

Justice Action Group

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Justice Action Group Statewide Planning Initiative

DRAFT PLANNING REPORT

Appendix C – Quality Assurance Template

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Appendix C

Quality Assurance Template

Access to justice must be accompanied by a commitment to the quality of the justice provided. This commitment to quality must be made by the courts, by administrative agencies and by those providing assistance to disadvantaged clients, including legal aid providers, *pro bono* attorneys and non-lawyer advocates. Sustaining and assuring quality requires a common understanding of what “quality” means and agreement on a common set of standards and values for the provision of services. The JAG Planning Initiative work group that studied this issue derived its recommendations, in part, by tracing the legal problem of child custody and related issues involving minor children of unmarried parents through the civil justice system from problem to resolution. The Quality Assurance Template created by the work group, reflecting current standards, proposed benchmarks, responsible parties and the application of the Statement of Values for Maine’s Civil Justice System, a recommendation of JAG’s Statewide Planning Initiative, is provided below. This Template can be applied or adapted to all civil legal issues to produce consistent compliance with the following Statement of Values for Maine’s Civil Justice System.

For more complete information about JAG’s recommendations regarding quality assurance, go to the Final Work Group Reports at: <http://www.mbf.org/JAGWGCombinedFinalRpts5-5-07.doc>, or JAG’s Draft Planning Report at: <http://www.mbf.org/justice.htm>.

Sustaining and Assuring Quality Work Group Participants Included: Mary Toole, Chair; Barbara Raimondi, Vice Chair; Nan Heald, Staff; Janis Cohen, Jami Collins, Nancy Gibson, David Karraker, Calien Lewis, Jaye Martin, Hon. Dan Wathen

Statement of Values for Maine’s Civil Justice System

1. The civil justice system should be attentive to the expressed and unstated legal needs of the client population.
2. The civil justice system should treat all persons with dignity and respect, accommodating its services to address barriers posed by such factors as age, economic circumstance, language, disability, culture, or geography.
3. The civil justice system should require a commitment to ongoing collaboration and planning among all its participants, with the goal of simplifying/streamlining legal proceedings.
4. The civil justice system should require a commitment to ongoing evaluation of individual client experiences by each participant in the system.
5. The civil justice system should be subject to assessment systems that go beyond a simple counting of individual services/cases and include input and feedback from clients as well as other participants.
6. The civil justice system should promote fair outcomes achieved in a timely manner.

7. Providers within the civil justice system should provide zealous and competent representation designed to achieve an optimal result for the client in a timely manner.

8. Accurate, “plain English” information about the civil justice system and its legal rights should be broadly accessible to all Maine people in schools, libraries, courts, and at home. To the extent that participants in the civil justice provide this information online, they should insure that postings are updated and remain accurate.

9. The civil justice system and its representatives/participants should be aware of and sensitive to the special challenges faced by low-income and other vulnerable client populations. (e.g., court procedures/hearing officers should be attuned to potential problems with domestic violence or language barriers and make needed accommodations where those problems are presented.)

10. The civil justice system should work towards the goal of insuring that all persons requiring legal assistance have access to counsel if needed, and will support fair results for those who do not.

11. The demographic composition of the civil justice system should reflect the composition of the communities whose civil legal needs are being addressed.

12. All aspects of the civil justice system will be administered uniformly.

Quality Assurance Template				
Legal Need/Issue	Current Quality Standards, if any, that apply	Proposed Benchmarks	Group or entity responsible	Values that would apply
A. 4,400 babies born each year to unmarried parents (25% are teens) who need legal orders establishing paternity, child support and parental rights	None	1. Prenatal programs, high school family education programs, etc. will include information about the importance of legal protections regarding paternity, child support and parental rights	Medical providers, schools, general public	1. Sensitivity to stated and unstated needs. 8. Plain English explanations 9. Sensitivity to special challenges
	Websites of Maine’s legal aid providers should be subject to relevant State ethical standards and funder requirements	2. Unmarried parents will have immediate access to accurate legal information describing the importance of legal protections regarding paternity, child support and parental rights (both written and web-based)	Part of the “new baby” welcome pkg. Courts Legal Aid Providers State	1. Sensitivity to stated and unstated needs. 8. Plain English explanations
	Legal aid and <i>pro bono</i> providers are subject to State ethical standards and funder requirements Funding restrictions	3. Both unmarried parents have access to free high quality legal services that can answer individual questions about legal protections regarding paternity, child support and parental rights	Legal Aid providers Court appointed attorneys	10. Access to counsel

Quality Assurance Template				
Legal Need/Issue	Current Quality Standards, if any, that apply	Proposed Benchmarks	Group or entity responsible	Values that would apply
	limit amount of services now available		Pro bono attorneys	
		4. The process of securing a birth certificate for the baby will also incorporate information about legal protections regarding paternity, child support and parental rights	Bureau of Vital Statistics, local municipality	3. Collaboration streamlining proceedings
B. # of cases filed annually by DHHS to establish paternity				
		1. Unmarried mothers and fathers who cannot afford paid counsel each receive free high quality legal services to explain the administrative process by which paternity is established	Legal aid providers, DHHS, AG Office	8. Plain English Explanations 6. Fair outcomes 10. Access to counsel
		2. Unmarried mothers and fathers who cannot afford paid counsel each receive free high quality legal services to assist them in fully participating in the legal process by which paternity is established	Legal aid providers and Court-appointed attorneys	6. Fair outcomes 10. Access to counsel
	Court standards for Guardian <i>ad litem</i> s	3. Children are appointed guardians <i>ad litem</i> to protect their best interests in the	Court	6. Fair outcomes in a timely manner

Quality Assurance Template				
Legal Need/Issue	Current Quality Standards, if any, that apply	Proposed Benchmarks	Group or entity responsible	Values that would apply
		establishment of paternity (if needed)		7. Zealous and competent representation 10. Access to counsel 12. Uniform application of systems
		4. The hearing officer inquires about special circumstances (including domestic violence, language barriers) and takes appropriate action	State	2. Cultural competence 9. Sensitivity to special challenges 1. Sensitivity to stated and unstated needs
		5. Administrative Order regarding Paternity is established within 6 months of the child's birth	State	8. Fair outcomes – timely manner 12. Uniform application of systems
		6. Child's Birth Certificate from the Bureau of Vital Statistics is corrected to reflect the administrative order regarding paternity	State	3. Collaboration streamlining proceedings
		7. The administrative process is coordinated with the Court process establishing parental rights	State/Court	3. Collaboration streamlining proceedings

Quality Assurance Template				
Legal Need/Issue	Current Quality Standards, if any, that apply	Proposed Benchmarks	Group or entity responsible	Values that would apply
C. # of cases filed annually by DHHS to establish / modify child support orders for unmarried parents (receiving TANF)		1. Unmarried mothers and fathers who cannot afford paid counsel each receive free high quality legal services to explain the administrative process involved in establishing appropriate child support awards	Legal aid providers, DHHS, AG Office	8. Plain English explanations 6. Fair outcomes 10. Access to counsel
		2. Unmarried mothers and fathers who cannot afford paid counsel each receive free high quality legal services to explain the administrative process involved in establishing appropriate child support awards	Legal aid providers and Court-appointed attorneys	6. Fair outcomes 10. Access to counsel
	Court standards for Guardian <i>ad litem</i>	3. Children are appointed a guardian <i>ad litem</i> to protect their best interests in the establishment of child support	Court	6. Fair outcomes 7. Zealous and competent representation 10. Access to counsel 12. Uniform application of systems
		4. The Hearing Officer inquires about special circumstances	State	9. Sensitivity to special circumstances

Quality Assurance Template				
Legal Need/Issue	Current Quality Standards, if any, that apply	Proposed Benchmarks	Group or entity responsible	Values that would apply
		(including domestic violence, language barriers) at the initial hearing and takes appropriate action		1. Sensitivity to stated and unstated needs
		5. Administrative Order regarding child support is established within 6 months of the child's birth	State	3. Collaboration streamlining proceedings 12. Uniform application of systems
		6. Administrative process is coordinated with the Court process establishing parental rights	State/Court	3. Collaboration streamlining proceedings
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D. # of cases filed annually by DHHS or pursuant to a "3rd party petition" to address child abuse/neglect (Title 22)		1. Unmarried mothers and fathers who cannot afford paid counsel each receive free high quality legal services to explain a threatened child protective process	Legal aid providers, DHHS, AG Office	8. Plain English 6. Fair outcomes 2. Cultural competence 10. Access to counsel
	Statute provides court-appointed counsel for parents in this circumstance	2. Unmarried mothers and fathers who cannot afford paid counsel each receive free high quality legal services to advocate for their interests when a child is removed from the	Court-appointed attorneys	2. Cultural competence 6. Fair outcomes 10. Access to counsel

Quality Assurance Template				
Legal Need/Issue	Current Quality Standards, if any, that apply	Proposed Benchmarks	Group or entity responsible	Values that would apply
		home pursuant to allegations of child abuse or neglect		
	Not subject to the Guardian <i>ad litem</i> standards?	3. Children receive a court-appointed special advocate to protect their best interests in the establishment of child support	Court CASA system	6. Fair outcomes 7. Zealous and competent representation 10. Access to counsel 12. Uniform application of systems
		4. The Court inquires about special circumstances (including domestic violence, language barriers) at the initial hearing and takes appropriate action	Court	9. Sensitivity to special circumstances 1. Sensitivity to stated and unstated needs 2. Cultural competence
		5. Court Order regarding reunification or termination of parental rights is established within ... months of the initial filing	Court	6. Fair outcomes in a timely manner 12. Uniform application of systems
		6. This process is coordinated with related proceedings involving other aspects of parental rights (which could	State/Court	3. Collaboration/streamlining of proceedings

Quality Assurance Template				
Legal Need/Issue	Current Quality Standards, if any, that apply	Proposed Benchmarks	Group or entity responsible	Values that would apply
		include protection from abuse, child support modification, etc.)		
E. # of cases filed annually in Court to establish parental rights	State Professional Responsibility Standards	1. Unmarried mothers and fathers who cannot afford paid counsel each receive free legal services to assist in the establishment of parental rights proceedings as necessary	Legal Aid Providers; Court-Appointed Attys.; <i>Pro Bono</i> Attys.	8. Plain English explanations 10. Access to counsel
	State Professional Responsibility Standards	2. Unmarried mothers and fathers who cannot afford paid counsel each receive free legal services at every stage of the court proceeding establishing parental rights and responsibilities	Legal Aid Providers; Court-Appointed Attys.; <i>Pro Bono</i> Attys.	6. Fair outcomes 10. Access to counsel
	State Statute	3. Children are appointed guardians <i>ad litem</i> to protect their best interests in the establishment of child support	Court	1. Sensitivity to stated and unstated needs 6. Fair outcomes 7. Zealous and competent representation 10. Access to counsel
	State Statute	4. The Court Magistrate inquires	Court	9. Sensitivity to special

Quality Assurance Template				
Legal Need/Issue	Current Quality Standards, if any, that apply	Proposed Benchmarks	Group or entity responsible	Values that would apply
		about domestic violence at the initial case management conference		circumstances
		5. The Court Magistrate insures that language barriers are not an obstacle for either parent	Court	2. Cultural competence 9. Sensitivity to special circumstances.
	State Statute	6. The Court Magistrate insures that any proposed agreement produced early in the process is not the result of coercion or a power imbalance between the two parents	Court	6. Fair outcomes
		7. The Mediation process appropriately supports a just outcome for the two parents and the child	Court	6. Fair outcomes 10. Access to counsel 12. Uniform application of systems
	State Statute	8. The Court Magistrate appropriately resolves child support issues when they are contested by the two parents and/or the GAL on behalf of the child;	Court	6. Fair outcomes 10. Access to counsel 12. Uniform application of systems
	State Statute	9. The referral to a District Court judge is made in a timely	Court	6. Fair outcomes

Quality Assurance Template				
Legal Need/Issue	Current Quality Standards, if any, that apply	Proposed Benchmarks	Group or entity responsible	Values that would apply
		manner in order to resolve contested issues regarding all parental rights (other than child support)		
		10. A final order in the case is entered withinmonths of the initial filing	Court	6. Fair outcomes
		11. The parents understand the outcome of the Court proceeding and the implications of the Order on parental rights and responsibilities.	Court; Legal Aid Providers; Court Apptd. Attys.; <i>Pro Bono</i> Attys.	1. Sensitivity to special circumstances 10. Access to counsel
		12. The parents understand how to address noncompliance with the Court Order and how to resolve changed circumstances in the future.	Court; Legal Aid Providers; Court Apptd. Attys.; <i>Pro Bono</i> Attys.	8. Plain English explanations 10. Access to counsel
		13. The parents have access to free high quality legal services to enforce or modify Court orders regarding parental rights and responsibilities in the future, as needed.	Legal Aid Providers; Court Apptd. Attys.; <i>Pro Bono</i> Attys.	10. Access to counsel
		14. The best interests of the	Court; GAL	1. Sensitivity to special

Quality Assurance Template				
Legal Need/Issue	Current Quality Standards, if any, that apply	Proposed Benchmarks	Group or entity responsible	Values that would apply
		child continue to be protected by a court appointed Guardian <i>ad litem</i> who is available as needed to respond to new developments or referrals from parents, school officials, or other interested third parties		circumstances 6. Fair outcomes