

# THE GUARDIAN

NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

VOLUME 23 / NUMBER 4 / FALL 2001

## IN THIS ISSUE

---

DIRECTOR'S YEAR END MESSAGE . . . . . 1

COMING TOGETHER AS A CHILDREN'S LAW  
COMMUNITY IN A TIME OF CRISIS

CASE LAW . . . . . 2

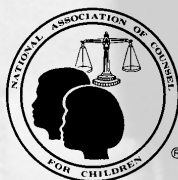
FEDERAL POLICY UPDATE . . . . . 9

FUNDING FOR CHILD WELFARE AND  
JUVENILE JUSTICE PROGRAMS AND  
REAUTHORIZATION LEGISLATION

CHILDREN'S LAW NEWS . . . . . 12

NACC LOSES A CHAMPION  
OF CHILDREN'S LAW

AFFILIATE NEWS . . . . . 15



NACC DENVER COLORADO

**NACC LAUNCHES NEW WEB SITE: [www.NACCchildlaw.org](http://www.NACCchildlaw.org)**

NACC 25th National Children's Law Conference  
Sheraton World Resort – Orlando, Florida  
September 26 – 29, 2002

# NACC

National Association of  
Counsel for Children



## MISSION

To achieve the  
well-being of children  
by promoting  
multidisciplinary excellence  
in children's law, establishing  
the legal interests of children  
and enhancing children's  
legal remedies

## EXECUTIVE COMMITTEE

### President

Katherine S. Holliday, Esq.  
Charlotte, North Carolina

### Vice President

Candace J. Barr, Esq.  
Minneapolis, Minnesota

### Treasurer

Christopher N. Wu, Esq.  
San Francisco, California

### Secretary

John H. Stuemky, MD  
Oklahoma City, Oklahoma

### Past President

Angela L. Adams, Esq.  
Santa Fe, New Mexico

### Executive Director

Marvin Ventrell  
Denver, Colorado

### Policy Representative

Miriam Rollin  
Washington, D.C.

*The Guardian* is published quarterly by  
the National Association of Counsel for Children,  
Imhoff Pavilion, 1825 Marion Street, Suite 340  
Denver, Colorado 80218  
303-864-5320 • FAX: 303-864-5351  
E-Mail: [advocate@NACCchildlaw.org](mailto:advocate@NACCchildlaw.org)  
Web Site: <http://www.NACCchildlaw.org>

Editor: Marvin Ventrell  
Case Editor: Laoise King

© Copyright 2001 NACC

# Table of Contents

## DIRECTOR'S YEAR END MESSAGE

Coming Together as a Children's Law Community in a Time of Crisis . . . . . 1

## CASES

Dependency / Child Support (New York) . . . . .	2
Prosecution of Child Abuse / Death Penalty (5th Circuit) . . . . .	2
Dependency / Investigations (North Carolina) . . . . .	3
Delinquency / 4th Amendment (Massachusetts) . . . . .	4
Dependency / Reasonable Efforts (Missouri) . . . . .	5
Foster Children / Class Action (10th Circuit) . . . . .	5
Custody / Child's Wishes (Pennsylvania) . . . . .	6
Dependency / ICPC (Arizona) . . . . .	7
Indian Child Welfare Act (California) . . . . .	8
Dependency / Domestic Violence (New York) . . . . .	8

## FEDERAL POLICY UPDATE

Funding for Child Welfare and Juvenile Justice Programs and Reauthorization Legislation . . . . .	9
--	---

POLICY NETWORK . . . . .	10
--------------------------	----

## CHILDREN'S LAW NEWS

Conferences & Training . . . . .	12
Publications . . . . .	12
News . . . . .	13
NACC Loses a Champion of Children's Law	
NACC Launches New Web Site	
Amicus Curiae Activity . . . . .	14
Jobs . . . . .	14

## AFFILIATE NEWS

Current Listing of NACC Affiliates . . . . .	15
--	----

NACC MEMBERSHIP APPLICATION . . . . .	16
---------------------------------------	----

NACC DEVELOPMENT FUND . . . . .	16
---------------------------------	----

NACC CONTRIBUTORS . . . . .	17
-----------------------------	----

PUBLICATIONS . . . . .	Back Cover
------------------------	------------

REFERRAL NETWORK . . . . .	Back Cover
----------------------------	------------

Subscription Price:  
*The Guardian* is sent to all members of  
the National Association of Counsel for Children.  
Membership in the organization is \$75 annually.  
To join, send application on page 16 to  
National Association of Counsel for Children.

# THE GUARDIAN

NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

Volume 23 • Number 4 • Fall 2001

*The Guardian* is printed on recycled paper.



## Director's Year End Message

### COMING TOGETHER AS A CHILDREN'S LAW COMMUNITY IN A TIME OF CRISIS

Marvin Ventrell, NACC Executive Director

Over 500 lawyers and other advocates for children and families gathered in Coronado, California this fall, two weeks after the disaster of September 11. It was the NACC's 24th National Children's Law Conference and like the many conferences before it, we came to talk about the 1 million substantiated cases of child maltreatment in our country each year; the in excess of 1 million juvenile delinquency cases each year; and the seemingly countless private custody and visitation cases. In other words, we came together to talk about the national crisis of children in our country that continues to go largely unrecognized by our politicians and our public.

Only this year, we came together at a time of another national crisis, one caused by terrorism that has devastated all of us. We came together as a national child advocacy community at a difficult time to do difficult work. I was proud to be part of the NACC that week. Organizations considered canceling their conferences and some did. The NACC decided the needs of children in crisis were not taking a break and neither should we. We decided to take a chance that our members would agree, and they did, forming our biggest, and in many ways best conference ever.

There was something special about the conference that had as its theme, "moving from sympathy to empathy." The theme was about how we can produce better outcomes for children when we view circumstances from the child's world, not ours. The theme was about feeling the crisis and the terror that so many children live with everyday.

Most of us were not directly effected by the disaster of September 11, yet the magnitude of the terror has impacted us. The NACC extends its sympathy to all those effected. We have offered our expertise in children and family matters to the ABA Disaster Relief Program that is working with FEMA to assist victim's

families. (More information on that program is available at [www.abanet.org/legalservices/disater.html](http://www.abanet.org/legalservices/disater.html).) It is devastating to realize that so many children lost one or both parents on September 11 and what that will mean in their lives.


In truth, however, it is more devastating to realize that hundreds of thousands of children live in terror and crisis everyday as a result of violence, poverty, and abandonment and that their crises go largely unrecognized. To the extent that September 11 made us feel attacked and vulnerable in our still manageable adult world, imagine living terror as a way of life as a child where no one will even recognize the emergency of your condition. Perhaps the conference was so meaningful this year because we could not help but feel empathy for the suffering of others.

To the extent that a disaster like September 11 can help us, let it help us be more empathetic to the plight of our nation's children. Use it as motivation to serve your child clients and to promote services for children. And while our Congress works, as it should, to respond to the tragedy of September 11 by appropriating significant dollars, we cannot take a break from our already underprioritized and underfunded children's programs. Please take a few minutes to read the Policy Update on page 9 of this issue and let the President and your repre-

sentatives know that we must fund our children's programs and that we do not solve one crisis by making another even worse.

This is the last *Guardian* of the year and on behalf of the NACC Staff and Board, I want to wish all of our members a safe and happy holiday season. Thank you for being a part of the NACC's work and allowing us to be a part of yours. I look forward to seeing you next year at our 25th National Children's Law Conference in Orlando, Florida, September 26-29, 2002.

**ADVOCACY FOR  
CHILDREN AND FAMILIES:**  
*Moving from Sympathy to Empathy*



The National Association of Counsel for Children  
**24th National Children's Law Conference**  
San Diego / Coronado, California  
September 29 - October 2, 2001  
Loews Coronado Bay Resort



## Cases

### DEPENDENCY / CHILD SUPPORT

*New York Court Of Appeals Holds That Parents' Support Obligations For Children In Residential Or Foster Care Are Governed By The Child Support Standards Act (CSSA). Dutchess County Dep't of Social Servs. v. Day, 726 N.Y.S.2d 52, 2001 N.Y. LEXIS 1048 (N.Y. Ct. App. 2001), 4 Pages.*

The Dutchess County Department of Social Services (DSS) initiated proceedings against the Days, seeking reimbursement for funds it expended on behalf of the Days' minor child while she was in residential care. After a hearing, the Hearing Examiner calculated the basic child support obligation of each parent pursuant to the Child Support Standards Act (CSSA) formula. The Hearing Examiner then found that it was appropriate to deviate from that statutory amount based on the parents' need to maintain a home for the child; the child's weekend and other periodic home visits during the placement; and the mother's inability to work during the relevant time period due to back surgery. Orders of support were entered against both parents.

DSS filed objections to the support orders, arguing that the Hearing Examiner improperly deviated from the CSSA standards by allowing deductions from the statutory support amounts.

The Family Court denied the objections, but held that where a child is placed in residential care, a parent's support obligation is governed by New York Family Court Act § 415 (section 415). Section 415, which was last amended in 1977, establishes a relative's duty to support a recipient of public assistance. The CSSA was enacted in New York in 1989, in response to federal legislation

requiring states to establish uniform standards for establishing child support liability and to implement child support programs which are in compliance with Title IV-D of the Social Security Act. The Federal Law required that States "establish one set of guidelines for setting child support award amounts within the state." The CSSA sets out a precise mathematical formula to determine the amount of child support owed. The court reasoned that §415 allowed the court broader discretion in determining support awards than the CSSA, and thus was the appropriate standard by which support obligations for children in residential or foster care should be calculated. The court further found that the CSSA guidelines should be reserved for private child support calculations. However, the Family Court also held that even under the CSSA standards, the orders were supported by the record and not unreasonable under the circumstances.

DSS appealed. The Appellate Division affirmed, agreeing that the Family Court Act §415 should have been applied in this case, but nonetheless upholding the support order. DSS appealed again.

The New York Court of Appeals affirmed the lower court decision that the support order was valid, but held that support obligations must be calculated in accordance with the CSSA standards as the Hearing Examiner had done.

The court noted that statutes that relate to the same subject matter must be construed together unless a contrary legislative intent is expressed. Applying this principle to this case, the court found that child support obligations must be determined in accordance with

the CSSA. The court found that both statutes declare that the support obligation to be paid must be a "fair and reasonable sum." The court also noted that CSSA was enacted at a later date than FCA §415, and that the CSSA provides a precise mathematical formula for determining support obligations. The court stated that nothing in the statute or its legislative history suggested that the Legislature intended that the CSSA guidelines were only to be applied to the customary types of child support cases. Rather, the court noted that the legislative history outlining the need for uniformity and consistency in child support awards suggested the opposite. The court cited the Governor's Program Bill Memorandum that indicated that the CSSA "ends the use of different support criteria for awards made to recipients of public assistance from those made to non-public assistance recipients." Thus, in reaching its conclusion that the CSSA was appropriate for use in this case, the court reconciled the provisions of CSSA, §415, and the state's regulatory scheme governing parents' support obligations to foster children. The court explained that §415 establishes parent's duty to support individuals receiving public assistance, while the CSSA gives specific guidance to courts for determining "fair and reasonable" support awards.

The court held that the Hearing Examiner properly applied the CSSA guidelines to child support in this case.

### PROSECUTION OF CHILD ABUSE

*Fifth Circuit Court Of Appeals Holds That Texas Statute Imposing Death Penalty For*

*The Murder Of A Child Under The Age Of Six Does Not Violate The Cruel And Unusual Punishment Clauses of the Eighth and Fourteenth Amendments Or The Equal Protection Clause Of The Fourteenth Amendment.* Styron v. Johnson, 262 F.3d 438, 2001 U.S. App. LEXIS 18374 (5th Cir.) 10 Pages.

Ranford Lee Styron (Styron) was convicted of the capital murder of his 11-month-old son Lee, and sentenced to death. The medical evidence introduced at trial indicated that the victim died as a result of subdural hemorrhaging caused by trauma to the head. The evidence revealed that the child had suffered at least three distinct blows to his head, any one of which could have caused his death. Styron testified that he punched Lee in the head one time and did not offer any explanation for the multiple bruises on Lee's head. Other evidence revealed Lee sustained retinal hemorrhages consistent with repeated episodes of shaken baby trauma and multiple rib fractures within at least two weeks prior to his death. Additionally, Lee had been taken to the hospital on three prior occasions, once for a cut on his lip, once for a broken leg, and once for treatment for a seizure disorder. Styron was indicted, tried by jury, and convicted of capital murder. He was later sentenced to death in accordance with Texas law that provides "[a] person commits an offense [of capital murder] if he commits murder...and the person murders an individual under six years of age."

Styron appealed on several grounds, including that his conviction violated the cruel and unusual punishment clauses of the Eighth and Fourteenth Amendments and that his conviction denied him equal protection under the Fourteenth Amendment when it limited capital murder to circumstances where the victim is under six years old.

The Fifth Circuit first examined Styron's claim that the Texas statute constitutes cruel and unusual punishment. The court looked to the United States Supreme Court for guidance, and found that the Court had set out a test to determine the constitutionality of a death penalty scheme. In Tuilaepa v.

California, 512 U.S. 967, 114 S. Ct. 2630 (1994), the Supreme Court stated "to render a defendant eligible for the death penalty in a homicide case, we have indicated that the trier of fact must convict the defendant of murder and find one 'aggravating circumstance' (or its equivalent) at either the guilt or penalty phase...the aggravating circumstance must meet two requirements. First, the circumstance may not apply to every defendant convicted of murder; it must apply only to a subclass of defendants convicted of murder. Second, the aggravating circumstance may not be unconstitutionally vague."

Styron argued that the statute violates the prohibition against cruel and unusual punishment because the age of a victim does not establish a principled basis for distinguishing defendants. He asserted that there is no principled basis for distinguishing between a defendant who murdered a child under the age of six from one who murdered an older child. The Fifth Circuit disagreed. Citing Tuilaepa the court stated that the aggravating circumstances for capital murder of murdering a child under six is constitutionally sufficient. It does not apply to every defendant convicted of murder; it applies only to a subclass of defendants. Second, it is not unconstitutionally vague because 'children under six' is a clear and definite category. Thus, the court held that murdering a child under six is a sufficiently narrow statutory aggravating factor and therefore the statute did not violate the prohibition against cruel and unusual punishment.

The court next reviewed Styron's assertion that the conviction denied him equal protection under the Fourteenth Amendment when it limited capital murder to circumstances where the victim is under six years old. Styron contended that the statute should be reviewed under strict scrutiny because it impinges upon his right of 'freedom from the arbitrary and capricious infliction of punishment.' The Fifth Circuit rejected this argument. The court noted that age classifications are unlike race or gender classifications, in that age is not a suspect classification under the

Equal Protection clause. Thus, the court refused to apply a strict scrutiny review.

The Court proceeded to examine the statute under a rational basis review. The court held that the statute is constitutional under rational basis scrutiny. The court reasoned that there is a clear governmental interest in protecting young children. The court cited a Texas Appeals court as stating "children are deemed to warrant protection because of their inexperience, lack of social and intellectual development, moral innocence, and vulnerability." Secondly, the court noted that the decision of the Texas legislature to declare the age limit of six years is rationally related to the interest of protecting young children. Therefore, the court held that using the six-year age limit is a rationally related means to accomplishing Texas's end: protecting young children. The court, therefore, denied Styron's application for appeal.

## DEPENDENCY / INVESTIGATIONS

*North Carolina Court Of Appeals Holds That Social Worker's Private Interview With Child Subject Of A Neglect Or Abuse Investigation Does Not Constitute A Search Or Seizure Under The Fourth Amendment.* In the Matter of Stumbo, 547 S.E.2d 451, 2001 N.C. App. LEXIS 302 (N.C. App. 2001). 7 Pages.

On September 9, 1999, Tasha Lowery, a child protective services investigator for the Department of Social Services (DSS), received a report that a naked, two-year old child was unsupervised in the driveway of a house. Lowery drove to the house to investigate. A woman came out of the house and introduced herself as Mrs. Stumbo. Lowery introduced herself and explained why she was there. Lowery further explained to Mrs. Stumbo that, as part of her investigation, she needed to speak with the children privately. In response, Mrs. Stumbo indicated that she would need to contact her husband. This conversation took place in the driveway. Lowery spoke on the telephone to Mr. Stumbo, who agreed to come home. While Mr. Stumbo was on his way home, Mrs. Stumbo called an attorney.

At one point, Lowery went around the back of the house with Mrs. Stumbo and sat on the deck. At that time she was close enough to all four of the Stumbo children to observe them in detail. She did not see any bruises, marks or other behavior to lead her to suspect abuse or neglect. She refrained from asking the children any questions because she had been asked by Mrs. Stumbo not to speak with the children, and she was honoring that request. Mr. Stumbo arrived home and told Lowery he felt he had a privacy right to refuse to allow her to interview his children, and to refuse to allow her to enter his home, because he felt there was no good reason for the investigation. Lowery told Mr. Stumbo that it was the policy of DSS to interview children who are the subjects of an investigation. After this conversation, the family went into the house and closed the door. Lowery left.

On September 16, 1999 DSS filed a "petition to prohibit interference with or obstruction of child protective services investigation" against the Stumbos. The Stumbos filed a brief opposing the petition. At the hearing, Lowery testified that she requested to speak to the children privately at least three times during the incident but was unable to complete her investigation because the Stumbos did not allow her to conduct any interviews with the children. The trial court concluded that the Stumbos obstructed or interfered with the investigation by refusing to allow Lowery to interview the children in private. The court therefore ordered the Stumbos to permit DSS to conduct an investigation and not to interfere with or obstruct that investigation. The court explained that because the investigation did not involve a "search" or a "seizure," the Fourth Amendment did not apply and no probable cause showing was necessary prior to a social worker's interview.

The Stumbos appealed claiming that a DSS investigation would require the investigating social worker to enter their home and conduct private interviews with the children; that entry into the household by a social worker is a "search" and private interviews of the children by a social worker would constitute a "seizure," both requiring

probable cause under the Fourth Amendment; and that the trial court's order, instructing the respondents to cease interfering with and obstructing the investigation, constituted reversible error because it was a warrant issued without probable cause.

The Court of Appeals rejected the Stumbos' arguments. The court first stated that whether a search or a seizure has occurred is the threshold question that must be resolved before determining whether the protections guaranteed by the Fourth Amendment apply. The court held that no search or seizure had taken place. The court held that the social worker at no time asked to enter the home, that the statutory scheme does not require the social worker to enter the home, only to visit the place where the juvenile resides. Moreover, the court found that the trial court's order did not authorize entry into the home. The order simply found that the Stumbos "obstructed or interfered with the investigation by refusing to allow the worker to observe or interview the juveniles in private."

The court therefore ordered the Stumbos to comply with the trial court's order.

## DELINQUENCY / 4TH AMENDMENT

*Massachusetts Supreme Judicial Court Holds That Search Of Student Violated Fourth Amendment Prohibition Against Unreasonable Searches And Seizures Where Search Was Premised Solely On The Student's Violation Of A School Rule Unrelated To The Possession Of Contraband Or The Threat Of Violence. Commonwealth v. Damian D., 752 N.E.2d 679, 2001 Mass. LEXIS 410 (Ma. 2001), 4 Pages.*

On the afternoon of Friday, October 22, 1999, a school administrator observed Damian D. and two classmates walking across the school parking lot returning to the school building while class was in session. The administrator confronted the students and instructed each of them to bring their parents to school the following Monday morning. Damian failed to bring his mother to school on Monday. When

the administrator next saw Damian, he brought Damian, the Headmaster, and a Boston school police officer into a nearby classroom and conducted an "administrative search." The search began with a verbal inquiry about whether Damian had any contraband in his possession. When Damian replied that he did not, he was asked to empty his pockets and take off his shoes. A small bag of marijuana was found concealed in Damian's shoe. At this point, the police officer arrested Damian.

Damian was charged with delinquency for possession of a controlled substance. He filed a motion to suppress the evidence, contending that he was searched in violation of the Fourth Amendment. The trial court denied his motion to suppress. Damian was found delinquent, and he appealed. The Supreme Judicial Court transferred the case on its own motion.

The court began by reviewing Fourth Amendment case law. The court noted that it is well established that the Fourth Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by school officials. However, the court also noted that it is well recognized that school environments require a "special need for immediate response to behavior that threatens either the safety of school children and teachers or the educational process itself." The court held that in assessing the reasonableness of a student search, it must consider whether the search was justified at its inception and whether it was limited in its execution to the circumstances which justified the intrusion in the first place. The court held that in ordinary circumstances, a search will be justified at its inception "when there are reasonable grounds that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school."

The court next turned the facts of the case. The court stated that it was undisputed that the only basis for the search was Damian's truant behavior and his failure to bring his mother to school on Monday. The school officials had no evidence that suggested Damian was

in possession of contraband before they searched him, or that he had violated any law or any school rule other than truancy.

The school argued that the “administrative search” was appropriate because the student had violated school rules, and a violation of school rules is an adequate basis under the Boston public school policy on the subject of student searches, to justify a search. The court stated that this was a misinterpretation of both Fourth Amendment case law and the Boston public school policy. The court explained that a violation of school rules, standing alone, may or may not provide reasonable grounds for a search. In order for an “administrative search” to be appropriate, the administrator must have reasonable grounds to believe that the search will yield evidence that the student has violated or is violating either the law or the rules of the school. The court stated that in this case, Damian was not searched for evidence of his uncontested truancy, he was searched for contraband. The court stated that it was pure speculation that because Damian was out of class for a period of time during the day, he was likely to have contraband. The court stated that “possibility and speculation, like hunches and unparticularized suspicion, do not constitute reasonable grounds for the search of a student.” Therefore, the court concluded that the search was unreasonable at its inception and vacated the lower court’s finding of delinquency.

## DEPENDENCY / REASONABLE EFFORTS

*Missouri Court Of Appeals Holds That Child Who Sustained A Fractured Bone And Had Multiple Bruises At Various Stages Of Healing Was Severely Physically Abused And Thus Reasonable Efforts To Reunify Child With Parent Were Not Required. In the Interest of A.H.,* 45 S.W.3d 899; 2001 Mo. App. LEXIS 837 (Mo. App. 2001). 2 Pages.

On February 6, 2000, 2½-year-old A.H. was taken to the emergency room by his mother (Mother), where he was diagnosed with a broken left femur. Mother could not provide an explana-

tion consistent with the injury. The attending physician called the Division of Family Services (DFS) to report a non-accidental injury to the child. A.H. was transferred to St. Louis Children’s Hospital for surgery, and taken into DFS protective custody. On February 9, 2000, a protective custody hearing was held. The court took custody of A.H. and an adjudicatory hearing was scheduled for February 28, 2000.

At the adjudicatory hearing, A.H.’s medical records were admitted into evidence. The medical records showed that A.H.’s injury occurred when he was dropped approximately 4 feet onto concrete by Mother’s boyfriend. The medical records also indicated that A.H. had other bruises in varying stages of healing when he arrived at the emergency room on February 6. Additionally, prior medical records showed that A.H. had been treated in March 1999 after allegedly falling down a flight of stairs. The court continued the case until the dispositional hearing, set for March 29, 2000.

At the dispositional hearing, the Guardian *ad litem* and Deputy Juvenile Officer recommended that the court issue a finding of no reasonable efforts. The court found that A.H. had been subjected to a severe act of physical abuse and had been removed on an emergency basis. The court agreed and made an oral finding that a determination of reasonable efforts to reunify A.H. with Mother would not be required. Mother appealed.

Mother appealed on two grounds. First, she argued that the trial court erred by failing to make specific findings in the dispositional order that included a determination of reasonable efforts. Next, mother argued that the trial court erred because insufficient evidence was presented to support a finding of no reasonable efforts. The court first addressed mother’s claim that the trial court failed to make specific findings. The court held that the trial court’s oral finding that A.H. had been subject to a severe act of physical abuse constituted a specific finding that reasonable efforts were not required. Additionally, the court noted that under a 1998 amendment to Missouri law, reasonable

efforts are not required if a child is removed on an emergency basis.

The court then addressed Mother’s argument that there was insufficient evidence to support a finding of no reasonable efforts. The court found that A.H.’s two injuries as well as multiple bruises was sufficient to support a finding that A.H. was subjected to a severe act of physical abuse. The court, therefore, affirmed the trial court’s judgment.

## FOSTER CHILDREN / CLASS ACTION

*Tenth Circuit Dismisses Class Action Suit Brought By Foster Children Against The New Mexico Children, Youth and Families Department, Holding That Foster Children’s Claims Under The Social Security Act Are Barred By The Eleventh Amendment, And Constitutional Claims Are Barred By The Younger Abstention Doctrine. Joseph A. v. Ingram,* 262 F.3d 1113, 2001 U.S. App. LEXIS 18915 (10th Cir. 2001). 10 Pages.

In 1980 a class of children (Children) who became wards of the state after experiencing abuse or neglect, filed suit against the New Mexico Children, Youth and Families Department (Department). The Children claimed that a variety of systemic problems within the Department led to failures to make timely decisions which effectively denied them meaningful access to adoption services and a chance to be raised in permanent, stable homes. The Children sought damages and injunctive relief to prevent the Department from causing children to spend unreasonable amounts of time in foster care.

Three years after the suit was filed and certified as a class action, the parties entered into a consent decree. The first decree was vacated and replaced with a second decree in September of 1998. The second decree outlined steps for the Department to take to prevent dependent children from spending unreasonable amounts of time in foster care.

In 1999, the Children moved the district court to hold the Department in contempt for failing to comply with the second decree. The Department

countered with a motion to dismiss on the grounds that the suit is barred by New Mexico's sovereign immunity under the Eleventh Amendment and that the district court should abstain from hearing the case pursuant to *Younger v. Harris*, 401 U.S. 37 (1971). *Younger* requires federal courts to abstain from interfering with state proceedings by granting equitable relief when the state forum provides an adequate forum for relief.

The district court rejected the Department's Eleventh Amendment argument, but nonetheless dismissed the case pursuant to the Younger Abstention doctrine. The Children appealed the dismissal of the case, and the Department cross-appealed the district court's rejection of its Eleventh Amendment argument.

The Tenth Circuit Court of Appeals first reviewed the Department's claim that the action is barred by sovereign immunity pursuant to the Eleventh Amendment. The court noted that under the Eleventh Amendment and case law interpreting it, the federal judiciary is barred from entertaining cases against a state by citizens of that state, unless the state has consented to the suit or unless Congress has clearly and expressly abrogated a state's immunity. Neither party argued that these exceptions apply to this case. The court noted however, that *Ex parte Young*, 209 U.S. 123 (1908), provides a third route by which a party may obtain relief against a state agency in federal court. The *Ex parte Young* doctrine holds that the Eleventh Amendment generally does not stand as a bar to suits in which a party seeks only prospective equitable relief against a state official. The court stated that this case clearly falls under the *Ex parte Young* doctrine.

The Department argued that an exception to *Ex parte Young* was recognized by the U.S. Supreme Court in 1996 in *Seminole Tribe v. Florida*, 517 U.S. 44 (1996). This exception bars actions against state officials based on *Ex parte Young* when "Congress has prescribed a detailed remedial scheme for the enforcement against a state of a statutorily created right." The Department argued that the *Seminole* exception

applied because Congress had created a detailed remedial scheme governing states' obligations to provide child welfare services under Title IV and XX of the Social Security Act.

The court agreed that the provisions of the Adoption and Safe Families Act (ASFA) which amended Title IV in 1997, required the states to meet federal standards for delivering child welfare services. The court noted that ASFA lays out requirements in great detail and that Title XX creates a remedial scheme whereby the government can require states to repay funds if they are not in compliance with the federal requirements.

The court concluded therefore that a comprehensive statutory and regulatory provision governed Titles IV and XX, and that this fact demonstrated that Congress meant to preclude reliance on the broad provisions of an *Ex parte Young* suite to enforce the federal statutory standards governing state child adoption and welfare services. The court therefore found that *Seminole* excluded an *Ex parte Young* action to enforce the rights created by the SSA. Therefore, the court held that the Children's statutory claims were barred by the Eleventh Amendment.

The court next turned to the Children's constitutional claims and the Younger Abstention doctrine. The court examined the Children's claim that the Department violated their procedural due process rights by failing to develop procedures to decide eligibility of children for adoption and failing to periodically review dependent children's status. The court first reviewed the Younger Abstention doctrine. The Younger Abstention doctrine states that federal courts may not interfere with state proceedings by granting equitable relief when the state forum proves an adequate forum for relief. The court held that the Children had failed to show that the relief they seek would not be effectively available through the state court system. Therefore, the court held that the prerequisites for the Younger Abstention doctrine were satisfied with respect to the Children's constitutional claims.

The court concluded that the Children's claims were barred by both the Eleventh Amendment and the Younger Abstention doctrine and thus affirmed the dismissal of the case.

## CUSTODY / CHILD'S WISHES

*Pennsylvania Superior Court Holds That Trial Court Abused Its Discretion By Failing To Interview Or Hear Testimony From Children During Hearing On Modification Of Custody Where The Children Were Mature Enough To Express Preferences.* *Bovard v. Baker*, 775 A.2d 835, 2001 Pa. Super. LEXIS 474 (Pa. Super. 2001), 5 Pages.

Jeanne Baker (Mother) and James Bovard (Father) were divorced in 1993. At that time, Mother and Father were granted joint custody of their four daughters. Since their divorce, eight separate custody orders had been entered, establishing a complicated and frustrating custody arrangement. In August of 1999, Mother filed a petition to modify custody, asserting that the custody schedule had become unmanageable for both the parents and the children. Father filed his own petition to modify, also seeking a simplified shared physical custody arrangement.

In April and June of 2000, the trial court held a custody hearing regarding the custody of the children, now ages 16, 14, 12, and 10. The judge heard testimony from Mother, Father, Mother's brother, the social worker who was involved in an earlier custody evaluation and the psychologist who had counseled the older children. At the conclusion of the hearing, court stated that it was clear the present custody arrangement was unmanageable and that both parents were fit and loving parents. The judge then entered an order granting shared legal custody of the children to Mother and Father, primary physical custody to Father, and partial physical custody to Mother, pursuant to a specified schedule. Mother appealed.

The Pennsylvania Superior Court held that the trial court abused its discretion by failing to interview or take testimony from the children. The court stated that although the express wishes of a



child are not controlling in a custody decision, those wishes do constitute an important factor that must be carefully considered in determining a child's best interests. The court stated that where both parents are equally suitable, a child's preference to live with one parent "could not but tip the evidentiary scale in favor" of that parent. The court therefore remanded the case for an evidentiary hearing so that the trial court could consider the express preferences of the children, with due regard to each child's reasons, level of maturity, and intelligence.

## ■ DEPENDENCY / ICPC

*Arizona Court Of Appeals Holds That The Interstate Compact On The Placement Of Children Applies To The Court Ordered Placement Of Children With A Non-Custodial, Out Of State Parent.* Arizona Dept. of Econ. Sec. v. Leonardo, 22 P.3d 513, 2001 Ariz. App. LEXIS 74 (Az. App. 2001). 9 Pages.

Melissa and Mitchell N. were divorced in 1990. As part of the dissolution, the court appointed Mitchell as "Sole Managing Conservator" of the couple's four children. Under Texas law, this was tantamount to an award of sole custody to Mitchell, subject to Melissa's visitation rights. Shortly after the divorce, Mitchell moved to Arizona with the children.

By 2001, two of the couple's children were adults, and two of the children, Mark and Matthew, continued to reside with Mitchell in Arizona. On March 6, 2001 Arizona Child Protective Services (CPS) took protective custody of Mark and Matthew after it received a report that Mitchell and his new wife were abusing and neglecting the children. On March 9, a judge found it was reasonable to make no efforts to maintain the children in the home and awarded temporary legal and physical custody to the Arizona Department of Economic Security (ADES). The judge held a preliminary protective hearing on March 15. By this time, Melissa and Mitchell had been served with the dependency petition. Mitchell did not contest ADES's continued temporary custody of the children and waived his right to a hearing. He did, however, object to

placement of the children with Melissa without a home study and compliance with the Interstate Compact on the Placement of Children (ICPC). Melissa insisted that the judge proceed with the hearing, and she testified by telephone from Texas. Melissa objected to ADES's continued custody of the children and requested that they be placed with her in Texas. A CPS investigator also testified, reporting that he had obtained preliminary information about Melissa, but that he had not had time to complete a background check on her. The caseworker did not believe it was in the best interest of Mark and Matthew to be placed with their mother, stating that CPS did not have enough information about her.

At the end of the hearing, the judge found that ADES had failed to establish probable cause to believe the children would be subject to abuse or neglect if they were placed with Melissa. He ordered the children to be removed from their placement and placed with Melissa. Additionally, the judge ruled that the ICPC was inapplicable to the return of custody to a biological parent and thus did not apply in this case.

ADES immediately appealed to the Arizona Court of Appeals seeking a stay of the judge's order for the children to be placed with Melissa. The appeals court agreed to hear the case.

The court began by reviewing the ICPC. The court stated that the ICPC was drafted in the late 1950s to address concerns about the interstate adoption and foster care placement of children. The court stated that the ICPC continually refers to placement in foster care or as a preliminary to a possible adoption, and that it specifically states that it does not apply to "the sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state." However, the court also noted that the ICPC authorizes the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) to promulgate

rules and regulations relating to the ICPC. The court noted that Regulation 3 promulgated by the AAICPC states that when the sending agency is a child protective services agency acting through the state, and the child is placed with a parent or other family member who does not have full custodial rights to or guardianship of the child, the ICPC applies to that out of state placement.

On appeal, ADES contended that, as a member of the compact, Arizona must adhere to AAICPC regulations, and that Regulation 3 is consistent with the policy and purpose of the ICPC. ADES also argued that a number of other states had found the compact applicable to out of state placements of children with non-custodial parents. Melissa argued that Regulation 3 conflicts with the ICPC, and thus should be disregarded.

After an extensive review of the language of both the ICPC and Regulation 3, case law from several other jurisdictions, and Arizona's child welfare and placement statutes, the court held that Regulation 3 is consistent with the ICPC. The court agreed with a Florida appeals court which stated "once a court has legal custody of a child, it would be negligent to relinquish that child to an out of state parent without some indication that the parent is able to care for the child appropriately. The ICPC provides an effective mechanism for gleaning that evidence and for maintaining a watchful eye over the placement."

Rather than conflicting with the ICPC, the court found that Regulation 3 is consistent with and serves the policy and purpose of the ICPC, to protect children from dangerous out of state placements. Therefore, the court held that it is in the best interests of children who are the subjects of dependency proceedings and in the custody of protective service agencies to require an investigation by a receiving state on the suitability of a parent who does not have full custodial rights before placing the children with that parent. The court therefore vacated the lower court's ruling.

## INDIAN CHILD WELFARE ACT

*California Court Of Appeal Holds That Application Of The Indian Child Welfare Act To A Child Whose Only Connection To His Indian Heritage Is Genetic, Is Unconstitutional. In re Santos Y., 2001 Cal. App. LEXIS 815 (2001). 26 Pages.*

Santos Y. was born in November of 1998. He was removed from his mother at the hospital after he tested positive for cocaine. The court determined that the Indian Child Welfare Act (ICWA) applied because Santos' mother (Mother) was one half Chippewa Indian and was an enrolled member of the Minnesota Chippewa Tribe (Tribe). Santos remained in foster care while the Department of Social Services (Department) notified the Tribe of proceedings. In February of 1999, the Department reported that the Tribe had notified it by letter that it had no record that either Mother or Santos were enrolled as tribe members, however, the Department continued to serve the Tribe with notice of scheduled hearings. Thus, when he was three months old, Santos was placed with his current foster parents (Foster Parents). The Department recommended a concurrent plan that the Foster Parents would adopt him if his parents were unable to reunify.

In August of 1999, at a regularly scheduled review hearing, Mother announced that she had received a letter from the tribe stating that Santos was eligible for enrollment. Based on this letter, the court found ICWA applied to Santos and ordered the Department to find an Indian home for Santos, if possible. The Department was unable to locate an available Indian home, so Santos remained with Foster Parents. In January of 2000, the Department recommended a termination of Mother's parental rights and adoption of Santos by Foster Parents. At the hearing, the Department stated that it had contacted the tribe seeking assistance finding an Indian Home for Santos, and that the Tribe responded that it was unable to locate a placement for Santos, that it did not intend to intervene in the case, and that Santos should remain in his current placement.

However, because proper notice of the hearing had not been given to Santos' Father, the court continued the hearing to March 3, 2000.

On March 3, 2000, despite its earlier representations, the Tribe petitioned to intervene, claiming ICWA required the child be placed with a tribe member in Minnesota. The Tribe stated that Mother's third cousin, an active tribe member, was willing to adopt Santos. The trial court did not find good cause to depart from ICWA's placement provisions, and ordered Santos removed from his foster home and placed with the prospective adoptive mother. Foster Parents appealed.

The California Court of Appeals first reviewed the background and purpose of ICWA. The court stated that ICWA was enacted in 1978 out of an increasing concern over the consequences to Indian children, Indian families, and Indian tribes of child welfare practices that separated large numbers of Indian children from their families and tribes, and placed them in non-Indian homes. In order to protect Indian children from losing their culture and heritage, ICWA requires that states placing Indian children give preference to Indian foster homes and adoptive placements unless the court finds good cause not to do so.

The appeals court noted that several states have adopted the "Existing Indian Family Doctrine." This doctrine allows courts to refuse to apply ICWA in cases where the child, although genetically tied to an Indian tribe, is not being removed from "an existing Indian family." The reasoning behind the doctrine is that the purposes of ICWA would not be served by applying it to a situation in which the child had never been a part of an Indian home or culture.

Foster Parents argued on appeal that the court should apply the Existing Indian Family Doctrine to the case. Foster Parents argued that failing to do so would violate Santos' due process and equal protection rights under the Fifth, Tenth and Fourteenth Amendments. They argued that ICWA is unconstitutional when applied to an individual who is in all respects, except

in genetic heritage, indistinguishable from other residents of the state. The appeals court agreed.

The court reviewed the record and found that although the child's mother was enrolled as a member of the Tribe, her contact with the tribe had been minimal. The court also found that mother had had little contact with Santos since his birth. The court concluded that Santos' sole connection with the Tribe was a one-quarter genetic connection. The court next determined whether repatriating a child of assimilated parents based solely on genetic connection was unconstitutional. Under a strict scrutiny analysis, the court reasoned that a child's right to a familial relationship is a fundamental one, and that the state's interest in preserving Native American culture was a compelling state interest which supported applying ICWA placement preferences. However, the court found that applying ICWA to a child with a minimal relationship with his assimilated parents was unnecessary to further the state's interest. Additionally, the court found that the interest of preserving Native American culture was not sufficiently compelling to overcome Santos' right to remain with his de facto parents with whom he had lived for the previous two years.

Therefore, the court held that the application of ICWA to a child whose only connection to his Indian heritage is genetic, is unconstitutional.

## DEPENDENCY / DOMESTIC VIOLENCE

*New York Appeals Court Holds That Verbal Abuse And Harassment Of Child's Mother In Child's Presence Constitutes Child Neglect. In the Matter of Catherine "KK", 280 A.D.2d 732; 720 N.Y.S.2d 238; 2001 N.Y. App. Div. LEXIS 999 (NY App. Div. 2001). 3 Pages.*

Catherine K.K. (Catherine) was born in 1994, to Christopher (Father) and Maureen (Mother) K.K. The Ks divorced in 1997 and were granted joint custody of Catherine. In 1998, Mother filed a petition alleging that Father had violated the terms of their visitation agreement. The family court

temporarily suspended visitation, and ordered the Department of Social Services (DSS) to conduct a child protective investigation to determine whether a neglect petition should be filed against Father.

A hearing was held in June of 1998. The court found that Father had violated the original custody and visitation order on numerous occasions by refusing to allow Mother's designee to pick the child up from Father's care and by verbally abusing Mother when she picked Catherine up personally. The court found that Father had been verbally abusive, used vulgar language to Mother in front of the child, and that he had spit at and threw Catherine's book bag at Mother, also in the child's presence. At the conclusion of the hearing, the family court ordered that full custody be granted to Mother with visitation to Father, according to a specific schedule. This order included a provision which required that neither parent denigrate the other in the presence of the child.

In early 1999, DSS filed a petition seeking an adjudication that Father had

neglected five year old Catherine. The court adjudicated Catherine neglected by Father and ordered supervised visitation and continuing counseling for Father. Father appealed claiming that there was insufficient proof to support a finding of neglect.

The appeals court affirmed. The court noted that a finding of neglect does not require proof of actual injury but rather requires "a preponderance of the evidence establishing that the child is in imminent danger of either injury or impairment." The court stated there was ample evidence in the record that the child was, at the very least, in imminent danger of becoming impaired as a result of father's actions towards Mother. The court stated that sufficient evidence was contained in the record to support the finding of neglect, including several incidents Catherine related to a case-worker which were later corroborated. Catherine had related an incident during which Mother came to pick her up from Father's house. As Mother stepped onto the lawn of Father's house, Father threatened to call the police if Mother did not remove herself

from the property. Father then physically restrained the child from going to Mother as Father or Father's wife took pictures of Mother on the property, in an apparent effort to collect evidence to substantiate a charge of trespass against Mother. (The court noted that there was no protective order in place barring Mother from entering the property.) The child also recounted Father's use of profanity and derogatory language when addressing Mother. Furthermore, the court noted that Father pleaded guilty to assaulting Catherine's 75-year-old great aunt during a 1995 visitation exchange while Father was holding the 1-year-old Catherine.

The court therefore affirmed the lower court ruling, holding that Father had neglected his daughter by involving her in his tumultuous relationship with and harassment of Mother without regard for his daughter's well-being.

**NOTE: Decisions reported in *The Guardian* may not be final. Case history should always be checked before relying on a case.**

#### GUARDIAN CASES — NOTICE TO READERS

Decisions reported in *The Guardian* may not be final. Case history should always be checked before relying on a case. Cases and other material reported are intended for educational purposes and should not be considered legal advice.

Cases reported in *The Guardian* are identified by NACC staff and our members. We encourage all readers to submit cases.

If you are unable to obtain the full text of a case, please contact the NACC and we will be happy to furnish NACC members with a copy at no charge.



## *Federal Policy Update* by Miriam A. Rollin, JD

### FUNDING FOR CHILD WELFARE AND JUVENILE JUSTICE PROGRAMS

The Commerce/Justice/State appropriations bill (H.R. 2500) has passed the House and Senate, and House/Senate

Conference concluded on November 8. This bill determines funding levels for juvenile justice and delinquency prevention programs. There were two important differences between the House and Senate bills. The Senate bill: 1) Increases juvenile delinquency preven-

tion (JJDA Title V) funding for the first time in several years from the current FY2001 level of \$95 million to an FY2002 level of over \$130 million (with fewer earmarks than the House bill); and 2) Provides \$5 million in first-year funding for the Strengthening Abuse

and Neglect Courts Act, which was enacted last year. The House/ Senate Conference Report (filed on November 9), unfortunately, includes only the House-passed level for JJDPa Title V funding, and does not include the SANCA funding.

The Labor/HHS/Education appropriations bill has now been passed in the House and in the Senate. This bill will determine funding levels for child welfare programs in HHS, including the Child Abuse Prevention and Treatment Act programs. One significant difference between the House and Senate CAPTA funding levels is that the Senate level for CAPTA discretionary programs is over \$13 million above the House (i.e., the same level as last year, but without all of the earmarked projects); the NACC supports the Senate level.

**ACTION NEEDED:** Call House and Senate Appropriations Committee members to urge Conferees to adopt the Senate funding provision for CAPTA (for Committee lists and contact information: <http://thomas.loc.gov>. If a Senator is in the Hart Senate Building, use the district office due to anthrax-related closures of Hart.)

By the way, since these appropriations bills have NOT yet been enacted, and since the new fiscal year began October 1, Congress passed a "continuing resolution" to keep the as-yet-unfunded agencies operating into mid-November.

## CHILD WELFARE REAUTHORIZATION LEGISLATION

The Child Abuse Prevention and Treatment Act (CAPTA) programs were due to have been reauthorized by October 1, when their prior reauthorization expired. While both House and Senate Committee staff have done some preliminary work on reauthorization, no legislation has been introduced or marked-up in Committee (the Senate committee with jurisdiction is the Health, Education, Labor and Pensions Committee; the House committee with jurisdiction is the Education and Workforce Committee).

The Promoting Safe and Stable Families program (originally called the Family Preservation and Support program) was also due to have been reauthorized by October 1, when the prior authorization expired. A Senate reauthorization bill has been introduced (S. 1503), but has not yet moved forward in the Senate Finance Committee, although action there could happen in the next few weeks. On October 31, the House Ways and Means Committee voted out a reauthorization bill that was very disappointing. There had been two increases in mandatory funding – both of which were greatly needed – that were proposed by President Bush in his first full budget proposal in April: 1) A \$200 million per year mandatory funding increase in the

Promoting Safe and Stable Families (PSSF) program (from \$305 million to \$505 million); and 2) A \$60 million per year mandatory funding increase in the Chafee Independent Living program to support educational vouchers for youth aging out of foster care. Both of these proposals were included in the Budget approved by Congress, and both were part of H.R. 2873, the PSSF reauthorization bill developed by the Administration and introduced on September 10 on a bi-partisan basis, by the Chair (Rep. Herger) and Ranking Minority Member (Rep. Cardin) of the Human Resources Subcommittee. However, during the Committee mark-up, the Majority introduced a substitute bill that provided only discretionary (rather than mandatory) increased PSSF money and Independent Living voucher money (the Subcommittee had previously deleted the new funds entirely). Discretionary funds are merely a recommendation of what might be desirable in future year appropriations decisions; mandatory funds are automatic, once the authorization is enacted. NACC supports mandatory funds.

**ACTION NEEDED:** This is an opportunity for significant increases in child abuse prevention and treatment funding. More than \$1 billion in new child abuse prevention and intervention services funding is likely to be decided within the next few weeks. Please call the comment line for the President of

### NACC – Federal Policy Network

Become a part of the NACC Federal Policy Network (FPN). You will receive periodic updates and information with which to contact your representatives / senators when action is needed to protect children.

YES, I would like to be part of the NACC Federal Policy Network.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY / STATE / ZIP \_\_\_\_\_

AREA CODE / PHONE NUMBER \_\_\_\_\_ AREA CODE / FAX NUMBER \_\_\_\_\_

E-MAIL \_\_\_\_\_

**Return to:** NACC, 1825 Marion Street, Suite 340, Denver, CO 80218 or Fax to: 303-864-5351

## UNITED STATES SENATE FINANCE COMMITTEE

Max Baucus	D-Montana – Chairman	202-224-2651
John D. Rockefeller IV	D-West Virginia	202-224-6472
Tom Daschle	D-South Dakota	202-224-2321
John Breaux	D-Louisiana	202-224-4623
Kent Conrad	D-North Dakota	202-224-2043
Bob Graham	D-Florida	202-224-3041
James M. Jeffords	D-Vermont	202-224-8832
Jeff Bingaman	D-New Mexico	202-224-5521
John F. Kerry	D-Massachusetts	202-224-3224
Robert G. Torricelli	D-New Jersey	202-224-3244
Blanche L. Lincoln	D-Arkansas	202-224-4843
Charles E. Grassley	R-Iowa – Ranking Minority Member	202-224-3744
Orrin G. Hatch	R-Utah	801-524-4380
Frank H. Murkowski	R-Alaska	907-271-3735
Don Nickles	R-Oklahoma	405-231-4941
Phil Gramm	R-Texas	214-767-3000
Trent Lott	R-Mississippi	662-234-3774
Fred Thompson	R-Tennessee	615-736-5129
Olympia J. Snowe	R-Maine	202-224-5344
Jon Kyl	R-Arizona	602-840-1891
Craig Thomas	R-Wyoming	307-261-6413

the United States, at 202-456-1111. Thank the President for his commitment to improving the lives of abused and neglected children and troubled families, and urge him to stand by that commitment and insist that Congress find the funds needed to provide for the increases he has championed: \$200 million per year mandatory funding for the Promoting Safe and Stable Families program, and \$60 million per year mandatory funding for the educational vouchers for youth aging out of foster care.

Also, if you have a Senator on the Finance Committee, call him/her at the number listed below and urge him/her to provide the greatly-needed mandatory funding for PSSF and educational vouchers that was proposed by the President and included in the budget.

### JUVENILE JUSTICE REAUTHORIZATION LEGISLATION

H.R. 1900, legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDP), passed the

House by voice vote on September 20. The bill is a vast improvement over prior years' JJDP reauthorization bills – it has a requirement that juveniles be separated from adult inmates when they are in adult jails, although the requirement is somewhat weaker than the current law “sight and sound separation” standard; the bill also has a requirement that juveniles be removed from adult jails, although it changes the current 24-hour allowance to a 48-hour allowance, and includes a narrow parental consent exception. The requirement for states to address racial disparities in the juvenile justice system is actually improved slightly from current law – it encompasses disproportionality throughout the system, not only disproportionate minority confinement. The current law requirement for deinstitutionalization of status offenders is maintained with very minor modification. The prevention block grant in H.R. 1900 replaces the Title V prevention program and several smaller programs, although the prevention block grant

mixes a number of intervention uses of funds with prevention (causing concern re: prevention getting the funding).

The Senate Judiciary Committee has not yet marked-up JJDP legislation, although there is a bill to simply extend current law for a few more years (S. 1174), that was introduced by both Senators Leahy and Hatch (the Chair and Ranking Minority Member of the Committee). That bill also, for the first time, provides funding to improve the conditions of confinement of juveniles tried as adults (current JJDP protections only apply to juveniles tried as juveniles). Legislation similar to H.R. 1900 (except with an improved Prevention Grant) and H.R. 863 (see below) was introduced by Sen. Biden et al. as S. 1165.

H.R. 863, to authorize (for the first time) and improve the Juvenile Accountability Block Grant program – which has been funded for several years – was passed on the floor of the House on October 16; no action has occurred in the Senate.

### OTHER RELEVANT LEGISLATION

Several other relevant bills have been introduced (addressing unaccompanied alien children, Indian and Alaska Native foster care and adoption services, Indian Child Welfare Act amendments, restoration of funding for the Title XX Social Services Block Grants, promoting partnerships between child welfare agencies and drug and alcohol abuse prevention and treatment agencies, providing funding for youth development activities, etc.) – see Spring and Summer issues of the *Guardian*. None of these has moved forward in Congress or is expected to soon.

**DON'T FORGET: You can access all bills (including the text of legislation and public laws), committee reports, and budget/appropriations funding charts via the Internet at [thomas.loc.gov](http://thomas.loc.gov).**

\* **Miriam Rollin is the NACC Policy Representative in Washington D.C.**



## Children's Law News

### CONFERENCES & TRAINING

#### January 21–25, 2002

The Center for Child Protection at Children's Hospital – San Diego 16th Annual San Diego Conference on Child and Family Maltreatment. Town and Country Resort, San Diego, CA. For more information, call 1-858-966-4940 or e-mail mholmes@chsd.org.

#### September 26–29, 2002

NACC 25th National Children's Law Conference, Sheraton World Resort, Orlando, FL. NACC members receive a 25% registration discount. We are now accepting presentation abstracts. Brochures will be mailed in May. For more information, contact the NACC at 1-888-828-NACC or visit our web site at [www.NACCchildlaw.org](http://www.NACCchildlaw.org).

### PUBLICATIONS

#### NEW *Moving from Sympathy to Empathy*, the 2001 Edition of the NACC Children's Law Manual Series.

The manual is 435 pages and includes 30 articles covering a wide range of children's legal issues including Attachment, Bonding and Reciprocal Connectedness: Limitations of Attachment Theory in the Juvenile and Family Court by Arredondo and Edwards; ASFA's Compelling Reasons Requirement by Cecilia Fiermonte; NACC Recommendations for Representation of Children in Abuse and Neglect Cases; Powerhouse: Empowering Young Adults as they Transition From Foster Care by O'Dell, Alba, Lehman, Mayer; and Hein; Helping Separating and Divorcing Parents Remain Child Focused by

Eugene White; and *The Status of Sibling Rights: A View into the New Millennium* by William Patton. Copies may be ordered from the NACC by calling toll free 1-888-828-NACC or using the Publications Order Form on the back cover of this issue.

The *Children's Legal Rights Journal* Is Published In Association With The NACC And Available To NACC Members At A Discount.



*Children's Legal Rights Journal (CLRJ)* is a quarterly professional practice journal for child welfare, juvenile justice, and family law professionals. Now in its 20th year, *CLRJ* is published by William S. Hein & Co., Inc., under the editorial direction of the ABA Center on Children and the Law, the CIVITAS Child Law Center at Loyola University of Chicago School of Law and now, the National Association of Counsel for Children. *CLRJ* is indexed in the *Current Law Index* and *Index to Legal Periodicals*

and runs approximately 60 pages per issue. The annual subscription rate is \$62 but is available to NACC members at a 30% discount of \$42 annually. To subscribe, contact Hein toll free at 800-828-7571, ISSN 0278-7210 or contact the NACC for more information.

*NACC's Better Public Policy for Children, Youth and Families – An Advocacy Guide*, by NACC Policy Representative Miriam Rollin. A comprehensive guide to policy advocacy for children and families. Available on line at [www.NACCchildlaw.org/policy/policy\\_guide.html](http://www.NACCchildlaw.org/policy/policy_guide.html), or call the NACC at 1-888-828-NACC.

*Representing Children in Child Protective Proceedings – Ethical and Practical Dimensions, 2nd Edition*, by Jean Koh Peters, 2001 Lexis Nexis. 1-800-833-9844.

*A Digest of Cases of The United States Supreme Court as to Juvenile and Family Law*, National Council of Juvenile and Family Court Judges, 2001. 775-784-6012.



Stephen Cahn (middle) presenting at the NACC 2000 Conference in Washington, DC.

*America's Children Still at Risk*, ABA Steering Committee on the Unmet Legal Needs of Children, 2001. 1-800-285-2221. Also available on line at [www.abanet.org/unmet](http://www.abanet.org/unmet).

*Cases and Materials in Juvenile Law*, by J. Eric Smithburn, 2001 Anderson Publishing. 1-800-582-7295.

*Classic Papers in Child Abuse*, Anne Cohn Donnelly and Kim Oates, Editors. Sage Publications, Inc. 2000. E-mail to [orders@sagepub.com](mailto:orders@sagepub.com).

*Juveniles in Adult Prisons and Jails, A National Assessment*, Bureau of Justice Assistance 2000. 1-800-421-6770.

## NEWS

**NACC Loses a Champion of Children's Law.** The NACC lost a dear friend and one of its greatest champions when long time supporter and Board of Directors member Stephen Cahn died on September 28, 2001. Stephen devoted his career to children and to improving the profession of practicing law for children. The NACC will forever feel his loss. As a means of keeping Steve's memory and passion alive, we have created the Stephen Cahn Juvenile Law Award which will be given to career children's attorneys who have advanced the practice of law for children, and to young attorneys who have demonstrated special aptitude for a career in children's law.

### **NACC Launches New Web Site.**

Visit the NACC's new and improved web site at [www.NACCchildlaw.org](http://www.NACCchildlaw.org). The new site is comprised of four sections: About the NACC; Technical Assistance and Training; Children and the Law; and Policy Advocacy. The site includes special members only sections which allow you access to resources including the online membership directory. NACC members will receive their passwords by mail this fall or may obtain password information by contacting the NACC.

**The NACC National Child Advocacy Resource Center is available for**

## ONE PERSON CAN MAKE A DIFFERENCE



The National Association of Counsel for Children is looking for people who have tipped the scales in favor of children.

Many children can't rise above their circumstances without the help of real-life heroes. Our nation's courts, clinics, schools, homes, law enforcement agencies and social service organizations are filled with people who have made a difference.

The NACC has created the Outstanding Legal Advocacy Award to honor excellence in the field of children's law, advocacy and protection. NACC is now accepting nominations to recognize the contributions of individuals and organizations.

Please send a letter describing your own work or nominating another person or organization, along with contact information for yourself and the nominee to: NACC Award Committee c/o NACC, 1825 Marion Street, Denver, CO 80218.



**NATIONAL ASSOCIATION  
OF COUNSEL FOR CHILDREN**

1825 Marion Street • Denver, CO 80218 • 303-864-5320 • FAX 303-864-5351

**member use.** The Resource Center provides referrals, resource information, and consultation. NACC members may access the resource center online [www.NACCchildlaw.org](http://www.NACCchildlaw.org), by phone (toll-free) 1-888-828-NACC, fax 303-864-5351, and e-mail [advocate@NACCchildlaw.org](mailto:advocate@NACCchildlaw.org).

**The NACC 2002 Outstanding Legal Advocacy Award.** Nominations for the 2002 award are being accepted now. Please see the award notice above and send nomination letter and supporting documentation to NACC Awards, 1825 Marion Street, Suite 340, Denver, CO 80218. Contact the NACC for more information. The deadline is July 15, 2002.

**NACC 2002 Law Student Essay Competition.** The NACC is accepting essays for the 2002 Law Student Essay Competition. The winning essay will be published in the 2002 Children's Law Manual, and the winner will be given \$100, a one-year NACC membership and a scholarship to the 2002 conference in Orlando. Essays will be evaluated on the importance of the topic to advancing the legal interests of children, persuasiveness and quality of research and writing. Mail essays with contact information and a \$10 application fee to: NACC Student Essay Competition, 1825 Marion Street, Suite 340, Denver,

CO 80218 by July 15, 2002. Essays should be submitted on disk together with a hard copy, not to exceed 15 pages single-spaced. For more information, please call the NACC toll free at 1-888-828-NACC.

**2002 NACC Outstanding Affiliate Award.** Nominations are being accepted for the NACC 2002 Outstanding Affiliate Award. The award will be presented to the affiliate that best fulfills the mission of the NACC on the local level. The mission of the NACC is to achieve the well being of children by promoting multidisciplinary excellence in children's law, establishing the legal interests of children and enhancing children's legal remedies. Affiliates should submit an application in letter form together with supporting documentation to NACC Affiliate Award, 1825 Marion St., Suite 340, Denver, CO 80218. Submission Deadline is July 15, 2002.

**NACC Members Get Members Program.** Earn "NACC Bucks" by nominating your colleagues for membership. Participate in the NACC "Members Get Members" program and earn valuable NACC Bucks redeemable on your NACC member dues, publications, and conferences. For every prospect who becomes an NACC member, you will receive 20

NACC Bucks. Save 100 NACC Bucks and receive a complimentary registration to the NACC Annual National Children's Law Conference (a \$300 value). Complete and return the form located below and start earning now.

**New Director Named for National Council of Juvenile and Family Court Judges.** Hon. David B. Mitchell of Baltimore, Maryland has been selected as the new Executive Director of NCJFCJ. He began work November 1, 2001.

## AMICUS CURIAE ACTIVITY

In re Nicholas H., (2001) 91 Cal.App.4th 86, 110 Cal.Rptr.2d 126. The NACC filed a letter in the California Supreme Court urging the Court to grant the petition for review filed by presumed father Thomas G. Thomas had raised Nicholas since birth and had been Nicholas' primary caretaker for several

years prior to the case. Thomas' petition argued that the Appeals Court erred in determining that Thomas met the criteria to be Nicholas' presumed father but that Thomas' admission that he was sterile, and thus not Nicholas' biological father, constituted clear and convincing evidence that rebutted the presumption, therefore severing Thomas' status as Nicholas' parent. The California Supreme Court granted the petition to review.

**Parties interested in NACC Amicus Curiae participation in a case should contact the NACC Executive Director.**

## JOBS

**Staff Attorney, Legal Services for Children, San Francisco.** Legal Services for Children (LSC) seeks a staff attorney to represent children and youth in various administrative and judicial forums. LSC's legal services include representation in legal guardianships,

dependency proceedings, emancipations, school disciplinary hearings, special education disputes, and immigration and public benefits hearings. The staff attorney will also provide community education and "know your rights" trainings to youth and service providers. Qualifications should include experience in youth law and membership in the California Bar. Contact Judy Lin, 415-863-3762; judy@lsc-sf.org.

## Visit the NACC Child Law and Advocacy National Job Web Site.

You can access the information on line at <http://www.naccchildlaw.org/childrenlaw/jobs.html>. If you wish to post a job on the web site, follow the on line directions or call the NACC at 1-888-828-NACC.

**Please Send (mail/email/fax) Children's Law and Advocacy Job Openings to the NACC.**

**If you have "Children's Law News," please send it to: The Guardian, 1825 Marion Street, Suite 340, Denver, CO 80218  
You can e-mail information to [advocate@NACCchildlaw.org](mailto:advocate@NACCchildlaw.org).**

## NACC – Members Get Members Program!

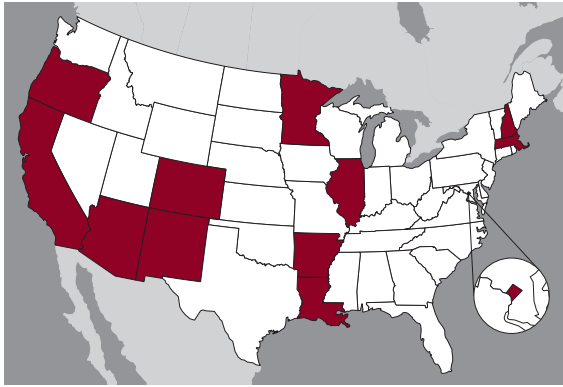
### EARN "NACC BUCKS" BY NOMINATING YOUR COLLEAGUES FOR MEMBERSHIP!

Participate in the NACC "Members Get Members" program and earn valuable NACC Bucks redeemable on your NACC member dues, publications and conferences. For every prospect who becomes an NACC member, you will receive 20 NACC Bucks. Save 100 NACC Bucks and receive a complimentary registration to the NACC Annual National Children's Law Conference (a \$300 value).

NAME	STREET ADDRESS	CITY	STATE	ZIP
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____

**Mail to: NACC Membership, 1825 Marion Street, Suite 340, Denver, CO 80218**





## Affiliate News

NACC affiliates help fulfill the mission of the national association while providing members the opportunity to be more directly and effectively involved on the local level. If you are interested in participating in NACC activities on the local level, or simply want contact with other child advocates, please contact the organization in your area. If there is no affiliate in your area and you would be interested in forming one, please let us know. The formation of an NACC affiliate is simple, and we can provide you with an affiliate development packet to get you started, affiliate development materials are available on our website at [www.naccchildlaw.org/about/affiliates.html](http://www.naccchildlaw.org/about/affiliates.html).

### THE 2002 NACC OUTSTANDING AFFILIATE AWARD

The NACC is accepting nominations for the 2002 NACC Outstanding Affiliate Award which will be presented to the affiliate that best fulfills the mission of the NACC on the local level. The mission of the NACC is to achieve the well being of children by promoting multidisciplinary excellence in children's law, establishing the legal interests of children and enhancing children's legal remedies. Affiliates should submit an application in letter form together with supporting documentation to NACC Affiliate Award, 1825 Marion St., Suite 340, Denver, CO 80218. Submission Deadline is July 15, 2002.

#### ARIZONA

Arizona Association of Counsel for Children (AACC)\*  
Ann M. Haralambie, President  
3499 N. Campbell, #901, Tucson, AZ 85719  
Phone: 602-327-6287 FAX: 520-325-1374  
E-mail: [acacnacc@aol.com](mailto:acacnacc@aol.com)  
Home Page: [members.aol.com/naccaz](http://members.aol.com/naccaz)

#### ARKANSAS

Arkansas Association of Counsel for Children (AACC)\*  
Janet Bledsoe, President  
121 N. 7th St., Rogers, AR 72756-3742  
Phone: 501-631-7136

#### CALIFORNIA

Northern California Association of Counsel for Children (NCACC)\*  
Recipient of the NACC Outstanding Affiliate Award (2001)  
Christopher Wu, President  
AOC / Center for Children, Families and the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102  
Phone: 415-865-7721 FAX: 415-865-7217  
Email: [Christopher.Wu@jud.ca.gov](mailto:Christopher.Wu@jud.ca.gov)

Los Angeles Affiliate of the National Association of Counsel for Children (LANACC)\*  
Recipient of the NACC Outstanding Affiliate Award (2001)  
Shahrazad Talieh, President  
Los Angeles CASA Program  
201 Centre Plaza Drive  
Monterey Park, CA 91754  
Phone: 323-526-6666  
Email: [stalieh@asc.co.la.ca.us](mailto:stalieh@asc.co.la.ca.us)

#### COLORADO

Colorado Association of Counsel for Children (CACC)\*  
John Ciccolella, President  
405 South Cascade Avenue, Suite 205  
Colorado Springs, CO 80903  
Phone: 719-636-1561 FAX: 719-444-0155  
Email: [John@coloradofamilylaw.net](mailto:John@coloradofamilylaw.net)

#### ILLINOIS

Illinois Association of Counsel for Children (IACC)\*  
(INACTIVE)  
Contact the NACC for Information

#### LOUISIANA

NACC Student Chapter of Tulane Law School\*\*\*\*  
David Katner, Faculty Advisor  
Tulane Law School  
7031 Freret Street  
New Orleans, LA 70118  
Phone: 504-865-5153 FAX: 504-862-8753  
E-mail: [Dkatner@clinic.law.tulane.edu](mailto:Dkatner@clinic.law.tulane.edu)

#### MASSACHUSETTS

Central & Western Massachusetts Association of Counsel for Children (CWMACC)\*  
Larri Tonelli Parker  
490 Shrewsbury St, Suite C  
Worcester, MA 01604  
Phone: 508-795-0200 FAX: 508-791-0325  
E-mail: [lamparker@aol.com](mailto:lamparker@aol.com)

#### MINNESOTA

Minnesota Association of Counsel for Children\*  
Gail Chang Bohr, President  
Children's Law Center of Minnesota  
1463 Minnehaha Avenue West  
St. Paul, MN 55104  
Phone: 612-644-4438

#### NEW HAMPSHIRE

New Hampshire Chapter of the National Association of Counsel for Children (NHNACC)\*  
Mary Ann Callanan, President  
1361 Elm Street, Manchester, NH 03101  
Phone: 603-622-2224 FAX: 603-623-2471

#### NEW MEXICO

New Mexico Association of Counsel for Children (NMACC)\*  
Nancy Colella, President  
1717 Louisiana, Suite 216  
Albuquerque, NM 87110  
Phone: 505-232-9332 FAX: 505-232-9490

#### OREGON

Oregon Association of Counsel for Children (OACC)\*  
Ellen Jones, President  
Willamette University College of Law  
245 Winter Street, SE  
Salem, OR 97301  
Phone: 503-370-6057  
FAX: 503-370-6824  
Email: [ekjones@spiritone.com](mailto:ekjones@spiritone.com)

#### WASHINGTON, DC

Washington DC Metro Chapter of NACC\*  
Anne E. Schneiders, President  
2828 Wisconsin Avenue NW, #314  
Washington, DC 20007  
Phone: 202-363-7916 FAX: 202-244-7693  
Email: [aeschild@aol.com](mailto:aeschild@aol.com)

\* Officially Chartered NACC Affiliate

\*\* Petition for Charter Pending

\*\*\* Affiliate Forming

\*\*\*\* Student Chapter

NACC Affiliates are encouraged to send announcements and news of their activities and meetings to *The Guardian*.  
Deadlines for submission are February 1, May 1, August 1, and November 1.



# Thank You

## The National Association of Counsel for Children Thanks the Following Donors and Members for Their Generosity

### \$5,000 and Up

Anonymous	David and Lucile Packard Foundation,	Lexis • Nexis
Anschutz Foundation	Organizational Effectiveness Program	San Francisco Foundation
David and Lucile Packard Foundation,	Freddie Mac Foundation	Stacey Peterson
Children, Families and	In-N-Out Burger Foundation	Stephen Cahn
Communities Program		

### \$1,000 – \$4,999

Anonymous	Robert C. Fellmeth	David Katner	Sate Bar of California,
Candace J. Barr	Foley & Lardner	Kempe Children's Foundation	Family Law Section
Donald C. Bross	Jack Hogan	Henry J. Plum	John Stuemky
Children's Hospital San Diego,	Katherine Holliday	Oklahoma Children's Health	The Zoellner Foundation
Center for Child Protection	In-N-Out Burger Foundation	Foundation	

### \$250 – \$999

Michael E. Axelrod	Vincent Fontana	Harold LaFlamme
Sanford & Randy Barr	Donna Wickham Furth	Jacqueline Parker
William G. Brooks, JR.	Samuel & Nancy Gary	Miriam Rollin
John Ciccolella	Ellen Jones	Christopher Wu

### Patron Members

Michael B. Arkin	John B. Ciccolella	David Hechler	Andrew Manns, Jr.	Paul D. Schneider
Michael E. Axelrod	Claudia K. Dickman	Jack Hogan	Philip (Jay) McCarthy, Jr.	Janet G. Sherwood
Candace J. Barr	Donald N. Duquette	Katherine S. Holliday	Andrea Niemi	Margaret H. Smith
Rebecca S. Breed	Richard J. FitzGerald	John Jerabek	Jacqueline Y. Parker	Kendall Sprott
William G. Brooks, Jr.	Donna Wickham Furth	Ellen Jones	Henry J. Plum	John H. Stuemky
Donald C. Bross	Wendy L. Gahn-Ackley	David R. Katner	Deborah A. Randolph	Arthur E. Webster
Marjorie E. Cahn	Damon L. Gannett	Harold LaFlamme	Miriam A. Rollin	Christopher N. Wu

### Sustaining Members

Melvin F. Albert	Leonard Edwards	Joan Heifetz Hollinger	Gloria Mitchell	Shari Shink
William E. Anderson	John D. Elliott	Georgia & Walt Imhoff	David A. Price	Ralphine R. Staring
Peter L. Bargmann	Lorraine Ely-Morrison	Laura M. Urbik Kern	Lucy W. Rankin	Jon E. Vice
Martin D. Brown	Robert C. Fellmeth	Amy L. Kremer	Sherrill L. Rosen	James A. Widirstky
Alice Bussiere	Carla A. Goodwin	Gwen M. Lerner	Mary Roth	Cecilia Zalkind
Howard A. Davidson	Scott K. Hanson	James A. Louis	Mary Ann Shaening	
Janet F. DeVito	Ann M. Haralambie	Rebecca L. McNeese	Robert E. Shepherd, Jr.	

### Supporting Members

Robert Ackley	Timothy Cunningham	Steven Hurwitz	Jay W. McEwen	Sara L. Silverman
Kathryn F. Ashworth	Francine C. Davis	Alan Jablonski	Ann Gail Meinster	J. Eric Smithburn
Dakota County Attorney	Tony DeMarco	Christopher C. Jeffers	Octavia Melendez	Neal Snyder
Christine L. Bailey	Janis M. DeRemer	Harold Paul Katner	Andrea L. Moore	Stephanie St. John
Billie Bell	J.E. Doek	Jeffrey Kauffman	Michael S. Morey	Kathleen A. Sternenberg
Linda Mallory Berry	Richard Ducote	Darren J. Kessler	Cindy Morris	Ashley Stinson
Ida Escobedo Betson	Brian J. Dunn	William R. Kinloch	John E.B. Myers	Janet Story
Debora A. Blake	Sharon S. England	Amy L.A. Klein	Barry Newman	Leslie J. Susskind
Frederica S. Brenneman	Brian D. Escobedo	Gilbert Kliman	James Ottesen	Justin Teitle
Robert D. Briggie	Ella J. Fenoglio	Celeste Holder Kling	Dianne H. Peterson	George S. Theios
Margaret M. Burtchaell	Tara Ford	Lisa B. Kouzoujian	Kathryn A. Pidgeon	Ruth Nash Thompson
Erlinda G. Castro	David Furman	Donald J. Kramer	Karen Pillar	D. Richard Toth
Mary S. Chromik	Marlene Furth	Richard D. Krugman	Vincent Rahaman	Gretchen Viney
Don Condie	Donna DiStefano Gardner	Sherelyn Labowski	Gary E. Robbins	Patricia A.K. Watras
Suzanne X. Conger	Charles D. Gill	Cora J. Lancelle	Craig D. Robin	Leecia J. Welch
Harry E. Conklin	Hugh S. Glickstein	Lisa B. Landsman	David N. Sandberg	Ann Whyte
Timothy J. Conlon	Kathi Grasso	David Littman	Lisa Kirsch Satawa	Howard B. Zucker
Sharron W. Cooper	W. Troy Hause	Randall C. Lococo	Anne E. Schneiders	
Richard Cozzola	Jay C. Howell	Barbara Malchick	Randy Schwickert	
Edith A. Croxen	Gilda Hudson-Winfield	James R. Marsh	Randy Shirley	

# NACC – Publication Order Form

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY / STATE / ZIP \_\_\_\_\_

AREA CODE / PHONE NUMBER \_\_\_\_\_

Please Charge my:     Visa     MasterCard

NAME AS SHOWN ON CARD (PLEASE PRINT) \_\_\_\_\_ CARD NUMBER \_\_\_\_\_

SIGNATURE \_\_\_\_\_ EXPIRATION DATE \_\_\_\_\_

### Children's Law Manuals:

	Member	Non-Member
<input type="checkbox"/> Moving from Sympathy to Empathy (2001)	\$29	\$35
<input type="checkbox"/> Improving the Professional Response to Children (2000)	\$25	\$30
<input type="checkbox"/> Kids, Courts and Community (1999)	\$20	\$25
<input type="checkbox"/> Serving the Needs of the Child Client (1998)	\$20	\$25
<input type="checkbox"/> Advocating for Children in Crisis (1997)	\$20	\$25
<input type="checkbox"/> Child Advocacy at a Crossroads (1996)	\$20	\$25
<input type="checkbox"/> Children's Law, Policy & Practice (1995)	\$20	\$25
<input type="checkbox"/> Current Issues in Pediatric Law (1993)	\$20	\$25

### Other Publications:

<input type="checkbox"/> The Child's Attorney, by Haralambie Pub. ABA (1993)	\$39	\$49
<input type="checkbox"/> Children's Legal Rights Journal (Contact William S. Hein & Co. at 1-800-828-7571 and ask for NACC Member discount.)	\$42	\$62

### Postage & Handling

(\$75 and under = \$5; over \$75 = \$10)

Total \$ \_\_\_\_\_

### Make Check Payable to: NACC

Mail to: National Association of Counsel for Children  
 1825 Marion Street, Suite 340  
 Denver, CO 80218  
 Office: 303-864-5320 • Fax: 303-864-5351  
 Federal Tax ID#84-0743810

### SPECIAL BONUS

BUY 3 BOOKS – TAKE \$10 OFF  
 BUY 4 OR MORE BOOKS –  
 TAKE \$20 OFF

# NACC – Referral Network

The NACC office receives many requests for legal services. Because the NACC does not provide direct legal services, we need to refer these people to counsel. Please fill out the following form and return it to the NACC so that we can include you in our referral network. Non-attorneys are also asked to participate.

### AREAS OF PRACTICE:

- |   |  |
|---|--|
| <input type="checkbox"/> abuse, neglect, dependency   | <input type="checkbox"/> guardianship, conservatorship |
| <input type="checkbox"/> delinquency, status offenses | <input type="checkbox"/> civil litigation              |
| <input type="checkbox"/> custody, visitation          | <input type="checkbox"/> mental health                 |
| <input type="checkbox"/> child support                | <input type="checkbox"/> health care                   |
| <input type="checkbox"/> adoption                     | <input type="checkbox"/> jurisdiction                  |
| <input type="checkbox"/> Other: _____                 |  |

I will consider *pro bono* referrals.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY / STATE / ZIP \_\_\_\_\_

AREA CODE / PHONE NUMBER \_\_\_\_\_

AREA CODE / FAX NUMBER \_\_\_\_\_

E-MAIL \_\_\_\_\_

OCCUPATION \_\_\_\_\_



National Association of Counsel for Children  
 1825 Marion Street, Suite 340  
 Denver, Colorado 80218

RETURN SERVICE REQUESTED

Nonprofit Org.  
 U.S. Postage  
**PAID**  
 Denver, CO  
 Permit No. 152