

Sample Selection and Research Methods¹

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Abstract

This chapter reports on the methodology and process of implementing the QIC-ChildRep study using data covering 240 lawyers representing over 4000 children. The project was designed to test whether attorneys practicing the QIC-ChildRep Best Practice Model would change their practice, and consequently improve safety, permanency and well-being outcomes for children relative to control attorneys.

7.1 Introduction

The QIC-ChildRep conducted four research studies: (1) A profile of lawyers representing the children (presented in Chapter 8); (2) A description of what the child's lawyer actually does and when and how activities vary by case type and characteristics of the attorney (presented in Chapter 9); (3) Evaluation of the effect of the Six Core Skills Training on case process and outcome in Georgia and Washington State (presented in Chapter 10); and (4) A description and evaluation of a multidisciplinary team representing children in Flint, Michigan (presented in Chapter 12).

Three of these studies, conducted by Chapin Hall at the University of Chicago, are based upon a similar sample of lawyers and cases. This chapter describes the relevant

1. Excerpted from the Chapin Hall Evaluation Report: Orlebeke, B., Zhou, X., Skyles, A., & Zinn, A. (2016) *Evaluation of the QIC-ChildRep Training and Coaching Intervention for Child Representatives*. Chicago, IL: Chapin Hall at the University of Chicago. For the unabridged Chapin Hall QIC Evaluation report, go to the Chapin Hall website at: www.chapinhall.org.

samples and methodology related to those three investigations.² The methodology and impact of lawyer and social worker multidisciplinary teams representing children in Flint, Michigan is presented separately in Chapter 12.

7.2 The Basis for the Research Findings: Samples

The samples used for the research presented in Chapters 8, 9, and 10 have three dimensions: local judicial jurisdictions, the group of attorneys themselves, and the group of children those attorneys represented during the study period. Data from each of these groups forms a distribution of case type, attorney actions and case outcomes that can be described. Distributions are then compared using methodologies appropriate to the shape of distribution and the question at hand. Comparisons also need to take into account that the distributions are nested within each other and each is a potential source of variation. Jurisdictions have different policies, personnel, and capacities, both in the court and in the local child welfare agency. Attorneys have diverse experience and views about their work and behave in a variety of ways as they do their work. Children have parents with a distribution of capacities, child and family needs, and child welfare history. All three of these groups contribute to the distribution of attorney behaviors and child outcomes observed through data collection.

The interpretation of both descriptive and impact information about these distributions depends first on an understanding of each of these groups. The purpose of this chapter is to describe those groups, the data collected from and about them, and an overview of methodology used to generate knowledge about who these attorneys are, what they do, and the results of the effort to improve their practice using the QIC-ChildRep Best Practice Model.

7.3 Sample: Local Judicial Jurisdictions

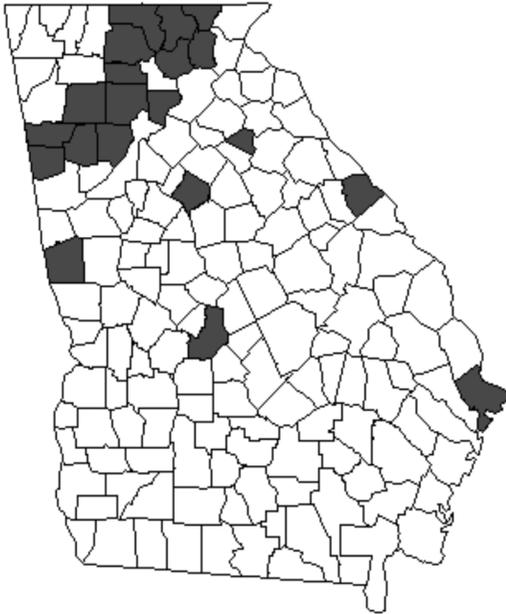
7.3.1 Geography

The QIC research and demonstration took place throughout Washington State and in selected counties in Georgia. In both states a large number of attorneys practiced either independently as solo practitioners or in small firms, or in small numbers (under 10 attorneys representing children) in nonprofit legal aid organizations.

In Georgia, participating judicial districts represented 26 percent of Georgia's general child population. The two largest Georgia counties (DeKalb and Fulton) were excluded from the project because attorneys in those two counties practiced primarily as staff attorneys in large legal offices, and random assignment of attorneys to treatment and control groups within the same organization would not have been feasible or reliable.

2. Data collected in Georgia and Washington will also be placed in the National Data Archive on Child Abuse and Neglect to support additional research projects.

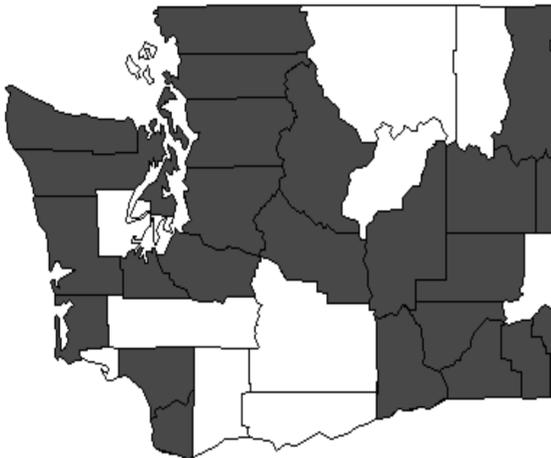
Figure 7.1 Counties in Georgia Judicial Jurisdictions Participating in the Intervention and Evaluation



Georgia Jurisdictions

- Appalachian
- Bartow
- Chatham
- Cherokee
- Clarke
- Cobb (2 of 4 judges)
- Enotah
- Forsyth
- Haralson/Polk
- Houston
- Newton
- Paulding
- Troup

Figure 7.2 Counties in Washington Judicial Jurisdictions Participating in the Intervention and Evaluation



Washington Jurisdictions

- | | |
|--------------|-------------|
| Adams | Kitsap |
| Benton | Kittitas |
| Chelan | Lincoln |
| Clallam | Pacific |
| Clark | Pierce |
| Cowlitz | Skagit |
| Grant | Snohomish |
| Grays Harbor | Spokane |
| Hells Canyon | Stevens |
| Island | Thurston |
| Jefferson | Walla Walla |
| King | Whatcom |

In Washington State, the attorneys were working in 24 judicial jurisdictions, including King (Seattle), Pierce (Tacoma), Clark (Vancouver), Spokane, and a number of medium- and small-sized counties (see Figure 7.2). Together, these 24 districts represented 89 percent of Washington’s child population.

7.3.2 State Laws Governing Attorney Appointment

When the research began, attorneys for the child were not mandated in either state. Georgia's statutes in 2012 made attorney representation of the child *discretionary* with the court except for termination of parental rights proceedings (First Star & Children's Advocacy Institute, 2014).³ If a child's representative was appointed, state law allowed jurisdictions the discretion to assign an attorney as counsel for the child or assign either a Court Appointed Special Advocate (CASA) or an attorney to fulfill the Guardian ad litem (GAL) best interests role. Participating jurisdictions in Georgia varied on whether attorneys were used to fulfill the GAL role. Half of the jurisdictions reported that attorneys were assigned for children in all cases and the remainder assigned an attorney upon request or only as required by state law (*i.e.* in termination proceedings).

In Washington State in 2012, the appointment of an attorney was not mandated at any point in the case for any child. State law provided that "if the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court *may* appoint an attorney to represent the child's position."⁴ Local court practice varied, but the majority of courts at least provided for the appointment of a client-directed attorney upon request for children entering or already in out-of-home care at the age of 12 or older.

During the evaluation, state laws changed in both states, expanding the number of children for whom jurisdictions were required to appoint attorneys for children in child welfare cases. On January 1, 2014, almost two years into the intervention, a new law went into effect in Georgia requiring every child in any dependency case to have an attorney.⁵

Jurisdictions' response to the new law varied, but overall, the number of appointments went up in Georgia starting in 2014. In Washington State, as of July 1, 2014, state law required that all children who were legally free (*i.e.*, those whose parent's parental rights had been terminated), or who became legally free after July 1, 2014, must be appointed a client-directed attorney.⁶ This change resulted in a modest increase in appointments to studied attorneys, especially among children who had been in care for three or more years.

3. Even though Georgia statutes in effect in 2012 (Ga. Code Ann. § 15-11-6(b)) entitled a child to legal representation at all stages of the proceedings, separate counsel was only specifically required for proceedings terminating parental rights (Ga. Code Ann. § 15-11-98(a)). Georgia case law had established that in all other proceedings, when children are placed in the custody of the Department of Human Resources and the Department is represented by counsel, such representation "also constitute[s] representation by counsel on behalf of the children" (*Williams v. Department of Human Resources*, (1979) 150 Ga. App. 610, 611.).

4. *See* Rev. Code Wash. § 13.34.100(6)(f).

5. *See* Ga. Code Ann. § 15-11-104(c).

6. Rev. Code Wash. § 13.34.100(6).

7.3.3 *Best Interests or Client-Directed Representation*

Determining whether the attorney was charged with a GAL or “substitute-judgment” role or with a role to represent the child’s “expressed wishes” differed in the two states at the time of study.⁷ In Washington State, when an attorney was assigned, the attorney’s role was almost always to represent the child’s expressed wishes.

In Georgia, by contrast, even though the legal authority and practice was quite ambiguous and unsettled throughout the study period, attorneys were commonly, although not always, appointed to serve both roles at once, or in a “dual role.” That is, the attorneys served in a substitute-judgment, GAL role unless there was a conflict between the attorney’s view of the child’s best interests and the child’s wishes. If and when that occurred, the attorney was obligated to inform the court and an expressed wishes counsel for the child would be appointed.⁸

Reliable administrative data on the type of representation for which attorneys were appointed was not available in either state. Attorney surveys, however, had a question about the type of representation the child was receiving. According to the attorney survey data, 44 percent of represented children in Georgia received client-directed representation, 23 percent received Guardian ad litem representation and the remainder were being represented by attorneys serving a dual role (32%). In Washington State, children received client-directed representation exclusively.

7.4 **Sample:Attorneys**

Georgia and Washington partners ensured that most practicing attorneys representing children throughout Washington State and in study counties in Georgia were included in the demonstration. Among those attorneys, response rates to the various surveys were generally high. Consequently, information presented in Chapters 8, 9 and 10 is based on groups of attorneys who likely represent the typical range of ability, experience and motivation of attorneys practicing as child representatives in each state.

As a result, findings have external validity; that is, they are relevant to other jurisdictions to the extent to which the legal and practice contexts of these other jurisdictions are similar to those in Georgia and Washington State

7. A Child’s Right to Counsel: A National Report Card on Legal Representation for Abused and Neglected Children, Third Edition, May 8, 2012. http://www.caichildlaw.org/Misc/3rd_Ed_Childs_Right_to_Counsel.pdf.

8. In 2012, the Georgia Supreme Court approved a formal advisory opinion of the State Bar, ruling that a dual role attorney, confronted with a conflict between the child’s expressed wishes and the attorney’s considered opinion of the child’s best interest, must withdraw as GAL, and seek appointment of a separate GAL without disclosing the reasons for her withdrawal. The attorney was permitted to continue as the child’s (client-directed) attorney, or to withdraw entirely if the conflict was severe. State Bar of Georgia (Formal Advisory Opinion 10-2, upheld Ga. S.Ct. Docket No. S11U0730).

The attorney recruitment process was different between the states based on each partner organization's recommendation of the method that would maximize participation.

In Georgia, the partner organization for the study, the Georgia Supreme Court Committee on Justice for Children Court Improvement Program (J4C), sought and received agreement from presiding juvenile court judges in 13 judicial districts representing 20 counties. These judges agreed to require all attorneys practicing in those jurisdictions to participate in the study. As a result, all attorneys representing children at the start of the study or who began to represent children during the study were automatically enrolled. Over the course of the study, 146 Georgia lawyers who regularly represented children in dependency cases were included in some part of the study.

In Washington State, participation was based on a statewide recruitment and consent process conducted by the Center for Children & Youth Justice and the Washington Office of Civil and Legal Aid, two of the QIC-ChildRep partner organizations in Washington State. Based on the assessment of CCYJ staff members, several of whom had extensive contacts within the child welfare legal community in Washington State, nearly all of the attorneys known to have been actively serving as child representatives in the participating counties at the time of the sample were contacted by CCYJ or OCLA staff. Over the course of the study, 117 Washington State lawyers who regularly represented children in dependency cases were included in some part of the study.

Treatment attorney participation in the three elements of the QIC-ChildRep intervention was voluntary. Compensation was provided primarily as a strategy to incentivize participation in data collection for both treatment and control attorneys and was not linked to attorney participation in pods or coaching, except in the last three quarters the intervention was offered in Georgia jurisdictions. Most treatment and control attorneys were given \$1,500 per year as a professional honorarium for participation in general, and for the time associated with data collection in particular.

Three organizations in Washington State precluded their attorneys from receiving stipends directly at any point in the project as a matter of professional ethics. In January 2014, two additional organizations became part of county government and, as a result, additional Washington attorneys stopped receiving direct compensation but remained in the study.

7.5 Sample: Children

7.5.1 Included If Represented by a Treatment or Control Attorney

Children were included in the sample by virtue of having a treatment or control attorney appointed as their legal representative. All children whose attorneys were participating in the project during the study period were considered part of the study. Depending on their placement status at the time or subsequent placement, children were included in the analysis of out-of-home care outcomes or were a part of the attorney

Table.7.1 Total Number of Children Represented by Project Attorneys with Associated Out-of-Home Care Placement

	Children represented by treatment attorneys			Children represented by control attorneys			Total
	2012*	2013	2014**	2012*	2013	2014**	All Years
GA	261	268	389	265	177	417	1,777
WA	220	400	424	162	249	332	1,787
Total	481	668	813	427	426	749	3,564

*“Enrollment” into study started in February 2012 in Georgia and in May 2012 in Washington State.

**The last children were added to the study during the month of November 2014.

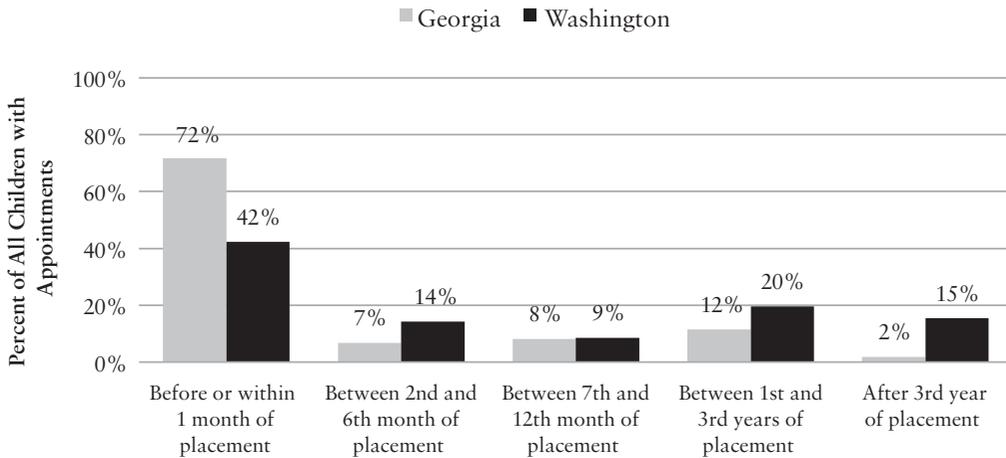
behavior analysis (or both). In Georgia, since nearly 30 percent of children who were represented were never placed, the two analysis samples were somewhat different. The attorney behavior sample included children who were never a part of the out-of-home care outcome analysis. In Washington State, a much smaller proportion of children were never placed (14%), so almost all the children about whom attorneys were surveyed were also part of the placement analysis. Between the two analyses, a total of 4,274 children in two states (2,318 children in Georgia and 1,956 children in Washington State) were included.

The observation period for each child with an associated out-of-home care placement depended on when that attorney began to represent the child and, if the child was not already in out-of-home care at the time of appointment, when that child entered out-of-home care. For pairs who became part of the out-of-home care analysis in 2012 (900), the observation window for out-of-home care outcomes ranged from about two to three years. For pairs who became part of the out-of-home care analysis in 2013 (1094), the observation window for out-of-home care outcomes ranged from about 1.25 to 2.25 years. For pairs who became part of the out-of-home care analysis in 2014 (1562), the observation window for out-of-home care outcomes ranged from about 5 months to about 1.5 years. For children who were assigned an attorney within 6 months, almost all children’s outcomes could be observed within 6 months of placement.

7.5.2 Timing of Lawyer Appointment

Washington attorneys almost always represented children already placed, whereas in Georgia, almost one-third of appointments were made while a child was not in placement.⁹ Looking only at children who were placed at some point after assignment,

9. Of children who were appointed attorneys when not in placement, 85 percent were never placed as of the end of the observation period (March 31, 2015).

Figure 7.3 Timing of Attorney Appointment for Children Placed

the timing of assignment relative to the beginning of placement is shown in Figure 7.3. Almost three-quarters of appointments in Georgia were made before or within a month of placement (74%). Of children in the Washington sample, 42 percent were appointed before or within a month of placement. On the other end of the distribution, 14 percent of the Georgia and 35 percent of the Washington sample had an attorney appointed after at least a year in placement.

7.5.3 *Child's Age at Appointment*

Characteristics of represented children reflected differences in state laws. For children who were placed in out-of-home care, the median age of receiving an attorney was 6 years old in Georgia and 11 years old in Washington State. Figure 4 shows the distribution by age at placement. Just under half of the sample of children in Georgia had an attorney appointed for them at age 5 or under. The sample of children for Washington State included very few infants (3%) and few children under age of 5 (12%). Almost half of the sample (48%) were children appointed attorneys at age 13 or older.

Figure 7.4 shows how age at appointment and timing of appointment were related in the two samples. In Georgia, where the age of the child entering care did not have a relationship to attorney appointment, children for whom an attorney was appointed in the first six months had a similar age-at-placement distribution to those who were appointed an attorney later. In Washington State, however, there was a distinct subsample of children who were both older at placement and had an attorney appointed early: Among children for whom an attorney was appointed within the first six months, 68 percent of these children were 12 years old or over (Figure 7.5). Notably, in Washington State, the distribution by age among those appointed an attorney later in placement was similar to the distribution in Georgia.

Figure 7.4 Distribution of Age of Child at the Time of Attorney Appointment for Children Placed

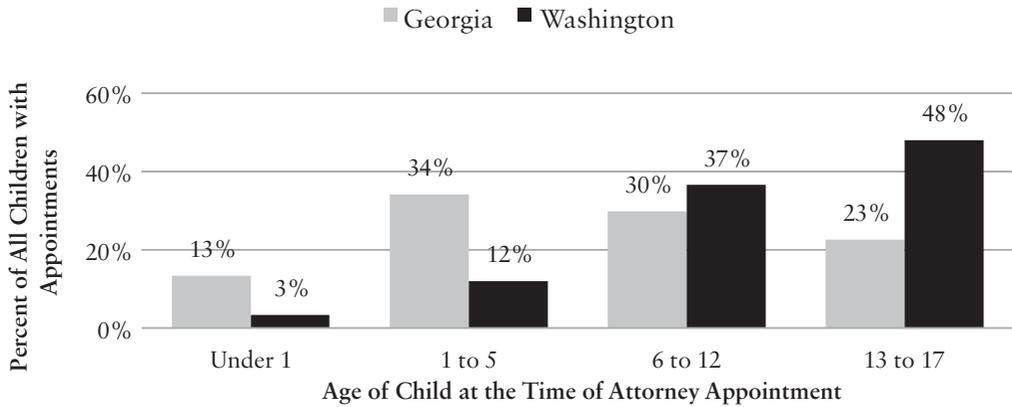


Figure 7.5 Proportion of Children Placed Under and Over 12 Years Old by Assignment Timing

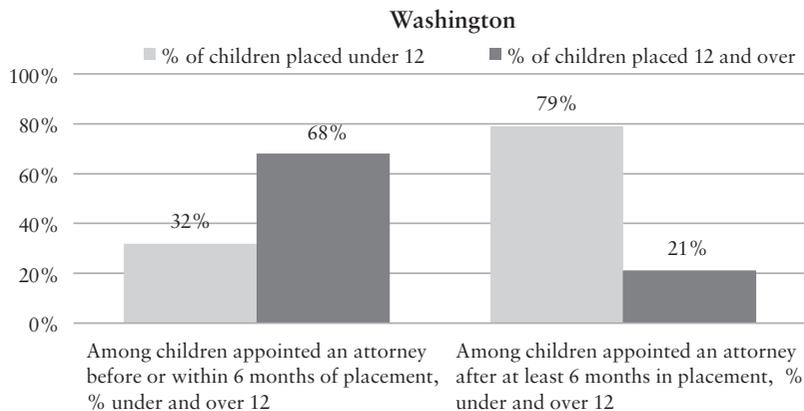
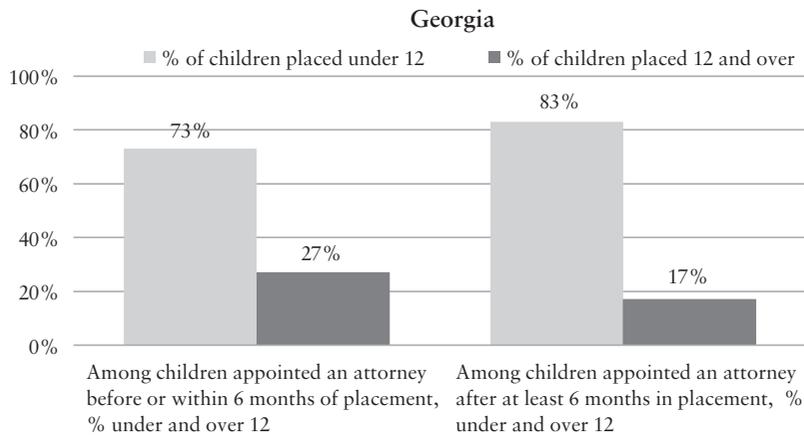


Table 7.2 Child Context Comparison

Sample characteristic	Georgia	Washington
% of children with attorney appointed within 6 months of the start of placement	79%	56%
Median age at assignment (years)	6	11
Median age at assignment, assigned in first 6 months (years)	6	13
Median age at assignment, assigned after first 6 months (years)	4	8
% of assignments while child not in out-of-home placement	31%	14%
% of children in first placement experience	90%	77%
% children associated with sibling group	55%	21%
% of sibling groups represented by one attorney	95%	64%
% of children in family-based care (foster or kinship)	82%	76%
% of children in congregate care	13%	12%

Table 7.2 summarizes the child context in the samples in the two states and provides some additional contextual information. In Washington State, fewer children who were part of sibling groups were represented, and fewer sibling groups were represented by one attorney. Most children in both states were in some type of family-based care (foster home or relative home) at the time an attorney was appointed. Thirteen percent of children in Georgia and 12% of children in Washington State were in congregate care placement at the time of appointment.

7.6 The Basis for the Research Findings: Data Sources

Data was collected for the implementation study from intervention partners, from administrative data sources, and from attorney surveys. Each is described below. There was a strong interest in collecting data directly from children. However, it would not have been possible within the resources of the evaluation to collect enough data to fully describe and analyze the distribution of experiences, even within one local jurisdiction. Previous studies have documented the challenges associated with collecting data directly from children in these contexts.¹⁰

10. Zinn, A. E. & Slowriver, J. (2008) *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County*. Chicago: Chapin Hall Center for Children at the University of Chicago.

7.6.1 *Intervention Data*

Evaluators collected the following data during the project for the implementation study:

- Written materials distributed and used for initial two-day training
- Attorney attendance at initial two-day trainings
- Initial two-day training evaluations completed by attorneys at the end of the training
- Quarterly pod meeting attendance by attorneys and which of the Six Core Skills were covered in each meeting
- Quarterly coaching session participation by attorneys and which of the Six Core Skills were covered in each session
- Random sample of coaches' notes from 10 coaching sessions per quarter per site (These are the basis for Chapter 6.)
- Notes from UM QIC attorney and stakeholder interviews in 2013 (UM QIC conducted interviews with randomly selected treatment attorneys in both states to ask, among other subjects, about their views of the coaching and pod meetings. These are the basis for Chapter 6.)
- Interviews with project partners in Fall 2014 (the Chapin Hall evaluation team conducted interviews in the fall of 2014 with team members in each state to obtain their observations and reflections about the coaching and pod meetings)

A member of the evaluation team also observed each initial two-day training and members of the evaluation team attended selected intervention team meetings (for UM QIC and state teams). A member of the evaluation team also attended the last in-person Georgia pod meeting.

7.6.2 *Administrative Data*

In Washington State, records of attorneys' appointments as legal counsel for children in dependency cases were obtained from the Washington Administrative Office of the Courts' SCOMIS database. SCOMIS data were also used to help determine the date of attorney appointments and the dates of children's legal milestones, including temporary legal custody, disposition, and termination of parental rights. In Georgia, there was no statewide administrative data source for appointments of attorneys or legal milestones. Instead, a system was set up whereby staff from each participating jurisdiction provided information about each appointment on a monthly basis to Chapin Hall and over the course of the evaluation these records were compiled into a database of assignments.

Data about children's substitute care histories, permanency outcomes, and demographic characteristics were obtained from Chapin Hall's Multistate Foster Care Data

Archive. In Washington State, these child-level data were derived from extracts provided by the Washington State Department of Social and Health Services, Children's Administration based on records maintained in their FAMLINK data system. In Georgia, these data were obtained from extracts provided by the Georgia Department of Human Services based on records maintained in their SHINES data system.

7.6.3 *Attorney Survey Data*

7.6.3.1 Baseline Survey

A baseline survey was administered to attorneys prior to the inception of the evaluation. The questions on the baseline survey covered a number of different domains, including attorney demographic characteristics, practice tenure, contract arrangements with counties, income, caseload size, and continuing legal education and experience in different areas of the law. The baseline survey also contained several questions about attorneys' opinions concerning the level of responsibility that child representatives should assume over various dependency case tasks and the importance of various tactics and objectives vis-à-vis dependency court outcomes. Finally, the survey contained questions concerning attorneys' job satisfaction and perceived impact as child representatives. The response rates for the first baseline survey were 86 percent in Georgia and 93 percent in Washington State. Baseline survey results are used in the analyses presented in Chapter 8.

7.6.3.2 Child-Specific Attorney Surveys

A second set of surveys, referred to as "the milestone surveys," was provided to attorneys through a website where attorneys clicked on links to answer questions for a particular child. Surveys were triggered based on the attorneys' appointment as legal counsel and continued approximately every six months thereafter. For example, a child that stayed in substitute care for at least a year after being appointed an attorney would have a survey generated at two, seven, and 13 months after the date of their attorney's appointment. Also, in Washington State, attorneys were asked to complete additional milestone surveys when children experienced certain legal or service milestones, such as dispositional order, termination of parental rights order, and exit from substitute care.

The milestone surveys contain a number of questions about individual child dependency cases, including the frequency of children's visitation with family members, frequency of contact between attorneys and various parties to a case (e.g., child clients, children's family members), amount of time devoted by attorneys to various case-related activities (e.g., legal case preparation, service advocacy), quality of attorneys' relationships with child clients, and the attributes of children's dispositional hearings and order.

To reduce the burden on attorneys, not every appointment generated a survey. Attorneys were asked to complete milestone surveys for a randomly selected subsample of

child cases. The administration of these surveys began in July 2012 in Washington State and in October 2013 in Georgia. The overall response rate for the milestone surveys was 89 percent in Washington State and 82 percent in Georgia.

Milestone survey results are the basis for the analysis of attorney activity in Chapter 9 and the impact analysis of the QIC-Childrep Best Practices Model Training in Chapter 10.

7.7 The Basis for Research Findings: Methodology

The primary objective of the methodology was to assess the impact of the QIC-ChildRep intervention on attorneys' behaviors and consequent case-level outcomes, compared to attorneys who did not receive the intervention. Attorneys were randomly assigned within each jurisdiction to control and treatment groups based on the firms or legal offices in which attorneys practiced (if an attorney was a solo practitioner, she or he was treated as a one-person firm when conducting the random assignment).

For example, if a jurisdiction contained eight attorneys working within four distinct offices, each of these offices would be assigned as a whole to the treatment or control group.¹¹ This type of randomization design, known as cluster randomized control design, ensured that the two groups of attorneys were, in expectation, statistically equivalent, while also helping to mitigate the extent to which control group attorneys were exposed to the QIC-ChildRep intervention materials.¹² *With random assignment, any statistically significant differences in attorney behaviors or case outcomes could be attributed to the intervention with treatment attorneys, that is to the QIC Training and Pod and Coaching follow-up.*

At the child level, the evaluation design also contained procedures so that the children assigned to each group of attorneys would be statistically equivalent. Evaluators interviewed case assigners in each jurisdiction about the processes they used to determine case assignments. In most cases, assignments were made using rotational lists or some other arbitrary process. For the three years of the evaluation, case assigners agreed to follow a rotational list provided by evaluators and, where the case assignment deviated from that list, to indicate the reason. While deviations from the list did occur, assigners reported it was primarily due to attorneys not being available. Over the course of the study, evaluators were in conversation with case assigners on many

11. See for example Kay Wijekumar, John Hitchcock, Herb Turner, PuiWa Lei, & Kyle Peck, *A Multisite Cluster Randomized Trial of the Effects of CompassLearning Odyssey® Math on the Math Achievement of Selected Grade 4 Students in the Mid-Atlantic Region*. National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education: Washington, DC (2005).

12. Howard Bloom, *Learning more from social experiments: evolving analytic approaches*. New York: Russel Sage (2005) pg. 246.

occasions, and there was no indication of any systematic differences between the cases assigned to treatment attorneys or to control attorneys.

Power estimates¹³ indicated that the evaluation had enough power to detect moderate effects on attorney and child outcomes. For the outcomes where no statistically significant results were found, there may have been small average impacts that the evaluation did not have enough power to detect. Detecting small average impacts would have required a greater number of attorneys and cases.

Research methods to analyze the samples took into account the nested structure of the resultant data by using multilevel models with random effects. These models have the effect of comparing the behaviors and case outcomes of treatment and control group attorneys within each jurisdiction and estimating the results over the treatment and control group samples. All analyses were done separately for each state.

Attorneys, regardless of assignment to treatment or control, participated equally in data collection. This full sample was useful to answer questions outside of the impact of the QIC-ChildRep intervention. The analyses in Chapters 8 and 9 are based on the full sample of attorneys practicing in these jurisdictions during 2012-2015.

13. Chapin Hall conducted an initial power analysis in 2011 to be included in the RFP for the project. The purpose of the power analysis was to estimate the sample size of attorneys and cases necessary to detect a difference between the treatment and control groups. Before the project began, Chapin Hall concluded that both Georgia and Washington had enough attorneys and cases to detect a moderate impact on attorney and child outcomes. See Jacob Cohen, *Statistical Power Analysis for the Behavioral Sciences* (2nd Edition). In Jacob Cohen, *Statistical Power Analysis for the Behavioral Sciences* (2nd Edition). New Jersey: Lawrence Erlbaum. (1988).