of the justice and social service system. Fully two-thirds of the staff cited problems with the existing organization and leadership structure of the CAU. Inconsistency and ambiguity of goals and policies, lack of established and regulated procedures, superficial solutions to problems, duplication of effort, favoritism, and generally ineffective allocation of scarce resources loom large as impediments to the CAU's progress as an organization. While most employees praised their immediate supervisors as accessible and competent, the unit overall has not capitalized on the strengths of individual staff members. Many staff members felt that closer relations with the Public Defender could assist the unit to develop tighter and more consistent management.

A second general area of dissatisfaction concerned internal communications. Communications were described as strained, nonexistent, and ineffective. Many staff members felt excluded from decision-making which affected them, and distrusted policy edicts because many were issued only to be ignored. Interviews and observation suggest that staff meetings have never been well used either as communication tools nor as forums for discussing and developing agency policies. Staff describe their infrequent and irregular staff meetings as power displays, punishments, and uncomfortable, disorganized gripe sessions. On the case level, nearly every staff member expressed dissatisfaction with information-sharing about individual clients. Neither attorneys nor social workers found the written and oral transmission of case data to be adequate, efficient, or predictable. Both the Courtroom and the Field Operations sections present fuller discussions of the structure and effective-

ness of case files and attorney-social worker communications. Many staff persons yearned for opportunities to study cases openly and cooperatively with the entire CAU staff.

Third, interviews and observation revealed a deep, underlying schism between the attorneys and the social workers, a rift that is bridged only by the overriding sincerity and dedication of the individuals involved. Literature suggests that units such as the CAU will predictably face certain problems inherent in interdisciplinary teaming. Extraordinary steps must be taken to assist attorneys and social workers to work creatively together. While the CAU's public philosophy is one of team spirit, mutual cooperation, and a multidisciplinary approach to child representation, virtually every CAU attorney and social worker expressed criticism, mistrust, and important theoretical differences with the other discipline.

There was mutual criticism between the legal and social services staff of each group's conduct of its task. Each group complained that the other was never monitored, was too free to pursue their own ends rather than preparing cases during days spent in the field, and delivered either sparse or overly specific and melodramatic case presentations. Attorneys differed in their degree of acceptance of social workers in the courtroom; some attorneys objected to what they perceived as unnecessarily personal and unprofessional testimony, while others praised social workers for thorough and convincing factual reports and recommendations. The social service staff complained of attorneys' very minimal time and emotional investment in the CAU's cases. Only two of the five attorneys were believed to carefully study case files and reports before hearings. Some social workers complained that attorneys were either completely passive in court, or freely diverted from carefully prepared recommendations simply to present an unstable family in a better light or to please a judge. Some social workers have downgraded the importance of court hearings, because crucial points are all too frequently lost or ignored by attorneys who fail to press them without social workers present. There was a general perception

of uneven workload; social workers see attorneys as spending one or two days a week in the courtroom, leaving the office perhaps in mid-afternoon, while social workers see themselves as running on an endless treadmill from early morning through evening in order to keep up with the staggering caseload of investigation, planning, and monitoring. Attorneys describe their grueling and challenging court day, during which they must constantly readjust to new information and human drama.

Attorneys and social workers both view attorneys as holding higher status in the organization. However, social workers are much more visible to the community at large and to the clients themselves, and derive satisfaction from close personal involvement with many clients. Social workers find themselves concurrently in a superior and an inferior position; they know the clients and hold the vital information that attorneys need to practice in the courtroom, yet attorneys have consistently carved out roles for themselves that maintain profiles more professional and removed from the exigencies of clients' lives. Attorneys cannot pull rank too often without endangering their courtroom performance. Social workers seem much more aware than attorneys themselves of the negative as well as the positive aspects of attorneys' working style in the CAU. However, attorneys too expressed their desire to retool the passive style imposed on them and develop closer relationships with clients. Still, social workers felt so powerless to garner agency support for moderating their crushing caseload that they simply began refusing some cases and letting attorneys go to court with no work-up.

Finally, status struggles seem to have prevented the CAU from clarifying and firmly setting case goals and broader objectives for systemic change. Social workers describe themselves as truly more child-oriented than attorneys. Social workers point to cases where they wanted to pursue a child's interest, even to the point of terminating natural parents' rights to the child when the parents had virtually no prognosis of moving towards adequacy, but where CAU attorneys continued to press for preservation of blood-ties. Similarly, social workers at times feel thwarted in their attempts to ensure appropriate placements for children by CAU attorneys who

wish to maintain the calm status quo. Social workers also describe attorneys as failing to press for much needed reforms in court procedure. Attorneys attribute major philosophical differences to social workers' indifference to legal issues and political realities.

All staff expressed frustrations with the larger environment in which CAU operates. The unregulated and massive caseload, and the procedures and idiosyncracies of Family Court are not directly controllable by the CAU. Similarly, system-wide complexity makes positive, long-term changes in clients' lives unlikely, all of which provides an impetus for staff members to see their jobs as routine and monotonous, and themselves as ineffective.

A public stance of superiority, ultra-efficiency, and martyrdom tends to obscure private disillusionment and weariness. The evaluators observed many signs of stress among the staff, including simultaneous complaints and denial of the difficulties of the unit and its work, lack of affect, and surrender to problems as insurmountable.

The CAU's managerial structure and the organization's goals are conducive to stress and to burnout, a syndrome of emotional exhaustion and cynicism identified with human services staff and particularly with intense client contact work. Burnout can lead to a cynical, detached, derogatory view of clients, which is destructive to staff-client relationships. Among the professions in which burnout has been described are psychologists, physicians, police officers, teachers, counselors, ministers, social workers and public service lawyers (Maslach, 1976, 1978; Maslach & Jackson, 1979; Cooper and Payne, 1978; Kroes & Hurrell, 1975, Freudenberger, 1974; Schwartzman & Bokos, in press; Work in America, 1973). The effects of staff burnout on the institution include low morale, impaired staff performance, staff turnover, and poor client interaction (Maslach, 1976). A number of the sources of work stress identified with burnout are descriptive of the CAU as well:

- high ratio of clients to staff
- immediacy and severity of client problems
- responsibility for others' well-being
- low likelihood of positive change in clients
- ambiguity and conflicting values surrounding the job
- incompatible expectations among staff, clients and administrators regarding the appropriate role of staff
- lack of understanding and acceptance outside the job setting

## PART II: OPERATIONS

### Working in Philadelphia

#### Courts

The Child Advocacy Unit receives all of its case appointments from judges in the Philadelphia Family Court and practices exclusively before the Family Court, with the exception of a few abuse cases where criminal charges are pressed against parents of CAU clients. Thus the CAU operates within the context of the Family Court, influenced by certain environmental variables beyond its control.

Theoretically, CAU appointment can come from any of the twenty-three Family Court judges who care to appoint the CAU to custody, adoption, dependency, and medical cases. In practice, the two judges who hear all dependency petitions filed under the Juvenile Act and the Child Protective Services Law along with the Mental Health/Mental Retardation commitments make the vast majority of appointments. The remainder come from eight judges who have appointed the CAU in truancy, custody, and adoption cases.

#### Scheduling

Scheduling of court appearances in Family Court is arranged not for the convenience of clients and attorneys, but for the efficiency of the Court. The daily docket in Dependency Court is heavy to the extreme; from forty to over one hundred cases may be heard by a single judge in the course of a single day. Unless an aggressive attorney can influence the Court, matters are heard in the order they appear on the docket. All clients, families, attorneys, and witnesses are required to be in the uncomfortable waiting rooms at 9:00 A.M. and wait, sometimes as long as eight hours, until their case is called. There are no facilities for small children, and no easy access to food during the long wait. Court rarely convenes until 10:30 or 11:00 A.M., and may be in session for four to ten hours.



Generally, Dependency Court is in session five days a week, and the CAU will represent from twenty to forty cases on the daily docket, some of which are new cases assigned to the CAU during 72-hour detention hearings (short, preliminary hearings required by law to be held within 72 hours after a child is taken into the custody of the Welfare Department). The CAU has operated heretofore on a zone system; i.e., one attorney, sometimes relieved by a colleague, spends the entire day in Dependency Court, representing all CAU clients who come before the judge and receiving new case assignments. The pace of the judges varies considerably - one judge averages five minutes per case, another thirty minutes. All judges were observed to be careful and conscientious; however, no matter how plodding or staccato the pace, it is evident that all parties in the courtroom become exhausted and distracted as the day wears on. The atmosphere is one of assembly line tedium and shared suffering among the court personnel, Department of Welfare staff, and CAU attorneys who have spent the day in the courtroom.

When the CAU represents a child in a Domestic Relations (custody or visitation) or adoption case, or a truancy case heard by a judge other than the two primary dependency judges, the assigned CAU attorney appears on the day of the scheduled hearing, waits for the hearing to begin or relies on court personnel to inform him or her, then returns to the CAU office after the hearing. CAU social workers who are asked by the attorney to appear as witnesses are subject to the same scheduling inconveniences in both Dependency Court and the rest of Family Court.

Judicial Control. All judges observed in the course of the evaluation maintain strong control over the manner in which matters are heard and the extent of the various parties' participation. Because the fundamental purpose of

the Pennsylvania Juvenile Act and of the Juvenile Courts which uphold the statutes is to provide treatment and help rather than to punish the distressed child and his family, the court operates in an informal and flexible manner; individual judges exert a high degree of latitude in procedures and courtroom atmosphere, some conduct affairs in the manner of group meetings around a conference table, others preside at the bench over somewhat more structured proceedings. Nearly all judges observed frequently examine, cross-examine, and counsel witnesses and parents, stepping in to conduct a case if an attorney is ill-prepared, hurrying all parties along if the process is too lengthy, upbraiding participants in the case, and generally directing all attorneys, CAU and others alike.

The hearing of forty to over one hundred cases in a single court day obviously precludes the presentation of full evidence and argument in each case, even though the possible appeal of a decision is limited to issues on the record. One judge in particular seriously limits information on the record. Many attorneys interviewed expressed concern about the manner in which the courtroom operates and the difficulties of practicing therein. Judges express obvious irritation with attorneys who repeat information, who attempt to make points based on legal technicalities rather than therapeutic models, and who fail to bring to the courtroom recommendations already coordinated among all parties. It appears that judges exert a strong influence, most markedly on those they see daily, not to rock the boat, not to advocate aggressively in a client's interest, and not to advance legal arguments.

Physical Environment The CAU's quarters in the Family Court Building are cramped and confusing. Three small and plain offices on the second floor, opposite one of the Dependency courtrooms, house the Child Advocate, two and sometimes three secretaries plus client files, and four other attorneys. The

social work component uses a large, open room on the top floor of the building far from all court activity, and accessed by an unmarked labyrinth of back stairwells. Private client conferences or telephone calls, witness interviews, or quiet, uninterrupted study and case preparation are virtually impossible. Social work and legal staff are physically separated, and social workers do not have convenient access to client files.

In addition, the CAU's physical location within the Family Court Building, while convenient to the courtroom, contributes to the impression that the CAU is a part of the Family Court itself rather than an independent unit. Other independent groups housed in the court, such as the District Attorney's Juvenile Division, have been able to create more of an impression of separateness. The CAU and the Public Defender have made tentative plans to relocate the CAU in the offices of the Public Defender, a number of blocks from the Family Court, by the Fall of 1980.

## Field Operations

The Child Advocacy Unit conducts its field operations--those activities outside the courtroom setting--in the context of an already established children and youth service system, the complicated lives of its clients, and an uncontrolled and continuously escalating caseload. In addition, field operations are inextricably linked to the courtroom operations discussed above.

## Children and Youth Service System

The CAU is a relative newcomer among the vast array of children and youth-serving agencies in the Philadelphia area. Because the CAU was designed not as a primary provider of social services but as an advocate for users of the services, CAU staff must necessarily depend on the whole system of public and private providers for the services its clients need and for information about those clients. Concurrently, the CAU set itself the task of monitoring, motivating, encouraging, and pressuring the providers to come forth with quality treatments and care for children who enter the court system. Clearly the CAU must walk on a tightrope to fulfill these potentially conflicting roles.

Many youth-serving agencies already comprised the court-social service system when the CAU was born. As the representative of the State's protective interests, the Department of Public Welfare has been for many years petitioner to the Court on behalf of children it considers in need of care and protection. Theoretically, DPW must prove that it ought to have jurisdiction over a particular child under the laws of the Commonwealth of Pennsylvania, and then must, again by law, provide for the care of the children under their protection either via public facilities or services purchased from private providers. DPW operates in a complex network of law, historical precedent, and bureaucratic procedures. The public schools are in a similar dual position both as petitioner against truant students and legally-mandated provider of educational services. The Family Court itself, established not as a

punisher but as a helper, has historically offered some in-house social services to delinquent and dependent children, as well as ordering for its wards a wide range of public and private services. Foster care, counseling, and mental health agencies have increasingly become participants in the legal process as they give testimony about their clients and are legally mandated to provide services. Each of these agencies, as well as the myriad of specialized services designed to meet emerging needs (e.g. professional counseling for families of sex abusers) operates under its own organizational structure, its own values and goals, and its own priorities. The Child Advocacy Unit has always had to relate closely to the existing system, responding to existing norms even as it pursues the rights and needs of its clients.

### The Lives of its Clients

Preparation of the twenty-nine Case Studies, as well as field observations, gave the evaluation team first-hand knowledge of the difficult tasks that face CAU social workers in their everyday duties. Clients and their families are frequently in some crisis state or another, facing dislocation, poverty, illness, inadequate housing, unemployment, public discovery of wrongdoing, crumbling family relationships, or the shock of official intervention into private lives. Families are often loathe to meet more social workers, are not necessarily given to self-examination, and may not be available by phone or willing and accustomed to making and keeping appointments. Clients themselves may be young, shy, and frightened, or older and belligerent. Nearly all clients and families that appear in court exhibit complicated and long-standing problems that demand long and complicated solutions.

Clients are placed in facilities and foster homes all over the Delaware Valley, requiring social workers to traverse the metropolitan area almost daily. Scheduling three or four interviews per day in the field, along with meeting pertinent placement agency staff, makes for a continuously full, demanding, and hectic worklife. CAU quarters in the Family Court Building do not provide space for private conferences

or phone calls. In addition, CAU staff have no control over the scheduling of clients on the court docket; social workers must work around court schedules when they are to testify on behalf of their clients.

## Information System and Client Flow

When a case is assigned to the Child Advocacy Unit at a hearing, the CAU officially represents the child from the moment of appointment, without preparation for that initial hearing. After the hearing, the physical file, consisting of a form completed by the CAU attorney who was in court, is sent to the Unit's office manager. The case is entered in the running tally of CAU courtroom activities for the month, and then routed to the Social Services Section for assignment to a permanent social worker. The CAU is designated to receive a carbon copy of each Dependent Court Petition, which is placed in the case files. The files are updated by the secretarial staff with court disposition information and a copy of the court docket for the day, perhaps annotated by the attorney on duty, which consists of a short case history. The file may not be pulled until a client's next court appearances unless a social worker (or attorney) specifically requests it.

Social workers receive client files following the cases' listing on the court docket issued by the Family Court. Social workers may have less than twenty-four hours to a few days to contact clients and other important parties concerned with the cases. Ten-day hearings (required by law to be held for all children retained in temporary Department of Welfare custody at their initial 72-hour detention hearing) pose serious problems for CAU social workers, especially because weekends are counted within the ten-day deadline. It is no wonder that only limited initial information can be gathered for new cases, which form a substantial proportion of the CAU's annual caseload.

For both old and new cases, social workers are expected to get worked-up files, with completed case investigations and recommendations, to the attorney assigned to the appropriate court day so that he or she has time to prepare for the court appearance. However, turn-around time is so short that both social workers and attorneys complain of receiving files only a day or two in advance of hearings.

Any multidisciplinary case planning must occur during this time. Even for old cases, CAU staff report that activities are, for the most part, a reactive process. In descending order of frequency, work on a case is triggered when a) a CAU staff secretary receives the court docket a few days to a week before the scheduled hearing date, b) a CAU staff person keeps in mind a court date scheduled at a previous hearing and works on various aspects of the planning and follow-up between hearings, and c) clients, parents, or other involved agency staff contact CAU about particular problems in the case. The majority of cases come or return to CAU's attention in reaction to their appearance on the court docket list. Staff express dissatisfaction with this style of operating which they feel to be necessitated by heavy caseload and ineffective case routing.

#### Case Files

The evaluation team found that case files do contain considerable information about the clients and the progress of their cases, but files are not kept in a form that is effective for rapid updating of information, representation of clients in hearings, or for CAU's internal monitoring of the quality of their representation. Files are not organized so that current information about the client's situation or about CAU staff activities in the client's behalf is readily available and understandable.

Information placed in files appears to be generated and gathered almost exclusively by CAU social workers and investigators. Social workers and investigators frequently prepare handwritten notes about their investigations and planning for a client, often including dates of interviews, home visits, and telephone conversations with various parties involved in the case. In addition, social workers frequently prepare handwritten accounts of the clients' and families' current situations, and short-term plans or recommendations to the attorney for disposition, placement, counseling, and other family needs. Social workers rarely include long-term plans or recommendations, or notes about conferences or conversations with CAU attorneys.



Social work notes are not presented in a uniform or predictable fashion. Attorneys rarely prepare notes on their investigations, legal research, or planning and recommendations for clients. Nor do attorneys include in files comprehensive notes about the events that transpire in court hearings; sometimes, attorneys make notes on the "tear sheets", the court's printed docket list containing the client's court history, and include copies of these annotated sheets in the files.

In the absence of an orderly presentation of client material, attorneys must study virtually all the documents in the file to prepare for each court hearing, and still may not be able to identify quickly the chronology of events and the results of various CAU and court decisions. In addition, attorneys are sometimes required to substitute for each other on short notice; for instance, the evaluation team observed one attorney who had to prepare to represent over forty cases on a hundred-plus court docket on an emergency basis over a weekend, and several others who substituted virtually unprepared at the end of an extremely long court day. In these instances, attorneys most likely did not have before them an orderly presentation of the situation as the CAU knows it. Nor does any attorney who needs to produce quick information at the Court's request have it readily at hand.

The disorganization and nonuniformity of case files do not facilitate quick understanding of returning cases, rapid updating of clients' situations, or monitoring the fulfillment of court-ordered placements, evaluations, and treatments. In addition, where social worker assignments change due to staff turnover or the departure of students on social work practicum, case file structure is inadequate to provide an accessible history of clients' careers and CAU activities.

At present case files preclude any orderly determination of the CAU's success in achieving its goals. No internal monitoring may take place where there is no record of case plans to be compared to client outcomes. The agency has insufficient information to understand its strengths or weaknesses, and may be cheating itself of positive feedback about its effectiveness.

### Actual Caseload

The numbers of cases cited in the CAU Annual Reports were derived from ledgers on which court activity was recorded for each month. Each child scheduled to appear in court was recorded as one representation or case. If the child had two court appearances during the same month, additional hearings but no additional cases were recorded. Each unique child was counted as one case; a family for which dependent petitions were filed on several children would be counted as several cases in each month when a hearing was scheduled for the family. Totals for each month were summed to obtain quarterly and yearly figures; children who appeared in more than one month were therefore counted more than once in these totals.

Recounts were done by the evaluation team for July 1978 through June 1979 using the CAU ledgers. The tables which follow show the number of children and families represented in Family Court by the CAU during the year (Table 2), and the number of new cases assigned to the CAU during the same period (Table 3). It can be seen from the tables that the majority of children represented by the CAU were new cases during the year and, by implication, the majority of cases do not extend beyond one year after the petition date. Further, for several case types, more than one child per family is likely to be assigned to the CAU for representation, while for other types of cases, only one child is likely to be involved. Thus the number of families and the number of children are both meaningful statistics, though the most appropriate definition of a case is one family since the children of one family whose names appear on dependent petitions concurrently also appear before Family Court together and frequently present similar problems.

According to the evaluation team's recounted case figures, totaling 1,463 unique children represented by the CAU in one year, the attorney/client ratio in 1978-1979 was 1/293 and the social worker/client ratio was the same. The total staff/client ratio, including administrative and investigative staff but excluding

DISTRIBUTION OF CAU CASES HEARD IN FAMILY COURT

JULY 1978 TO JUNE 1979

	Unique Children	Families	Children/ Family <sup>a</sup>	Hearings/ Family
Neglect	398	209	1.9	2.8
Abuse	260	157	1.7	2.9
Truancy	216	132	1.6	2.8
Incorrigibility	83	80	1.0	3.5
Sex Abuse	51	30	1.7	3.0
Abandonment	111	58	1.9	3.2
Mental Health	118	113	1.0	3.4
Mental Retardation	20	20	1.0	1.7
Custody	195	112	1.7	1.9
Other	<u>11</u>	<u>8</u>		
TOTAL	1,463	919		

<sup>a</sup> Only those children who appeared on Dependent Petitions

TABLE 3  
DISTRIBUTION OF NEW CASES ASSIGNED TO CAU  
JULY 1978 TO JUNE 1979

	Unique Children	Families	Children/ Family <sup>a</sup>	Hearings/ Family
Neglect	231	123	1.8	3.0
Abuse	136	85	1.6	2.9
Truancy	109	67	1.6	2.2
Incorrigibility	57	54	1.0	3.7
Sex Abuse	33	18	1.8	2.8
Abandonment	95	48	2.0	3.3
Mental Health	75	70	1.1	3.2
Mental Retardation	7	7	1.0	2.0
Custody	139	79	1.8	2.0
Other	<u>7</u>	<u>5</u>		
TOTAL	889	556		

<sup>a</sup> Only those children who appeared on Dependent Petitions

students on practicum, was 1/98. Records were simply not available to determine how staff members divide their time between administrative tasks and direct service, nor how much time staff devote to an individual case or a case type.

There are two essential elements for an effective record keeping procedure. First, the information to be gathered should be quickly obtainable from one source; and second, the information already recorded should be unambiguously accessible and quickly updated. When new cases are assigned to the CAU, demographic information could be taken directly from the dependent petition filed in Family Court, including sex, race, date of birth, type of case and the number of children within the family for whom similar petitions were filed at the same time. Taking this information from the petition would avoid the occasional inconsistencies or incompleteness of data taken from the daily court docket lists. This minimal information could be recorded on cards arranged by petition number (consisting of date of filing and sequence number) which would facilitate computation of tallies of activity on a monthly basis to provide an indication of overall level of activity as well as some characteristics of the population of clients served. For children whose cases are reappearing before Family Court, the type of hearing and disposition might be recorded; however, for repeat hearings, demographic data would already be available.

Better case statistics will be of use to the CAU in determining how many and what type of cases can be reasonably handled by an attorney or a social worker. In addition, the CAU can begin to develop a more realistic estimate of the time available and necessary per case. Criticism has been launched against the CAU for accepting more cases than were humanly possible to represent (Redeker, 1978).

## Courtroom Operations

### Case Preparation

Evaluation of CAU Court preparation was based on office and courtroom observations and study of case records. Of the twenty case records examined for this portion of the study, two contained memoranda from the social service department indicating that heavy caseload and/or short notice precluded the assigning of a social worker to work on the case. In one of these case files, the attorney had written "Why wasn't this case reached?" on the docket list for the detention hearing, although the social service department's memo would have already been in the case file before the hearing. There was no indication that a CAU attorney conducted an investigation or up-date on either case; thus the CAU was clearly unprepared for these cases. Only a few of the remaining case files studied for this portion of the evaluation contained any record of attorney preparation. Nearly all the remaining case files contained evidence of some preparation for most hearings by social service or investigatory staff, although there is no written evidence that the CAU followed a judge's specific order that the CAU conduct monthly follow-up on one case.

There is no written record of conferences or discussions about cases between CAU attorneys and social workers. While, CAU attorneys claim to discuss each case with the appropriate social worker as part of the preparation for a hearing, CAU social workers do not corroborate. The evaluation team did observe many informal talks and telephone conversations between CAU attorneys and social workers; however, it appears that there is no formal and predictable mechanism for such conferences, and it is unlikely that such conferences take place for the majority of cases CAU represents.

Both CAU attorneys and Family Court judges report that, generally, judges and attorneys do not discuss cases before their hearing dates. Judges see themselves as available to any attorneys and clients who wish to meet with them in chambers but not as offering special opportunities to CAU attorneys. CAU attorneys and some social workers feel that they have good working relationships with judges and can ask to discuss cases with judges when necessary, but rarely need to make such arrangements.

In addition, the CAU evidenced insufficient preparation for some cases observed in court and for which files were reviewed. On the day that one CAU attorney substituted for another on short notice, the attorney said virtually nothing the entire court day, frequently fumbling with notes on the more than forty cases represented, and struggling to find needed information. Because CAU attorneys frequently speak only a few words of agreement or remain silent during court hearings for their clients, it was difficult for the evaluation team to determine whether insufficient preparation or an intentionally low-keyed approach shaped the attorney's behavior.

However, several observations did indicate a lack of sufficient preparation by the CAU. On several occasions, the CAU was unaware of major placement issues in a case, and thus was unable to avoid surprise and subsequent trauma to their clients and clients' families. For example:

Case A:

In a late afternoon hearing during which one attorney substituted for another, the CAU was unaware that their client, in court for a review of an incorrigibility determination, was to be committed imminently to a mental health facility. Neither CAU nor the Department of Welfare had made arrangements for a bed for the child, and neither had prepared the upset teenager for removal from her home. As the girl became more agitated, the CAU attorney suggested that the mental health evaluation could be done on an outpatient basis, an idea that brought forth a spate of anger and ridicule from the exasperated mother who claimed that the girl would refuse to cooperate. The judge called in the Court's Mental Health Officer, who rapidly concluded arrangements for child's immediate commitment. The CAU attorney did not request an opportunity to interview the CAU's client, and the client, her family, and the judge were clearly unhappy with the proceedings.

Case B:

At this child's eighth truancy hearing in little more than a year, the CAU attorney seemed unaware that an obese eight-year old girl was to be immediately placed in a residential school for educational and emotional evaluation. Although the Court had ordered seven months previously that DPW be ready to place the child if her attendance did not improve by the next hearing, neither the mother nor the child appeared to be at all prepared for their imminent separation. There was no record of any previous attempt by the CAU to accomplish the court-ordered neuropsychiatric evaluation on an outpatient basis. CAU staff had not been in contact with the child outside of court for a year.

Two case studies as well, which were observed in court by the evaluation team, suggest that the CAU was unprepared for hearings. Case Study #9 described an eight-year-old child caught in the midst of a violent domestic struggle. In court, the CAU did not present a unified, multidisciplinary

approach to the case. The CAU attorney either differed with or was not aware of the CAU social worker's strong objections to returning the child to his parents, and later criticized the worker out of court for raising questions in court about what appeared to the attorney to be a stable family situation. Later, the social worker's low estimate of the parents' stability proved correct. Second, Case Study #14 describes a truancy case in which the CAU social worker and attorney were reprimanded by the court for failing to investigate their client's poor school attendance, obviously a major issue in the case, though reporting to the court that the client had stabilized in the care of a fictive grandmother.

Cases for which CAU staff seemed well prepared do not stand out in such sharp relief. However, the CAU appeared prepared for many hearings, particularly Domestic Relations (custody and visitation) disputes and those abuse or neglect hearings where the CAU attorney or social worker contributed information new to the hearing.

In all Domestic Relations cases observed, both CAU attorneys and social workers were well versed in the details of the families' lives and the wishes of all family members, and were ready to present clear recommendations for the custody of the children involved. It was obvious from observation and self-report that social workers and attorneys alike particularly enjoyed these cases and found involvement in them satisfying. Unfortunately, midway through the evaluation, CAU's heavy caseload forced them to discontinue work on these custody disputes in favor of those dependency cases where legal representation is more clearly mandated.

In some cases, the CAU attorney or social worker was the sole professional representative to present an important fact in a case. For instance:

## Case C.

Six children of separated, Spanish-speaking parents were brought to court as a result of truancy and abuse petitions. After lengthy and confusing discussions of the children's condition and school attendance, and the parents' abilities to care for the children, the Court appeared ready to adjudicate the children dependent, and place them under Department of Welfare Supervision in the mother's home. The CAU attorney pointed out that the two oldest children were living not with the mother but with the father, and that they preferred to remain there. This information was obviously crucial to the Court's disposition, and even though the CAU apparently learned it from the family's welfare caseworker, only the CAU voiced it at the hearing.

According to CAU report, elaborate pre-hearing negotiations with the Department of Welfare and other agencies have brought about agreements which are readily accepted by the Court and require no presentation or argument by the CAU attorney during the hearing. In most cases, CAU case files do not contain corroborating material, so that evaluators were unable to verify CAU involvement in negotiations except as observed immediately before hearings. Attorneys appeared to discuss agreements for two to three hearings immediately before each court day; some unknown number of others may have been discussed by telephone or in unrecorded conferences previous to the court hearing. The evaluation team considers it unlikely that thorough preparation and prior agreements between all parties adequately account for all cases where the CAU attorney does not speak in a hearing.

Courtroom Activities. CAU attorneys appear in court for each hearing held for cases the CAU represents; CAU social workers appear in court only where a CAU attorney requests that they be available for testimony (either previously arranged or contacted from the courtroom) or when a social worker decides to be available to provide information to CAU attorneys or the Court or emotional support to clients.



From interviews and discussions with CAU attorneys and social workers, the evaluation team has compiled a list of functions CAU considers important to and frequently employed in their representation of clients. Findings about these various functions have been drawn primarily from courtroom observations and interpreted in the context of the total evaluation.

Remain Silent in Court. Several factors suggest to CAU staff that their most effective role in some cases is to remain silent during a hearing. First, judges have before them the record of the case and clearly frown on repetition of information. Second, CAU seeks to support and encourage the work of the Department of Public Welfare rather than to antagonize them; therefore, CAU purposely lets the DPW representative lead the case and silently or verbally concurs unless there are serious disagreements. Finally, CAU attorneys are well aware that each of their clients throughout the day, the week, and the month is dependent in part on the good will maintained between the judge and the CAU attorney on a day-to-day basis. Therefore, attorneys take care not to antagonize judges during one hearing so as not to jeopardize the other twenty to forty cases heard as the day progresses.

Observation of the CAU in the courtroom indicates that the CAU's selection of this role has negative effects in two areas. First, most CAU clients interviewed and observed were not aware that they were represented in the courtroom by an attorney because the attorneys rarely spoke and rarely had contact with their clients. To the extent that clients' belief in the effectiveness of their representation is an important aspect of quality representation, the CAU's stylistic choice reduces their effectiveness. Second, CAU's stylistic choice has profound influence on their public profile. Many other attorneys and representatives of other social service delivery agencies who

regularly participate in Family Court proceedings observe the CAU participating minimally or not at all in many court hearings, and thus question the zealously of their representation. Judges and DPW representatives, too, become accustomed to the CAU as low-key actors in the courtroom. To the extent that CAU's public profile as an aggressive advocate is an important lever in achieving goals for individual and multiple cases, the CAU's stylistic choice reduces their effectiveness. It is the opinion of the evaluation team that CAU attorneys could well adopt a more consistently verbal, visible, and aggressive stance in the courtroom without sacrificing the good will of others with whom they interact in the court-social service system.

Offer new information to the Court. When new information of which the court has no prior knowledge is uncovered by CAU social workers or attorneys, the CAU attorney or social worker finds it important to enter this information into the record, either in written form prior to the hearings, or orally during the hearing. Observation and records review indicate that the CAU introduces unique information about clients and potential placements to the Court in a few cases, and in many cases corroborates or elaborates on information about clients and their families presented by DPW or other social agency representatives. CAU social workers generally appear in court when information concerns more complex analysis of children and families' psychosocial status. Records contain very few written reports that have been submitted to judges; those reports reviewed were prepared by social workers.

Call witnesses in their client's behalf. CAU attorneys perceive the calling of witnesses as an important part of representation of their clients. Observation and review of client files reveal that CAU attorneys rarely bring their own witnesses to hearings aside from the CAU social worker assigned to a case. Several privately hired psychiatrists were brought by the CAU to

testify in Domestic Relations cases, and several home and school visitors (truant officers) and other school personnel were asked to testify in truancy and other dependency cases. CAU social workers appeared to initiate requests for testimony from school personnel. A CAU attorney refused a social worker's request to bring a client's therapist to testify in Case Study #23. Most other witnesses who appear in Dependency Court are called by the Department of Public Welfare and other attorneys.

The use of CAU social workers as witnesses in clients' hearings poses interesting problems. To the extent that the CAU views its legal representation as a merged function of lawyers and social workers (as their division of labor suggests), a CAU social worker appearing as a witness is in effect an attorney appearing as a witness for the client he or she represents. Such would seem a clearly inappropriate role. Observation suggests that in the eyes of the Court, the CAU social worker testifies more as a guardian and a first-hand observer of the client's situation. In this role, the social worker does not necessarily advocate for the client's wishes but for the worker's perceptions of the child's best interests. But as a representative of the client, ought the social worker be considered an objective source of information? And can the attorney represent the client in the traditional sense if he or she is not carrying out all the duties of an attorney (including investigation and consulting with the client) independently of his or her fact witnesses?

The evaluation team observed that CAU social workers are generally effective in testifying in their clients' behalf and advocating for a particular disposition and placement.

Examine and cross-examine witnesses. Attorneys consider part of their expertise to be the skillful examination and cross-examination of witnesses

toward their clients' interests. As CAU attorneys rarely call their own witnesses in their clients' behalf, they usually must question only the CAU social workers who testify in court. The evaluation team observed that rarely did the CAU attorneys attempt to prepare their social workers for testimony, nor did they aggressively question the social workers during hearings. Rather, the social workers testified according to their own design and interacted with and responded chiefly to the judges.

The evaluation team did observe the CAU attorneys to cross-examine witnesses in several cases. The attorneys appeared well prepared and skillful in drawing out information and opinion important to their clients' interests.

Present to the Court a unified agreement among participating agencies.

Both to expedite court procedure and reduce animosity, thus minimizing trauma to children and families, and to encourage negotiation and cooperation among agencies and family members, CAU staff find it of great importance to come to court hearings having already mapped out unified plans and recommendations with families, the Department of Welfare, and other involved agencies. CAU staff perceive themselves to be successful in this effort, and consistently to achieve case objectives - the child's best interest - through this method.

Observation and study of case records corroborated by interviews indicate that the CAU and DPW do frequently present agreement on disposition of cases during hearings. Most often, the Department of Welfare attorney and case-worker present a case, make their recommendations for disposition, and the CAU either verbally concurs or remains silent. Observations suggest that many such agreements are worked out in hasty caucuses immediately preceding the court day. Such agreements are not necessarily inadequate, but may not provide opportunities to consider all factors in a case. CAU case records do

not present evidence of case conferences or telephone discussions which include CAU attorneys; CAU social workers frequently note conversations and meetings with DPW caseworkers and other social service agency staff, including discussions of DPW's information and recommendations. There is little written evidence of organized case conferences among multiple parties. Some Case Studies do indicate that CAU-DPW agreements evolved over time through active negotiations from originally disparate positions, a style of interaction quite in keeping with CAU objectives.

Cases were observed in which parties came to court with no unified plans and recommendations. In others, agreements broke down during the course of the hearing. Many such breakdowns occurred when some vital piece of information - such as a court recommendation for placement on a child's continuing absence from school - had been ignored by the CAU and DPW in making their recommendation. Others occurred because clients and families had not been apprised of plans and decisions, and were thus surprised, confused, and angered by the proceedings. In some cases, CAU attorneys and CAU social workers strongly disagreed about the direction a case should take.

There is some evidence and external opinion that the CAU's goal of presenting unified agreements with DPW supersedes its goal of representing the interests of its clients. CAU attorneys have upbraided CAU social workers for objecting to agreements even when social workers had evidence that a veneer of family stability was a false picture presented only to the Court. The CAU staff has not developed a clear set of case guidelines and goals, nor has the staff systematically developed and noted down independent recommendations before conferring with DPW staff. Thus neither CAU staff themselves nor the evaluation team can fully determine the independence and effectiveness of the chosen negotiation-agreement model of representation.

The CAU attempts to forge pre-hearing agreements with other agencies and service providers as well as with DPW. Observation, Case Studies, and file review indicates that CAU social workers carry on considerable communication with staff of agencies serving their clients and are frequently successful in coming to agreements about case recommendations. CAU staff frequently fulfill an educator role, explaining the court and legal system to social agencies with less experience in Juvenile Court, as in Case Study #19.

In some instances, adequate preparation was not undertaken to include other agencies in pre-hearing planning for placements (see Case A above and Case Study # 14) and in others, CAU interpreted other agencies' recommendations in court as a betrayal of previously arranged agreements (see Case Study # 3). As with the Welfare Department, in the absence of clear case goals and records of CAU recommendations, neither CAU nor the evaluators can assess the independence of CAU activities.

Request to represent additional clients. Where additional children in a CAU client's family appear to be at risk, CAU attorneys find it important to seek appointment as their representatives. CAU attorneys did request judicial appointment to additional siblings in a number of observed hearings. In most but not all cases, all siblings suffer from similar problems and require similar handling by the CAU staff.

Call for early review. Rather than file formal appeals, the CAU believes a more effective method of handling unsatisfactory dispositions of their client's cases is to call for early review and/or relist the case on the court docket before the next scheduled hearing. Courtroom observers viewed several cases during which CAU attorneys requested three-month rather than six-month reviews for cases which seemed to demand special vigilance. The evaluators did not observe any cases where, even after a disposition which

did not suit the CAU, attorneys requested the court to relist the case immediately, or where the case had been relisted at CAU request because of an unfavorable disposition. Nor did review of records reveal either internal notations of this procedure or formal written requests to the court. Apparently, the CAU can request the court to relist verbally and informally, but CAU records do not indicate when this may have been done. The CAU has not initiated appeals in any of its cases, but has participated in appeals brought by other attorneys.

In the absence of written or observable data, neither the CAU itself nor the evaluators can effectively monitor the unit's effectiveness in achieving its objectives on a case-by-case basis or in seeking redress where decisions unsatisfactory to their clients have been rendered. CAU staff present some inconsistencies in regard to this issue. One attorney stated that "we never have to appeal because we always get what we want," while another described the relisting-early review process as the most efficient and least damaging means of redress. As noted before, CAU records rarely indicate clearly what disposition was sought by attorneys in the courtroom; therefore neither the unit nor the evaluators can determine systematically if the unit "gets what it wants" in a significant proportion of cases. The evaluation team did observe and review some cases where the judge ruled against the recommendations of the CAU (See Case Studies #1 and #10). CAU's response seemed to be to wait until the next scheduled review to see where the CAU stood then. It is the opinion of the evaluators that CAU attorneys take a passive and nonspecific stance toward dispositions, preferring to watch developments in cases over the long run rather than pressing aggressively to have children placed at a specific place and time, with parents or away from

parents at a particular hearing. The CAU as a whole has not used the relisting or the appeal mechanism to press either for more or less state intervention, parental control, or institutionalization.

Advise court of conflicts. The CAU deems it a conflict of interest to represent children whenever their parents are represented by a Public Defender. In these cases, the CAU has a policy of pointing out the potential conflict to the judge. The evaluators observed in court that the CAU does point out potential conflicts in the courtroom whenever a judge fails to realize them, and there is no indication that the CAU represents children whose parents are represented by a Public Defender. In some cases, CAU must request to be removed from a case midway if criminal charges are pressed against its client's parents and they seek representation from a Public Defender. In these instances, the court will appoint another legal representative, usually one of the other two advocacy groups, to the child's case. As long as other advocates are available for this small group of cases, the conflict appears to pose no serious problems beyond the potential confusion and lack of security in the child's mind.

Other professionals see the entire relationship of the CAU to the Public Defender as a philosophical conflict of interest, and the evaluation team sees some validity to these viewpoints. The Public Defender is viewed as attempting to have all charges removed from clients, including defending allegedly abusive parents against such charges. The CAU is perceived as overly concerned with protecting the interests of parents rather than the unique interests of its child/clients, as in Case Study #11. And the CAU's mission to get needed services for clients could be seen as conflicting with the Defender posture. If the CAU is to remain a part of the Defender organization, these issues will need to be resolved.



Advise court of proper procedures. As part of its negotiating and brokering activities on behalf of clients, the CAU feels that its staff has particular knowledge of the proper procedures for accomplishing various ends. The CAU staff finds sharing this knowledge with the Court, as well as with other agencies, to be an important part of its function. Courtroom observation reveals that CAU attorneys do apprise the Court and other parties of proper procedures for arranging placement and services for clients when the court requests information or when CAU staff have new information. In some instances, CAU staff comment on court procedures as well, pointing out, for instance, when a client's parents are not represented by an attorney. However, on one occasion, the CAU attorneys failed to advise the court that a parent was not represented by an attorney.

Present the case from the child's point of view. The Child Advocacy Unit views itself as a unique representative of the child in the courtroom, differing from all other parties in that it presents the case independently of the interests of the court, the state, and child's parents, and only from the child's point of view. While the CAU social workers in many cases offer a personalized and sensitive helping and investigative service not generally found in the welfare and court system, at this time the CAU does not offer a viewpoint in the courtroom that is significantly different from that of the judge and the DPW representative. That is, the judges, the CAU, and DPW express concern about the welfare of the child but are basically supportive of state intervention, institutional treatment, separation from parents of children in danger, and the ultimate reuniting of children and their natural parents.

Neither a particularly personal relationship with the client nor a particular familiarity with a client's life situation appear to be a part of

courtroom representation unique to the Child Advocacy Unit at this time. Courtroom observation and study of records indicates that, except for Domestic Relations cases, what the child him/herself wants is only rarely a subject introduced into the hearing by any party, including the CAU. Attorneys have rarely met with their clients outside the courtroom, except for brief conversations immediately after appointment or before the next hearing. CAU social workers more likely have met personally with most clients, but do not appear or testify at most hearings, and do not include reports of the child's expressed wishes in all cases. Judges seem to have developed more rapport with some CAU clients than have the CAU attorneys who represent them in court.

The CAU intends to represent a case from the child's point of view by ensuring that cases are not continued unnecessarily, that children's cases are not left without review for many months, that children are placed in the least restrictive environment, and that children separated from their parents maintain contact leading to their eventual return. Evaluators observed that CAU attorneys in the courtroom do make efforts in these directions for some clients. CAU attorneys frequently ask for periodic review dates to be specified in court, for scheduled parent-child visitation to be specified where the judge orders temporary separation, and for children to receive outpatient rather than inpatient psychological or educational evaluations where possible.

However, observation, records review, Case Studies, and time series analysis indicate that, given their large caseload, CAU staff have not implemented effective strategies to achieve their objectives for child-centered representation. Many CAU cases, even with specified and regular court review hearings, continue to drag on for months and years without resolution. Case B,

repeated from above, illustrates the protracted nature of many truancy and incorrigibility cases even with CAU representation and the CAU's failure to accomplish a less restrictive outpatient neuropsychiatric evaluation before residential placement was ordered.

Case B:

At this child's eighth truancy hearing in little more than a year, the CAU attorney seemed unaware that an obese eight-year-old girl was to be immediately placed in a residential school for educational and emotional evaluation. Although the Court had ordered seven months previously that DPW be ready to place the child if her attendance did not improve by the next hearing, neither the mother nor the child appeared to be at all prepared for their imminent separation. There was no record of any previous attempt by the CAU to accomplish the court-ordered neuropsychiatric evaluation on an outpatient basis. CAU staff had not been in contact with the child outside of court for a year.

While the court staff does initiate some strategies to prevent additional hospitalization of their clients (as in Case Study #19, where a social worker successfully counseled a client to take medication to prevent additional psychotic episodes), the CAU recommends institutional placement for many of its MH/MR and incorrigible clients, even if the clients have a strong aversion to placement (see Case Study #19 again). The CAU clearly rejects a child-libertarian approach by accepting that many liberty-curtailling settings are appropriate for many of their clients - secure lock-ups for incorrigible teenagers, institutional placements for mental health and mental retardation clients, and separation of young children from their parents during investigation and treatment of abuse and neglect. With the exception of the CAU's consultation to those developing an adolescent program at the Philadelphia State Hospital, the unit has not initiated or participated heavily in efforts to create less restrictive settings and protective services for clients.

Two Case Studies suggest that the CAU's courtroom practice has not yet implemented policies which make the connection between protective separation and the eventual reuniting of children with their natural parents that is the cornerstone of CAU's policy. In Case #3, eleven-year-old Sherry was noted as suffering from psychosocial dwarfism, failure to utilize nutrition in a non-nurturing environment. A court hearing was held to determine custody of Sherry given the apparent unfitness of her mother. The CAU attorney emphasized in the courtroom the importance of maintaining the close bonds between Sherry and her distraught and possibly alcoholic mother, who complained bitterly during the hearing that her physical infirmities and lack of funds had already made it difficult for her to visit her daughter across town. However, several months later Sherry had been placed by DPW in foster care outside of Philadelphia, her family did not know where she was, and the CAU had no staff assigned to her case. Clearly the CAU had not taken the proper steps to insure reunification of this family in some clearly defined time period, or to assist in arranging a new permanent family for Sherry if her mother was considered incapable of change. Similarly, in Case Study #11, the CAU client Aaron had remained in temporary foster care for all 2 1/2 years of his life. CAU records indicate staff indecision and vacillation in regard to the prognosis of eventually reuniting Aaron with his fourteen-year-old mother, who visited him regularly but had made little progress in gaining maturity and responsibility. Nonetheless, in court the CAU has spoken out strongly against removing Aaron permanently from his natural mother when the mother has not gotten the services she needed. The CAU has not represented the case uniquely from the child's viewpoint - a child who reportedly does not relate well to a mother he has virtually never known - nor has the CAU promoted and carried out any specific plans for achieving case goals in a specified time period.

Lawyer - Client Relationships. As a multidisciplinary agency, the Child Advocacy Unit has heretofore operated on a model of cooperative division of labor. Observation, review of case records, Case Studies, and CAU staff interviews indicate that attorneys have generally viewed CAU social workers as the appropriate contact with CAU clients. Attorneys expect social workers to meet with clients, gather firsthand information about clients' histories and family environments, investigate and plan for placements and treatments, and maintain contact with clients' treatment facilities. Attorneys report that they generally speak with clients immediately after CAU is appointed to represent them, but with the exception of one attorney specifically assigned to mental health/mental retardation commitments, attorneys do not meet with most clients outside of the context of a court hearing.

As noted above, observation indicates that attorneys do not demonstrate close relationships with clients in the courtroom. Attorneys are polite, but generally do not relate closely to or communicate with their youthful clients and do not appear to have a particular familiarity with clients' desires or life situations. Clients interviewed for Case Studies frequently reported that CAU attorneys introduced themselves after court hearings, but then had no further contact, and clients often didn't know who was representing them in subsequent hearings and had not talked with their attorney before hearings. Some clients thought that the CAU social worker handling their case was in fact their attorney; other clients didn't know they had an attorney in the courtroom. The CAU "zone system" of representation - assigning attorneys to a whole day's court docket rather than to individual cases from their start to their finish - may make meaningful attorney-client relationships impossible.

Child Advocate Unit attorneys have not sought to develop the kind of attorney-client relationship described in the IJA-ABA Juvenile Justice Standards (1976, adopted 1979) and discussed in Volume I of this report. Specifically, attorneys do not confer with their clients (Standard 4.2a), do not feel bound by their client's definition of his or her interests in the case (3.1(b)ii,a), do not ask for the appointment of an independent guardian ad litem when their client is incapable of judgment (3.1(b)ii,c.) and do not allow clients to decide whether to testify in their own behalf (5.2a). Rather, attorneys function somewhat more like guardians ad litem as described by Makaitis (1978:252-253), seeking to protect the best interest and general welfare of the client, and serving as a sort of officer of the court. CAU attorneys depart from the traditional role of guardian ad litem in that they view their role as a merged function, with the CAU social workers fulfilling the investigation role considered by Fraser (1976) and others to be so crucial to the effectiveness of a law guardian. As described above under the Case Files and Case Preparations sections, the CAU has not implemented procedures to ensure the successful merging of social worker investigations and attorney courtroom representation. Representation does not come up to the ideals of a uniquely child-centered advocacy set forth by the agency.

During the evaluation period, CAU staff identified their dissatisfaction with the attorney-client relationships that agency procedures produce, and have initiated steps to bring representation to IJA-ABA Standards. CAU social workers view attorneys as feeling too self-important to bother with the lowlier tasks of relating to clients and families, and thus don't demonstrate the personal investment in clients that social workers feel. Because attorneys often spend only one full day a week in court, and that day may end at 2:30 p.m., attorneys seem not to share equally in the heavy burden of investigating and planning for nearly 1500 children a year. Attorneys feel

that social workers often don't deliver to them material of sufficient quantity and organization to allow good representation in the courtroom, leaving them without adequate knowledge of clients. The evaluation team sensed that attorneys often resent the close human contact and client feedback enjoyed by the social workers and feel somewhat alienated by the assembly line nature of their courtroom work. The agency has been gradually instituting a different assignment system, giving attorneys responsibility for representing some clients throughout their court contact, thus stimulating a heavier investment and deeper familiarity with their cases. It is the opinion of the evaluation team that this new system has the potential to encourage attorneys to develop a more personal interest in the clients, a more aggressive courtroom style, and a deeper sense of satisfaction in their work. However, care ought to be taken to avoid blaming past problems exclusively on the social work staff and to carefully work out new interdisciplinary procedures that increase the personal, child-centered nature of representation offered by all staff.

## Field Operations

Case Preparation The concept of case preparation serves to illuminate the disparity between the perspectives of CAU attorneys and social workers. To the attorneys, virtually all social work activities appear to fall under the rubric of case preparation for court hearings; that is, attorneys see the focus of CAU's mission to be what happens in the courtroom, and they want the social service department to provide them with all necessary information and extra-agency contacts necessary to acquit themselves professionally. The social workers have developed two alternate perspectives, both based on dissatisfaction with the passive role CAU attorneys have adopted in the courtroom. First, some social workers have come to view the courtroom experience as the least vital to the ultimate advocacy for the child. While these workers seek diligently to complete adequate investigations before scheduled court hearings, they perceive the extra-courtroom counseling and negotiating for services as far more beneficial in the long run than any decision rendered in the courtroom. On the other hand, some social workers have focussed considerable attention on social advocacy in the courtroom, believing that their own vigorous, personal testimony during some hearings is as essential as fieldwork, and that simply providing information to attorneys is inadequate. These staff persons have been criticized for emphasizing a few cases over the demands of the total caseload. While each of these perspectives appears to be adaptive to the style of courtroom representation adopted by CAU attorneys, neither serves to foster close and fruitful relations between CAU attorneys and social workers or to clarify what preparation and activities are needed to represent each case.

During the final few months of the evaluation, social workers began to protest the case routing system by refusing to accept cases which were sent to them a day or two before the scheduled hearing. The evaluators came across several case files which contained notations to this effect, and observed one case in court where



the CAU attorney was surprised to discover himself with insufficient information to represent the case because the client and family had not been reached by the CAU social worker (the CAU attorney had obviously not prepared enough to discover this omission before the hearing). Social service staff estimated that 5 to 10% of cases receive no social worker attention prior to their court appearance. Case file review suggests that this is accurate. Staff do not feel that the social services unit has the power within the organization to make the routing system more efficient or to reduce the social worker case burden to manageable preparations.

The four cases cited in the Courtroom Operations section (Case A and B, Case Studies #9 and #14) as evidence of inadequate case preparation apply as well to this discussion. In these cases, either the CAU had not prepared clients for imminent separation from their families, or had not developed and presented a unified, multidisciplinary approach to a case.

In general, Case Study selection criteria removed from intensive review most cases which did not have intensive social work involvement. One Case Study does illustrate how inadequate field activity on a case may negatively affect CAU representation. In Case Study #3, Sherry was well represented before and during her court hearing, with both social work staff and attorney aggressively planning for her future and vigorously questioning witnesses who testified. However, after the original planning broke down and her temporary guardian could no longer care for her, no further attempt was made by CAU staff to keep her in contact with her very troubled mother, nor to continue monitoring the case; eventual reunification of the family became more remote.

Observation and case file and records review suggests that, overall, the CAU social service department maintains an extremely high level of efficient

activity, managing to carry a caseload which would be impossible to individuals of lesser motivation and determination. Most cases coming to court have been studied to some degree by CAU social work staff. Most clients and families have been personally interviewed by social workers, although not necessarily before each of their court hearings. In most cases CAU social workers have made contact before each hearing with key staff from other involved agencies, many through personal interviews and more often via telephone.

Outside criticism of the CAU social service staff centers around the social workers' method of extracting client information by telephone from DPW caseworkers and other involved social agency staff just before court hearings, after which CAU attorneys present this material in court as CAU's independently derived investigation. While it is clearly ill-advised to misrepresent the independence of investigations, it is the opinion of the evaluators that CAU social workers would be physically unable to investigate each case thoroughly and independently before each hearing. The evaluators concur with the CAU's current attempts to 1) bring together social workers and attorneys to develop a policy for deciding which cases need complete and on-going social worker involvement; 2) to increase attorney participation in case preparation; 3) to decrease caseload where possible; and 4) to develop a more realistic projection of what continuing case involvement can be maintained by the unit.

### Field Activities

Investigation. The CAU's concept of investigation has undergone some changes in the course of their several years of operation. From the beginning, the unit included at least one investigator, modeled along the lines of the investigative function in the Public Defender's office and filled by a retired police officer. This and later a second investigator's role was to

study the petition that brought the case to court and verify the facts therein. It appears that gradually CAU staff became more psychosocially oriented and thus less satisfied with the unidimensionality of the investigative role. By the time the evaluation began, there was general staff agreement that the facts of a case were indivisible from the client's more global life situation, and that all cases demanded the skills and sensitivity of a professional to understand families and move them towards some goal. The unit may also have been responding to the relative lack of importance given by the Civil Court to proving and defending against the facts of an incident in favor of stressing the overall life condition of the child. The two investigator positions were phased out before the evaluation was completed; one social worker was added.

Although the two investigators were phased out, demands for factual information about clients and their families have not decreased. At the start of the evaluation, written case routing procedures specified that general abuse, neglect, and truancy cases should be routed to the investigators for fieldwork and recommendation, and that more complex cases, including abuse of a retarded or disturbed child, abuse by a retarded or disturbed parent, serious neglect due to a mental, emotional, or addictive problem, and truancy compounded by other problems, should be routed on to a social worker. In addition, social workers were to handle all incorrigibility, sexual abuse, mental health/mental retardation, and domestic relations cases. With the departure of the two investigators, social service staff assumed complete responsibility for investigating all cases. By the end of the evaluation period, the CAU staff seemed to recognize the overly heavy demands on social workers and began developing a mechanism for attorneys to assume more responsibility for preparation of cases before hearings. As mentioned above, the evaluators concur with this development.

CAU's social service operating procedures, still in draft form at the time of the evaluation, outline an extensive list of tasks to be completed and inquiries to be made towards the goal of obtaining as much information as possible, and becoming "as familiar with the case as possible, so that the Child Advocate will be utilized as a major contributor to the case." Knowledge is power in the dependency court; that is, whichever party can bring the most and best information to the judge is in the best position to influence the course of events. The CAU has a good reputation for providing information to the Court; observation suggests that the CAU does at times present new information in a hearing, information that was most likely obtained by social workers.

Ideally, according to the draft operating procedures, a social worker assigned to an abuse case should interview in person the parents, neighbors (if necessary), the person who filed the complaint, any involved relatives, and the child (if older than an infant). From these sources, approached within a non-threatening atmosphere of confidentiality and calmness, the social worker ought to elicit a picture of the family's background and composition, the health and state of mind of the child in question, school history, the family's style of discipline and its appropriateness, the validity of the alleged abuse incident, and of the parents' perception of their child's behavior. CAU social workers try to create an atmosphere where parents can let their hair down; observation suggests that they are quite proficient at doing so. Still workers say that parents almost always deny abusing their children at first. In addition, the social worker is to make telephone contact with involved physicians and nurses to learn the particulars of the child's physical condition and any statements made subsequent to

the alleged abuse, and with the Department of Public Welfare and other involved agencies to learn the history of the case and the role other agencies are playing. Finally, the social worker is to gather a dossier of all pertinent records, contact potential witnesses among police school personnel, and friends, and prepare a report for the CAU attorney. All of this fieldwork is to be accomplished within five or six days (before the required hearing ten-days after the filing of the petition) for nearly 300 abuse cases per year plus the 1200 additional cases handled by the CAU annually. Similar written operating procedures in draft form exist for sexual abuse and mental health cases, but not for the remaining case types. It appears that similarly high expectations exist for other case types as well, with the possible exception of truancy cases.

Investigation of cases is an area that overlaps heavily with the work of the Department of Public Welfare and other public agencies. While it is true, as one CAU staff member stated, that responsibility for investigation of alleged abuse and neglect falls not to the CAU but to DPW, investigation of truancy to the School District, and investigation of MH/MR cases to the base service units, clearly it is impossible to be an independent advocate for the child without independently studying the case apart from the influence and interests of the state and parents. It is the opinion of the evaluators that 1) CAU social workers are particularly adept at eliciting information from clients, families, and involved professional personnel, but that 2) caseload makes thorough investigation of every case virtually impossible and 3) beyond improvement of general efficiency of the unit by improving attorney-social worker relationships and redirecting clerical staff towards assisting social workers to improve record-keeping, there are no effective means to extract more work from the social service staff. Thus 4) CAU ought to continue efforts to reduce caseload, increase attorney participation in case

preparation, and develop a rational policy for deciding the necessary level of CAU participation in cases.

Planning and Recommendations. According to CAU social service operating procedures, planning is the second major function after investigation/discovery. The planning task is first to assess and then to fill the needs of the child and family, seeking to answer whether the child is safe, whether his/her emotional, physical, and psychological needs are being met, and whether the parents are emotionally stable. These questions are to be answered by observation, interview, and gathering information from other agencies that have had instrumental contact with the family. Social workers are cautioned to be objective, to look towards both short-term and long-term goals, and to approach all parties with a non-antagonistic attitude. After assessment of needs, setting of goals is to be done in conjunction with CAU attorneys and DPW or other involved social agencies.

Absent from these operating procedures, and from the agency as a whole, is a clear understanding of what substantive goals and objectives CAU is to pursue for its clients, and a forum for resolving inevitable conflicts. First, the procedures introduce pursuit of the child's wishes as a major objective of planning and recommendations. Protecting the child, and "establishing a plan consistent with what the parents, child, and social service agencies such as DPW want" are simultaneously put forward as goals. As described in the Context volume of this report, these goals are neither simple nor necessarily complementary. In fact, the very justification for having an advocate representing these children is that any decision demands the weighing of these often discordant viewpoints. Both in formal and informal interviews, CAU social service staff described the shaping of recommenda-

tions as a search for what is in the best interest of the child. Practically, then, what the child wants is only one aspect staff consider in determining case goals; social workers relate that most parents want to keep their children at home, abused and neglected children want to return home even to environments CAU staff may view as dangerous, and most truants clearly do not want to go to school.

It appears that social workers exercise wide latitude and relative autonomy in their decision-making, and that guidelines for weighing these potentially conflicting interests do not exist. Furthermore, social workers generally do not keep records describing their decision processes; nor does there exist a clear hierarchy of goals to guide workers in their decision. In Case Study #1, the CAU did not want James removed from his home despite a physician's attesting to the suspicious nature of the child's injuries. Apparently the mother's willingness to accept counseling was the convincing element to the CAU, but not to the judge. The social worker did not describe in the records how he chose family unity over protection in this case. Clearly the child's protection is the foremost concern in many CAU cases (e.g. Case Study #3). Case Studies #8, #9, #11, and #22 exemplify the CAU's lack of unified goals for families - social service staff and attorneys disagreed on the handling of cases - and point out that while social workers are basically free to recommend what they will, these recommendations are not always carried into the courtroom.

A second concern is the diagnostic skill of the CAU social service staff. According to social service operating procedures and interviews with CAU staff, social workers are expected to determine the emotional stability of parents, the reliability of children's statements, and the general progn-

sis for the family. The evaluators found the social workers, without exception, to be individuals of high motivation, genuine concern for their clients, and unusual abilities to elicit trust and openness from parents and children alike. However, it is questionable whether CAU's cadre of non-professional social workers - those four without advanced degrees - are academically and professionally qualified to make the aforementioned assessments. Several operational factors suggest that these diagnostic tasks should be in the hands of more highly competent persons. First, CAU social workers rarely use outside professional consultants to evaluate the emotional stability of families (CAU often makes use of educational and psychological evaluations prepared for its clients). Thus the CAU's recommendations are frequently based only on their internal assessments. Second, non-professional social workers are not heavily or consistently supervised by staff professionals; at the end of the evaluation period, the Director of Social Services expressed his recognition of this need and outlined a more thorough supervision program to be implemented. Finally, while it is the function of the judge to make decisions about these cases, recommendations made by CAU social workers are important to the eventual future of the families involved. CAU attorneys are usually dependent on social workers for information about families and usually for recommendations as well. As described above, although attorney-social worker conferences are mandated in the operating procedures, in fact they are infrequent, irregular and informal, so that recommendations are usually not developed jointly. And if a CAU attorney does not recognize a need to differ from the recommendations offered to the Court by DPW, it is highly unlikely that any but the DPW position will be voiced. Thus the conduct of social service planning ought to be in highly qualified hands. The CAU has found, however, that master's level social workers are usually unwilling to assume the extremely heavy caseload and the



generally low status role afforded them by the CAU. Clearer agency goals, further supervision, and more professional input could well assist bachelor's level social workers to be highly competent in their tasks; redirecting agency resources might help to attract more M.S.W.'s.

Counseling and Other Direct Services. The evaluation team heard repeatedly from CAU staff that the CAU does not provide social services, but rather arranges and advocates for them. Observation suggests that CAU social service staff does provide a great deal of what could rightly be called counseling, and that this is a function crucial to their task. Certainly a large portion of their work consists of ensuring that providers deliver the services which clients need, are ordered to receive, or to which they are entitled. However, a second large factor in this equation is convincing clients and families to make use of services and to minimize public intervention in their lives.

Several Case Studies illustrate the kinds of counseling CAU social workers do. In Case Study #19, David had been committed temporarily to a psychiatric hospital, and after returning to his group home, he refused to take medication prescribed to control his paranoid fantasies. According to the group home staff, the CAU social worker was the only person able to persuade David that he must take his medication to avoid certain and undesired return to the hospital. Case Studies #8 and #12 describe CAU social workers' attempts to help clients face up to problems with their mothers and to convince them to accept professional therapy. In Case Study #24, a Domestic Relations (Custody and Visitation) case, a CAU social worker talked with Mark to help him decide which parent he wanted to live with. Not all such counseling attempts are as successful, however.

The CAU provides some other direct services but struggles to avoid responsibility for others. CAU social workers seek to interpret court decisions to their clients, because court hearings can be vague and frightening to the uninitiated. And as in Case Study #13, when a CAU social worker personally escorted Charlie to a new school, CAU staff sometimes provide both emotional support and physical impetus to clients facing new and potentially threatening situations. Because of these precedents, judges attempt on occasion to use the CAU as a transportation service, for instance, driving mental health clients to psychiatric facilities after their commitment hearing. While the CAU finds these chores completely inappropriate, staff will sometimes comply in order to reduce stress and delay for their troubled clients. CAU staff must frequently explain the limits of their appropriate roles and responsibilities to court personnel.

Brokering. Middleman and Goldberg (1974) describe brokering as the oldest social worker role. Brokering is the linking up of clients to existing resources; in the absence of a strong courtroom presence, it is the major activity of the CAU. Both before and after court hearings, CAU social workers are active in seeking out services that match both their own and the court's perceptions of client and family needs. Workers have a rich knowledge of available services, and individual workers have developed personal relationships with a wide number of agencies. However, structured interviews with outside agency personnel revealed that many agencies desire closer official contact with and regular training sessions from CAU staff. Staff would like to further this "noncrisis-oriented intersystem collaboration" (Middleman and Goldberg, 1974:69), but lack the time to do so.

Theoretically, the CAU desires to have service plans well established before court hearings because they believe this to be in their clients' and their agency's best interest. Clients who have been having difficulty in

school - truancy or behavior problems - will appear in a better light before the judge if arrangements have already been made for the client to attend a new, more appropriate school setting. Case Study #13 illustrates CAU's attempts to get Charlie settled in his new placement before the court hearing; while this is not a case where CAU initiated the move to the new school, a CAU social worker accompanied Charlie to the Center to help develop a program tailored to his needs. Similarly, in Case Study #5, a CAU social worker assessed Kelly's family's need for therapy in regard to the father's sexually abusing his daughter, and secured an agreement from the Peters Institute to accept the family as clients. The family's willingness to undergo treatment, coupled with the arrangements for therapy to commence, clearly reduced the possibility of court-ordered fracturing of the family and helped the CAU to appear affective. Case Studies #15 and #18 describe other clients on whose behalf the CAU expended considerable effort to find and secure suitable placement.

While brokering can at times be straightforward and simple, observation and interviews with CAU staff indicate that it is more often an activity fraught with pitfalls. First, successful brokering often requires friendly persuasion to open up beds or slots for CAU clients ahead of others on waiting lists or to convince agencies to accept clients with long, troubled histories. The CAU seems to depend on three factors to boost its persuasive powers: the interpersonal skills of its staff; a history of particular care and concern for clients previously placed with an agency and/or a generally good reputation for child representation; and the implicit power of the Family Court which CAU shares by virtue of its close relationship. Each of these factors is impermanent and changed by the eyes of the beholder. Closeness to the Family Court, especially, can be seen either as a sin or a virtue, as described in the context report.

Second, brokering is not always a one-shot deal. Services painstakingly arranged often fail to materialize either because the client or the agency reneged or the Court ordered something different. And clients outgrow services that were originally appropriate. Thus social workers must work and rework plans and contacts; time constraints seriously limit workers' abilities to continually monitor case programs.

Third, brokering truly represents the contiguity of CAU and Department of Public Welfare roles. After each agency has made recommendations, or more likely after CAU has concurred with DPW recommendations, the Court orders a decision and there is frequent confusion about which agency will make the decision happen. Cases A and B included in the Court Operations section above describe cases in which neither DPW nor the CAU (nor the Court) had made arrangements to have the judges' orders carried out. In Case Study #22, both agencies had worked hard to find an appropriate placement for Gary, but even after the court order, DPW failed to work out financial arrangements with the selected agency. CAU's policy of supporting and not criticizing DPW makes their brokering task especially ticklish when DPW has failed in its responsibility to arrange for services. In most cases, CAU social workers and DPW caseworkers have tried to work out mutual protection systems, by which one agency forewarns the other of impending crises; sometimes this arrangement fails, and both agencies are embarrassed in the courtroom. Overlap of duties between the two agencies (and the court itself) is very evident in this area; if the court and DPW were effective in arranging for needed services, the CAU would most likely not exist.

Finally, many needed services simply do not exist. Middleman and Goldberg (1974) describe the creating of new resources as the third function of a

broker. Although the CAU does uncover the need for resources that don't exist (Case Study #20 describes the need for facilities which could care for Richard, a boy who is both mentally ill and mentally retarded; Case Study #21 illustrates Betsy's need for a 24-hour adolescent psychiatric facility), the CAU has not been instrumental in generating or stimulating the development of these resources.

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Mediation. Middleman and Goldberg (1974) describe the role of mediator as helping "parties in conflict to rediscover their need for each other, thereby freeing them to contribute to each other's welfare" (p.59-60). Domestic Relations cases (Custody and Visitation) provide the CAU with most demands for mediation. In Case Study #25, the CAU served as a go-between for the two sides of a divided family, helping Billy and Jimmy's family to settle at least some of their conflicts out of court. Although the CAU attempts to mediate in other cases, staff are sometimes unable to reduce bitterness and antagonism. Both sides are not always equally righteous, and even the mediator must eventually take sides, as in Case Study #26. In addition to Domestic Relations cases, social workers frequently act as mediators in order to reestablish strained but crucial relationships between client families and DPW caseworkers or school officials.

Mediation is a task particularly well suited to the goals of the Child Advocacy Unit. As described above, investigation and brokering, both activities which overlap heavily with the responsibilities of the court itself and other public agencies, consume most of the CAU's time and energy. The CAU reluctantly discontinued representing children in Domestic Relations cases. It is the opinion of the evaluators that tentative steps should be taken to develop, with the assistance of the Family Court, a funded program for repre-

senting children in Domestic Relations disputes, one which could provide additional staff to the CAU.

Advocacy. Thus far, the Child Advocacy Unit has not engaged in activities which fit under the more aggressive definitions of advocacy outlined in the Issues section of the Context report. Middleman and Goldberg (1974) describe advocacy as an escalation of problems which should only be pursued if brokering and mediation fail. In their scheme, advocacy presumes that the target of attention is an adversary. The CAU has taken care to avoid labeling any parties as adversaries (except perhaps other child advocacy groups), and seeks always to use friendly persuasion, sometimes bolstered by the ever present possibility of further court intervention, to assist their clients. Some staff feel constrained by this position, and desire to pursue changes more aggressively.

The CAU has participated in a minimal way in the shaping of legislation, testifying in public hearings and making known several philosophical positions regarding the management of abused and neglected children. This level of activity could hardly label the CAU as "protagonist of legislative or policy change" as Levy (1974:41) described one advocacy role. Similarly, while the CAU has participated in group meetings to bring about changes in court procedures, to develop new mental health services, and to coordinate the city's advocacy activities, the CAU has not taken a leadership role. The Child Advocate is known to be a dramatic and eloquent public spokeswoman for the representation of dependent children, but the unit as a whole has not developed this role nor directed it toward specific goals. Given that the CAU's courtroom presence is not an aggressive one either, as described above, it is no surprise that the CAU does not fulfill the advocacy role that their title suggests.

At least part of the problem may be a semantic one. Davidson and Rapp (1976) among others accept under the definition of advocacy the garnering of resources by friendly persuasion and the educating of agencies about the needs of clients, both roles assumed by the CAU and described above. Similarly, Brophy, Chan, and Nagel (1974) understand advocacy as the kind of counseling activity carried out by CAU social workers. It is the opinion of the evaluators that if the CAU could demonstrate the effectiveness of its activities, and if the agency presented a more realistic view of its goals, then their use of the word "advocacy" might be perceived as more appropriate to the style they have adopted.

## PART III: RECOMMENDATIONS

### Policy Issues

1. The Child Advocacy Unit should establish an active Advisory Council of professionals in the fields of advocacy, social welfare, and juvenile justice.

Whether the unit remains a part of the Defender Association or becomes a separate entity, the complexity of policy issues the unit faces demands steady, thoughtful input from professionals in the community. The policy Advisory Council may be a governing body or a think-tank group to assist CAU staff in setting goals and objectives, evaluating operations on a case-by-case basis, and improving the unit's public stature as a strong advocacy group. The CAU should seek to include a broad range of active advocates, agency personnel, and academicians.

2. The Child Advocacy Unit should create a stronger impression of separateness from the Family Court.

A strong impression of independence is a crucial aspect of legal representation. The CAU should seek physical separation, either by moving to quarters outside the Family Court Building, or arranging to carve out a psychologically more distinct, accessible, and unified presence within the court building. In addition, CAU staff should downplay their image as part of the courtroom staff during hearings and emphasize a close relationship with their clients.

3. The Child Advocacy Unit should strengthen the child-centered nature of their representation.

Various policy decisions could accomplish this task:



- Resolution of role ambiguity between representing child's best interests and advocating for the child's stated wishes.
- Adoption of a more aggressive courtroom posture.
- Resolution of attorney-social worker conflicts to strengthen intra-organization communications.
- Pursuit, along with other advocates, of changes in court procedures towards accommodation of children and families and their counsel.
- Resolution of goal confusion regarding children's long-term interests versus natural parents' interests (crucial especially if the unit remains as part of the Public Defender).
- Development of an active strategy to alter unfavorable dispositions either administratively or by appeal.

#### ORGANIZATION

4. The Child Advocacy Unit should pursue new funded programs for representing children in Domestic Relations (custody and visitation) disputes.

Domestic Relations disputes demand the mediation skills the CAU has developed, and representation of these cases has been stimulating for CAU staff. Heavy caseload has forced the CAU to discontinue representing children caught in these disputes.

5. The Child Advocacy Unit should resolve the schism between social workers and attorneys.

Status, role, and ideological differences between social workers and attorneys impede the exchange of information with the agency and the pursuit of clear case and agency goals. With the assistance of a professional Advisory Council, the unit could create an open forum for the struggle to create a truly multidisciplinary unit. Realignment of office space could be a first, simple step.

6. The Child Advocacy Unit should institute measures to ameliorate staff stress and burn-out.

Various measures could serve to improve staff morale and the work environment, including:

- Scheduling structured respites from intense client contact by developing a class advocacy or appeals program.
- Developing measures of successful representation to provide feedback about staff accomplishment.
- Developing a shared, diffuse sense of responsibility for client outcomes.
- Clarifying case and agency goals.

7. The Child Advocacy Unit should clarify the lines of authority between the administrative, social services, and legal sections.

Internal power struggles currently prevent the unit from operating at peak efficiency. All sections are crucial to the organization, but resources and responsibilities should be evenly divided and directed toward the unit's goals.

#### OPERATIONS

8. The Child Advocacy Unit should determine what size caseload the unit can adequately represent and seek to control caseload accordingly.

Various measures could assist this endeavor, including:

- Developing, perhaps with the court, a rational policy for determining which cases need what degree of CAU involvement.
- Measuring the real extent of social worker, attorney, and administrative involvement in current cases.
- Increasing attorney involvement in case preparation and monitoring.
- Working with other public agencies, advocacy groups, and legislators to reduce the number of non-delinquent cases brought to court.
- Defining the extent of follow-up monitoring CAU can reasonably provide, and mobilizing other agencies to perform what follow-up functions the CAU cannot provide.
- Scheduling a steady flow of social work interns.

9. The Child Advocacy Unit should improve the quality of its courtroom representation.

Various measures could contribute to a higher standard of representation:

- Attorneys should move towards a caseload rather than a zone system of representation, thus increasing their familiarity with their clients, encouraging personal contact with clients both preparatory to and after hearings, and increasing attorneys' satisfaction with their work.
- Attorneys should assume a more consistently visible, verbal and aggressive courtroom presence.
- Attorneys and social workers should implement consistent and predictable conferencing to develop unified short and long-range goals for their clients.
- Attorneys should make more use of outside witnesses on their clients' behalf, and should prepare CAU social workers for their courtroom testimony.
- Attorneys and social workers should seek to avoid the striking of last-minute agreements with the Department of Public Welfare and other agencies in favor of less pressured discussions which could allow all factors to be considered.
- Staff should apprise clients and their families of CAU recommendations to be made and results and ramifications of court hearings.
- Attorneys should devise a better method of handling unfavorable dispositions, and should systematically compare client outcomes, recommendations, and dispositions.

10. The Child Advocacy Unit should clarify what goals it will pursue on behalf of its clients.

The unit should clarify goals and objectives which are currently unclear and inconsistent in the following areas:

- Decisions to recommend removal of children from their parents.
- Definitions of "family" to be maintained or reunified.
- Methods to implement reunification of families.
- Recommendations for secure placements for non-delinquent youths.

In addition, the CAU should participate with other agencies to develop alternatives to temporary removal and placement of children.

#### RECORD-KEEPING

11. The Child Advocacy Unit should improve its case file system to provide an adequate basis for information exchange and courtroom representation.

Case files should include:

- Intake forms with client and family information.
- Systematic format for chronology of clients' cases.
- Systematic format for chronology of CAU activities.
- Attorneys' notes of case goals, courtroom recommendations, and hearings.
- Social workers' notes of case goals, client and family evaluations and needs, and brokering activities.
- Records of inter-disciplinary conferences.
- Records of discussions and negotiations with the Department of Public Welfare and other public and private agencies.

12. The Child Advocacy Unit should gather data sufficient to evaluate the effects of its own activities.

The CAU must consider its own information needs in designing a more effective data collection system. The chief constraint is staff time, a costly and scarce commodity. However, it is essential that the unit, both for its own health and its continued financial support, begin to establish a solid record of its work.

Important information should include:

- Accurate, efficient, and accessible tallies of case data as described in Part II of this volume.
- Records of staff time allocated to cases, preferably by case type.
- Reliable ratings of success/stasis/failure in case outcomes.
- Substantive and systematic review of a sample of cases by staff and Advisory Council.

## REFERENCES

ARGYRIS, CHRIS and Donald A. Schon

1977 THEORY IN PRACTICE, San Francisco: Jossey-Bass Publishers

BROPHY, M.C., A.C. Chan, and R.J. Nagel

1974 THE ADVOCATE COUNSELING MODEL, unpublished manuscript, University of Wisconsin (1974), cited in Davidson and Rapp (1976).

BROSS, DONALD D.

1978 Legal Advocacy for the Maltreated Child, 14 TRIAL 29 (1978).

COOPER, C.L. and J. Marshall

1978 Sources of Managerial and White Collar Stress in Cooper and Payne (eds.) STRESS AT WORK, New York: Wiley.

COOPER, C.L. and R. Payne

1978 STRESS AT WORK, New York: Wiley.

DAVIDSON, WILLIAM S. and Charles A. Rapp

1976 Child Advocacy in the Justice System, SOCIAL WORK May (1976).

FRASER BRIAN G.

1976 Independent Representation for the Abused and Neglected Child: The Guardian Ad Litem, 13 CALIFORNIA WESTERN LAW REVIEW 16 (1976).

FREUDENBERGER, H.J.

1974 Staff Burn-out, JOURNAL OF SOCIAL ISSUES 30(1): 159-165.

IJA-ABA JOINT COMMISSION ON JUVENILE JUSTICE STANDARDS

1976 Juvenile Justice Standards Project in STANDARDS RELATING TO COUNSEL FOR PRIVATE PARTIES, Ballinger Publishing Company (1976, adopted 1979).

KATZ, SANFORD N., Lillian Ambrosino, Melba McGraths, and Kitt Sawitsky

1977 Legal Research on Child Abuse and Neglect: Past and Future, 11 FAMILY LAW QUARTERLY 151 (1977).

KROES, Witt. and J.J. Hurrell

1975 JOB STRESS AND THE POLICE OFFICER: IDENTIFYING STRESS REDUCTION TECHNIQUES, U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health.

78

LEVY, CHARLES S.

- 1974 Advocacy and the Injustice of Justice, SOCIAL SERVICE REVIEW Vol. 48, March (1974).

MAKAITIS, REGINA T.

- 1978 Protecting the Interests of Children in Custody Proceedings: A Perspective of Twenty Years of Theory and Practice in the Appointment of Guardians Ad Litem, 12 CREIGHTON LAW REVIEW 234 (1978).

MASLACH, CHRISTINA

- 1976 Burned-out, HUMAN BEHAVIOR 5, 16-22
- 1978 The Client Role in Staff Burnt-out, JOURNAL OF SOCIAL ISSUES, 34(4), 111-124.

MASLACH, CHRISTINA, and S.E. Jackson

- 1979 Burned-out Cops and Their Families, PSYCHOLOGY TODAY, May 1979, 59-62.

MENNERICK, L.A.

- 1974 Client Typologies: A Method of Coping With Conflict in the Service Worker - Client Relationship, SOCIOLOGY OF WORK AND OCCUPATIONS 1(4), 396-418.

MIDDLEMAN, RUTH R. and Gale Goldberg

- 1974 SOCIAL SERVICE DELIVERY: A STRUCTURAL APPROACH TO SOCIAL WORK, New York: Columbia University Press (1974).

PERMUTTER, FELICE

- 1972 Barometer of Professional Change, in Florence Whiteman Kaselow (ed.) ISSUES IN HUMAN SERVICES San Francisco: Jossey-Bass. Inc., Publishers (1972).

REDEKER, JAMES R.

- 1978 The Right of An Abused Child to Independent Counsel and the Role of the Child Advocate in Child Abuse Cases, 23 VILLANOVA LAW REVIEW 521 (1978).

SCHERRER, JAMES L.

- 1976 How Social Workers Help Lawyers, SOCIAL WORK Vol. 21, No. 4, July (1976).

SCHOTTLAND, CHARLES L.

1968 Social Work and Law - Some Curriculum Approaches, 17 BUFFALO LAW REVIEW (1968), cited in Scherrer (1976).

SCHWARTZMAN, J. and P. Bokos

in press Methadone Maintenance. The Addict's Family Recreated, INTERNATIONAL JOURNAL OF FAMILY THERAPY

SPECIAL TASK FORCE TO THE SECRETARY OF HEALTH, AND EDUCATION WELFARE

1973 WORK IN AMERICA, Boston: MIT Press.

THOMPSON, J.D.

1967 ORGANIZATIONS IN ACTION, New York: McGraw-Hill.



ORGANIZATIONAL INTERVIEW SCHEDULE

CHILD ADVOCACY UNIT STAFF

This interview should last for about an hour and a half. The questions cover six major areas. These include: your involvement with CAU, job satisfaction, intra-inter agency communications, the functioning and management of the CAU, and your ideal child advocacy model. Please be assured that all information will be held confidential. Thank you.

Interview Date \_\_\_\_\_

NAME: \_\_\_\_\_

JOB TITLE: \_\_\_\_\_ DATE OF HIRE: \_\_\_\_\_

UNIT IN ORGANIZATION: \_\_\_\_\_

JOB HISTORY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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- (1) Describe the nature of your job? Has your job changed over the year(s)? If so how?
  - (2) Describe your understanding of the historical development of CAU.
  - (3) Are you satisfied with your present job and your job performance? (Consider the following points: career development, supervision, quality of work life, salary, sense of accomplishment/satisfaction, challenge, training, future options, work load). What are your three greatest frustrations on the job?
  - (4) How is information shared in the CAU? Do you feel everyone receives pertinent information? Across disciplines? Is record-keeping adequate? What are the reasons for communication obstacles? How are conflicts handled? How could communications be improved?
  - (5) Describe how you see the inter-disciplinary team functioning? Are disciplines utilized? Is there cooperation? Are there tensions between unit autonomy vs a team spirit?
  - (6) Describe the management system at CAU? What are the strengths and weaknesses of the current system?
  - (7) Describe and comment on the case diagnosis and treatment planning system at CAU? Is each case handled individually?
  - (8) Describe and comment on CAU's legal representation of clients?
  - (9) What is the relationship between the CAU and the Public Defenders? Are you satisfied with the current arrangement. How would you structure it differently? Where should CAU offices be located?
  - (10) Would you provide some comments on CAU's relationships with other agencies: social service/police/school system/parents/other Child Adv./courts. Historical overview? Current problems of concerns? How do other agencies perceive you? Pattern of relating (many agencies or the same few)? Communications? Reasons for obstacles? What could be improved? (by agency).

- (11) Describe the ideal child advocate program: (probe system of replication, class vs. case advocacy, composition of staff, inter-disciplinarian, relationship with Court, and amount of funding).
- (12) How could CAU be more effective in influencing law and legislation?

APPENDIX 2

COURTROOM OBSERVATION PROTOCOL

EVALUATOR \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ to \_\_\_\_\_

LOCATION \_\_\_\_\_

CLIENT \_\_\_\_\_

J-NUMBER \_\_\_\_\_

PETITION NUMBER \_\_\_\_\_ PETITION DATE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

CAU ATTORNEY \_\_\_\_\_

JUDGE \_\_\_\_\_

OTHERS ATTENDING \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CASE TYPE \_\_\_\_\_

NOTES ABOUT CASE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISPOSITION \_\_\_\_\_

A. COMPETENCE

1. Describe the advocate's demeanor in the courtroom.

- a. 1                      2                      3                      4                      5  
 Markedly Undignified                      Reasonably Refined                      Very Dignified
- b. 1                      2                      3                      4                      5  
 Very Nervous                      Reasonably Composed                      Supremely Confident
- c. 1                      2                      3                      4                      5  
 Fades into the Woodwork                      Somewhat Assertive                      Very Aggressive and Challenging

2. Describe the advocate's dress in the courtroom.

- 1                      2                      3                      4                      5  
 Very Rumpled                      Neat                      Very Neat

(Clothing: \_\_\_\_\_)

3. Is the advocate punctual for this case?

1 = No                      2 = Yes

4. How does the advocate speak in the courtroom

- a. 1                      2                      3                      4                      5  
 Unintelligibly                      Reasonably Clearly                      Very Clearly and Distinctly
- b. 1                      2                      3                      4                      5  
 Says Not a Word                      Speaks From Time to Time                      Talks Incessantly



10. Does the advocate appear to know the law relevant to the case?

1	2	3	4	5
<hr/>				
Very Ignorant		Reasonably Knowledgeable		Extremely Well Versed

11. Does the advocate appear to know court procedures?

1	2	3	4	5
<hr/>				
Very Ignorant		Reasonably Knowledgeable		Extremely Well Versed

12. Does the advocate appear to know the services available to the court?

1	2	3	4	5
<hr/>				
Very Ignorant		Reasonably Knowledgeable		Extremely Well Versed

13. Does the advocate appear to exert control or direction in the case?

1	2	3	4	5
<hr/>				
Totally Impotent		Exerts Some Control		Exerts Strong Control

B. ZEAL

15. How does the advocate relate to the client?

1	2	3	4	5
<hr/>				
Indifferently And Ignoring		Respectfully		Very Sensitive

16. Does the advocate confer with the client during the proceedings?

1	2	3	4	5
Never		Several Times	Frequently	

17. Does the advocate present the case vigorously?

1	2	3	4	5
Indecisively		With Some Vigor	Very Vigorously	

18. Does the advocate make objections during the proceedings?

1	2	3	4	5
Never		Several Times	Frequently	

If so, how does the Judge respond?

1	2	3	4	5
Very Negatively		Generally Accepting	Very Positively	

19. What seems to be the clients' opinion of the advocate?

1	2	3	4	5
Highly Negative		Generally Accepting	Highly Positive	

20. Does the advocate manifest an adversarial or collegial understanding of child advocacy in the courtroom?

1	2	3	4	5
Highly Adversarial		Some Of Each	Highly Collegial (Conciliatory)	



21. Does the advocate provide the court with a dispositional recommendation? <sup>00</sup>

1 = No      2 = Yes      If yes, what \_\_\_\_\_

22. Does the advocate provide the court with dispositional alternatives?

1 = No      2 = Yes      What Alternatives \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. Does the advocate request a continuance?

1 = No      2 = Yes      If yes, on what ground?  
\_\_\_\_\_

24. Does the Judge grant a continuance?

1 = No      2 = Yes      If yes, on what ground?  
\_\_\_\_\_

C. JUDICIAL RELATIONS

25. Describe the advocate's behavior toward the Judge

1	2	3	4	5
Obsequious	Timid	Deferrent	Respectful Yet Independent	Aggressively Independent

1	2	3	4	5
Obsequious	Timid	Deferrent	Respectful Yet Independent	Aggressively Independent

27. How does the Judge respond to the Advocate's contributions?

1	2	3	4	5
Attacks	Ignores	Listens To Skeptically	Considers Carefully	Depends Upon Wholly

28. Does the Judge impose his views on the advocates' presentation?

1	2	3	4	5
Never	Sometimes Implicitly	Sometimes Explicitly	Frequently Implicitly	Frequently and Explicitly

D. DISCRIMINATION

29. Does the advocate appear biased in his presentation of the client's case?

1 = No      2 = Yes      If yes, explain: \_\_\_\_\_  
 \_\_\_\_\_

30. Are there any signs of discrimination before, during, or after the proceedings?

1 = No      2 = Yes      If yes, explain: \_\_\_\_\_  
 \_\_\_\_\_

APPENDIX 3

CASE FILE REVIEW ITEMS

EVALUATOR \_\_\_\_\_

CLIENT \_\_\_\_\_ CASE TYPE \_\_\_\_\_

CASE ATTORNEY \_\_\_\_\_

HEARING DATE \_\_\_\_\_

1. Petition

2. Background information on client and family.

3. Investigative reports.

4. Reports of client interviews: by whom, where, content, client requests and wishes.

5. Evidence of preparation for proceedings (e.g., social service recommendations; legal recommendations).



13. Record of all court activity

14. Evidence of case follow-up

APPENDIX 4

POST-CASE PRESENTATION INTERVIEW WITH CAU ATTORNEY

EVALUATOR \_\_\_\_\_

CAU ATTORNEY \_\_\_\_\_

CLIENT \_\_\_\_\_ CASE TYPE \_\_\_\_\_

HEARING DATE \_\_\_\_\_ JUDGE \_\_\_\_\_

1. How did you prepare for this case? How much time did you spend?

2. Did you meet and talk with your client before the hearing?

When and where? What did you talk about?





