

Duquette Leads National Effort to Improve Representation in Child Welfare System

It stands to reason: When better-trained lawyers represent kids in child welfare cases, the kids come out better for it. But what, exactly, makes for a better-trained lawyer?

Professor Don Duquette, '75, aims to find out. Under his leadership, the National Quality Improvement Center on the Representation of Children at Michigan Law—funded by a five-year, \$5 million grant from the Children's Bureau of the U.S. Department of Health and Human Services—has embarked on an ambitious plan to bring empirical precision to studying the training and effectiveness of lawyers who represent kids in the child welfare system.

"The problem with the system now is that it over-responds and under-responds," Duquette says. "Kids who need help don't get it. At the other extreme, kids may be taken from their homes when it isn't necessary."

To prevent such miscarriages of justice, best practices under the initiative—known informally as QIC-ChildRep—urge lawyers to engage affected children more than they may have in the past.

Already in its second year, QIC-ChildRep began with a nationwide assessment of child welfare practices that continues today.

A research-and-demonstration phase, beginning in earnest this fall with the participation of the Georgia Supreme Court Committee on Justice for Children and the Washington State Supreme Court Commission on Children in Foster Care, involves more than 200 lawyers, more or less evenly divided between the two states. Half the participating lawyers will be trained in QIC-ChildRep best practices, while the other half will not. Child welfare cases will be assigned to lawyers from both groups, and QIC-ChildRep participants—including experts from Chapin Hall, the family policy research center at the University of Chicago—will analyze the outcomes.

The advocacy model is both rights-based (children are entitled to competent legal representation when facing a serious loss of liberty) and needs-based (better representation for children will improve outcomes for children). "Getting the child what the child needs requires sophisticated lawyering skills," Duquette points out. "With this study, we should be able to find out what it is lawyers do that contributes to a successful outcome."

"We expect that advocacy that rests on engagement with the child, accommodating the child's point of view, and using non-adversarial conflict resolution means as much as possible, will not only lead to better outcomes for children but also do so at overall less costs to the government."

Duquette and fellow Michigan Law Professor Frank Vandervort helped conduct a QIC-ChildRep training session in Hutchins Hall this summer. Child welfare lawyers from both participating states and Michigan attended, as did analysts from Chapin Hall.

"This is the most methodologically sound research project ever in child welfare law," Duquette notes. "The problem has always been we don't know empirically what makes a good lawyer."

And given Duquette's 30-plus years of experience in blazing a trail for child welfare advocacy, that problem suddenly may be a lot closer to being solved.—JM

