Kentucky’s child welfare system, with the implementation of recent state policy and the federal Family First Act, continues to improve for kids and families.

The way in which attorneys, judges, and frontline Department for Community Based Services (DCBS) caseworkers perform in the courtroom influences the time it takes for children to reach permanency, whether that is returning home to parents or relatives or being adopted; and the access to services for parents, children, and caregivers.

In an Agency Representation Model (ARM), state agency attorneys from the Cabinet for Health and Family Services (CHFS) prepare all legal documents, filings, and petitions for the agency and work closely with agency caseworkers to prepare them for court.

- Currently in Kentucky, the County Attorney supports this function until or if the case goes to termination of parental rights.
- State agency attorneys also play a critical role in holding caseworkers accountable.
- It is important to note, however, that the state agency attorney does not represent the caseworker individually.
Kentucky can...
Ensure improved timelines to permanency, better understanding of laws and regulations, and improved court processes within child welfare cases

The benefits of an Agency Representation Model include:

- **Increases clarity and efficiency in roles within the child welfare system and courtroom.**
  - In an Agency Representation Model, the CHFS attorney can gain familiarity and increase efficiency by taking cases from the beginning.
  - The state agency attorney is familiar with agency practices and policies, as well as equipped with other relevant legal expertise.
  - State agency attorneys representing the CHFS can help increase timeliness to legal permanency, whether that is adoption or reunification.
  - Caseworker credibility is boosted in courtrooms when legal action supports their decisions.

- **Resolves inherent conflicts between County Attorney’s Offices and the child welfare system.**
  - Within some cases, County Attorneys have roles that extend beyond the child welfare system, some resulting in unintended consequences on Dependency, Neglect, and Abuse (DNA) cases. For example, a County Attorney may be pursuing delinquency petitions against a child who is a party in a DNA case, creating a conflicting interest of prosecuting the child while also advocating for a safe home environment.
  - County Attorneys are elected officials with an important role within communities. Withdrawing them from DNA and other child welfare cases would remove a workload burden.

- **Ensures consistent decision making and interpretation of the law.**

- **Allows the opportunity for more tailored services and supports per case.**

- **Eliminates the risk of DCBS caseworkers unknowingly and unlawfully practicing law.**

- **Administrative costs of legal representation for child welfare cases can be covered by federal funding.**

**Blueprint for Kentucky’s Children Policy Solution:**

Within child welfare cases, ensure improved timelines to permanency, better understanding of laws and regulations, and improved court processes by transferring all case hearings and needed resources to the Office of Legal Services within the Cabinet for Health and Family Services

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