

Policy Title:	Legal Assistance Program – Policy		
Policy Number:	I-F.3.2		Effective Date: 07-01-2001

Approved By: *on file*

Date Approved:

Policy

Procedures

Forms, etc.

References

Contact

Reference(s):

- Guidelines for Consultation with Legal Assistance Specialist and DOJ Attorney

Form(s) that apply:

- CF 0439 "Legal Assistance Checklist"
- CF 0355 "Approval for Legal Assistance Referral"

Policy:

Purpose

The Department contracts with the Family Law Section, Department of Justice (DOJ) and the Multnomah District Attorney's Office to provide certain legal services. They have agreed to cooperate with the Department in processing, filing and prosecuting cases under relevant state law for the purpose of terminating parental rights, where necessary, on behalf of children for whom adoption is the appropriate plan. The Family Law Section and the Multnomah District Attorney's Office also provide legal consultation to the employees of the Department for the purpose of processing and preparing parental termination cases for trial. These services constitute the Legal Assistance Program (LAP).

These procedures describe the process Child Welfare staff must follow when utilizing legal services purchased through the Legal Assistance Program.

Procedures

Referrals for Legal Assistance

(1) Branches shall restrict requests for consultation to legal issues pursuant to potential termination of parental rights. Each branch shall designate a contact person who is responsible for scheduling consultation sessions with the assigned LAP attorney and the Legal Assistance Specialist (LAS).

(2) Prior to consultation, the branch (represented by the caseworker, supervisor and,

where appropriate, the branch permanency committee) shall agree that:

(a) Adoption would be the appropriate alternate plan for the child who is in out-of-home placement and is in the temporary custody/commitment of SCF by order of the juvenile court;

(b) Appropriate remedial services to all legal parents have not resolved the safety and permanency issues for the child; and

(c) Assistance is needed in formulating a legal means to free the child for adoption.

(3) In preparation for the initial consultation, the caseworker shall use Attachment A, Guidelines for Consultation with Legal Assistance Specialist and DOJ Attorney.

(4) After the caseworker has staffed a potential termination case with the assigned LAS and LAP attorney and the consultants jointly agree that the case is ready for litigation, the LAS will complete a CF 355, "Approval for Legal Assistance Referral" which marks SCF's identification of "Achieve Adoption" as the plan for the child. The exception is that a CF 355 is not required in Multnomah County. In that county, planning may proceed with verbal approval.

(5) Within 30 calendar days of the production of the CF 355, or in Multnomah county within 30 calendar days of the verbal approval that the case is ready for litigation, the caseworker shall submit to the Adoption Services Unit all documents listed in Section B of the CF 439, Legal Assistance Checklist and simultaneously shall send to the Department of Justice all documents, copy of case record, etc. as listed in Section C of the CF 439.

(6) If the Child Welfare branch cannot complete the referral by the due date listed on the CF 355 or the by the Multnomah county due date, the branch shall notify the assigned attorney and assigned LAS in writing of the reason for delay and date the referral can be expected.

(7) The Department staff shall not ask a LAP attorney to provide legal services which are not directly related to termination of parental rights unless specifically approved by the assigned LAS. Staff shall direct all other requests for legal services to the Department's assigned counsel in DOJ when the request has been approved by the appropriate approval authority.

Expectations of The Legal Assistance Program Providers

(1) For the purpose of the Legal Assistance Program, the Department of Justice, Family Law Section has agreed:

(a) To provide attorney coverage necessary to process referred cases and provide consultation for all the Child Welfare branches except in Multnomah county;

(b) Within attorney staffing limits, to assign attorneys on a geographical basis and provide the State Office for Services to Children and Families with a list of attorneys and assignment districts.

(2) The Multnomah District Attorney's Office has contracted to provide legal consultation on potential legal assistance cases, to prepare and present termination of parental rights cases, and to provide related legal training for the Multnomah branches.

(3) Both providers have agreed:

(a) To limit litigation services purchased through the LAP budget to referred termination of parental rights cases. Any exceptions require the approval of the Legal Assistance Specialist;

(b) To limit consultation to legal assistance and termination of parental rights issues;

(c) To provide a timely response to written litigation referrals. Within 30 calendar days of receiving an approved referral, the assigned attorney will either prepare a petition for termination of parental rights or notify the referring branch and the Legal Assistance Specialist in writing of the reason for delay;

Program Administration

(1) The Program Operations Section of SOSCF is responsible for administration of the Legal Assistance Program in SOSCF. The section shall:

(a) Reserve sufficient funds, within the agency's biennial budget for Legal Assistance to purchase services from both the Department of Justice and Multnomah District Attorney's Office;

(b) Allocate attorney hours and review and adjust this allocation as necessary;

(c) Pay for other services necessary for the litigation of cases referred to the Department of Justice if the court of jurisdiction will not assume the costs;

(d) Monitor utilization of the program and carry out other accountability responsibilities;

(e) Meet periodically with the staff responsible for administration in DOJ and Multnomah DA's office to review program operations and identify problem areas which need corrective action;

(f) Meet annually with the providers to conduct a formal program review;

(g) Revise the contract and agreement as needed; and

(h) Provide program consultation and procedural guidelines for SOSCF staff.

(2) Field staff who experience problems with usage of the Legal Assistance Program or with the assigned legal assistance attorneys are to report their concerns to the central office Legal Assistance Specialist for resolution. Differences of opinion with assigned attorneys regarding case planning need to be dealt with directly by branch staff.

Contact(s):

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