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Parental advocate begins work today

New Utah post may be first of its kind in the U.S.

By Amy Joi Bryson
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Alicia Davis knows the court system does not always provide an even contest for parents accused of abuse and neglect.

She's been there, at the table in front of the judge, pleading a case for her clients.

Alicia Davis

She's also been an administrator over child welfare working for the state office of the courts, entrenched in the system she is now tasked with trying to improve.

Davis recently was picked to head what may be a first in the country — a state division created specifically to improve the defense of parents accused of abusing or neglecting their children. She officially starts the job today.

Formed by legislation sponsored by Rep. Mike Thompson, R-Orem, the Office of Child Welfare Parental Defense is designed to implement standards in this area of defense law and provide resources to contracted attorneys who represent parents going up against the system.

The measure was among more than two dozen proposals introduced in the 2004 Legislature in the wake of the Parker Jensen custody battle last summer.

Doctors said the boy was suffering from a rare form of cancer and wanted him to have chemotherapy. His parents refused, touching off a debate over where the state's right to interfere begins and parental choice ends.

Attorneys involved in similar struggles will now have a resource in the defense office, which is funded by a $239,000 appropriation from the state Department of Human Services. Ultimately, the idea is that the state will pick up counties' parental defense contracts and provide experts, and in certain cases, payment for witness fees.

Davis is a 1999 University of Utah law school graduate who spent a year of her legal career defending parents.

"Resources and training need to be standardized in this field and put in place just as they are

for other stakeholders such as the Attorney General's Office and the Guardian ad Litem's Office," she said. "Standards have been established for those parties in the courtroom, but the same is not true of defense counsel across the state."

Davis, who will make $91,058 a year, including benefits, said because of her own experience in the courtroom defending parents, she couldn't pass up the opportunity to seek this new post.

"Defending parents was a job I thought was worthwhile, and it was something I really enjoyed," she said. "I am excited about the prospects involved with this office."

While it may appear strange at first blush, a child advocacy group lauded the legislative movement to create the office and says Davis is the right fit.

"In the long run, what is good for children is so case specific," said Katie Gregory, a policy analyst for Voices for Utah Children. "In one case, the very best thing for a child may be to be removed from family and be adopted by a family who has the love and resources to care for them. In another situation, the parent may just need to work through some issues, and there is no reason to permanently deprive that child of their parents."

Gregory, who specializes in child welfare issues, said if there is a level playing field in the court, then "you get the right outcome."

Davis was picked from an initial pool of 38 applicants that was eventually reduced to a field of eight people, said state Department of Administrative Services executive director Camille Anthony.

Those contenders were interviewed by a panel that included a defense attorney, people with expertise from the Attorney General's Office and a member of the state's child welfare board. Job requirements included being an attorney and having work experience in the defense of parents.

"She demonstrated an excitement about the subject and the ability to provide genuine equity in these types of cases," said Anthony.

Davis, through her job at the state office of the courts, staffed a standing committee on child and family law and a court improvement project designed to improve delivery of services.

"She's very thorough, very dependable and has some history of working with parents," said Robin Arnold-Williams, executive director of the Department of Human Services. "She has an understanding of the child welfare system, the court system and a sensitivity for parents' rights and their needs."

Gregory, whose organization is an active agitator for change in public policy, said she believes Davis will make a great first director of an office designed to promote balance in the system.

"I think she is committed to being an advocate for parents. "

Davis is coming on board at a time when many lawmakers have leveled their sights at the

child welfare system, saying it pays too little deference to parents and is heavily weighted in favor of the established state players such as the Attorney General's Office and the state Division of Child and Family Services.

Davis, who does not have children, would not say if she thought the state overstepped its bounds in the Jensen case, preferring not to "armchair quarterback."

She also declined to reveal if she agreed with some lawmakers' contentions about the system's imbalance.

"Everyone is entitled to due process," she said. "It is important to make sure all parents have great representation."

Sen. Parley Hellewell, R-Orem, is one of the most vocal critics of the child welfare system and says he hopes the office accomplishes what lawmakers crafted it to do.

"There needs to be more help for parents, better investigations and fewer children being taken away from their parents," he said, adding that the office should not become just another bureaucratic layer in government.

A colleague agreed.

"There's never really been anyone to step forward and represent the parents, their interests and what their rights are," said Rep. Steve Mascaro, R-West Jordan.

"Parental rights have been a hard thing to balance. Everyone can step forward and say 'protect the child,' but finding a way to give parental rights consideration has been difficult. This will really help a lot."

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