

Funding Parent Representation is a Priority in Pennsylvania County—

Interview with Marc Cherna, Director, Allegheny County Department of Human Services

by Elizabeth Thornton

Marc Cherna directs the Department of Human Services in Allegheny County, Pennsylvania. His office provides services to residents in Allegheny County. He manages the budget for these services, including the budget for the county child welfare agency.

In Pennsylvania, funding for children's and parents' attorneys comes directly from the county child welfare agency budget. When he became the director of the Department of Human Services, Mr. Cherna increased funding for legal representation for parents and children in child welfare proceedings.

This interview explains why he views quality legal representation for all parties in child welfare proceedings as a necessary and a worthy investment of public dollars.

Q&A How is legal representation for parents and children in child welfare proceedings funded in Pennsylvania?

Mr. Cherna: Pennsylvania counties receive funding for their child welfare services through a process called the "needs-based budget." Counties document their funding needs in a yearly plan that is submitted to the state. The state provides a combination of federal and state funds to support the services identified in the needs-based budget. Funding that does not come from state or federal sources comes from county funds.

In Pennsylvania, funding for legal representation for parents in child welfare proceedings is the sole responsibility of the county child welfare agency. Until about two years ago, the state would reimburse 50% of the cost for children's and

parents' representation to the counties. The state no longer reimburses the counties for any costs associated with parent representation. Counties are responsible for 100% of the cost of funding legal representation for parents. Counties' major source of

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revenue is property taxes so it's a huge challenge to generate sufficient funds without state and federal assistance.

Q&A What is the model for parent representation in Allegheny County?

Mr. Cherna: The Juvenile Court Project (JCP) in Pittsburgh provides representation to parents in dependency and termination of parental rights cases in Allegheny County. JCP is administered by the Allegheny County Bar Foundation, a subsidiary of the Allegheny County Bar Association. JCP has a staff of full-time attorneys, support staff, and a parental support advocate. JCP promotes community awareness of its services through a law clinic at the local county jail. JCP also provides legal trainings for the child welfare community.

Q&A Why did you invest in quality legal representation for parents?

Mr. Cherna: In order for the child welfare system to work for children

and families there must be strong checks and balances. It is dangerous if there is only adequate funding for legal representation for the child welfare agency and not the other parties. Child welfare is not about winning and losing. It's about trying to do what is best for the children and families involved.

In Allegheny County we have open courts, well-informed judges who are strong leaders, and good representation for all parties. The child welfare system works best when there is transparency and accountability. It is critical that every party have competent representation so the judges have the best information and can make good decisions.

Q&A Does high-quality representation for parents impact child safety, permanence, and well-being?

Mr. Cherna: Overall, I think the child welfare system functions better if everyone in it is working competently. Having parties well-represented in court does impact safety and permanency. I don't have the data to say what impact quality legal representation for parents has on child well-being. In my experience working with families in the child welfare system, what I have seen is the majority of parents love their children and want to do what's right for them. If those parents have a voice in the child welfare process, that is helpful. Giving parents a voice helps children get the services they need and helps the parents get services to adequately care for their children. Ultimately, that's the goal of our system.

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Q&A Federal funding is available to reimburse states for a share of the cost of child welfare agency representation. Should federal funds be available to support representation for children and parents?

Mr. Cherna: Absolutely, there should be federal support for parents' and children's attorneys. Quality representation for all parties is essential if you want a well-functioning child welfare system. The federal government should contribute to the funding of all parts of the system.

Q&A Any final thoughts about parent representation?

Mr. Cherna: I can't stress enough the importance of having strong representation for all parties in child welfare proceedings. It is critical that parents' attorneys are competent and meet with their clients in advance of court hearings to understand

what their clients want. In Allegheny County, parents' attorneys work with their clients outside court. You need well-funded, adequately trained, and dedicated attorneys to do the work.

Parents in the child welfare system tend to be disenfranchised; they are used to not having a voice and can be easily intimidated by the child welfare power structure. They need someone to

stand up for them. When they have a strong voice in the process, the system works better for everyone.

Elizabeth Thornton is a staff attorney at the ABA Center on Children and the Law. Her areas of focus include parent representation in the child welfare system.

Resources

The National Project to Improve Representation for Parents Involved in the Child Welfare System at the ABA Center on Children and the Law strengthens representation of parents in the child welfare system through:

- Training and technical assistance
- Parent representation quality assessments
- Court improvement activities
- Written materials and resources
- Biannual conference (July 10-11, 2013, Washington, DC)
- Listserv and Webinars

Website: www.americanbar.org/groups/child_law/what_we_do/projects/parentrepresentation.html

Project video: www.youtube.com/watch?v=4Vu6QiedvxM&feature=plcp



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