

Senate Resolution 1136

By: Senator Unterman of the 45th

#### A RESOLUTION

1 Creating the Senate Study Committee on the Quality of Legal Representation of the Division  
2 of Family and Children Services in the Juvenile Courts By Special Assistant Attorneys  
3 General; and for other purposes.

4 WHEREAS, child welfare cases succeed or fail in juvenile court based on the quality of the  
5 evidence collected and presented to the judge; and

6 WHEREAS, no matter how excellent a job a child welfare case manager may do in a given  
7 case, that child cannot be protected and nurtured unless the juvenile court is presented with  
8 clear and convincing evidence of deprivation; and

9 WHEREAS, children who have suffered such that they should be placed for adoption with  
10 a loving family can never achieve permanency unless a special assistant attorney general has  
11 sufficiently prepared and presented the case to the judge; and

12 WHEREAS, the need for effective agency representation in child welfare cases has become  
13 critical in the past few years as our appellate courts are carefully combing the records and  
14 transcripts in these cases to see if error was committed; and

15 WHEREAS, an error committed at the juvenile court level may very well extend a child's  
16 time in limbo by up to 18 months; and

17 WHEREAS, a thorough Senate study is needed to identify the opportunities to improve and  
18 to ensure high quality representation by special assistant attorneys general including, but not  
19 limited to, quality assurance, standardization, and institutionalization of training and  
20 appropriate compensation.

21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that there is created the Senate  
22 Study Committee on the Quality of Legal Representation of the Division of Family and

1 Children Services in the Juvenile Courts By Special Assistant Attorneys General to be  
2 composed of five members of the Senate to be appointed by the Senate Committee on  
3 Assignments. The Senate Committee on Assignments shall designate a member of the  
4 committee as chairperson of the committee. The chairperson shall call all meetings of the  
5 committee.

6 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,  
7 needs, issues, and problems mentioned above or related thereto and recommend any actions  
8 or legislation that the committee deems necessary or appropriate. The committee may  
9 conduct such meetings at such places and at such times as it may deem necessary or  
10 convenient to enable it to exercise fully and effectively its powers, perform its duties, and  
11 accomplish the objectives and purposes of this resolution. The members of the committee  
12 shall receive the allowances authorized for legislative members of interim legislative  
13 committees but shall receive the same for not more than five days unless additional days are  
14 authorized. The funds necessary to carry out the provisions of this resolution shall come  
15 from the funds appropriated to the Senate. In the event that the committee makes a report  
16 of its findings and recommendations with suggestions for proposed legislation, if any, such  
17 report shall be made on or before December 31, 2006. The committee shall stand abolished  
18 on December 31, 2006.