



Division of Public Defender Services State of Connecticut

OCPD Practice Memo 16-2

TO: Assigned Counsel and Public Defender Attorneys in Child Protection Matters

FROM: Christine Perra Rapillo, Director of Delinquency Defense and Child Protection

DATE: September 20, 2016

This is the second in a series of monthly Practice Memorandum highlighting specific areas relating to work as an Assigned Counsel or Public Defender attorney in Child Protection Matters. Memos highlighting specific areas will be sent out on a regular basis.

Ancillary Services Available to Assist in Representation of Clients in Child Protection Matters

Child Protection cases often benefit from the assistance of experts or non lawyer professionals. Most assigned counsel law offices are not staffed with investigators, social workers or paralegals. Few attorneys are truly fluent in any of the many languages our clients speak. *Authorization to Incur Expenses* should be sought from OCPD when an attorney believes that they need expert or professional assistance to prepare to represent a client. OCPD cannot pay for direct services for clients, like counseling or substance abuse treatment but there are many situations where the assistance of an expert or other professional would be helpful in plotting case strategy, rebutting the state's evidence or identifying the best course of action for a client. Below are some examples of services that could be used. This is **not** a comprehensive list of services that could be authorized to assist with a case. Counsel should consult with the OCPD-CP office with questions. Approval requests must be done through the Filemaker system.

Investigator

Assigned Counsel should consider the use of an investigator to help interview witnesses for a trial or to gather evidence to rebut DCF's case. If a parent or child client wants to propose an alternative placement, an investigator could do a background check and report on the conditions of the home. AN Investigator could also be useful to conduct fact investigation.

Social Worker

A social worker could be retained to evaluate the DCF social study or permanency plan and make alternative recommendations. A social worker could interview the parent or child client and develop amendments to a permanency plan. They could assist a client in identifying and securing services such as therapy or substance abuse counseling. For parent clients having difficulty complying with specific steps for reunification, a social worker could assess the client and make alternative treatment recommendations and referrals. A social worker could be an important witness on behalf of a client's efforts and could give expert opinion on a recommended course of action. In cases where a child's express wishes are not consistent with the DCF position, a social worker can help identify placement options and assess the appropriateness of the proposal.

Experts

Psychological /Psychiatric Evaluations/Family Interactional Evaluation

If an assigned counsel believes a client would benefit from an independent evaluation, funding can be requested from OCPD. This is often appropriate if there has been a court ordered evaluation and counsel believes it is not accurate or that a new evaluation will result in a more favorable outcome for the client. Counsel should be aware that hourly rates over \$300 or a total request in excess of \$5000 will require the authorization of the Public Defender Services Commission. That process takes significantly longer than the Filemaker approval system.

Scientific Testing

Assigned Counsel may want to secure independent testing to contest a finding the client disagrees with. Examples are:

- Drug Screens
- Hair tests
- Medical testing

Interpreters

Counsel should engage an interpreter if a client is not proficient in English. Our clients must be able to understand the court process and the consequences of their decisions. OCPD maintains an agreement with *Interpreters and Translators* a company that can do phone or in person interpretation and written translations.