



Children in court need lawyers of their own.  
*We're working to make sure they have them.*



## Counsel for Kids: A Sound Investment For State Governments

Investing in counsel for kids in dependency proceedings leads to taxpayer savings. An attorney can prevent unnecessary removal of children from their parents and shorten the time a child is in the foster care system if removal is needed.

*A Washington State Study estimated \$1.2 million in cost savings generated from appointment of counsel for 50,000 children. "These conservative calculations do not take into account potential cost savings outside of the child welfare system, such as in the educational, employment, health, or criminal justice domains."<sup>1</sup>*

### COUNSEL FOR KIDS:

- **Optimizes** cost saving opportunities by reducing the time children are in foster care and thus public spending on foster care.<sup>2</sup>
  - Removing a child from their home and placing them in foster care is a state and federal expense. Expenses include the daily cost of foster care, case worker salary, services, medical costs, court costs, and costs of administration.<sup>3</sup>
  - The cost of appointing attorneys is offset by the money the jurisdiction saves from attorney advocacy reducing the time a child spends in foster care.
- **Increases** state funds through a federal reimbursement opportunity.
  - In December 2018, the Children's Bureau changed longstanding policy and expanded federal funding to support independent legal representation of children, parents, and tribes when children are at risk of foster care placement.
  - States can now claim up to 50% reimbursement from the federal government in eligible cases for children's attorneys and their support staff — just as states would for other essential members of the child welfare workforce, like agency attorneys and caseworkers.
  - States can continue to claim up to 75% reimbursement in eligible cases for training the child welfare workforce, including attorneys.
- **Offers** cost savings by avoiding additional costs.

The negative financial impact of children lingering in foster care is staggering. According to a Jim Casey Youth Opportunities Initiative report, the national cost of children aging out of foster care without proper supports is **nearly 8 billion dollars a year.**<sup>4</sup>

- Negative outcomes like serious disciplinary infractions in schools, dropping out of high school, unemployment, homelessness, teenage pregnancy, and drug and alcohol dependence and abuse, human trafficking, and criminal legal involvement disproportionately impact youth experiencing long-term foster care and have profound, cascading implications for state budgets, vis-à-vis increased needs for law enforcement/corrections, public welfare programs, specialized treatment, and more.<sup>5</sup>

### CONTACT

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*A study in Palm Beach County, Florida found that appointing counsel for children reduced costs by 16.3%.<sup>7</sup>*

◦ A report on quality legal representation published by the Barton Child Law and Policy Center at Emory Law School explained that “[...] federal and state governments are paying an unnecessary premium for expensive foster care that inevitably requires those same governments to pay an unnecessary premium in the future while attempting to fix the damage that foster care caused.”<sup>6</sup>

## Payoffs of High-Quality Legal Representation Outweigh the Cost

### INVESTMENT IN RIGHT TO COUNSEL FOR CHILDREN

High quality legal representation tips the scales in favor of securing due process for every child. That alone is worth the costs of the administration of justice. It also reduces the number of days a child spends in state-funded foster care, mitigates the chance of a child’s crossover into other expensive systems, and alleviates strain on other areas of state government. High quality legal representation yields increasingly tailored case plans and services, heightened advocacy for early kin placement, maintained sibling bonds, and family time for children and youth.

#### ENDNOTES

1. Wash. State Ctr for Rsch., Evaluation of the Washington State Dependent Child Legal Representation Program (2021), <https://counselforkids.org/wp-content/uploads/2021/11/DCLR-Report-2021.pdf> (Standards Based Legal Representation is Washington’s framework to provide specialized training to children’s attorneys modeled after the QIC-Best Practice Model).
2. Nielsen, W. & Roman, T. Ecotone Analytics. (2019). The Unseen Costs of Foster Care: A Social Return on Investment Study. Alia Innovations. <https://www.thetcj.org/wp-content/uploads/2019/10/Alia-unseen-costs-of-FC.pdf>
- 3 Id.
4. Jim Casey Youth Opportunities Initiative. (2013). Issue Brief: Cost Avoidance The Business Case for Investing in Youth Aging Out of Foster Care. St. Louis, MO. <https://assets.aecf.org/m/resource/doc/JCYOI-CostAvoidance-2013.pdf>
5. Zil, N. Adoption from Foster Care: Aiding Children While Saving Public Money (Washington, D.C.: Center on Children And Families, 2011). [https://www.brookings.edu/wp-content/uploads/2016/06/05\\_adoption\\_foster\\_care\\_zil.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/05_adoption_foster_care_zil.pdf)
6. Blaker, A., Donahue, C., & Santangelo, J. (2020). Representation Matters: Advocating for a Quality Legal Representation Model in Georgia Dependency Proceedings. (Atlanta, GA: Emory University School of Law Barton Child Law and Policy Clinic).
7. Andrew E. Zinn & Jack Slowriver, Chapin Hall at Univ. of Chicago, Expediting Permanency: Legal Representation for Foster Children in Palm Beach County (2008), <https://www.issueelab.org/resources/1070/1070.pdf>.

