

Implementing the Family Representation Advocacy Act and Program

The FRAP is the statute that launches the “Oklahoma Office for Family Representation.”

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and Advocacy Program

Legal Aid Services of Oklahoma

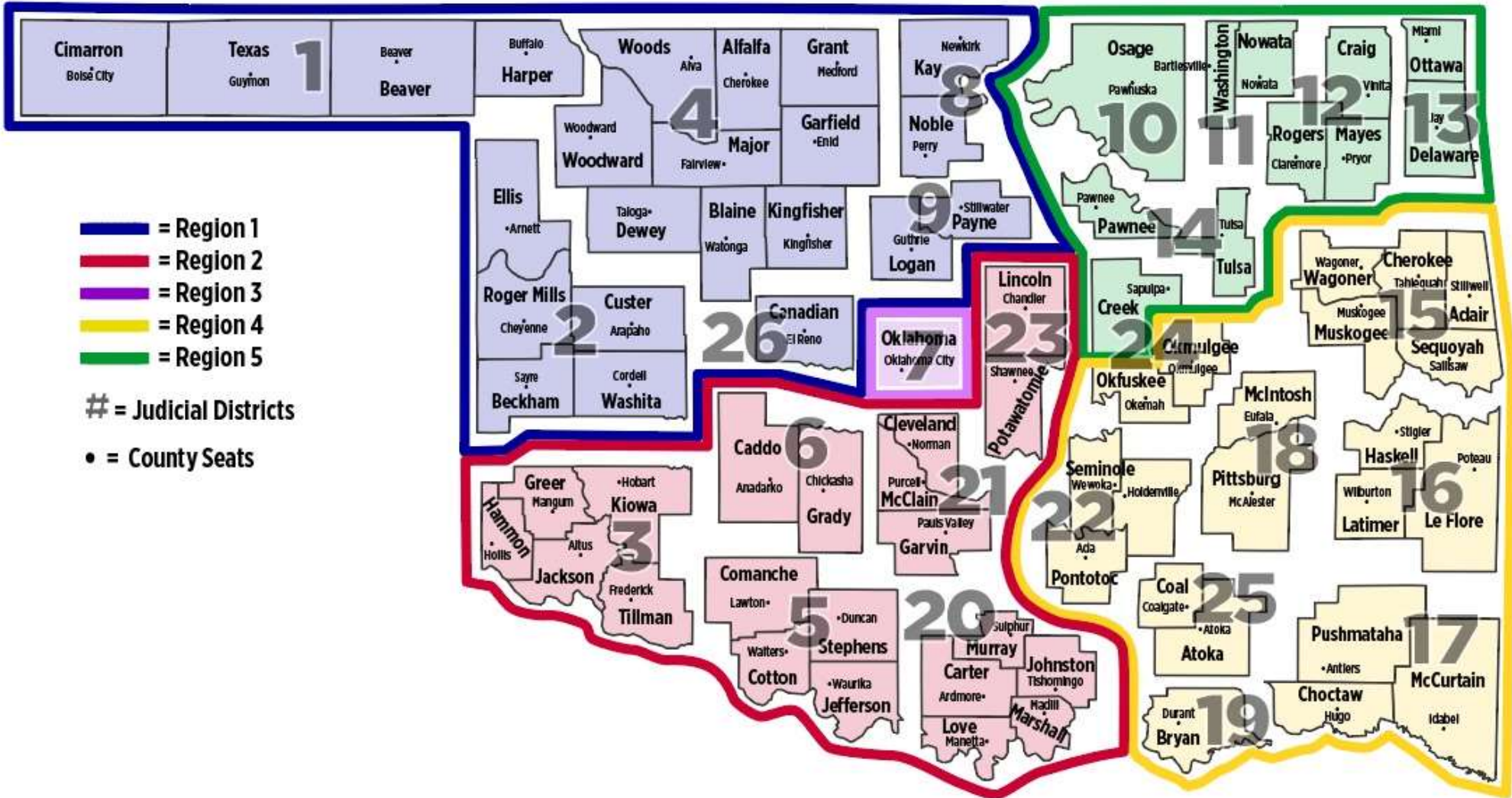


Family Representation Advocacy Act Program

The ***PURPOSE*** of the Family Representation and Advocacy Program ***shall be to ensure uniform and high quality legal representation*** for children and indigent parents, legal guardians, and Indian custodians in **deprived child actions** brought by the state pursuant to Oklahoma's Children Code.

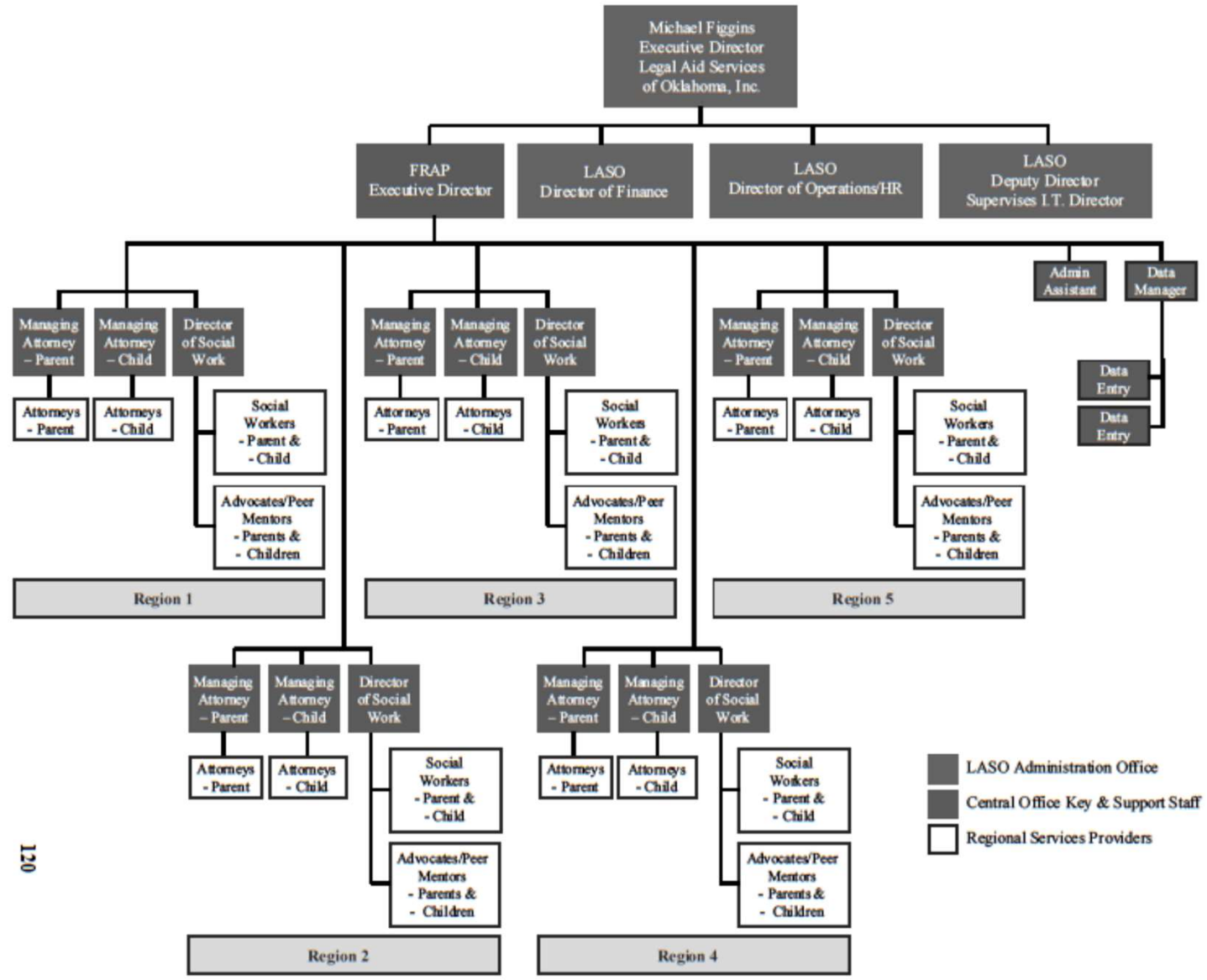
Oklahoma Statutes, Title 10 Section 801(C).





- █ = Region 1
- █ = Region 2
- █ = Region 3
- █ = Region 4
- █ = Region 5
- # = Judicial Districts
- = County Seats

Staffing Plan



- LASO Administration Office
- Central Office Key & Support Staff
- Regional Services Providers



Central Office Staff Responsibilities:

- Each Managing Attorney (“MA”) and Director of Social Work (“DSW”) shall be responsible to:
 - recruit, retain, train, oversee and support their contractors.
 - provide case consultations on case, trial and appellate strategy
 - provide relevant trainings,
 - provide oversight of attorney, social worker and mentor contractual scope of work performance to be reviewed annually
- Managing Attorneys - develop resources including attorney brief and motions bank, state case law bank, federal materials, secondary sources, law review articles, and deprived legal representation news. Practice Resources can be found at: <https://www.probono.net/ok/pdt/>
- Directors of Social Work - develop resources including assessments, community providers, social work practice, reflective supervision and relevant training for the contractors

Per Statute: The staff of the Central Office will **not** have any direct client contact nor provide direct client representation.

Recruitment and Retention of Attorney contractors:

- LASO will facilitate *continuity of representation* under prior attorney contracts *when and where feasible* and *make every attempt to contract with current,* former or new counsel.

- LASO *may contract with any type of legal entity* including law firms, legal services programs, Office of Public Defender, law school clinics, and individual attorneys.

*Not everyone who has contract now with the District Court will automatically receive a contract with FRAP. Factors include performance, county representation needs and appropriations.



Compensation

Attorney and Interdisciplinary Contractor:

Trial attorney contractors shall be compensated via

- a contract with FRAP
- max caseload cap of eighty (80) cases/clients
- **\$8,000 a month.**
- Trial attorney contractors who desire a smaller caseload will have their contract compensation prorated.

Appellate attorney contractors shall be compensated via

- a contract with FRAP
- **\$2,250 per appeal**, caseload cap of 8 open and active appeals
- paid upon submission of invoice at the conclusion of the appeal, i.e. after last brief filed.

Social worker and mentor contractors shall be compensated via

- a contract with FRAP
- hourly wage each working 120 hours a month

Independent contractors remain responsible for all expenses and overhead expenses associated with representation.



How do we Contract or Apply for Staff Positions?

Trial and Appellate Attorney **Contractors** –
NO APPLICATION

Email the MA for your Region

Website: Interest Form

FRAP/Office of Family Representation Staff Positions

are posted on LASO's website at
[LegalaidOK.org/employment/](https://legaidok.org/employment/)

Managing Attorney – [Job Description](#)

Director of Social Work – [Job Description](#)





Judicial Input on Attorney Contractors:

- The Office of Family Representation Staff will:
 - Seek Judicial input and recommendations for attorney contractors.
 - Set up meetings with the Judiciary to gain their insight.
 - Compliments and complaints about contractors are welcomed. Please send an email *without* client identifying information to the MA or DSW for your Region.

The District Court/Court fund is no longer responsible for the compensation, and oversight of the attorney's representing parents and children in juvenile deprived cases.

Court's will *continue to* appoint the contract attorneys to represent parents and children:

OFR will provide Judges:

- a list of **TRIAL COUNSEL** who have contracted with the Office of Family Representation
 - YOU MAY REPRESENT BOTH PARENTS AND CHILDREN
- If an attorney has a *conflict*, attorney to notice the Court, then the Court may appoint another attorney from the list.
- Regional MA's will assign **APPELLATE COUNSEL** to perfect appeals.
 - Court will *notify Regional MA* a party has requested an appeal.
 - Form Order: (1) Appoints LASO, (2) Finds the Party Indigent for Appeal, (3) Orders the Transcript to be transcribed at public expense and; (4) Payment to the court reporter from the court fund.

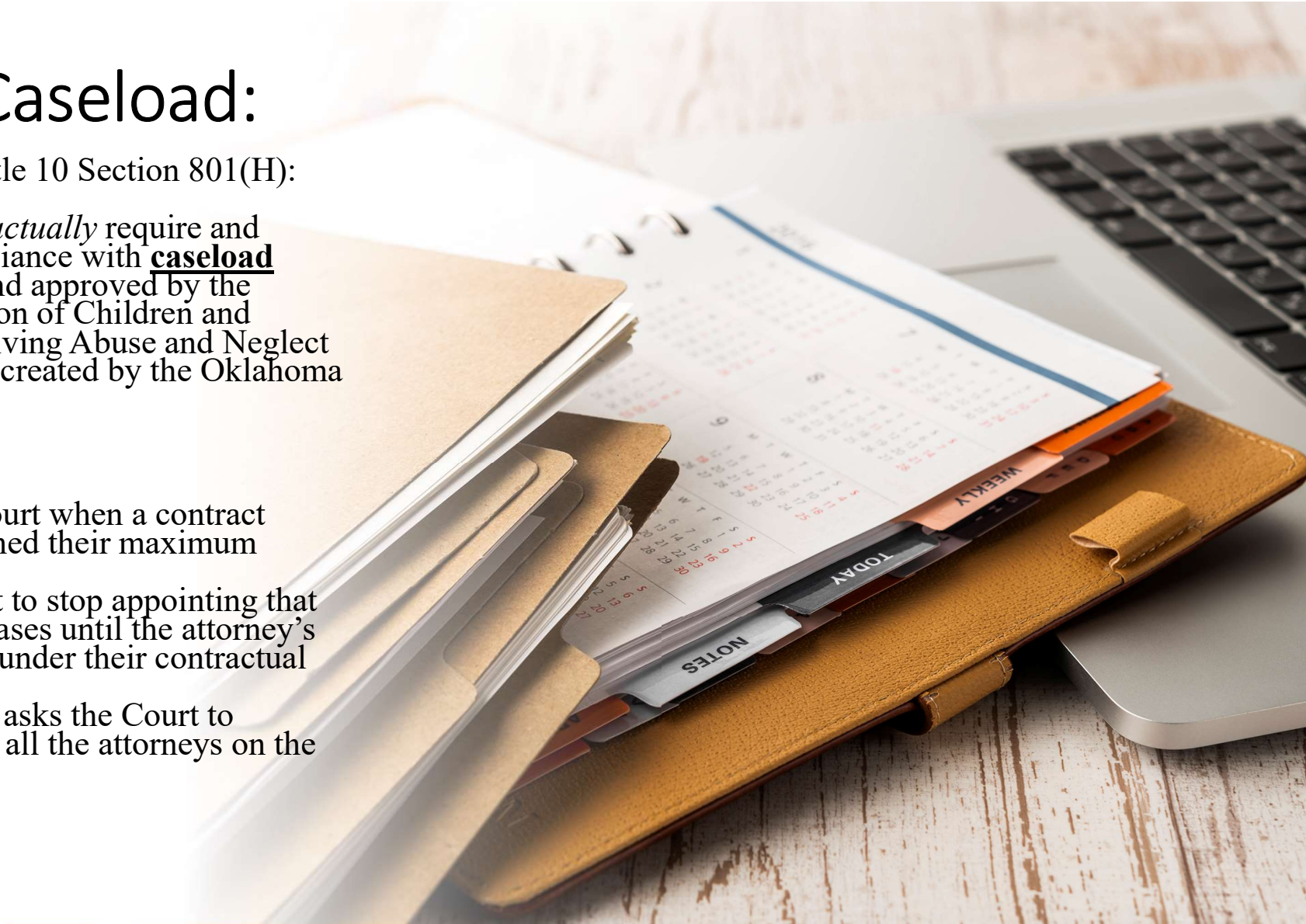


Attorney Caseload:

Oklahoma Statutes, Title 10 Section 801(H):

FRAP **SHALL** *contractually* require and verify Attorney compliance with **caseload limits** as developed and approved by the Uniform Representation of Children and Parents in Cases Involving Abuse and Neglect Oversight Committee created by the Oklahoma Supreme Court.

- MA notice the Court when a contract attorney has reached their maximum caseload cap;
- MA ask the Court to stop appointing that attorney to new cases until the attorney's caseload reduces under their contractual caseload cap.
- OFR respectfully asks the Court to *equitably* appoint all the attorneys on the lists to cases.





DATA

Case Management Software

DATA Collection = FUNDING

- **Attorneys** are required to enter each case into the CMS – Legal Server
 - **Attorneys** are required to update each required data point throughout the life of the case
- SIMPLICITY IS THE GOAL!**

***We must prove our GREAT work is directing BETTER OUTCOMES for families!**

CASE MANAGEMENT SOFTWARE:

- *FREE* – provided to you
- Assists MA and Attorney in monitoring caseloads
- Great resource for case management purposes as well.

What are interdisciplinary teams, how are they assigned and how do they work?

Interdisciplinary Team = works together to address the conditions that brought the children into custody.

- All team members operate under the attorney's confidentiality, work product and privilege as non-lawyer assistants. ORPC, Rule 5.3 - Responsibilities Regarding Non-lawyer Assistants.

Interdisciplinary teams are assigned by the Regional DSW at the request of the attorney.

- The attorneys request the team, at the earliest possible moment

Teams work with clients by meeting outside of court, identifying client's strengths and needs.

- The Team uses **out-of-court advocacy** to:

- (1) gather information,
- (2) increase communication,
- (3) advocate for the client in and out of court; and
- (4) the mentors are key to the engagement of clients, by assisting clients understanding of the child welfare process, and providing insights, encouragement and support.

- Team **advises the client** how to navigate the child welfare and court system.

- Attorney is equipped with more information to provide the Court.

*Not all clients need an interdisciplinary team.



Training

OFR will **provide and coordinate high-quality training** with:

- Oklahoma's Court Improvement Program
- Oklahoma Bar Association – Juvenile Law Section
- Local Bar Associations - monthly CLE or TCBA's Juvenile Law Day
- Other relevant state and national organizations i.e. HARUV USA, ABA Center on Children and the Law, National Association of Children's Counsel, ABA National Association of Parent Representation Steering Committee, Family Justice Initiative

LASO will ensure all attorney contractors comply with the OK Standards of Practice for Attorneys Representing Parents and Children in Deprived Proceedings. O.S. Title 10 § 801 (h).

Attorneys must provide proof of the 6 hours of annual relevant CLE for a FRAP contract.



QUESTIONS

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