



Child Protective Legal Representation Task Force Report

2024

TABLE OF CONTENTS

Task Force Co-Chairs on the Mission and Goals.....	3
Executive Summary	4
Task Force Members.....	5
Why Strong Legal Representation for Parents and Children Matters.....	6
Michigan Lacks a Statewide System to Ensure High-Quality Legal Representation.....	8
The Absence of a Statewide System for Legal Representation Directly Harms Children and Parents.....	10
Lessons Learned from Other States and Systems.....	11
Michigan Should Create a Statewide System of Legal Representation.....	12
Other Important Steps for Improving Legal Representation for Parents and Children in Michigan	14
Summary of Recommendations.....	16
Conclusion and Next Steps	16
Task Force Meetings.....	17
Public Input.....	18
Child Welfare Stakeholder Meetings.....	18
Public Listening Tour.....	18
Public Surveys.....	20
Youth Survey.....	20
Parent Survey	23
Attorney/Court Survey	26

Michigan Supreme Court (MSC) Justice Megan Cavanagh and Justice Kyra Bolden, Co-Chairs, Child Protective Legal Representation Task Force

Task Force Mission and Goals

In 2007, the State Court Administrative Office (SCAO) contracted with the American Bar Association (ABA) to conduct a comprehensive study of how Michigan delivers legal services to families involved in the child protection system. After observing hearings, surveying and interviewing families and other stakeholders, and reviewing data, the ABA concluded that Michigan’s county-based system of legal representation was failing families and that a statewide system of representation was needed to deliver high-quality legal representation.¹

Fifteen years have passed since that report was issued, yet little has changed. Counties remain solely responsible for compensating lawyers representing children and parents in the system. As such, wide disparities exist in how attorneys are paid, how much training they must receive, and how actively they must engage in a case. Furthermore, due to recent reforms raising rates for attorneys representing defendants in criminal cases, counties all over the state are reporting a crisis in finding any attorneys at all willing to represent children and parents in the child protective system. As one court administrator warned: “We are dangerously close to not having enough attorneys to represent parents and children in child protective proceedings.”

To address these concerns, we formed the Child Protective Legal Representation Task Force (“Task Force”) in 2023. The Task Force was charged with considering various ways to improve the current system of legal representation in child protective proceedings. This report highlights the critical need for reform and summarizes the Task Force’s recommendations to improve legal representation in the child protective system.

The Task Force included judges, parents’ attorneys, lawyers-guardian ad litem (L-GAL), legislators, court administrators, and others. In addition to meeting over a six-month period, the Task Force received input from stakeholders including parents, children, and the legal community; learned from the experiences of other states; and studied models being used in Michigan to represent individuals in different legal settings.

The hope is that this report will result in the long-overdue creation of a statewide system of legal representation in the child protective system that transforms how the state meets the legal needs of its most vulnerable. Our families cannot afford to wait any longer.



Justice Cavanagh



Justice Bolden

A handwritten signature in blue ink that reads "Megan Cavanagh".

A handwritten signature in blue ink that reads "Kyra Harris Bolden".

¹ American Bar Association, Legal Representation for Parents in Child Welfare Proceedings: A Performance Based Analysis Of Michigan Practice at 4, 8 (2009) available at https://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/parentrepresentation/michigan_parent_representation_report.pdf

Executive Summary

The Task Force found that Michigan’s current system of providing legal representation to parents and children in child protective proceedings is ripe for reform. Currently, each county operates independently in establishing attorney contracts, wages, and requirements. The Task Force discovered that attorney rate of pay, structure of pay, and even whether attorneys are paid to attend trainings and important out-of-court client meetings differ significantly by county. Additionally, the availability of support for attorneys varies significantly by county. Not surprisingly, the satisfaction with the system by both the attorneys and their clients is directly impacted by each of these inconsistencies. Indeed, the Task Force found that today some Michigan counties struggle to maintain a roster of attorneys willing to take on child protective cases.



The Task Force ultimately concluded that the current structure of providing vastly different levels of legal support to parents and children in child protective proceedings results in inequitable treatment. To address these issues, the Task Force recommends that the Michigan Legislature (“Legislature”) establish a statewide parent and child legal representation office (or offices), with regional offices, that is tasked with, among other things:

- establishing minimum standards for attorneys representing parents and children in child protective proceedings;
- establishing attorney compensation standards;
- establishing caseload caps;
- establishing minimum attorney training standards;
- creating an attorney application and appointment process;
- providing access to expert witnesses and other supports for parent attorneys and L-GALs;
- appointing parent attorneys and L-GALs in child protective proceedings;
- facilitating payment of parent attorneys and L-GALs for their services; and,
- continuous review of attorney performance for eligibility to remain on appointment list.

Additionally, the Task Force recommends:

1. That all counties work with the Michigan Department of Health and Human Services (MDHHS) to determine how to access the federal title IV-E funding available to enhance legal representation in their county.
2. That trial courts require court-appointed L-GALs to submit a verified statement of services before each hearing.
3. That SCAO modify its child protective court forms to ensure that trial courts obtain the wishes of children when, and as required, by law.
4. That SCAO continue to provide trainings to judges and attorneys on the importance and impact of hearing directly from youths, and about different ways of engaging youths in court.
5. That MDHHS explore using federal funds to create a summer program to place law students in legal, judicial, or other offices that focus on child protective law.

Child Protective Legal Representation Task Force Members

Justice Megan Cavanagh
MSC, Task Force Co-Chair

Rep. Kelly Breen
MI House of Representatives, District 21

Judge Elizabeth Gleicher (ret.)
Chief Judge, Michigan Court of Appeals

Rep. Kara Hope
MI House of Representatives, District 74

Scott LeRoy
Court Administrator, 30th Circuit Court

Judge Cylenthia LaToye Miller
Presiding Judge, Family Division

Rep. Christine Morse
MI House of Representatives, District 40

Julie Nelson-Klein
Parent Attorney & L-GAL

Elizabeth Rios
Deputy State Court Administrator, SCAO

Judge Amanda Shelton
6th Circuit Court

Sen. Sam Singh
MI Senate, District 28

Demetrius Starling
Senior Deputy Director, Children's Services
Administration, MDHHS

Judge Anna Talaska
Gogebic County Probate and District Courts

Nathan Triplett
Public Policy Council, State Bar of Michigan (SBM)

Judge Tina Yost-Johnson
37th Circuit Court

Mona Youssef
Division Chief, Children & Youth Services Division
MI Department of Attorney General

Justice Kyra Bolden
MSC, Task Force Co-Chair

Cameron Fraser
Attorney representing Native American families

Brad Hall
Director, MI Appellate Assigned Counsel System

Jean Lawrence
Intake Manager/Juvenile Register, Berrien County Trial Court

Judge Deborah McNabb
Presiding Judge, Family Division, 17th Circuit Court

Alicia Moon
General Counsel, MSC and SCAO

Judge Jeffrey Nellis
Chief Judge, Mason County Circuit, District, and Probate Courts

Joshua Pease
Youth Defense Project Director, State Appellate Defender Office

Vivek Sankaran
Director, Child Advocacy Law Clinic and Child
Welfare Appellate Clinic, University of Michigan Law School

Judge Angela Sherigan
Chief Judge, Little River Band of Ottawa Indians Tribal Court

Liisa Speaker
Appellate Attorney, Speaker Law Firm, PLLC

Kristen Staley
Executive Director, MI Indigent Defense Commission

Ameel Trabilisy
Parent Attorney & L-GAL

Kristen Wolfram
Parent Attorney & L-GAL

Rep. Stephanie Young
MI House of Representatives, District 16

Why Strong Legal Representation for Parents and Children Matters

The United States Supreme Court has described a family’s right to remain together as one of the oldest and most fundamental rights protected by the Constitution.² Indeed, the Court has held: “The fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State.”³

Research also demonstrates the harm that unnecessary family separation can inflict on the well-being of children.⁴ When children are removed from their families—often suddenly and without warning—and transferred to a new environment, they have a harmful physiological response, rooted in stress, and far too often, they are traumatized.⁵ Children report experiences of ambiguity, loss and trauma, and often equate child removal to kidnapping.⁶



Strong legal representation not only protects fundamental rights and prevents unnecessary family separation, but it can also be a critical factor in improving outcomes in the foster care system. When children and parents are provided with knowledgeable and dedicated legal counsel, it significantly enhances the likelihood of a quicker and more successful reunification. Legal representatives play a vital role in ensuring that the rights and interests of both parties are effectively communicated and defended throughout the legal process. This is especially important in complex cases where the nuances of child protective law regulations can

be daunting for those without specialized knowledge. Skilled attorneys can navigate these complexities, advocating for the child's best interests while also working toward preserving family unity wherever safe and possible.

Moreover, strong legal representation serves as a vital bridge of information and empowerment for families navigating the foster care system. Parents, who are often overwhelmed by the legal intricacies and the emotional toll of having a child in foster care, may not fully understand their rights or the procedures involved in regaining custody. Attorneys can demystify these processes, keeping families informed and engaged every step of the way. This engagement is crucial as it encourages parents to actively participate in the required steps towards reunification, such as attending court hearings, complying with case plans, and engaging in services that address the issues leading to the child’s placement in foster care.

Robust legal representation also ensures that decisions are made based on fair and complete information, and that any governmental intervention in the family is conducted lawfully and ethically. By advocating for the child’s voice to be heard and the parents’ perspectives to be considered, legal representatives play a pivotal role in promoting outcomes that are in the best interests of the child while respecting the family’s rights, ultimately contributing to a more just and effective foster care system.

² See *Meyer v Nebraska*, 262 US 390, 399, 401; 43 S Ct 625; 67 L Ed 1042 (1923); *Pierce v Society of Sisters*, 268 US 510, 534–35; 45 S Ct 571; 69 L Ed 1070 (1925); *Troxel v Granville*, 530 US 57, 66; 120 S Ct 2054; 147 L Ed 2d 49 (2000).

³ *Santosky v Kramer*, 455 US 745, 753; 120 S Ct 1388; 71 L Ed 2d 599 (1982).

⁴ See, e.g., Sankaran, Church and Mitchell, *A Cure Worse Than the Disease? The Impact of Removal on Children and their Families*, 102 Marq. L. Rev. 1161 (2019).

⁵ Monique B. Mitchell & Leon Kuczynski, *Does Anyone Know What is Going On? Examining Children's Lived Experience of the Transition into Foster Care*, 32 Child. and Youth Serv. Rev. 437, 438 (2010).

⁶ *Id.*

In 2017, the Administration for Children and Families (ACF) Children’s Bureau (CB) described the key attributes of high-quality legal representation as families having access to lawyers who are well-trained and highly knowledgeable in child welfare law, child development and trauma, have the proper litigation skills, and understand the importance of out-of-court efforts, including, but not limited to:

- time spent getting to know the strengths, needs and wishes of children, youth, and parents;
- out-of-court advocacy for services, benefits, and resources;
- participation in case planning meetings;
- school and home visits;
- meetings with important collateral contacts, such as medical providers; and,
- other efforts to advance critical child and parent safety, permanency, and well-being needs.⁷



CPLR Task Force member Judge Jeffrey Nellis, Lake County; Judge Edward Van Alst, who hosted the CPLR Public Listening Tour at 28th Circuit Court in Cadillac; and Task Force Co-Chair Justice Cavanagh.

Similarly, the ABA and the National Association of Counsel for Children (NACC) have drafted standards of practice, outlining the many obligations of effective child protective lawyers representing children and parents.⁸ Given the complexity of these tasks and the ever-changing constitutional, federal, and state laws governing the practice, the NACC offers a certification for lawyers who specialize in the field, which has been recognized by the ABA.⁹ Thousands of lawyers across the country, including some from Michigan, have received this certification.

Research has shown that high-quality legal representation plays a critical role by preventing unnecessary family separation, expediting safe reunification, increasing placement of children with relatives, and when children cannot go home, facilitating permanency for children.¹⁰ Children and parents with high-quality lawyers are more engaged in their case, perceive the system to be fair, and receive case service plans tailored to their needs.¹¹ Strong lawyers also force systems to increase contact between children and parents. As the ACF notes, studies provide “robust evidence consistent with existing research” that strong legal representation “leads to increased reunification and faster permanency for children.”¹² Given that reduction in the time children spend in foster care, studies have also shown that improving representation can potentially save the system millions of dollars each year.¹³

⁷ See ACYF-CB-IM-17-02, available at <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1702.pdf>

⁸ See NACC Recommendations for Legal Representation of Children available at <https://naccchildlaw.org/standards-of-practice/>, ABA Standards of Practice for Lawyers Representing Children, available at https://www.americanbar.org/content/dam/aba/administrative/child_law/repstandwhole.pdf, and ABA Standard of Practice For Lawyers Representing Parents, available at https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf.

⁹ More information about the NACC Child Welfare Law Specialist Certification Program can be found at <https://naccchildlaw.org/cwls-certification/>.

¹⁰ See ACYF–17-02, supra note 14, for a comprehensive summary of the research regarding legal representation for children and parents; see also Gerber et al., Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare, 102 Child and Youth Services Review 42 (2019) available at <https://www.sciencedirect.com/science/article/pii/S019074091930088X>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Michigan Lacks a Statewide System to Ensure High-Quality Legal Representation

Research shows that high-quality legal representation can promote positive outcomes and save money. Michigan currently has no system to ensure that every child and parent entering the system receives high-quality legal representation. The 2009 ABA report noted that “Michigan places the burden of funding [legal] representation on its counties, without structural support from the state. As a consequence, compensation. . . in child protection cases varies from county to county.”¹⁴ That system continues to exist today. As a result, currently across the state, there are 83 different systems of legal representation—one for each county.

Each of these systems differ in significant ways, most importantly in how they pay their attorneys, how much they pay, and what they pay for. According to a survey conducted of courts in 2022, some counties pay attorneys by the hour, some per hearing, and others through a flat monthly rate or annual salary. In some counties, attorneys get paid to attend critical out-of-court meetings with agency caseworkers, doctors, or other professionals.

In one large urban county, rates for attorneys representing parents have remained unchanged since 1985. Attorneys in this county are paid per hearing, and the rates are minimal. For example, if a case goes to trial, attorneys are paid \$175. After trial, they are paid \$100 per hearing. If they handle an appeal, they are only paid \$500. In such a jurisdiction, given the many hours of work it takes to represent a child or parent in a child protective proceeding, an attorney providing high-quality representation would barely make minimum wage. Accordingly, it is of no surprise that so few attorneys seek out this type of work.

Regardless of the payment structure in a given county, the common trend in the overwhelming majority of counties is that payment for attorneys is inadequate. One attorney stated, “The contracts and hourly pay are insulting. I have no office, no office staff, and no meeting space.”

In addition to varying systems of compensation, counties also differ in the support they offer lawyers who represent children and parents. Although standards of practice call for lawyers for children and parents to have access to experts, social workers, and other professionals to support their work,¹⁵ only some counties provide this type of support. Often, county-based funding systems do not compensate attorneys for the provisions that the standards require.

MDHHS is predominantly the petitioning party in child protective proceedings. MDHHS has a variety of means for obtaining legal counsel. By law, prosecuting attorneys’ offices are required to provide legal consultation, but not legal representation.¹⁶ This results in some MDHHS offices being represented by prosecuting attorneys, some by the Michigan Attorney General’s office, and some by independently contracted private attorneys. MDHHS’s representation is not consistent or standardized throughout the state.

¹⁴ Legal Representation for Parents in Child Welfare Proceedings, *supra* note 1, at 4.

¹⁵ See Standards of Practice, *supra* note 15 (each detailing the support lawyers need to provide high-quality legal representation).

¹⁶ *MCL* 1712a.17(5) and *MCR* 3.914(C) only require a prosecuting attorney to serve as a legal consultant to MDHHS upon request.



(l to r) Cheboygan Judge Robert Butts (ret.); Chief Judge Jocelyn Fabry, Sault Tribe of Chippewa Indians Tribal Court; Judge Clayton Graham, Luce/Mackinac Probate Court; Judge Eric Blubaugh, Chippewa County Probate Court; Chief Judge Leah Teeple, Bay Mills Indian Community Tribal Court; Judge James Lambros, Chippewa County Circuit Court; and CPLR Task Force member Judge Nellis.

Prosecuting attorneys' offices and private attorneys alike may not have additional resources such as secretaries, paralegals, and additional trained staff.¹⁷

Counties also differ in terms of the amount of training required before an attorney can accept a court appointment in a child protective matter. While a number of counties require attorneys to engage in some sort of training to remain on the court appointment list, 75 percent of surveyed counties do not require any training before an attorney can accept an initial appointment. In addition, 88 percent of surveyed counties do not require any training before an attorney can handle an appeal. That is, in most counties in Michigan, someone can graduate from law school having had little or no experience in child welfare law and get on a court-appointed list to

represent children or parents in perhaps the most life-changing court intervention imaginable.

One of the major reasons why counties reported that they are unwilling to impose stringent training requirements on those representing children and parents in the child protective system is because of the critical shortage of attorneys across the state. Eighty percent of counties identified a lack of attorneys as their biggest challenge. One administrator noted that “[we] have a general shortage of attorneys willing to take the cases because of low pay.” Many described an unwillingness among attorneys to take child protection cases because of their ability to make more money handling criminal cases due to state standards imposed by the Michigan Indigent Defense Commission (MIDC). An administrator explained, “With MIDC rates double what child protection counsel receives from the county, these cases are not [the attorneys’] first choice.” Another stated, “[MIDC] was a great change in one area, but it further depleted counsel availability for child protective proceedings.” One attorney stated “We have excellent attorneys, but it is very hard to keep them. Our appointment list has decreased over 30 percent in the last few years.” Another remarked, “Since the MIDC has been put in place, our court-appointed attorneys are flocking to do that work. We simply can’t expect attorneys on [child protective] cases to work for free or get paid an average of \$30 to \$40 an hour.” Given the shortage of attorneys, counties are unable to have high standards for training. One leader remarked, “We do [not require training] because we do not have enough attorneys available for competition to enforce annual training.”

¹⁷ It is the Task Force’s hope that these practitioners will also benefit from the implementation of an elevated standard of practice in the child welfare system.

The Absence of a Statewide System for Legal Representation Directly Harms Children and Parents

Conversations with stakeholders demonstrate the profound impact that this crisis is having on children and parents. Over 50 percent of youths surveyed indicated that their L-GAL did not meet with them outside of court. When asked whether or not their L-GAL¹⁸ advocated for their needs, youths provided a range of responses, including the following:

- “I haven’t had contact with my lawyer in a year.”
- “My GAL (name) was the BEST representation I could’ve had in the system. I absolutely couldn’t have done it without him. He always made sure my voice and concerns were heard in court and at F[amily] T[eam] M[eeting]s. Anytime I had an issue, I could 100 percent count on (name) to make sure it was taken care of.”
- “My lawyer was great he was the only one on my team that actually tried to hear me out and he understood and wanted to get me where I was going to be successful.”
- “I had very limited exposure to my GAL. So, I did not feel like I was being represented, more that he was a mouthpiece for the caseworkers’ recommendations.”
- “Never talked to her; she’s never contacted me at all.”



(The full list of youth responses can be found at the end of this report.)

These responses demonstrate at least two things: 1) the incredible impact that an effective L-GAL can have on a child’s life; and 2) the fact that many children are struggling because the system is failing to provide them with the high-quality legal representation they are entitled to.

Parents who were surveyed reported similar challenges. Forty percent of parents reported that their attorney did not meet with them outside of court hearings or that they did not feel like they were able to talk to their attorneys when issues came up. Fifty percent of parents expressed a belief that their attorney did not effectively advocate for them in court. Following are a few examples of responses given by parents when asked to elaborate on their experiences with their attorneys:

- “The accountability for legal representation seems to be nonexistent in this matter. I feel extremely disconcerting that my lawyer never took the time to personally discuss the matters on this case. How can one represent properly from just a piece of paper.”
- “My lawyer was good. He did what I asked of him.”
- “The lawyer barely knew what was going on or my name. It was the most horrible experience. I’ve tried to fire him multiple times and he never filed any motions to leave.”

Similar statements echoed throughout the Task Force’s public listening tours and other stakeholder meetings.¹⁹

¹⁸ MCL 712A.17d defines the duties of the L-GAL. Among other responsibilities, the L-GAL must meet with the child and advocate for what they believe is in the child’s best interests, while also conveying to the court what the child wants.

¹⁹ Additional quotes and details can be found in the Public Input section of this report beginning on page 18.

The information received by the Task Force from children, parents and stakeholders all coalesce around one conclusion: that Michigan’s county-based system of providing legal representation is failing to provide families with the consistent, high-quality legal representation that is crucial in protecting fundamental constitutional rights and promoting positive outcomes. The most effective way to remedy this crisis is for the Legislature to create a statewide system of legal representation.

Lessons Learned from Other States and Systems

Recognizing that the representation of children and parents is not unique to Michigan, the Task Force looked at other states and systems that have tackled similar issues. Key takeaways included:

- **Colorado’s** creation of a separate Office of Respondent Parents’ Counsel (ORPC) paved the way for increased attorney compensation and led to a positive impact in the amount of time parents’ attorneys spent on key out-of-court case activities, including family engagement meetings. The ORPC offers interdisciplinary legal teams, better attorney compensation and support, and preventive legal advocacy. Moreover, Colorado has seen an increase in positive parent outcomes, decrease in termination of parental rights, and a reduction in foster care costs since the inception of the ORPC. In Colorado, the Office of Child Representation had already been developed before the creation of ORPC. Although this is a separate agency within the judicial branch, both agencies present and work together on budgetary efforts.
- **Washington State’s** Parent Representation Program (PRP) falls within the Office of Public Defense (OPD) and since its creation, the PRP has implemented caseload standards and increased attorney compensation. As a result, attorneys spend one-third of their time communicating with clients. The PRP also provides access to funds for experts and litigation costs, including pre-approved costs for paternity tests, filing fees in family law matters, and more. The OPD contracts with public defender agencies, firms, solo practitioners, and social workers, while providing technical assistance, support, and training. The OPD monitors caseloads, sets performance standards, reviews contractors, performs court observations, and manages the client complaint process. Notably, the PRP paid for itself in just a few years, and more than pays for itself in subsequent years by reducing the length of time children are in care. In Washington, children’s representation falls under the Office of Civil Aid. However, like Colorado, the two offices work together for budgetary requests.
- **New Mexico’s** Office of Family Representation and Advocacy (OFRA) started up in 2023 after going through the same steps our Task Force has taken. OFRA is based on an interdisciplinary legal services team model, where each team includes an attorney, a family peer support navigator, and one or more members of the social work staff in order to address the needs of the parents and family. This can include ancillary issues such as immigration, applying for public benefits, employment, housing, access to mental health services, and more. There are five offices throughout the state utilizing the services of both state-employed attorneys, as well as contract attorneys. Reasonable caseloads, extensive training, quality control and performance monitoring, and access to support staff are key aspects of OFRA’s infrastructure. The agency represents both parents and children with structural barriers in place to prevent conflict, while avoiding budgetary concerns that may occur when separate offices compete for funding.

- The **Michigan Indigent Defense Commission** (MIDC) was statutorily created and is required to develop minimum standards for the delivery of indigent trial-level adult criminal defense services, administer grants for local systems, ensure compliance with standards, collect data, and encourage best practices. The MIDC has approved and overseen implementation of minimum standards in the areas of training and education, initial client meetings, independence from the judiciary, use of investigators and experts, counsel at all critical stages, and indigency determination. The MIDC has also approved and is in the process of overseeing implementation of standards for attorney compensation, caseloads, and qualifications and review. Local systems, which are trial court funding units, are required to submit compliance plans and meet those standards within 180 days of receiving funding. Local trial court funding units have developed both public defender office systems and managed assigned counsel systems to meet those standards. Some systems chose to regionalize or share services to meet the standards. MIDC staff, including six regional managers, assess compliance and provide technical assistance. Costs are shared through a system of state and local funding.
- **Michigan’s State Appellate Defender Office** (SADO)/**Michigan Appellate Assigned Counsel System** (MAACS) provide indigent appellate criminal defense services. SADO was statutorily created as a public defender office to provide direct representation in 25 percent of pending appeals under oversight of the Michigan Appellate Defender Commission. SADO is a state-funded office with over 70 attorneys, social workers, investigators, and other staff. MAACS administers the system for appointing appellate counsel to SADO or private counsel from a roster of over 100 private attorneys that have traditionally been paid by counties. MAACS enforces performance standards and provides training programs, litigation support, mitigation and reentry services, and coordination of litigation for private counsel. Beginning in Fiscal Year 2024, MAACS also administers a uniform statewide system for private attorney billing and payment, which is funded on a one-to-one basis between counties and the state. MAACS consists of two attorney administrators, one litigation support attorney, one social worker, a Youth Defense Project attorney, an accountant, and three support staffers.

Michigan Should Create a Statewide System of Legal Representation

To address the many concerns noted above, the Task Force recommends that the Legislature create and fund a statewide office within the executive branch tasked with appointing, paying, and training lawyers to represent children and parents in the child protective system.²⁰ Following the model of MIDC and SADO, it is recommended that oversight of this office be administered by an appointed commission. This office could take several forms. While the Task Force was not unanimous on this point, a majority believe that it should be

²⁰ The Task Force would defer to the Legislature and executive branch regarding where this new office should be situated structurally; however, in making that determination the Task Force would note that the MDHHS supervises the state’s intervention into families through the child protective system. As such, there is likely to be a direct conflict of interest between the attorneys who represent parents and children and MDHHS. This conflict in roles suggests that MDHHS is unlikely to be a good option for housing this new office. Furthermore, the Task Force does not recommend placing this office in the judicial branch. In this regard, the Legislature is encouraged to review AO 2016-2, where the Michigan Supreme Court raised concerns about the uncertain constitutionality of various statutory provisions of the MIDC Act with similarities to the recommendations of this Task Force. ([AO No. 2016-2 — Regulation \(michigan.gov\)](#)).

structured as one office with regional staff operating separate divisions for child and parent representation, rather than two separate offices, one tasked with child representation and the other parent representation. Regardless of the form, the office would handle both trial and appellate representation.

Once created, the office would be responsible for appointing attorneys on specific cases. Attorneys would apply to be on the list to receive trial and/or appellate appointments to represent children and/or parents in specific counties. If they meet the qualifications (to be determined by the office based on national standards of practice),²¹ they would be eligible for court appointments. Trial courts would

communicate their need for attorneys to the office, which would then appoint the attorneys. Under this system, trial courts would no longer control the appointment process.²² To help with the appointment process and leverage regional resources, the Task Force recommends that the Legislature consider regional staff within this statewide structure so that the needs of a particular community can be taken into account when making appointment decisions. The case assignment system should be developed to ensure that child and parent representation is available pre-petition (whenever possible), and at the first hearing, including weekend and after-hour emergency hearings. Likewise, the office would ensure substitute counsel is available when issues of attorney hearing coverage arise.

It would be expected that counties continue to contribute toward the cost of legal representation, with the expected contribution level to be determined by the Legislature. Additional funding would likely be required from the state to ensure that attorney compensation can be sustained at a reasonable level, and this new office would also be responsible for administering payments as needed.²³ Based on research from other jurisdictions, it is expected that a significant portion of the cost of the creation of this office would be offset by savings achieved by reducing the time children spend in foster care.²⁴

The office would be tasked with establishing minimum attorney standards of practice, appropriate compensation structures, and reasonable caseloads caps for parent attorneys and L-GALs.²⁵ The office would also make funding available for experts, social workers, investigators, and other supports for children and



(l to r) CPLR Task Force member Judge Nellis; Task Force Co-Chair Justice Cavanagh; and Judge Jennifer Mazucchi, who hosted the Public Listening Tour at Marquette County Courthouse.

²¹ It is expected that the new office would develop minimum attorney standards of practice- based in part on the national standards- on what attorneys must do to be appointed in a child protection case. This would include any initial training and orientation requirements, minimum qualifications for appointments, and ongoing education requirements.

²² Presently, some counties have implemented a system that randomly assigns attorneys; however, this is not true throughout the state.

²³ This would include a determination of whether the state pays for the services with the county responsible for reimbursement of a portion, or vice versa.

²⁴ See, e.g., *Gerber et al*, supra note 17 (finding that improved legal representation reduced the time children spent in foster care by 118 days and would save the foster care system almost 40 million dollars per year if fully implemented).

²⁵ Although this report refers to “the office” as the decision-making entity, it is envisioned that, especially for the determination of standards of practice, a governing commission with appointed leadership would be formed that would ultimately be responsible for decision-making by the office.

parents' attorneys. In addition, the office could have the ability to appoint attorneys to handle ancillary legal matters that would resolve the child protection case or prevent the need for a petition to be filed in court. Ancillary legal matters typically include legal assistance with obtaining a custody order, assisting with landlord-tenant disputes, and other matters that place a child at risk of removal from home or could resolve the child protection case.

While creating a standard process for appointing lawyers in child protective cases throughout the state, the Task Force recommends that counties could opt to maintain different models of legal representation so long as the individual attorneys meet state standards. For example, a county might want to utilize a public defender model, or seek to fund an institutional provider of legal representation, such as the [Center for Family Representation in New York City](#), or the [Children's Law Center in Washington, D.C.](#) Research demonstrates that these types of institutional providers are particularly suited to offer families high-quality legal representation.²⁶ Counties looking to provide an alternate form of representation would demonstrate how their plan meets the state's standards.

The new office would be responsible for monitoring the ongoing performance of attorneys receiving state funds, and would create a process for stakeholders to provide feedback on an attorney's performance, including a means by which youth could file a complaint if they did not feel heard by their L-GAL. The office would have the authority to remove a lawyer from its roster if the attorney fails to meet the minimum standards. The office would also provide a centralized hub for training and resources, including access to litigation support counsel, social workers, parent allies, youth champions, and a variety of resources such as expert banks, training banks, brief banks, educational handouts, and lists of service providers, including mental health professions, housing assistance programs, after-hour visitation services, and more. The office would work closely with the state's Court Improvement Program to ensure that attorneys had access to trainings and other available resources.

Other Important Steps for Improving Legal Representation for Parents and Children in Michigan

While the creation of a statewide office for legal representation is the major recommendation of the Task Force, the state can also take several other steps to better meet the legal representation needs of children and parents involved in child protective proceedings. In 2019, the federal government permitted federal funds under Title IV-E of the Social Security Act to be used to match state expenses for legal representation of children and parents in the child protective system.²⁷ MDHHS quickly opted into the program, and created a mechanism for interested counties to seek matching funds that could be used to strengthen legal representation. Since then, Michigan has drawn nearly \$4 million in federal funds to enhance legal representation.

²⁶ See Gerber et al, supra note 17 (finding better outcomes for families represented by institutional providers).

²⁷ More information about using federal funds under Title IV-E to support legal representation can be found at <https://www.acf.hhs.gov/cb/policy-guidance/im-21-06>.

Forty-three counties are participating in the program known as the Child and Parent Legal Representation Grant.

Counties have used that money to, among other things, create programs to represent parents before the filing of petitions in an effort to prevent unnecessary family separation, fund social workers to support lawyers, establish mentoring programs for experienced attorneys to help newer attorneys, and pay for attorneys to handle ancillary legal issues and for out of court advocacy for their clients. Counties are free to use the funds in any way that enhances legal representation for children and parents in child protective proceedings.



CPLR Task Force members on the Public Listening Tour in Detroit: (l to r) Mona Youssef, of the Michigan Attorney General's Office; Wayne Circuit Judge Cylenchia LaToye Miller; and CPLR Co-Chair Justice Bolden.

But only half of Michigan counties are participating in the Child and Parent Legal Representation Grant. The Task Force recommends that all counties work with MDHHS to opt into the program and to use those funds to strengthen legal representation.²⁸ MDHHS provides annual trainings and has experts ready to guide counties through the application process.

Further, despite Michigan law requiring that L-GALs meet with the child and report their wishes to the court, many youths in the system still report feeling completely unheard. The Task Force recommends that courts consider requiring court-appointed L-GALs to file verified statements of services before every hearing indicating that they have communicated with the child.²⁹ Additionally, the Task Force recommends that SCAO modify its court forms for child protective proceedings so that judges can document when the child's wishes have been reported to the court/placed on the record during a hearing as required by law. The Task Force also recommends that the SCAO continue to provide trainings to both judges and lawyers on why hearing the voices of children is critical, and about different ways of engaging them in court or in their foster care cases.

Finally, to increase the pipeline of lawyers interested in representing children and parents in child protective proceedings, the Task Force recommends that the MDHHS explore the use of federal funds under the Children's Justice Act to create a program for law students to work in law offices, courts, and governmental agencies focused on child protective law while receiving training and stipends. This would assist in the introduction, recruitment, and training of law students in child welfare law. This program could be modeled after Georgia's Summer Child Advocacy Program run by Emory Law School's Barton Child Law and Policy Center. More information about that program can be found at <https://bartoncenter.net/about-barton-center/student-opportunities/>.

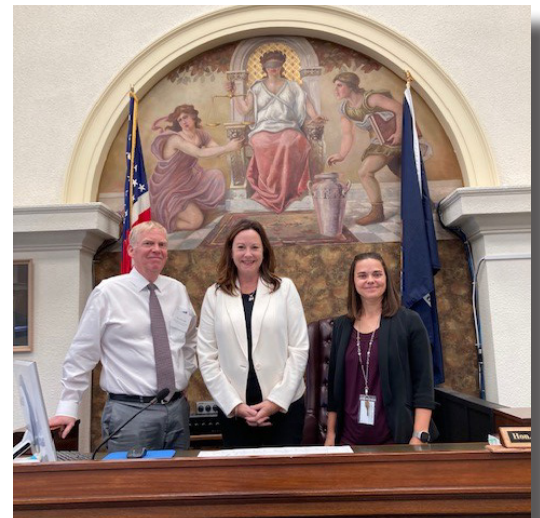
²⁸ It is anticipated that the above-recommended statewide office could assist in streamlining this process by either drawing the funds on behalf of each county or working with MDHHS to streamline the administrative workload involved in the application and reporting process mandated by the grant.

²⁹ The SCAO verified statement of services for a L-GAL can be found at <https://www.courts.michigan.gov/4ade2d/siteassets/forms/scao-approved/jc82.pdf>.

Summary of Recommendations

The Task Force recommends:

1. That the Legislature establish a statewide parent and child legal representation office (or offices), with regional offices, that is tasked with, among other things:
 - establishing minimum standards for attorneys representing parents and children in child protective proceedings;
 - establishing attorney compensation standards;
 - establishing caseload caps;
 - establishing minimum attorney training standards;
 - creating an attorney application and appointment process;
 - providing access to expert witnesses and other supports for parent attorneys and L-GALs;
 - appointing parent attorneys and L-GALs in child protective proceedings;
 - facilitating payment of parent attorneys and L-GALs for their services; and,
 - continuous review of attorney performance for eligibility to remain on appointment list.
2. That all counties work with MDHHS to determine how to access the federal title IV-E funding available to enhance legal representation in their county.
3. That trial courts require court-appointed L-GALs to submit a verified statement of services before each hearing.
4. That SCAO modify its child protective court forms to ensure that trial courts obtain the wishes of children when, and as required, by law.
5. That SCAO continue to provide trainings to judges and attorneys on the importance and impact of hearing directly from youth, and about different ways of engaging youth in court.
6. That MDHHS explore using federal funds to create a summer program to place law students in legal, judicial, or other offices that focus on child protective law.



CPLR Task Force member Judge Nellis; Task Force Co-Chair Justice Cavanagh; and Judge Anna Talaska, who hosted the Public Listening Tour at the Gogebic County Courthouse.

Conclusion and Next Steps

Without a statewide system of legal representation for children and parents, families involved in the child protective system will continue to struggle, courts will make decisions based on incomplete information, and the system will fall far short of its intentions. The Task Force hopes that this report reveals the crisis in our foster care system and serves as a clarion call for immediate action.

Task Force Meetings

The Task Force held seven meetings between May 2023 and February 2024, including four in person two-hour meetings, one in person six-hour meeting, and two remote meetings.

Meeting #1: May 30, 2023

At the initial meeting, Task Force members discussed the current state of legal representation provided to children and families.

Meeting #2: June 27, 2023

At this meeting, the Task Force learned about current structures addressing legal representation in Michigan including the establishment of MIDC, SADO, and MAACS.

Meeting #3: July 25, 2023

This Task Force meeting was remote as the members learned from three other states that have transformed their child protective legal representation systems, including Colorado, New Mexico, and Washington whose programs were inspiring. Special thanks to New Mexico's Judge Jennifer DeLaney, Chair, Family Representation Task Force and Commission; Beth Gillia, Executive Director, OFRA; Mary Ann Shaening, Facilitator for the Task Force and Commission, and Start Up Team Leader, OFRA; Colorado's Melissa Thompson, Executive Director, Colorado Office of Respondent Parents' Counsel; and Washington State's Amelia Watson, Lead Attorney, Washington State Office of Public Defense Parents Representation Program.

Meeting #4: August 22, 2023

This all-day, in-person meeting was facilitated to generate discussions and ideas. Special thanks to Casey Family Programs for sponsoring two of their attorney consultants, Rob Wyman and Brooke Silverthorn, for this project.

Meeting #5: October 31, 2023

At this meeting, the work group discussed and came to consensus on many of the recommendations in this report.

Meeting #6: December 12, 2023

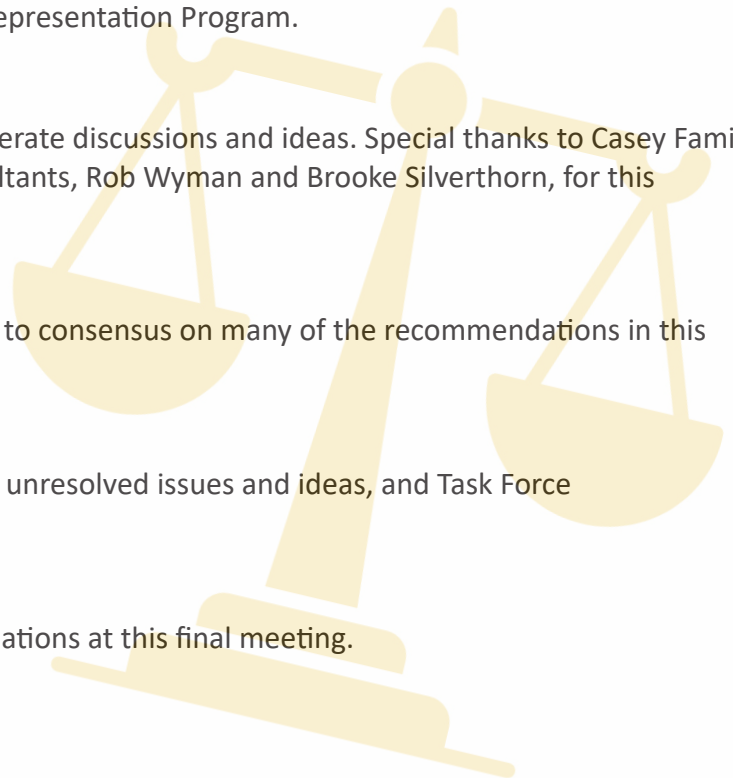
This Task Force meeting included discussions around unresolved issues and ideas, and Task Force recommendations.

Meeting #7: February 12, 2024

The Task Force discussed the report and recommendations at this final meeting.



Presentation slide from the first Task Force meeting.



Public Input

The Task Force sought broad input from the public by attending child welfare stakeholder meetings, conducting surveys of parents, youth, attorneys, and others, and traveling through northern Michigan to hear from the state's smallest counties. Below is a summary of Task Force activities between August and November 2023.

Child Welfare Stakeholder Meetings

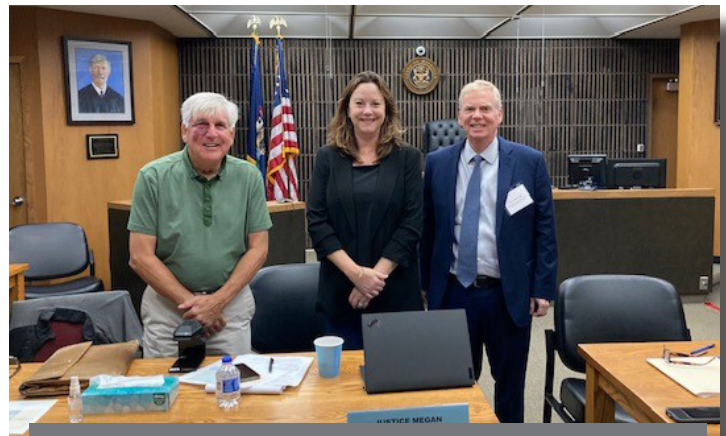
Task Force members participated in the following eight meetings, which included **146 attendees** in total.

- Berrien County Child Welfare Stakeholder Group, August 15, 2023 - *15 attendees*
- Grand Rapids Bar Association Parent-Child Attorneys, August 16, 2023 - *25 attendees*
- Family Defense Policy Coalition, August 17, 2023 - *five attendees*
- Michigan Court Improvement Program Tribal Court Relations Committee, September 7, 2023 - *17 attendees*
- SBM Children's Law Section, September 22, 2023 - *29 attendees*
- Michigan Judges Association Family Law/Rules Committee, September 26, 2023 - *14 attendees*
- Oakland County Juvenile Law Section, September 28, 2023 - *14 attendees*
- Michigan Court Appointed Special Advocates, October 3, 2023 - *27 attendees*

Public Listening Tours

The Task Force also heard directly from **139 members of the public** during a public listening tour through northern Michigan, the Upper Peninsula, and Wayne County. The locations and attendee information follows. In addition, eight public comment forms were received.

- **Cadillac, September 25** - Seventeen attendees including two from the court, three attorneys, 10 from the child welfare agency, one parent partner, and one other
- **Sault Ste. Marie, September 26** - Forty attendees including eight from the court, four attorneys, seven from the child welfare agency, 17 tribal representatives, three parent partners, and one youth with lived experience
- **Marquette, September 27** - Twenty-six attendees including four from the court, four attorneys, and 18 agency workers
- **Bessemer, September 28** - Twenty-four attendees including two from the court, five attorneys, 11 from the child welfare agency, two parent partners, three youth with lived experience, and one foster parent
- **Detroit, November 27** - **Thirty-two** attendees including 11 attorneys, 10 from the child welfare agency, and 10 parents and youth with lived experience, and two foster parents



CPLR Task Force Public Listening Tour in Marquette (l to r) Judge Butts; Task Force Co-Chair Justice Cavanagh; and Task Force member Judge Nellis.

The following issues were identified the most frequently during the stakeholder meetings and Public Listening Tour:

- Lack of required or standardized training requirements for attorneys (30)
- Attorney pay rate is too low (23)
- Attorneys are not compensated for out of court representation (17)
- There is a lack of attorneys to do the work (15)

Following are some of the comments captured during the stakeholder meetings and Public Listening Tour:

“It is difficult to hold attorneys accountable due to the lack of availability. Attorneys are not providing the level of practice they should be (e.g., attorneys are not meeting with clients), but court is desperate for attorneys. Attorneys have large caseloads. Zoom court hearings are beneficial increasing attorney availability. Unfair to families that receive varying quality of legal representation. Recommend consistent training so attorneys can refer to appropriate services.”

“Elevate level of practice to recognize work, attract attorneys, etc.”

“Met L-GAL only once at school with siblings following reunification. L-GAL misreported information to court. Moved three different foster homes, ultimately adopted, two removals from parents. Would have wanted to appear at hearings, felt left out of decision-making process, she was 14-15 years old at the time, and did not know what was happening. Would have processed information better learning it as it happened rather than finding out later all at once.”

“Child and parent report that they are not being heard, child does not see attorneys in court fighting for them so do not understand that the attorney is advocating for them. Older youths report that they do not like the idea that decisions are being made without them, even if they don’t always want to talk about it. Give the children the information they need to decide their level of participation in hearings or write down their questions for their L-GAL to present to the court.”

“Low compensation is a barrier to attorney recruitment and retention.”

“One of the barriers is the small-town politics that go on where there are only one or two attorneys that do all the work. It’s hard to make changes because they are resistant. Some of it gets down to economics too. There are also issues with attorneys not visiting with clients. Some judges are now asking on the record if this has occurred.”

“Parents and children only get quick meetings with attorneys/L-GALs in court hallway prior to hearing—should be meeting with parents and children monthly. Cannot accurately report situation to the court meeting quarterly. Some attorneys report they do not get paid to appear at Foster Care Review Board meetings. Attorneys should team together with caseworkers to help parents and case move ahead. Attorney attrition is an issue. Required in-person hearings difficult for caseworkers due to lengthy, time-consuming travel, benefit from virtual hearings.”

“Difficult to complete all things required to return child because too many requirements all at once. Felt that state court provided more services than tribal courts. Attorney did explain the CPS system well and provided hope. Felt there could have been more attorney support. L-GAL never visited their daughter.”

“How can the court process be improved to avoid adjournments and prolonging the case? Provide incentives for high-quality representation to move the case along.”

“Has had three foster placements. L-GAL’s spend minimal amount of time with the children. The caseworkers ask the appropriate questions that the attorney should be asking. Caseworkers carry the burden. Requested a CASA because felt children were not being advocated for, but they cannot make the request directly. Very involved with their children. No voice for the child.”

Public Surveys

The Task Force collected broad input through targeted stakeholder surveys to individuals involved in child protective proceedings and a more general public comment form. In total, 151 surveys were completed.

Youth Survey

This survey inquired about youth’s experiences with the L-GAL appointed to their case and included seven questions. Seventy youths completed the survey; 66 were placed in foster care (96 percent); four remained in their homes.

(1) Out-of-court contact.

The survey asked youth if the L-GAL met with the youth outside of court hearings and if they felt like they were able to contact the L-GAL when issues came up.

As shown below, just under half of the responses indicated that the L-GAL met with youth outside of court hearings. Survey responses varied from “Yes, he was always great with getting back to me within 24 hours” to “No, I haven’t had contact with my lawyer in a year.”

70 Youths Responded to This Question		
Yes	34	49%
No	22	31%
Seldom (1-2 times)	7	10%
Other	7	10%

(2) Effective advocacy.

The survey asked if the L-GAL effectively advocated for the youths in court and to describe whether they felt like the L-GAL knew what they wanted. Over 60 percent of youths responded that the L-GAL did effectively advocate for them in court, while 23 percent responded “no.”

Survey responses varied from “My lawyer did a great job advocating for me and my wants in court” to “I’m not sure if my lawyer advocated for me in court. If she did then I’m not sure what she would’ve said considering she had never really talked to me or asked me what I wanted.”

69 Youths Responded to This Question		
Yes	42	61%
No	16	23%
Unsure	8	12%
Other	3	4%

(3) Experience with L-GAL.

The survey asked youths to describe their experience with the L-GAL, what worked well, and if there were challenges. Following are some of the responses provided:

*“My GAL (name) was the **best** representation I could’ve had in the system. I absolutely couldn’t have done it without him. He always made sure my voice and concerns were heard in court and at FTMs. Anytime I had an issue, I could 100 percent count on [him] to make sure it was taken care of.”*

“My lawyer was great he was the only one on my team that actually tried to hear me out and he understood and wanted to get me where I was going to be successful.”

“I had very limited exposure to my GAL. So, I did not feel like I was being represented, more that he was a mouthpiece for the caseworkers recommendations.”

“Never talked to her, she’s never contacted me at all.”

“He was very kind. Made us feel like we were gonna get all taken care of. We knew he was a good GAL.”

“He stopped by my school for a surprise visit. I guess it was required for him to have an unannounced visit. We didn’t talk much. I didn’t have much to talk to him about. From what I know, it could’ve been a random guy posing as my lawyer (I didn’t remember him from the court visit, or it could’ve been a different lawyer).”

“We always made sure any concerns were discussed and it was always comfortable and friendly. And he made sure to speak in court about anything we discussed prior.”

“I had only met with my lawyer in person one time and that was at the beginning of my foster care journey. Other than that we had done two phone calls and didn’t really talk about much. I didn’t feel like I could talk to her, mainly because I didn’t know who she even was.”

“I’ve had him for about four years and I’ve only seen him in person a total of two times and they have been short timed he never calls and the few times he has it’s only been about a minute long or so.”

“She doesn’t know what I want. I try to tell her things but then she just blows it off like it’s not a big deal and it is not something that needs to be dealt with.”

“Did not interact with her lawyer. He never tried to sit down with me and see what’s going on with me or asking if I needed anything from him or was their anything I needed him to do for me.”

“A challenge was I never got to actually talk to her so anytime she was ‘advocating’ for me it was how she felt or what she wanted to say.”

(4) Ideas for improvement.

The survey asked the youths if they have ideas on how to make legal representation better. Following are some of the responses provided:

“Meet with your client more often.”

“Foster parents should get more of a voice. They are with us day in and day out. They have a better understanding of us and our needs—times two.”

“Just make sure they stay in contact with the youths, make sure they’re really nice and are good with kids, especially conversation wise. Let the youths speak! Hear more of what we have to say when, person to person.”

“I had a good experience and wouldn’t change anything about my time working with [my L-GAL] or attending court.”

“I feel like MDHHS should have to update their paper work more and in our treatment plans and court reviews we should have a part where the kid gets to put how they are doing because the workers only see once a month and the lawyer once every three they just go off what placements put in reports.”

“Pay more attention to kids and spend more time getting to know them. Come and visit...”

“The court was a scary place so I didn’t want to go. Maybe a more regular visit outside of the court room may be helpful.”

“Maybe more interaction with our lawyer and not just the foster parents interacting with the lawyer. I feel like if we had been able to really speak with our lawyer years ago when we were in an abusive foster home, we might have been able to get out sooner.”

“Don’t believe everything caseworkers tell you.”

“No, never really interacted with them because they never seen me.”

Parent Survey

This survey inquired about parents’ experiences with their attorney and included similar questions to the youth survey. Fifty-eight parents completed the survey.



Task Force member Judge Nellis (l) and Co-Chair Justice Cavanagh (r) hearing from one of many parents during the 2023 Public Listening Tour.

(1) Out-of-court contact.

The survey asked if the lawyer met with them outside of court hearings and if they felt like they could talk to the lawyer when issues came up.

As shown below, 46 percent of parents reported that their attorney did not meet with them outside of court hearings or that they did not feel like they were able to talk to their attorney when issues came up. Only 35 percent reported that they did.

57 Parents Responded to This Question		
Yes	20	35%
No	26	46%
Seldom (1-2 times)	8	14%
N/A	3	5%

(2) Effective advocacy.

The survey asked if the lawyer effectively advocated for the parent in court and to describe whether or not they felt like the lawyer knew what they wanted. Fifty percent of the parents responded that they do feel that the lawyer effectively advocated for them in court.

54 Parents Responded to This Question		
Yes	27	50%
No	21	39%
Somewhat	4	7%
Unsure	2	4%

(3) Describe your experience with your attorney.

The survey provided ample open space for parents to provide information on their experiences with their attorney. They were asked what worked well, if there were challenges, and for any other information they would like the Task Force to know. Following are some of the responses provided:

“For about 10 minutes he’d meet with me, most of that time was spent with him yelling at me. He didn’t defend me at all. He acted more like he was trying to be the judge instead of my lawyer.”

“No not really it was very difficult to establish communication outside of the hearings and honestly when I told her she wasn’t doing enough at one point or at least that’s how she took it she told me I was more than welcome to hire an attorney and if I continued to make her feel that way she would leave the case voluntarily.”

“My lawyer was good. He did what I asked of him.”

“The accountability for legal representation seems to be nonexistent in this matter.”

“I feel extremely disconcerting that my lawyer never took the time to personally discuss the matters on this case. How can one represent properly from just a piece of paper.”

“It appears my representation is over whelmed with her workload often saying that she doesn't have time to read reports as she was working on other cases.”

“No the lawyer barely knew what was going on or my name. It was the most horrible experience. I’ve tried to fire him multiple times and he never filed any motions to leave.”

“I don’t feel like he advocated for me. He was more concerned with maintaining a relationship with his colleagues than he was defending me in court.”

“I spoke to him right before court hearing , and he said nothing to the judge but staying his name and representing me and nothing I spoke to him about I ended up talking to the judge myself. He was useless.”

“Absolutely nothing worked well. My lawyer never listened to me. He literally waved me off in court several times.”

Attorney/Court Survey

The survey for attorneys and courts focused on their views and experiences of the current legal representation systems. The survey attracted 23 responses; 17 from attorneys (74 percent) and six from courts, including judges, referees, or court administrators (26 percent).

The survey asked respondents to describe their experience with legal representation in the child protective system, what is working well, and what challenges they have observed. Following are some of the responses provided:

“I’ve been doing NA representation either for parents, kids, or as MDHHS counsel for over 15 years. The thing that harms legal representation the most is payment. I know multiple people, myself included, who only started making money in private practice once I stopped doing court appointments. Most lawyers in NA don’t do it for the money, however, when the most the court can pay is \$60 per hour, and you can bill at 200-300 per hour, we lose talent and experienced lawyers consistently. In my county we have a team approach, and it works really well. We are all focused on the best interests of the children rather than on ‘fighting’ for the sake of fighting or looking like we are ‘lawyers.’”

“I’ve worked with the child protective system for many years. Having GALs take specific training to be GALs helped to make sure the attorneys doing this work had some basic understanding of what it entails. However, ongoing legal training for all the attorneys who appear on NA cases is needed along with a much better hourly rate for these attorneys. They are currently paid \$50/hour so it’s difficult to get people to do this work.”

“I work in three separate counties and a contract L-GAL spot seems to work very well. The challenges are keeping attorneys on the appointment list due to the small amount of payment.”

“Many of these lawyers are dedicated to doing good work and take these appointments because they believe in helping families and children, but we need more attorneys willing to serve on our court appointment list. Now that they can earn more through criminal appointments via the MIDC, we are losing attorneys from an already short list. Similar to what was seen with court-appointed criminal lawyers previously, they take on a higher volume (because our pool to select from is small and they need more cases to pay their own bills). This makes it harder to schedule court dates in a timely fashion when lawyers have to be in so many different courts for all of these cases, some of which is still from the COVID backlog (criminal and juvenile appointments) in my own and in jurisdictions near mine where these attorneys practice.”

“We have excellent attorneys, but very hard to keep them. Our appointment list has decreased over 30 percent in the last few years.”

*“The current system doesn’t allow for the best attorneys to **stay** in the field because the pay is so ridiculously low. The contracts and hourly pay are insulting. I have seven years experience in NA, having been primary attorney on over 200 cases and make \$60,000 a year with no healthcare. It also doesn’t allow for development of new attorneys because the contract system pits attorneys against each other in a race for knowledge and low income and therefore doesn’t reward the sharing of best practices. In addition, I have no office, no office staff, and no meeting space unlike the prosecutors. Finally, prosecutors get experts at their disposal. In order to get one expert it’s three hearings and three motions for appointed defense. Utterly absurd.”*

“Increase the hourly rates the attorneys representing children and the parents receive. Take the control of the fees away from the judge. People complain that there aren't enough attorneys to take CA/N cases, but the people controlling the purse won't open it up.”

“Greater respect for the work. More training/mentors for new attorneys (or experienced attorneys new to this field). Increased resources including pay-particularly for travel to meet with clients, access to research, space to meet (or subsidy for private attorneys to improve their meeting spaces).”

*“Make the playing field **even**. Give me staff, an office, a meeting place, a database, an actual income, heck: healthcare! other attorneys to bounce ideas off, no fight to keep best practices secret in order to maintain an edge the next time contract negotiations open up. It’s utterly insane the handicaps placed on parent attorneys and then we are told to operate at our highest capacity. With **what exactly?** I am not asking for \$200,000 a year. I’m asking for pay comparable to the prosecutors on the same cases as I am. It’s stupid I’m expected to do the same work at the same (or actually I perform at a higher level at this point) while making half what they do. And it’s insulting. Utterly insulting.”*

“We need to pay our attorneys a fair wage. Since the MIDC has been put in place--our court appointed attorneys are flocking to do that work. We simply can't expect attorneys on NA cases to work for free or get paid avg \$30-\$40 an hour. They put in so much extra time with these clients and much of what they do they do out of dedication. But attracting new lawyers when they can do court-appointed work for \$120-plus an hour is now impossible.”



The background features a central sun with rays in yellow, orange, and red. Surrounding the sun are several hands in various colors (purple, green, blue, pink, orange) reaching out towards the center, symbolizing unity and support.

ONE COURT OF JUSTICE WEBSITE
courts.mi.gov

X (formerly TWITTER)
x.com/misupremecourt

FACEBOOK
facebook.com/misupremecourt

LINKEDIN
linkedin.com/company/michigan-supreme-court

INSTAGRAM
instagram.com/michigansupremecourt

YOUTUBE
youtube.com/michigancourts