

# THE GUARDIAN

NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

Vol. 30, No. 4 ■ Fall 2008



## IN THIS ISSUE

- 1 *THREE LITTLE WORDS*
- 2 CASES
- 3 2009 CONFERENCE –  
SAVE THE DATE &  
CALL FOR ABSTRACTS
- 9 NACC / NITA  
ROCKY MOUNTAIN  
CHILD ADVOCACY TRIAL  
SKILLS TRAINING - 2009
- 10 THE CHILD WELFARE LAW  
SPECIALIST COLUMN  
Certification Year End Summary
- 11 FEDERAL POLICY UPDATE
- 14 CHILDREN'S LAW NEWS



# NACC

## **NACC 32nd National Conference**

August 19-22, 2009

New York Marriott at the Brooklyn Bridge ■ Brooklyn, NY

National Association  
of Counsel for Children

[www.NACCchildlaw.org](http://www.NACCchildlaw.org)



**NACC**  
National Association  
of Counsel for Children

**Mission**

THE MISSION OF THE NACC IS TO:

Strengthen the Delivery of  
Legal Services for Children

Enhance the Quality of  
Legal Services Affecting Children

Improve Courts and Agencies  
Serving Children, and

Advance the Rights  
and Interests of Children

**Executive Committee**

**CHAIR**

John H. Stuemky, MD  
*Oklahoma City, Oklahoma*

**VICE CHAIR**

Robert C. Fellmeth, JD  
*San Diego, California*

**TREASURER**

Janet Sherwood, JD/CWLS  
*Corte Madera, California*

**SECRETARY**

Gerard Glynn, JD/LLM  
*Orlando, Florida*

**PAST CHAIR**

Christopher N. Wu, JD  
*San Francisco, California*

**PRESIDENT/CEO**

Marvin Ventrell, JD  
*Denver, Colorado*

**POLICY REPRESENTATIVE**

Miriam A. Rollin, JD  
*Washington D.C.*

# Table of Contents

**THREE LITTLE WORDS** ----- 1  
*by Ashley Marie Rhodes-Courter*

**CASES** ----- 2

Dependency / ICPC (New Hampshire) ----- 2

Delinquency / Waiver of Counsel (Ohio) ----- 3

Dependency / Attorney-Client Privilege (Colorado) ----- 4

Dependency / Physical Discipline (Indiana) ----- 5

Delinquency / Right to Jury Trial (Kansas) ----- 6

Dependency / Medical Services (New York) ----- 7

Delinquency / Sentencing (Kansas) ----- 8

**2009 CONFERENCE – SAVE THE DATE & CALL FOR ABSTRACTS** ----- 3

**NACC PUBLICATIONS ORDER FORM** ----- 7

**2009 ROCKY MOUNTAIN CHILD ADVOCACY TRAINING INSTITUTE** ----- 9

**THE CHILD WELFARE LAW SPECIALIST** ----- 10

Certification Year End Summary

**FEDERAL POLICY UPDATE** ----- 11

*by Miriam Rollin, JD*

**CHILDREN’S LAW NEWS** ----- 14

News, Conferences & Trainings, Publications, and Jobs

**AFFILIATE NEWS** ----- 16

**NACC CONTRIBUTORS** ----- 17

**NACC MEMBERSHIP APPLICATION** ----- **BACK PAGE**

The Guardian is published quarterly by the  
National Association of Counsel for Children

Kempe Children’s Center  
1825 Marion Street, Suite 242, Denver, CO 80218  
Tel: 303-864-5320 Fax: 303-864-5351

E-Mail: [advocate@NACCchildlaw.org](mailto:advocate@NACCchildlaw.org)

Website: [www.NACCchildlaw.org](http://www.NACCchildlaw.org)

Editor: **Marvin Ventrell**

Law Editor: **Anne Kellogg**

Managing Editor: **Daniel Trujillo**

© Copyright 2008 NACC

**Subscription Price:**

The Guardian is sent to all members of the National Association of Counsel for Children. Membership in the organization is \$90 annually. To join, complete and return the application found in this issue.

The Guardian is printed on recycled paper.

**THE GUARDIAN**  
NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

Vol. 30, No. 4 ■ Fall 2008



## Three Little Words

BY ASHLEY MARIE RHODES-COURTER

*“Three Little Words” is an award winning essay and was published in the New York Times Magazine in 2003. Ms Rhodes-Courter expanded her essay into a memoir, also titled Three Little Words, which was published by Simon & Schuster and reached the New York Times bestseller’s list earlier this year.*

After years without a family to call my own, I was adopted. That day should have been bliss, right?

I never thought three little words would have such an impact on my life, even though they weren’t the words I was supposed to say. Every time I see the videotape, I cringe. It was one of those memorable occasions that families treasure, but this is one “treasure” I would rather bury.

It was July 28, 1998, my adoption day. I had spent almost 10 of my 12 years in foster care; I was now living in my 14th placement. Some homes had lasted less than a week; few more than a year. So why would this one be any different? Before this placement, I had been in residential care (the politically correct name for an orphanage). Do you remember the movie “The Cider House Rules,” when the orphans try to smile in just the right way so they will be picked by the couple shopping for a child? While it wasn’t supposed to be so obvious at the Children’s Home of Tampa, prospective parents did act as though they were looking at puppies in a pet shop. For more than two and a half years I watched the few lucky dogs pack up their belongings, wave goodbye and exit the gate. I also saw them return — even after being placed with a family — with their tails between their legs. People made promises about “forever families,” but often something went wrong. I don’t know what families expected. Nobody is perfect, and children who have already been rejected by their parents — or at least

feel they’ve been — are hoping that someone will love them no matter how they behave. I had been living with my new family for eight months. Everything seemed to be going well, but would that change after the papers were signed? And just because it was “official,” did that mean they would not send me back if I didn’t live up to their expectations?

My parents have two biological kids who are grown; they thought raising a daughter might fill their empty nest. I loved my new waterfront house, with my own room and a bathroom I didn’t have to share. For the first time, I could have friends over, and my all-star softball team came to swim after our games. Overnights are forbidden in foster care, but now I had and went to slumber parties. I could use the phone anytime I wanted, and lots of the calls were for me. I had my first pet, a kitten named Catchew that slept on my bed. There were no locks on the refrigerator or scheduled mealtimes. I could help myself to as many boxes of macaroni and cheese, bowls of ramen noodles or grilled-cheese sandwiches as I wanted.

When I did something wrong, my pre-adoptive parents docked my allowance or cut back on TV or telephone time. In one foster home, I was beaten with a paddle, denied food, forced to stand in awkward positions, swallow hot sauce and run laps in the blistering sun. Other times, I was removed to a new home with a new set of rules and promises. Nobody really lives happily ever after, do they? So when was this

Ashley Rhodes-Courter was born in 1985. At the tender age of three, Ashley entered the Florida foster care system. Over the next nine years, she lived in 14 placements before being adopted at age 12.

Ashley recently graduated with honors from Eckerd College in St. Petersburg, Florida, with a double major in communications and drama and a double minor in political science and psychology. Ashley was the recipient of Eckerd’s Trustee’s Scholarship, the school’s most prestigious full-tuition award.

At college, Ashley was a residential advisor, student public relation spokesperson, and speech coach. During her 2006 January term, Ashley worked in South Africa with a children’s literacy project.

Ashley was the 2004 Youth Advocate of the Year for the North American Council on Adoptable Children and won the Child Welfare League of America “Kids to

Kids” National Service Grand Prize. In 2004, Ashley and her family jointly won the Angels in Adoption from the Congressional Coalition on Adoption Institute (she was nominated by Congresswoman, Ginny Brown-Waite).

In 2007, Ashley was one of 20 college students selected for the USA Today All-USA Academic Team. She also was one of the four GOLDEN BR!CK Award winners for outstanding advocacy by Do Something, and was named one of GLAMOUR Magazine’s Top Ten College Women.

Ashley has been featured on Montel Williams, Good Morning America, \$.99 Cool Ranch Doritos bags, and other national and local television shows. She is currently maintaining a full calendar of speeches and workshops all across the country. She has a passion to tell her story and share hope with other foster children and encourage adoption and permanency.

More information is available at: [www.rhodes-courter.com](http://www.rhodes-courter.com).

picture-perfect story going to fall apart? Before or after the “finalization”?

You can see how terrified I am on the videotape as we enter the courthouse. My eyes seem to be searching for a way out as I am led into Judge Florence Foster’s chambers. On one side of the conference table are the people from my old life; on the other, those who represent my new one. I am placed between Gay and Phil, who are about to become my new parents. Across the way are two representatives from the Children’s Home, both therapists. They are happy for me, but that is their job. Mary Miller is smiling and holding a bouquet. She had been my volunteer guardian ad litem for four years and did the most to help me get a family.

“Our” side is also represented by Gay’s father, Grampy Weisman; one of my new brothers, Josh, who is home from college and acting as the cameraman; and my new godparents, the Weiners, who have brought their three small daughters. The proceedings are delayed because the Department of Children and Families representative is late. He also held up the adoption by neglecting the paperwork for months.

While the others chat, I am biting my lip and biding my time. Finally the representative arrives, and my attorney, Neil Spector, who is also Gay’s cousin, begins the proceedings. I wait for my cue. But what am I supposed to do? Act as if this is the happiest day of my life? How can it be, when I am petrified that everything is a big fat lie?

After some legal jargon, the judge turns to me. “Nothing in life comes easy,” she begins. “If it does, you should be suspicious.” She may be trying to comfort me by saying that she knows I’ve overcome many hardships to get where I am. Instead, she just reinforces my fears that life with my new family is too good to be true. Because of my age, I have to consent to the adoption. After talking to my parents, the judge asks me, “Do you want me to sign the papers and make it official, Ashley?”

On the tape, it looks as if I am trapped center stage in the spotlight. Do I have a choice? I stare straight ahead, shrug my shoulder and mumble, “I guess so.” In three little words, it is done.

P S. Almost five years later, I am still with my family. I didn’t know then what I know now: some people can be trusted. ■



## Cases

### Dependency / ICPC

*New Hampshire Supreme Court Holds the ICPC Limited to Foster Care and Adoption Situations.*

*In re Alexis O.*, 2008 N.H. LEXIS 122 (N.H. Oct. 29, 2008).

Alexis lived in Arizona with her natural parents. When she was seven months old, her parents agreed that her father would relocate with Alexis to New Hampshire. Upon arriving in New Hampshire, Alexis and her father lived in a homeless shelter in Plymouth. After living in the shelter for approximately two months, the father was asked to relocate to a shelter in Concord. Rather than take Alexis with him, the father left her with an acquaintance and made no provision for her long term care. After several days, the acquaintance called the Division for Children, Youth and Families (DCYF). Thereafter, DCYF initiated neglect petitions against both parents.

Following an adjudicatory hearing, the trial court found that the father had neglected Alexis. With respect to the mother, the court found that, when

first contacted by DCYF, she immediately offered to retrieve her daughter; however, DCYF elected not to pursue this option.

The trial court ruled that “[u]nless DCYF can confirm that there is an order from a court of competent jurisdiction prohibiting her from doing so, [the mother] may retrieve the child as soon as possible.” The court further stated that if the mother “retrieves the child and returns to Arizona, this case shall be closed without further hearing.” In the meantime, the court awarded DCYF legal custody of Alexis, and she was placed in foster care.

DCYF moved for reconsideration, asserting for the first time that the Interstate Compact on the Placement of Children (ICPC) applied. The trial court then ruled that because the ICPC applied, the mother could not take Alexis to Arizona until Arizona authorities had notified DCYF that the placement did not appear to be contrary to the child’s interests. The mother appealed.

In her appeal, the mother argued that the ICPC did not apply because allowing her to care for her own child in Arizona is not a “placement.” In contrast, DCYF argued that the ICPC applied to its decision to place Alexis with her mother in Arizona because the trial court assumed jurisdiction over Alexis and gave DCYF legal custody of her.

“The ICPC ... governs the relations between states when decisions are made as to where to place a dependent child.” *In re D.N.*, 858 So. 2d 1087 (Fla. Dist. Ct. App. 2003). Under the ICPC, the administrator in the sending state recommends a placement and provides the receiving state with information concerning that proposed placement. The ICPC administrator in the receiving state then determines whether the placement is appropriate. Essentially, ICPC requires that procedures be followed in order to obtain the receiving state’s permission for placement before the child is sent to the receiving state for purposes of foster care or adoption.

The court held that the plain language of the ICPC and its legislative history demonstrated that its drafters intended to limit its reach to foster care and adoption placements. The court held therefore that the trial court erred when it ruled that the ICPC applied to its decision to transfer the child to her natural mother. The court reversed and remanded for further proceedings consistent with the opinion.

### **Delinquency / Waiver of Counsel**

*Ohio Supreme Court Holds a Person Adjudicated a Delinquent Child Shall be Treated as a Child Until Age 21. In re Andrew*, 119 Ohio St. 3d 466 (Ohio 2008).

Justin Andrew was adjudicated a delinquent child and was committed to the custody of the Ohio Department of Youth Services (the Department). When he was 17 years old, Andrew allegedly violated the terms of his parole. His parole-violation hearing took place after Andrew had turned 18. At that hearing, the juvenile court determined that Andrew had waived

his right to counsel. The court revoked his parole, and committed him to the custody of the Department. Andrew appealed. The court of appeals affirmed and found that Andrew was 18 years old and therefore not a child when he waived his right to counsel, and that his "waiver of counsel was knowingly, voluntarily, and intelligently made."

The issue before the Ohio Supreme Court was whether Andrew was a "child," even though he was 18 years old, when he putatively waived his right to counsel. That court noted that if Andrew was not a child, he was entitled to waive his right to counsel in the same manner as any other adult. If Andrew was a child, he could not waive his right to counsel unless he was "advised by his parent, guardian, or custodian [or had] consulted with an attorney."

Ohio Juvenile Code defines a "child" as "a person who is under eighteen years of age, except as otherwise provided in divisions (C)(2) to (6) of this section." R.C. 2152.02(C)(1). The court noted that the only relevant exception applicable to this case, is R.C. 2152.02(C)

(6), which states, "The juvenile court has jurisdiction over a person who is adjudicated a delinquent child ... prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, ... a person who is so adjudicated a delinquent child ... shall be deemed a 'child' until the person attains twenty-one years of age."

The court held it was uncontroverted that the juvenile court properly exercised jurisdiction over Andrew's parole hearing. The court stated that the first clause of R.C. 2152.02(C)(6) plainly provides that a juvenile court retains jurisdiction over a person adjudicated a delinquent child "until the person attains twenty-one years of age." The state argued that the provision relates solely to jurisdiction. Andrew argued that he was a "child" for all purposes related to his prior adjudication as a delinquent child.

The court stated that if R.C. 2152.02(C)(6) applied only to jurisdiction, the second clause would be unnecessary. The court concluded that a person over the age of 18, who is deemed a

# Save the Date

Mark your calendars now and plan to join us in New York for the National Association of Counsel for Children's **32nd Annual**

**National Juvenile and Family Law Conference**

**August 19-22, 2009**

**New York Marriott at the Brooklyn Bridge**

333 Adams Street • Brooklyn, NY 11201 • 718-246-7000



**NACC**

National Association  
of Counsel for Children  
**1-888-828-NACC**

**Call for Abstracts**

DEADLINE: FEB 15, 2009  
SUBMISSION FORM AVAILABLE AT  
**www.NACCchildlaw.org**

child pursuant to the second clause of R.C. 2152.02(C)(6), is deemed a child for purposes other than determining jurisdiction. Further, the court interpreted the second clause of the statute to mean that when a juvenile court is exercising jurisdiction over a person adjudicated a delinquent child pursuant to the matter for which the person was adjudicated delinquent, the person adjudicated delinquent shall be treated as a child until he/she reaches the age of 21.

The court noted that although Andrew was over 18 years old when he appeared at the parole-violation hearing, he was not yet 21 years old, and the court was exercising jurisdiction on a matter related to his prior adjudication as a delinquent child. The court held therefore that Andrew was a child for purposes of the juvenile court's exercise of jurisdiction over him.

The court held that, as a child, Andrew was entitled to representation by legal

counsel at all stages of the proceeding. The statutory provision codifies and expands a juvenile's constitutional right to appointed counsel. A parole-violation hearing of a person adjudicated a delinquent child is a delinquency proceeding. Accordingly, the court held that Andrew could not waive his right to counsel unless he was counseled by his parent, guardian, or custodian or consulted with an attorney. Andrew appeared at the parole-violation hearing without a parent, custodian, or guardian, and without an attorney. Andrew was, therefore, unable to waive his right to counsel, even though he was over the age of 18 and arguably made what would have been a knowing, voluntary, and intelligent waiver of counsel. The court therefore reversed the judgment of the court of appeals and remanded the case to the juvenile court for further proceedings consistent with this opinion.

## Dependency / Attorney-Client Privilege

*Colorado Court of Appeals Holds Attorneys Appointed as GAL Subject to Rules and Standards of the Legal Profession.* Colorado v. Gabriesheski, 2008 Colo. App. LEXIS 1623 (Colo. Ct. App. Oct. 16, 2008).

Mark Joseph Gabriesheski was charged with three counts of sexual assault on a child. The alleged victim, T.W., is Gabriesheski's stepdaughter. T.W. is also the subject of a dependency and neglect (D&N) case. After Gabriesheski was charged, T.W. recanted her allegations. The prosecution subsequently endorsed the guardian *ad litem* from the D&N case as a witness. The GAL was to testify, based on statements made by T.W. to the GAL, regarding the reasons for T.W. recanting her initial allegations. Gabriesheski requested the court preclude testimony by the GAL.

from Bradford Publishing Company *Since 1881*

# Child Welfare Law and Practice

*Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases*



"Top specialists in our field of child welfare have, in one volume, produced an exhaustive compendium of information to help achieve not merely competence, but exemplary practice skills. Because of the rapid changes in and increasing complexity of dependency cases, this book should find its way onto every child welfare lawyer's bookshelf."

**Howard Davidson, Director** ABA Center on Children and the Law, Washington D.C.

### The Book that Defines the National Model!

*The nation's top child welfare law experts explain:*

- The role and duties of attorneys in child welfare cases—from initiating court action to reunification or termination and adoption.
- How to prepare for trial, examine witnesses, present expert testimony, and make and meet objections.
- Important federal legislation and constitutional law concerning the relationship among parents, children, and the state.
- The complex child welfare court process—step by step.
- The role of all parties in achieving safety, permanence, and well-being for children.

### The "must have" legal reference for:

- Attorneys preparing for NACC Child Welfare Law Certification
- Child Welfare, Family Law, State Agency & Parent's Attorneys
- Children's Attorneys / Guardians *ad litem*
- Non-Attorneys who want to understand the legal process
- *All Advocates for Abused and Neglected Children*

**Written and edited by NACC President Marvin Ventrell, NACC Board Member Donald Duquette, with contributions from 23 national experts.**



**Order Now!**

Bradford Publishing: 1-800-446-2831

NACC: [www.NACCchildlaw.org](http://www.NACCchildlaw.org)



**NACC members enjoy a 20% discount — your price: \$63**  
plus applicable sales tax and shipping.  
Non-member price \$79.

The trial court ruled that under Colorado Chief Justice Directive (CJD) 04-06 and Colorado Rules of Professional Conduct 1.6, the GAL could not testify if T.W. was unwilling to consent to such testimony. Thereafter, the prosecutor advised the court that, as a result of the ruling, the People could not go forward. The prosecutor stated that she “underst[ood] that the court may dismiss for failure to prosecute.” The trial court ordered that the case be dismissed for failure to prosecute based upon the prosecutor’s stated inability to proceed. The State appealed, arguing that, based on the attorney-client privilege, the trial court erred in excluding testimony by the GAL regarding communications made to her by her client, T.W.

In affirming the trial court’s order, the Colorado Court of Appeals noted that the Colorado Revised Statutes require courts to appoint a GAL for the child in all D&N cases and require GALs to comply with CJDs “concerning the duties or responsibilities of guardians ad litem in legal matters affecting children.” See C.R.S. 19-1-111(1),(6) (2007).

Chief Justice Directive 04-06 addresses the duties of GALs. The relevant portion states: “All attorneys appointed as a GAL . . . shall be subject to all of the rules and standards of the legal profession, including the additional responsibilities set forth by [Colo. RPC] 1.14.” CJD 04-06 § V(B).

The pre-2008 version of Colo. RPC 1.14 (which is referenced in the CJD) addresses a lawyer’s duties when representing a client “under a disability,” which includes representation of minors. The rule requires the lawyer to maintain “as far as reasonably possible . . . a normal client-lawyer relationship with the client,” Colo. RPC 1.14(a), and permits the lawyer to take protective action with respect to the client “only when the lawyer reasonably believes that the client cannot act in the client’s own interest.” Colo. RPC 1.14(c).

Attorney-GALs are also subject to Colo. RPC 1.6(a), which states that a lawyer “shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) [permitting lawyer to reveal client’s intention to commit a crime] and (c) [permitting

lawyer to reveal information in controversy between lawyer and client].”

The court of appeals noted that three weeks prior to trial, the trial court entered an order finding: (1) that T.W. was the GAL’s client, (2) that the GAL had an obligation under Colo. RPC 1.6 to maintain the confidentiality of her communications with T.W., (3) that her communications with T.W. were privileged under section 13-90-107, C.R.S. 2007, and (4) that the GAL was prohibited from divulging any client communication unless T.W. waived the privilege. The State did not seek review of that order.

Instead, the prosecutor argued that the GAL could testify because there was “no attorney-client relationship” between the GAL and the child. Further, the prosecutor argued that the GAL was appointed to represent the child’s best interests, not the child.

The trial court ruled that, in representing the child’s best interests, the GAL was also representing the child, and thus, under CJD 04-06 and Colo. RPC 1.6, was precluded from divulging T.W.’s communications to her in the absence of a waiver by T.W. The Colorado Court of Appeals found no error in that ruling.

Finally, the court noted that although Colo. RPC 1.6 and 1.14 permit a lawyer to reveal client communications in certain limited circumstances, the prosecutor did not offer testimony by the GAL or other evidence to establish that an exception applied which would permit the GAL to disclose the child’s communications without the child’s consent.

## Dependency / Physical Discipline

*Indiana Supreme Court Holds Parent Privileged to Use Reasonable Force to Impose Reasonable Confinement on Child. Willis v. Indiana*, 888 N.E.2d 177 (Ind. 2008).

Ms. Willis is a single mother raising J.J., her eleven-year-old son who has ongoing disciplinary problems, a history of untruthfulness, and taking property belonging to others. One Friday at school, J.J.’s fifth grade teacher, Ms. McCuen, saw J.J. giving a bag of women’s clothing to a classmate. Finding it odd, Ms. McCuen contacted Willis. Willis identified the clothing as her own.

Willis sent J.J. to his aunt’s home for the weekend. When J.J. returned home Sunday, Willis questioned him about his conduct. J.J. denied taking the clothing and instead concocted a story that shifted blame to other students. Willis warned J.J. that if he did not tell the truth he would be punished, and J.J. repeated the same story.

In response, Willis instructed J.J. to remove his pants. J.J. complied, and Willis proceeded to strike him five to seven times with either a belt or an extension cord, which left bruises on J.J.’s buttocks, thighs, and arms.

The following day, J.J. showed the school nurse his bruises. J.J. explained to the nurse that he received a “whooping” from his mother “[b]ecause I had took some clothes and I had lied.” Willis was thereafter arrested and charged with battery as a Class D felony. After a bench trial, Willis was found guilty. Willis appealed, and the court of appeals affirmed. Willis then appealed to the Indiana Supreme Court.

U.S. Constitutional Law recognizes that a parent has a fundamental liberty interest in maintaining a familial relationship with his or her child. This fundamental interest includes the right of parents “to direct the upbringing and education of children,” including the use of reasonable or moderate physical force to control behavior. The Indiana Supreme Court noted that parental privilege to use moderate or reasonable physical force, without criminal liability, was recognized at common law and a number of other jurisdictions specifically codified a parental discipline privilege; the Indiana courts have construed the defense of legal authority to include reasonable parental discipline that would otherwise constitute battery.

In determining what constitutes permissible conduct in the discipline of children, the court adopted the view of the Restatement (Second) of Torts, which provides, “A parent is privileged to apply such reasonable force or to impose such reasonable confinement upon his [or her] child as he [or she] reasonably believes to be necessary for its proper control, training, or education.” §147(1). The court adopted the Restatement view because it is entirely consistent with the law in Indiana and it provides guidance on the factors that may be considered in determining the reasonableness of punishment. Section 150 of the Restatement states, “In

determining whether force or confinement is reasonable for the control, training, or education of a child, the following factors are to be considered: (a) whether the actor is a parent; (b) the age, sex, and physical and mental condition of the child; (c) the nature of his offense and his apparent motive; (d) the influence of his example upon other children of the same family or group; (e) whether the force or confinement is reasonably necessary and appropriate to compel obedience to a proper command; and (f) whether it is disproportionate to the offense, unnecessarily degrading, or likely to cause serious or permanent harm.” The court noted that this list is not exhaustive and in some cases the factors listed may not be relevant or applicable. Nevertheless, the court held that, in determining whether the force is reasonable, the factors should be balanced against each other, giving appropriate weight as the circumstances dictate.

The court held that the defense of parental privilege, like self-defense, is a complete defense. In order to negate a claim of parental privilege, the State must disprove at least one element of the defense beyond a reasonable doubt. Thus, to sustain a conviction for battery where a claim of parental privilege has been asserted, the State must prove that either: (1) the force the parent used was unreasonable or (2) the parent’s belief that such force was necessary to control her child and prevent misconduct was unreasonable. The State may refute a claim of the defense of parental privilege by direct rebuttal or by relying upon the sufficiency of the evidence in its case-in-chief. The decision of whether a claim of parental privilege has been disproved is entrusted to the fact-finder. The standard of review for a challenge to the sufficiency of the evidence to rebut a claim of parental privilege is the same as the standard for any sufficiency claim. The court will not reweigh the evidence nor judge the credibility of witnesses. If there is sufficient evidence of probative value to support the conclusion of the trier of fact, the verdict will not be disturbed.

In this case, Willis raised the defense of parental discipline privilege in response to a charge of battery. The court applied the factors contained in the Restatement. The court found that the 11 year old boy’s dishonesty was serious conduct that could set the

stage for more aberrant behavior later in life. Further, the court noted that J.J. was not a first time offender. Willis had attempted progressive forms of discipline (i.e. sending J.J. to his room, grounding him, or withholding privileges). Then, after grounding failed the last time J.J. was caught stealing, Willis decided harsher punishment would be more effective. The court found that there was nothing particularly degrading about the punishment nor was it disproportionate to the offense. The court stated that it appeared from the record that the bruises were neither serious nor permanent, which militated against a conclusion that the punishment was unreasonable. Considering the totality of the circumstances, the court was not persuaded that the State disproved the defense beyond a reasonable doubt. Therefore, the court reversed the judgment of the trial court and set aside Willis’ conviction.

### **Delinquency / Right to Jury Trial**

*Kansas Supreme Court Holds Juveniles Have Right to Jury Trial. In re L.M.*, 286 Kan. 460 (Kan. 2008).

When he was 16 years old, L.M. was allegedly involved in a sexually suggestive confrontation with a neighbor. L.M. was charged as a juvenile offender on one count of aggravated sexual battery and one count of minor in possession of alcohol. L.M. requested a jury trial, which the district court denied. After a bench trial, the district court found L.M. guilty as charged. The district court sentenced L.M. as a Serious Offender I to a term of 18 months in a juvenile correctional facility but stayed his sentence and ordered L.M. to be placed on probation until he was 20 years old. Further, the district court ordered L.M. to complete sex offender treatment and register as a sex offender.

L.M. appealed. The court of appeals affirmed the district court’s decision. Thereafter, L.M. filed a petition with the supreme court for review. The sole issue before the court was whether L.M. had a constitutional right to a jury trial in a juvenile offender proceeding. L.M. argued that he should have been granted a jury trial because sweeping changes to the Kansas juvenile justice procedures merit renewed scrutiny under applicable constitutional protections. The supreme court granted L.M.’s petition for review.

The court noted that 22 years prior, the Kansas Supreme Court held that juveniles do not have a constitutional right to a jury trial under either the federal or state constitutions. *Findlay v. State*, 235 Kan. 462 (1984). Acknowledging that the Sixth Amendment applies only to criminal prosecutions, the *Findlay* court concluded that juvenile adjudications were not criminal prosecutions. The *Findlay* court also adopted the U.S. Supreme Court’s reasoning in *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971), where a plurality of the Court held that juveniles are not entitled to a jury trial under the Sixth or Fourteenth Amendments to the Constitution.

L.M. requested the court overturn *Findlay*. The court noted that the Kansas Legislature significantly changed the language of the Kansas Juvenile Offender Code since *Findlay*.

L.M. claimed that the changes in the Revised Kansas Juvenile Justice Code (KJJC) eroded the child-cognizant, paternal, and rehabilitative purposes of the juvenile offender process, thereby requiring the court to recognize a juvenile’s right to a jury trial.

The court agreed with L.M. that changes to the juvenile justice system have eroded the benevolent character that distinguished it from the adult criminal system. Because the juvenile justice system has become more akin to the adult criminal system, the changes superseded the *McKeiver* and *Findlay* Courts’ reasoning and the court found that those decisions are no longer binding precedent. The court found it apparent that the KJJC, in its tilt towards applying adult standards of criminal procedure and sentencing, removed the paternalistic protections previously accorded juveniles while continuing to deny those juveniles the constitutional right to a jury trial.

Thus, the court concluded that juveniles have a constitutional right to a jury trial under the Sixth and Fourteenth Amendments to the U.S. Constitution.

The court held that the right to a jury trial in juvenile offender proceedings is a new rule of procedure, but it will not operate retroactively. The court stated that this right will apply only to cases pending on direct review or not yet final on the date of filing of this opinion. Because L.M. was tried without a jury, the court reversed L.M.’s adjudication



and remanded the matter to the district court for a new trial before a jury.

## Dependency / Medical Services

*New York County Family Court Lacks Power to Order Agency to Pay for Medical Services Where Decision Involves Questions of Judgment, Discretion, Resources, and Priorities. Matter of Brian L. v. Admin. for Children's Servs., 2008 NY Slip Op 4381 (N.Y. App. Div. 1st Dep't 2008).*

Petitioner was born a biological male. During adolescence, petitioner was diagnosed with gender identity disorder

(GID), characterized as a disjunction between an individual's sexual organs and sexual identity. Petitioner began receiving mental health and medical care for GID, including psychological and psychiatric treatment and hormone therapy aimed at developing secondary female sex characteristics. Because petitioner was in foster care from 1995 until 2006, the Administration for Children's Services (ACS) was responsible for arranging and paying for petitioner's medical care under Social Services Law § 398(6)(c).

Petitioner, through her former law guardian, made a motion in family court seeking to compel ACS to

provide her with all medical treatment recommended by her doctors for GID, including sex reassignment surgery. For male-to-female individuals, sex reassignment surgery involves removal of sexual organs, plastic surgery, and hormone treatment.

Written reports from a psychologist, a psychotherapist and two medical doctors, each of whom had evaluated petitioner to determine whether she was a suitable candidate and ready for sex reassignment surgery, supported the motion.

ACS opposed the motion on the basis that it was only permitted to pay

## NACC – Publications Order Form

### Children's Law Manuals

	Price	Quantity	Total
<input type="checkbox"/> If It Were Easy, Anybody Could Do It: The Specialized Practice of Juvenile and Family Law (2008)	\$35	x _____	= \$ _____
<input type="checkbox"/> Achieving Quality Legal Representation for Children, Families and the State (2007)	\$25	x _____	= \$ _____
<input type="checkbox"/> The Specialized Practice of Juvenile Law (2006)	\$25	x _____	= \$ _____
<input type="checkbox"/> State of the Art Advocacy (2005)	\$25	x _____	= \$ _____
<input type="checkbox"/> Representing Children, Families, & Agencies (2004)	\$10	x _____	= \$ _____
<input type="checkbox"/> Access to Justice for Children (2003)	\$10	x _____	= \$ _____
<input type="checkbox"/> 25 Years of Child Advocacy (2002)	\$10	x _____	= \$ _____
<input type="checkbox"/> Moving From Sympathy to Empathy (2001)	\$10	x _____	= \$ _____
<input type="checkbox"/> Kids, Court and Community (1999)	\$10	x _____	= \$ _____
<input type="checkbox"/> Serving the Needs of the Child Client (1998)	\$10	x _____	= \$ _____
<input type="checkbox"/> Children's Law, Policy & Practice (1995)	\$10	x _____	= \$ _____
<input type="checkbox"/> <b>Law Manual Package – 2007, 2006, 2005, &amp; 2004</b>	<b>\$60</b>	x _____	= \$ _____

### Other Publications

<input type="checkbox"/> <i>The Child's Attorney</i> Ann Haralambie Pub ABA (1993)	\$49	x _____	= \$ _____
<input type="checkbox"/> <i>Child Sexual Abuse in Civil Cases: A Guide to Custody &amp; Tort Actions</i> Ann Haralambie Pub ABA (1999)	\$75	x _____	= \$ _____
<input type="checkbox"/> <i>NACC Recommendations for Representation of Children in Abuse &amp; Neglect Cases</i>	\$15	x _____	= \$ _____
<input type="checkbox"/> <i>NACC's Better Public Policy for Children, Youth &amp; Families: An Advocacy Guide</i>	\$15	x _____	= \$ _____

Subtotal \$ \_\_\_\_\_

20% NACC Member Discount \$ \_\_\_\_\_

Shipping & Handling (\$8 for orders up to \$75; \$10 for orders over \$75) \$ \_\_\_\_\_

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

NAME \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

SHIPPING ADDRESS \_\_\_\_\_

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

CHECK HERE IF THIS IS A RESIDENTIAL ADDRESS:  NACC MEMBER:  YES  NO

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

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

**Check enclosed (payable to NACC).**

**Please charge my**      

NAME ON CARD (PLEASE PRINT) \_\_\_\_\_

CARD NUMBER \_\_\_\_\_

CVD (3-DIGIT CODE ON BACK OF CARD) \_\_\_\_\_

CREDIT CARD BILLING ZIP CODE \_\_\_\_\_

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

SIGNATURE \_\_\_\_\_

Fax order to **303-864-5351** or mail to  
**National Association of Counsel for Children**  
1825 Marion St, Suite 242  
Denver, CO 80218

PLEASE ALLOW 7-10 DAYS FOR UPS DELIVERY

Order online at [www.NACCchildlaw.org](http://www.NACCchildlaw.org)

for medical treatments approved by Medicaid law and that Medicaid law prohibited payment for sex reassignment surgery. The family court granted the law guardian's motion and directed ACS to arrange for petitioner to have the surgery. ACS appealed.

On appeal, the matter was reversed and remanded to the family court. The panel stated that “[w]hile the record contains evidence that the operation is the generally recognized successful treatment for gender identity disorder, the record is incomplete, and, therefore, this issue is not yet ripe for determination.” The panel directed ACS to provide the family court “with a clear statement of the reasons for denial of this surgery” to facilitate meaningful judicial review of ACS’ determination.

Upon remand, ACS supplemented the record with an affidavit from the assistant commissioner in charge of matters related to the provision of medical services to foster children under ACS’ care. The assistant commissioner explained that state Medicaid law prohibited ACS from paying for sex reassignment surgery. Furthermore, he indicated that if ACS could legally pay for the surgery, it would not do so as a matter of discretion.

Petitioner moved for summary judgment directing ACS to arrange for her sex reassignment surgery, and ACS cross-moved for summary judgment declaring that it had no such obligation. The family court granted the motion, denied the cross motion, and directed ACS to make arrangements for petitioner to have the surgery. ACS appealed the decision.

The appellate court noted that ACS has a duty to provide necessary medical and surgical care to children in its care and must, if necessary, pay for that care. However, the issue before the court was whether ACS could be judicially compelled to arrange and pay for sex reassignment surgery.

The court found that, in limited and defined circumstances, the family court has discretion to order ACS to provide or arrange for a child’s services. The court noted that it is authorized to order ACS to provide or arrange for needed services — *but only if the services are authorized or required to be made available pursuant to a comprehensive annual services program plan then in effect.*

ACS asserted that medical services are not part of the effective comprehensive annual services program plan; rather, medical services are provided to foster children by ACS in accordance with a “local medical plan.” Thus, a surgical procedure falls outside the scope of the comprehensive annual services program plan and family court cannot order ACS to arrange for petitioner to have sex reassignment surgery.

The court noted that the petitioner did not cite to any provision or section of the effective comprehensive annual services program plan which would authorize or require ACS to arrange for the sex reassignment surgery. Furthermore, petitioner did not assert that the effective comprehensive annual services program plan authorized or required sex assignment surgery to be made available. The court concluded therefore that no triable issue of fact existed as to whether family court had the power to direct ACS to arrange for petitioner’s surgery.

Nonetheless, the court noted that ACS was not constrained from providing arrangements for sex reassignment surgery based on Medicaid law. However, Medicaid funds only cover certain treatment and the family court did not have the authority to order ACS to arrange for the surgery because such a decision involved questions of judgment, discretion, allocation of resources, and priorities. Additionally, the medical services were not part of the effective comprehensive annual services program plan.

The court reversed the family court’s order directing ACS to arrange for petitioner to have sex reassignment surgery, denied petitioner’s motion, granted ACS’ cross motion, and dismissed the proceeding.

## **Delinquency / Sentencing**

*Kansas Court of Appeals Holds Prior Juvenile Adjudication May Not Be Used as Basis for Classifying Person a Persistent Sex Offender.* Kansas v. Boyer, 191 P.3d 357 (Kan. Ct. App. 2008).

A Kansas District Court sentenced James Boyer to 110 months in prison on his primary offense, which was double the sentence he would have received had he not been classified as a persistent sex offender. That classification was based on a juvenile adjudication, not an adult conviction. If the juvenile adjudication were not considered,

Boyer would not have been classified as a persistent sex offender, and his maximum sentence would have been 55 months on the primary offense. Defendant appealed his sentences, arguing that his juvenile adjudication should not have triggered the sentencing rules for persistent sex offenders.

Kansas sentencing statutes provide for doubling the recommended sentence for a persistent sex offender who commits a new sex offense. Whether someone is classified as a persistent sex offender depends upon whether he or she has a prior conviction for a sexually violent crime. As the court noted, the term usually used in juvenile court is “adjudication,” not “conviction.” The issue before the court was whether a past juvenile adjudication may be used as the basis for classifying a defendant as a persistent sex offender.

The statutory provisions at issue are Kansas Statutes Annotated 21-4704(j) and 21-4710.

K.S.A. 21-4704(j) provides for sentence doubling, indicates which convictions qualify to classify someone as a persistent sex offender, and provides exceptions. The court noted that the statute contains several references to convictions; however, the statute does not contain a single reference to juvenile adjudications.

K.S.A. 21-4710 sets out which convictions are scored in determining a defendant’s criminal-history score. The score is then used to determine the range of potential sentences for a specific offense. The statute has specific references to both convictions and to adjudications, including a specific reference to which juvenile adjudications will be counted.

Kansas uses a sentencing grid box, which considers the seriousness of the crime (called the severity level of offense) and the seriousness of the defendant’s criminal past (called the criminal-history score) to determine the sentences available for most felony crimes in Kansas. Under K.S.A. 21-4704(j), the sentences provided in the sentencing grid box are doubled for persistent sex offenders.

Adult felony convictions do not disappear for purposes of criminal-history scoring. However, juvenile adjudications that are equivalent to adult felonies are scored only if they fit certain categories. The court found it

significant that a persistent sex offender by definition must have “at least one conviction for a sexually violent crime.” K.S.A. 21-4704(j)(2)(A)(ii).

The court stated that the legislature carefully distinguished between criminal convictions and juvenile adjudications in other statutes. In several past Kansas decisions, courts have emphasized such differences in statutory language and have concluded that a reference only to convictions does not implicitly include juvenile adjudications. The court found the lack of explicit reference to juvenile adjudications in the statute defining persistent sex offenders significant and intentional in light of the specific references found in other adult sentencing statutes. Further, the court noted the care with which the statutes for both

juvenile and adult proceedings have been written and courts have declined to infer statutory coverage of situations not explicitly covered.

The court made several other findings. First, the plain words of the statute reference juvenile adjudications in the general provision for calculating criminal-history scores but not in the specific provision determining who may be classified a persistent sex offender.

Second, to the extent that K.S.A. 21-4704(j) is ambiguous as to whether juvenile adjudications could be used to classify someone as a persistent sex offender, the court will narrowly construe the statute in the defendant’s favor, under the rule of lenity, since consecutive sentences can have serious impact.

Third, it is within the legislature’s authority to say that juvenile adjudications may be used for the purpose of classifying a person a persistent sex offender. However, as the court noted, such authority should be clearly granted, not implied from ambiguous language.

Past Kansas cases noted how carefully the statutes for criminal sentencing have been constructed. The court cannot add language to K.S.A. 21-4704(j) that is not present and the statute simply makes no reference at all to juvenile adjudications or, for that matter, to K.S.A. 21-4710(a). Because the defendant was sentenced as a persistent sex offender, the court vacated his sentences and remanded for resentencing. ■

#### 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.



## The Fourteenth Annual Rocky Mountain Child Advocacy Training Institute 2009

*Persuasive Advocacy in Cases Involving Children*

May 18–22, 2009 NITA National Education Center • Louisville, Colorado

The Rocky Mountain Child Advocacy Training Institute is a unique hands-on, learn-by-doing trial skills training. You will learn through lecture, demonstration, discussion, and participatory workshops. The combination of formats helps to ensure the most effective learning for each of the variety of trial skills presented over the course of five days. The majority of workshops place you in a simulated courtroom setting where you will perform as a trial lawyer. You will receive feedback from instructors with significant courtroom and teaching experiences. Expert regional and national teachers, judges and trial lawyers serve as faculty for this special advocacy training program.

#### Specific workshops include:

- Questioning techniques for direct and cross examination
- Case analysis and organization
- Examination of expert witnesses
- Evidentiary foundations – testimonial foundations for refreshing recollection & impeachment and foundations for exhibits and demonstrative aids
- Using exhibits in direct and cross examination
- How to control difficult witnesses
- Ethics and professionalism

#### Presented by:

- The National Association of Counsel for Children
- The National Institute for Trial Advocacy
- The Rocky Mountain Children’s Law Center

**Space is limited. For more information, call toll free 1-888-828-NACC or visit [www.NACCchildlaw.org](http://www.NACCchildlaw.org). NACC members receive a 20% registration discount.**

# The Child Welfare Law Specialist Certification Year End Summary

by Maureen Martin, Staff Attorney – Certification



**Child Welfare Attorney Specialization** is a program of the NACC whereby the NACC certifies qualified attorneys as Child Welfare Law Specialists (CWLS). Attorneys receive the CWLS credential from the NACC by showing their proficiency in child welfare law through a comprehensive child welfare law competency process. For more information, please visit: [www.NACCchildlaw.org](http://www.NACCchildlaw.org), or contact Maureen Martin at [Martin.Maureen@tchden.org](mailto:Martin.Maureen@tchden.org) or 303-864-5321.

The year 2008 was busy and productive for the Child Welfare Law Attorney Specialty Certification Program. The following are highlights of the year:

- The NACC Child Welfare Law Certification Program opened in five jurisdictions: Connecticut, Iowa, North Carolina, Utah, and Washington, D.C. This means that attorneys in the following jurisdictions may apply for Child Welfare Law Certification: California, Connecticut, Iowa, Michigan, New Mexico, North Carolina, Tennessee, Utah, and Washington, D.C.
- The NACC offered the Red Book Training five times: Connecticut and Washington, D.C. in February;

the NACC Annual Conference in Savannah, GA in August; Utah and Maryland in October.

The Red Book Training is a one-day Child Welfare Law and Practice survey course. The course follows the NACC's Red Book (Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect and Dependency cases) covering the major competency areas of dependency practice. The Training prepares attorneys for the NACC Child Welfare Attorney Certification Exam.

- The NACC certified 50 attorneys as Child Welfare Law Specialists (CWLS), for a total of 141 CWLS in California, Michigan, New Mexico,

and Tennessee. Please visit the NACC website for a list of all CWLS.

- The NACC received a total of 132 new applications in 2008, up from 80 applications in 2007. Eligible applicants will take the Certification Exam in the spring of 2009.

If you are an attorney in one of the nine open jurisdictions, May 31, 2009 is the application deadline for the Spring 2010 exam. Please visit the NACC website to download the NACC Child Welfare Law Program Summary and request an application.

For more information about the NACC Child Welfare Law Certification Program, please visit the NACC website: [www.NACCchildlaw.org](http://www.NACCchildlaw.org) or contact the NACC. ■

## NACC Child Welfare Law Attorney Specialty Certification



Child Welfare Attorney Specialization is a program of the National Association of Counsel for Children (NACC) whereby the NACC certifies qualified attorneys as Child Welfare Law Specialists (CWLS). Attorneys receive the CWLS credential from the NACC by showing their proficiency in child welfare law through a comprehensive child welfare law competency process.

**For more information on Child Welfare Law Attorney Specialty Certification, contact the NACC.**

Call toll-free: **1-888-828-NACC**

Visit our website:

[www.NACCchildlaw.org](http://www.NACCchildlaw.org)

Or email: [advocate@NACCchildlaw.org](mailto:advocate@NACCchildlaw.org)



# Federal Policy Update

by *Miriam A. Rollin, JD*  
*NACC Policy Representative, Washington, D.C.*

Since the previous *Guardian* update, a significant child welfare reform bill was enacted. Also since the last update, Congress finalized the FY09 Continuing Resolution (providing appropriations through early March '09), but no final appropriations bills have been enacted yet. In addition, the election results provide a window into prospects for next year's federal actions related to court-involved children and families.

## Federal Budget/ Appropriations for FY 2008, 2009

On February 4, 2008, President Bush submitted his proposed FY 2009 Budget to Congress. It included another proposal for a "state option" block grant for foster care that would result in a foster care funding cap for states (similar to prior years' budget proposals). The budget included stagnant or slightly declining funding for most programs relevant to court-involved children and families, except for a deep cut in the Social Services Block Grant (cutting \$500 million, to take the program from \$1.7 billion to \$1.2 billion). The proposed budget did maintain the \$10 million (first proposed in the FY08 budget, and passed in the FY08 appropriations bill) for CAPTA discretionary grants for quality home visiting.

Once again, this year, the Administration proposed the elimination of all of the current juvenile justice and delinquency prevention and juvenile accountability program funding, and replacement of those programs with a proposed new "Child Safety and Juvenile Justice" block grant, although the cut this year was more than twice the cut from last year – for FY09, funding is proposed to be cut by 57% from last year's juvenile justice funding levels.

The House (on 3/13/08) and Senate (on 3/14/08) passed budget resolutions for FY09. The House/Senate Conference Report, resolving the differences

between the two budget versions, was passed by the House and Senate during the first week in June. It includes funding to restore the Administration's proposed budget cuts to children's programs. Then, the allocations were made to the appropriations Subcommittees, and spending bills for FY09 began to move forward. However, progress soon came to a halt over disputes on energy policy, and a "Continuing Resolution", to keep the government operating after FY09 began on October 1 (in the absence of regular appropriations bill for FY09 having been enacted), to fund most programs in the federal government at current funding levels until early March 2009, after the next President and Congress take office.

## State Child Health Insurance Program Reauthorization Legislation

Legislation to reauthorize, expand and improve the State Child Health Insurance Program (to cover children from families who cannot afford health insurance coverage on their own, but whose incomes are just over the Medicaid eligibility limit) passed the House on 8/1/07 and passed the Senate on 8/2/07. A compromise that was very similar to the bi-partisan Senate bill, which included \$35 billion in additional funding over the next five years for SCHIP (paid for by a tobacco tax), was passed by the House on 9/25/07 and by the Senate on 9/27/07, but vetoed by the President. A House attempt to override the veto on 10/18/07 fell 13 votes short of the 2/3 vote required. Further negotiations to make modifications to the legislation to garner the additional House support needed for veto override were unsuccessful (resulting in further unsuccessful House veto override efforts). An extension of SCHIP through March 2009 (with funding to cover current caseloads) was enacted December 29, 2007 as P.L. 110-173.

## Action to Halt Implementation of Proposed Medicaid/ SCHIP Policies

On June 30, Congress overrode President Bush's veto, thereby enacting a war supplemental funding bill (H.R. 2642) that included moratoria on (halted implementation of) six of the Bush Administration's recent Medicaid regulations (which would restrict states' ability to get federal matching dollars for certain services, including rehabilitation services and targeted case management for children in foster care). The moratoria extend until April 1, 2009.

H.R. 2642 does NOT include the moratorium on the August 17, 2007 SCHIP directive, which would cap coverage of children at 250% of poverty and effectively prohibit "income disregards." This directive would clearly have had a negative impact the coverage of children in a number of states. In fact, some states would have been forced to rollback coverage, others would have covered children without federal support (thereby precluding other investments in kids), and others have already foregone expansions passed by their states waiting to see whether this directive would go into effect in August. However, in August, the Bush Administration announced that they would not take action against any states that were not in compliance with the SCHIP directive, thereby — at least temporarily — giving states relief on the issue.

A number of states have sued CMS on both the Medicaid regulations and the SCHIP directive, and those lawsuits are also proceeding.

## Child Welfare Improvement Legislation

On 6/19/08, Ways and Means Subcommittee Chairman Jim McDermott introduced H.R. 6307, the "Fostering Connections to Success Act", and the bill

was passed by voice vote on the House floor on 6/24/08. The bill: (1) provides for state-option kinship guardianship assistance payments for children, and authorizes the Secretary to make family connection grants to states (including for “kinship navigator programs” to help kinship caregivers access assistance and support); (2) allows state coverage of children in foster care after age 18 and up to age 21; (3) expands coverage of federal funds for the training of child welfare workers to include private agencies approved by the State; (4) requires a state child welfare services plan to provide for development of a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement; (5) requires case plans to include a plan for ensuring the educational stability of the child in foster care; (6) authorizes Indian tribes to receive federal funds for foster care assistance; (7) requires reasonable efforts to place siblings together in foster care when removed from their homes; (8) extends the adoption incentives program for five years, and increases incentives payments for special needs adoptions and older child adoptions; and (9) promotes the Adoption Tax Credit among foster parents who are adopting children in their care. Similar legislation in the Senate, S. 3038 (“Improved Adoption Incentives and Relative Guardianship Support Act of 2008”), was approved by the Senate Finance Committee on September 10. Then a similar House/Senate compromise version, H.R. 6893, was introduced in the House on September 15, passed by voice vote in the House on September 17, passed in the Senate by unanimous consent on September 22, and signed into law by President Bush on October 7 as P.L. 110-351.

### **Child Safety in Boot Camps and other Private Residential Programs**

H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act of 2008, was voted out of House Education and Labor Committee on 5/14/08; a closely related bill, H.R. 6358, was introduced on 6/24/08, and passed on the floor of the House on 6/25/08. The legislation sets minimum standards for boot camps and other private residential programs as well as civil penalties for violation of those standards, and provides for federal oversight of such

programs, including mandates that complaints of child abuse/neglect in the programs be investigated. No action in the Senate is expected this year.

### **Head Start Reauthorization**

On June 19, 2007, the Senate passed S. 556, the “Head Start for School Readiness Act”, a bill to reauthorize the Head Start early education program for disadvantaged kids. The House passed their Head Start reauthorization bill — H.R. 1429 — by a vote of 365–48 on May 2, 2007. The final House/Senate Conference Report version of H.R. 1429 was passed by the House and Senate in November, and signed into law by the President on December 12, 2007 as P.L. 110-134. The final legislation includes a variety of program improvements, including some language to improve Head Start access for foster children. Thankfully, the bill does not include state block grants with inadequate quality standards, which had been in a previous House-passed bill (that bill never got enacted).

### **Offender Reentry Legislation**

On 11/13/07, the Second Chance Act, H.R. 1593 (a bill to provide comprehensive reentry services for youth and adults returning to their communities after placement in lock-up) was agreed to in the House “under suspension of the rules” (2/3 vote was required), with a final vote of 347–62. The bill was passed by the full Senate on 3/11/08 (by unanimous consent), and it was signed into law on 4/9/2008 as P.L. 110-199.

### **Mentally Ill Offender Legislation**

H.R. 3992, a bill to reauthorize grants for the improved mental health treatment and services provided to adult and juvenile offenders with mental illnesses, was introduced by Rep. Bobby Scott on 10/30/07. The bill was marked up in the House Judiciary Committee in November, and passed by voice vote on the floor of the House on January 23, 2008. The Senate companion bill, S. 2304, was marked up in the Senate Judiciary Committee on March 6, 2008. The bill passed in the Senate by unanimous consent on 9/26/08, and then passed in the House on 9/29/08, and was signed into law by President Bush on 10/14/08 as P.L. 110-416.

### **Runaway and Homeless Youth Act Reauthorization**

A bill to reauthorize and improve the federal Runaway and Homeless Youth Act, H.R. 5524, was passed in the House under “suspension of the rules” on June 9. On May 22, a similar Senate companion bill (S. 2982) was favorably voted out of the Senate Judiciary Committee. This legislation was passed in the Senate by unanimous consent on 9/25/08, passed in the House without objection on 9/25/08, and signed into law by President Bush on 10/8/08 as P.L. 110-378.

### **Juvenile Justice and Delinquency Prevention Act Reauthorization**

On 6/18/08, Senators Leahy, Specter and Kohl introduced legislation to reauthorize and improve the federal Juvenile Justice and Delinquency Prevention Act. That legislation (S. 3155) was considered in the Senate Judiciary Committee on 7/31/08, and voted favorably out of Committee at that time. No Senate floor action or House Committee action is expected this year.

### **Gangs Legislation**

On 6/14/07, the Senate Judiciary Committee approved Senators Feinstein and Hatch’s S. 456, the latest version of their “gangs bill”. This bill includes mandatory minimums and other enhanced penalties, and increased federalization of gang crime, although the bill now also includes some prevention resources, and no longer has the previously-included section providing for expanded prosecution of juveniles as adults in federal court. S. 456 passed on the Senate floor by unanimous consent on 9/21/07. Companion legislation in the House, H.R. 3547, was introduced on 9/17/07 by Rep. Schiff et al.

On 10/16/07, the Chairman of the House Judiciary Subcommittee on Crime, Rep. Bobby Scott, introduced the Youth PROMISE Act, H.R. 3846. The bill would support a variety of proven-effective prevention and intervention approaches to reduce youth involvement in gangs and violent crime. No House Judiciary Committee markup of the Schiff or Scott bill is expected this year.

## Voluntary Home Visiting Legislation

On 2/16/07, Sen. Bond and Sen. Clinton introduced S. 667, the Education Begins at Home Act, which would authorize \$500 million in new federal funding for early childhood home visiting (some models of such parent coaching have demonstrated significant impact on the prevention of child abuse and neglect, and later delinquency). On 5/16/07, Rep. Danny Davis and Rep. Todd Platts introduced the House version of the legislation, H.R. 2343. On 6/11/08, the House Education and Labor Committee held a hearing on the bill, and then held a mark-up of H.R. 2343 on June 18. The bill has been favorably voted out of the House Education and Labor Committee, and the bill was discharged from the Committee on Armed Services (to which the bill had also been referred) on September 19. No House floor action or Senate Committee action is expected this year.

## Indian Child Protection and Tribal Foster Care

On 1/25/07, S. 398, a bill to amend the Indian Child Protection and Family Violence Prevention Act, was introduced. Among other things, this legislation requires that reports on tribal-related child abuse allegations include information on any federal, state or tribal final conviction, and that these reports be transmitted to and kept by the FBI. The full Senate passed this bill on May 25, 2007. No House action is expected to occur this year.

## Safe Babies Act

On March 15, 2007, the Senate Judiciary Committee marked up S. 627, the Safe Babies Act. The bill would amend the federal Juvenile Justice and Delinquency Prevention Act to create a National Court Teams Resource Center and to assist local court teams to more effectively address the needs of maltreated infants and toddlers. No Senate floor action is expected. H.R. 1082, the House version, was introduced 2/15/07, but no action on the bill is expected this year.

## Public Service Student Loan Forgiveness

Provisions for public service student loan forgiveness were enacted on 9/27/07 as part of P.L. 110-84, the College Cost Reduction and Access Act. Under Title IV of that Act, a person

employed in public safety, law enforcement, public health, public education (including early childhood education), social work in a public child or family service agency, public interest law services (including prosecution or public defense or legal advocacy in low-income communities at a nonprofit organization), or public child care may be eligible for forgiveness of any remaining interest and principle payments owed after 120 monthly payments made while so employed with regard to federal student loans, such as a Federal Direct Stafford Loan, a Federal Direct PLUS Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct Consolidation Loan.

Perkins loan forgiveness provisions were also included in the Higher Education Act reauthorization legislation (H.R. 4137), passed by the House on 2/7/08, by a vote of 354-58. The Senate legislation to reauthorize the Higher Education Act (S. 1642) passed the Senate with a vote of 95-0 on 7/24/07. The House/Senate conference report (resolving the differences between the bills) was passed in the House and Senate on 7/31/08, and signed into law as P.L. 110-315 on 8/14/08. The bill includes loan forgiveness for, *inter alia*: (1) CHILD WELFARE WORKERS—An individual who – (A) has obtained a degree in social work or a related field with a focus on serving children and families; and (B) is employed full-time in public or private child welfare services. (2) PUBLIC SECTOR EMPLOYEES – An individual who is employed in public safety (including as a first responder, police officer, or other law enforcement or public safety officer), emergency management (including as an emergency medical technician), public health (including full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), or public interest legal services (including prosecution or public defense or legal advocacy in low-income communities at a nonprofit organization). (3) MENTAL HEALTH PROFESSIONALS – Individuals who have at least a master's degree in social work, psychology, or psychiatry and who are working full-time to provide mental health services to children, or adolescents.

## Other Relevant Bills Introduced, But No Further Action Yet

- On 1/24/07, H.R. 687 (Rep. Ramstad) and S. 382 (Sen. Collins) were introduced as the Keeping Families Together Act — legislation to provide modest funding to support efforts to end the practice of parents giving legal custody of their seriously emotionally disturbed children to state agencies (child welfare or juvenile justice), for the purposes of obtaining mental health services for those children. No further action is expected this year.

## Election 2008: What Do We Know About Federal Leadership for 2009?

Of course, with the election of a new President and Vice President on November 4, the entire slate of Presidentially-appointed positions in the Executive branch (from Cabinet-level Secretaries down) will be reconsidered and, in most cases, replaced. (Career civil service staff will remain.) Those appointments have not yet been made, but during the time between now and inauguration on January 20, 2009 many of the highest level appointments are expected. It will take months to fill out all of the appointed positions in government. The policies/priorities of the Democratic President-elect Obama and Vice President-elect Biden have not yet been finalized, but the campaign communications of then-Presidential Candidate Obama included numerous statements about the need for greater investments in the well-being of our children, and several specific child-related policies that the President-elect supports. President-elect Obama is expected to make specific proposals for an early 2009 economic recovery package, and to issue his proposed FY2010 budget within the first couple of months of his Administration. Those proposals will constitute major spending policy priorities compilations for the Administration's first year in office.

In Congress, the Senate leadership will remain intact (with Senator Reid as Majority Leader and Senator McConnell as Minority Leader), and Speaker Pelosi will continue her leadership in the House. There will be a challenge to Representative Boehner as Minority Leader — that position will be

selected by the Republican Caucus of the House next week. Senate membership will include several new faces, with the Democratic caucus including 58 votes (up from 51), assuming that Senator Lieberman (an Independent) continues to caucus with the Democrats. The Republican caucus will have 41 votes (down from 49), with the same assumption about Sen. Lieberman. Minnesota remains unresolved at this time. The House Democratic Caucus picked up about 20 additional seats, for a ratio of 255 Democrats to 176 Republicans, with four House races not yet resolved at this time.

Committee leadership in the Senate will be somewhat different: the Appropriations Committee gavel will change hands from Sen. Byrd of WVA to Sen. Inouye of Hawaii. Senate Democrats decided to allow Sen. Lieberman to continue to wield the gavel of Homeland Security; avoiding a potential cascading effect of Committee Chairmanships changing hands in the Senate. Many Chairmen are expected to remain where they are: Sen. Conrad in the Budget Committee, Sen. Kennedy in the Health, Education, Labor and Pensions Committee, Sen. Baucus

in the Finance Committee and Sen. Leahy in the Judiciary Committee.

Committee leadership in the House will likely remain the same: Rep. Obey in Appropriations, Rep. Miller in Education and Labor, Rep. Spratt in Budget, Rep. Rangel in Ways and Means, and Rep. Conyers in Judiciary. One possible exception to this rule in the Energy and Commerce Committee (which has jurisdiction over the State Children's Health Insurance Program, and other health reform issues) is the vigorous challenge that Rep. Waxman is waging against the long-serving Rep. Dingell. ■

For further information on any federal legislation (including copies of bills, copies of committee reports, floor votes, etc.), visit [www.Thomas.loc.gov](http://www.Thomas.loc.gov)



## Children's Law News

### News

**NACC Call for Abstracts.** The NACC is soliciting abstracts for presentations at its 32nd National Juvenile and Family Law Conference, August 19–22, 2009 in Brooklyn, NY. Abstracts are being accepted online only, at: [www.naccchildlaw.org](http://www.naccchildlaw.org). Submissions must be received by February 15, 2009.

**NACC 2009 Outstanding Legal Advocacy Award.** Nominations for the 2009 Outstanding Legal Advocacy Award are now being accepted. The award is given annually to individuals and organizations making significant contributions to the well-being of children through legal representation and other advocacy efforts. Send nomination letter and supporting documentation via email to [Kellogg.Anne@tchden.org](mailto:Kellogg.Anne@tchden.org). The deadline is June 1, 2009.

**NACC 2009 Law Student Essay Competition.** The NACC is accepting essays for the 2009 Law Student Essay Competition. The winning essay will be published in the 2009 Children's Law Manual, and the winner will be given \$1,000, a one-year NACC membership,

and a scholarship to the 2009 conference in Brooklyn, NY. Essays will be evaluated on the importance of the topic to advancing the legal interests of children, persuasiveness, and quality of research and writing. Essays should be submitted electronically to [Kellogg.Anne@tchden.org](mailto:Kellogg.Anne@tchden.org). The deadline is June 1, 2009.

### Join the NACC Children's Law Listserv Information Exchange.

All NACC members are encouraged to become part of the NACC Listserv, which provides a question, answer and discussion format for a variety of children's law issues. To join, simply send an e-mail to [advocate@NACCchildlaw.org](mailto:advocate@NACCchildlaw.org) and say "Please add me to the NACC Listserv."

**NACC Child Welfare Law Attorney Certification is now open in the following nine states: Utah, California, Connecticut, District of Columbia, Iowa, Michigan, New Mexico, North Carolina, and Tennessee.** For more information on applying in one of these states or the development of the program in other states, contact the NACC or visit: [www.naccchildlaw.org](http://www.naccchildlaw.org).

### Conferences & Trainings

#### February 23-25, 2009

**Children Today... America's Future!** Child Welfare League of America National Conference. For more information visit: [www.cwla.org](http://www.cwla.org).

#### May 18-22, 2009:

**NACC 14th Annual Rocky Mountain Child Advocacy Training Institute,** Louisville, CO. This is a five-day intensive professional trial skills training program for lawyers who represent the interests of children. Participants learn a variety of trial skills through lecture, demonstration, discussion, and participatory workshops. The majority of the training takes place in a simulated courtroom setting, where participants perform as trial lawyers. The training is presented in conjunction with The National Institute for Trial Advocacy and the Rocky Mountain Children's Law Center. Brochures will be mailed to all NACC members in early 2009. For more information, please visit [www.naccchildlaw.org](http://www.naccchildlaw.org).

#### August 19-22, 2009:

**NACC 32nd National Juvenile and Family Law Conference,** Brooklyn, NY. The NACC's premier training each



year is the National Juvenile and Family Law Conference. For more information, visit: [www.NACCchildlaw.org](http://www.NACCchildlaw.org).

## Publications

**Three Little Words: A Memoir**, by Ashley Marie Rhodes-Courter, Simon & Schuster (2008).

**Hope's Boy: A Memoir**, by Andrew Bridge, Hyperion (2008).

**Hidden in Plain Sight: The Tragedy of Children's Rights From Ben Franklin to Lionel Tate**, by Barbara Bennett Woodhouse (2008).

**The Dependency Quick Guide (Dogbook)**. The California Administrative Office of the Courts Center for Families, Children, and the Courts has recently developed a new reference manual for attorneys representing

parents and children in juvenile dependency proceedings. The guide is divided into three major parts: Hearings, Fact Sheets, and Summaries of Seminal Cases. It is designed to provide guidance and short answers to common problems that attorneys face. Available online at: [www.courtinfo.ca.gov/programs/cfcc/programs/description/DRAFT.htm](http://www.courtinfo.ca.gov/programs/cfcc/programs/description/DRAFT.htm).

**If It Were Easy, Anybody Could Do It: The Specialized Practice of Juvenile and Family Law, the 2008 edition of the NACC Children's Law Manual Series** is now available for purchase. The Manual is a compilation of articles authored by presenters and produced in conjunction with the conference. To order, you can call the NACC toll free at 888-828-NACC, use the Publications Order Form in this

issue, or order online at [www.naccchildlaw.org](http://www.naccchildlaw.org).

**NACC Child Welfare Law Office Guidebook: Best Practice Guidelines for Organizational Legal Representation of Children in Abuse, Neglect, and Dependency Cases (The Blue Book)**. Created as part of the NACC Children's Law Office Project (CLOP), the Blue Book is a collection of 33 best practice guidelines intended to move child welfare law offices toward model practice. It is organized by three areas of operation: administration, development, and program. Within these categories are guidelines and commentary developed by the CLOP staff and advisory board to promote best practices in the delivery of legal services to children. Limited numbers of hard copies are



## 2009 Outstanding Legal Advocacy Award NOMINATION APPLICATION

**PURPOSE:** The NACC is looking for people who have tipped the scales in favor of children. Many children cannot 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 created the Outstanding Legal Advocacy Award to honor excellence in the field of children's law, advocacy, and protection. The NACC presents its Outstanding Legal Advocacy Award annually to individuals and organizations making significant contributions to the well being of children through legal representation and other advocacy efforts. Nominees' accomplishments may include work in child welfare, juvenile justice, private custody and adoption and policy advocacy. All child advocates are eligible.

### The Nomination Letter should highlight:

- The nominee's activities on behalf of children that have significantly promoted the protection and welfare of children.
- The history of the nominee's involvement in child advocacy work.
- The nominee's affiliation with children and youth service organizations.
- Any other relevant personal background information.

### Nominations Must Include:

- The nomination letter
- A completed application form
- Nominee's Curriculum Vitae / Resume
- A list of nominee's affiliations with other children and youth service organizations

### Nominations May Also Include:

- Supporting materials such as: Letters of Support, Photographs, Newspaper clippings, narratives, or other items describing the candidate's efforts.

### NOMINEE:

NAME \_\_\_\_\_  
DEGREE \_\_\_\_\_  
TITLE / POSITION \_\_\_\_\_  
FIRM / ORGANIZATION \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY / STATE / ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
E-MAIL \_\_\_\_\_  
NUMBER OF YEARS INVOLVED IN CHILD ADVOCACY \_\_\_\_\_

### NOMINATOR:

NAME \_\_\_\_\_  
TITLE / POSITION \_\_\_\_\_  
FIRM / ORGANIZATION \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY / STATE / ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
E-MAIL \_\_\_\_\_

*Nominations must be received by June 1st, 2009.*

Send Nominations via email to  
[Kellogg.Ann@tchden.org](mailto:Kellogg.Ann@tchden.org)

available for \$20 each by contacting the NACC. The searchable electronic version is available at no charge at: [www.naccchildlaw.org](http://www.naccchildlaw.org).

**Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect and Dependency Cases (The Red Book).** Please see the ad in this issue or contact Bradford Publishing at 800-446-2831, or [www.bradfordpublishing.com](http://www.bradfordpublishing.com). NACC members receive a 20% discount.

**Where Are All the Children? Increasing Youth Participation in Dependency Proceedings,** by Erik Pitchal. This article considers the absence of foster children from juvenile court proceedings that decide their future and presents a framework for thinking about how to increase their engagement. This article is available at: [epitchal.googlepages.com/prof.eriks.pitchal](http://epitchal.googlepages.com/prof.eriks.pitchal).

A Review of **Judging Children As Children: A Proposal for a Juvenile Justice System** authored Hon. Michael Corriero, reviewed by Erik Pitchal, available at: [epitchal.googlepages.com/prof.eriks.pitchal](http://epitchal.googlepages.com/prof.eriks.pitchal).

## Jobs

**Note: Full Job Descriptions are available at: [www.NACCchildlaw.org/networking](http://www.NACCchildlaw.org/networking).**

### Managing Attorney / Director of Program Operations, Council for Children's Rights, Charlotte, NC.

The Council for Children's Rights, a holistic child advocacy and legal nonprofit is seeking applicants for the position of Managing Attorney / Director of Operations. This nonprofit based in Charlotte, NC has 33 staff (including 14 attorneys) and represents over 2500 children a year. CFCR specializes in education, mental health, juvenile delinquency, dependency and civil custody cases.

All interested persons should send a cover letter and resume to Brett A. Loftis at 601 E. 5th Street, Suite 510 Charlotte, NC 28202 or email to [brett@cfcrights.org](mailto:brett@cfcrights.org).

### Staff Attorney/Project Manager, National Parent Attorney Project – ABA Center on Children and the Law, Washington, D.C.

The ABA Center on Children and the Law's new National Parent Attorney

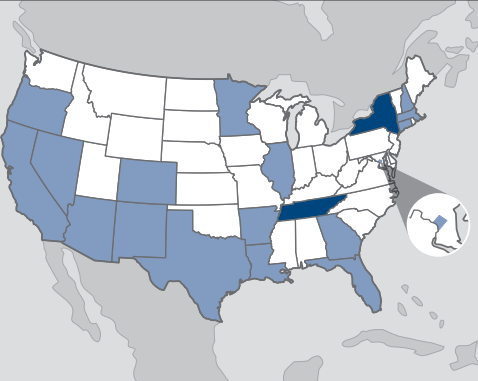
Project is looking for a staff attorney/project manager to help coordinate the Project. The attorney must be located in Washington, DC.

The successful applicant will: provide training and technical assistance for parents' attorneys, parent attorney law offices, courts and others to improve the quality of representation in child abuse and neglect litigation, create and maintain a listserv, write regular e-newsletters and maintain a website; manage the Project budget; plan a national conference for parents' attorneys; research and write articles and a publication about parent advocates; participate in national discussions about child welfare policy lending the parent's voice to the discussion and advocate for the inclusion of parents and parents' attorneys at state and local child welfare improvement committees; and coordinate efforts with members of the project's National Steering Committee.

Position requires substantial travel.

Applicants can email cover letters and resumes to Mimi Laver at [laverm@staff.abanet.org](mailto:laverm@staff.abanet.org). ■

Please send children's law news and advocacy job openings to: *The Guardian*, 1825 Marion Street, Suite 242, Denver, CO 80218  
Fax: 303-864-5351 • E-mail: [advocate@NACCchildlaw.org](mailto:advocate@NACCchildlaw.org)



## 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 NACC and we will put you in touch with an affiliate in your area or work with you to form one. Affiliate development materials and a current list of affiliates with contact information are available on our website at [www.NACCchildlaw.org/about/affiliates.html](http://www.NACCchildlaw.org/about/affiliates.html).

### New York

The New York affiliate is now forming! For more information, please contact Tamara Steckler at 212-577-3502 or [tasteckler@legal-aid.org](mailto:tasteckler@legal-aid.org).

### Tennessee

The Tennessee affiliate is now forming! For more information, please contact Jeanne "Rickey" Schuller at 615-741-9183 or [Jeanne.Schuller@state.tn.us](mailto:Jeanne.Schuller@state.tn.us). ■

# Thank You

The National Association of Counsel for Children thanks the following donors and members for their generosity.

## \$5,000 +

Anonymous Anschutz Foundation	Candace Barr Casey Family Programs	Megan Louise Furth Fund Donna Wickham Furth	Lea for Justice Fund Lexis Nexis	Janet Sherwood, CWLS
----------------------------------	---------------------------------------	--	-------------------------------------	----------------------

## \$1,000 – \$4,999

Child Abuse & Neglect The International Journal Robert Fellmeth First Star	Georgia Association of Counsel for Children Georgia Office of the Child Advocate Charles Gill	Gerard Glynn David Katner Kempe Children's Center Kempe Children's Foundation	H.D. Kirkpatrick Northern California Association of Counsel for Children Henry J. Plum	Theresa Spahn John Stuemky University of Oklahoma Section of General and Emergency Pediatrics and EMS
---	---	---	--	--

## \$250 – \$999

Amy Laura Cahn The Harris Law Firm	Leslie Heimov, CWLS Norton Roitman	Dawn Marie Rubio Sampson Family Foundation	Shannan Wilber
---------------------------------------	---------------------------------------	---	----------------

## Lifetime Members

Candace Barr	Donald Bross	Donna Furth	Gerard Glynn	Kathleen McCaffrey	Janet Sherwood, CWLS
--------------	--------------	-------------	--------------	--------------------	----------------------

## Patron Members

Karen Ashby John Ciccolella Richard Cozzola Robert Fellmeth Damon Gannett Leslie Heimov, CWLS Katherine Holliday	H.D. Kirkpatrick Phillip McCarthy, Jr. Cindy Morris John Myers Jane Okrasinski Hansa Patel Henry J. Plum	Douglas Robison Jennifer Rodriguez Norton Roitman Gary Seiser, CWLS Theresa Spahn Tamara Steckler John Stuemky	Arabia Vargas Arthur Webster Linda Weirnerman Shannan Wilber Christopher Wu
--	--	--	---

## Sustaining Members

Robert Ackley Patricia Anderson, CWLS Jennifer Ani Martin Brown Cecilia Buck-Taylor Alice Bussiere L. Michael Clark Leonard Edwards	Kathryn Fehrman Christine Gille Edward Goldson Karen Grane Julia Hagan Tisha Harman Rich Harris Joan Hollinger	Karen Jones-Mason Charles Kim, Jr. Lisa Kirsch Satawa Richard Krugman Anita Levin Randall Lococo James Louis Polly McIntyre	Otha Nelson, Jr. James Ottesen Dianne Peterson Erik Pitchal Kathy Richards Sherrill Rosen Katherine Santelli Mary Ann Shaening	Caren Shapiro Leslie Shear Neal Snyder Susan Stephan Frank Tetley Sonia Wagner Yvette Weinstein James Widirstky
--	---	--	---	--

## Supporting Members

Deborah Agard Lance Beizer Billie Bell Sarah Bennett Patricia Black Patricia Block Catherine Brooks Angela Burton Michael Bury Sheila Carrigan Stephanie Charter Laura Cohen Timothy Conlon Edith Croxen Michael Dale Paul DeQuattro, CWLS Troy Dierking Susan Dillard Jessica Dixon Sharon Dornfeld R. English	Ana Espana, CWLS David Facciolo Mark Fiddler Judy Flynn-O'Brien Vikki Ford Lori Fulton Fritzie Galliani Donna Gardner Charles Gill Debra Gilmore Jerelyn Gladden Kathi Grasso Albert Grudzinskas Ann Haralambie Celia Harned Beth Hopwood Georgia & Walt Imhoff Thom Janidlo Christopher Jeffers Allen Johncox Paula Kaldis	Jeffrey Kauffman William Keene Corene Kendrick Darren Kessler Lenore Knudtson Renee Kreisa Michael Lajoie Cora Lancelle Richard Landis Lee Lawless Joy Lazo, CWLS Alan Lerner Jack Love, CWLS Tom Lynaugh Kate Lyon Kathleen Mallinger James Marsh Susan McConnell Gail Meister Jay McEwen Ann Meinster	Octavia Melendez Thalia Meltz Thomas Miller Jenny Miller Miki Minzer William Owsley Jacqueline Parker Mari Parlade William Patton Nancy Qualls Louis Reidenberg Kelly Reiter, CWLS Michael Rich Robin Robb Cordelia Robinson-Rosenberg Maureen Rodarte Lisa Romo Scott Rose Anne Schneiders Tamatha Schreinert, CWLS Margaret Semple	Robert Shepherd, Jr. Shari Shink Gini Silva Sara Silverman Valerie Simons Michael Somma, Jr. Cynthia Spencer Janet Story Lon Taubman John Vap Gretchen Viney Kris Ward Kelly Waterfall John Watson William Webb Deanna Weiss Janet Wiig Agata Zwierzchowski
---	---	---	--	--

# NACC – Membership Application

**I wish to become a member.**

**INDIVIDUAL MEMBERSHIPS:**

- Student \$45
- Regular \$90
- Supporting \$125\*
- Sustaining \$150\*
- Patron \$250\*
- Lifetime \$2500\*

\*Includes special thank you listing in *The Guardian*.

- I would like \$10 of my membership dues to support my local NACC affiliate.

**GROUP MEMBERSHIPS:**

Group memberships are available at a significant discount. Please contact the NACC for more information.

- Please send information on establishing an affiliate.

Make Check Payable to: NACC

Mail to: National Association  
of Counsel for Children  
1825 Marion Street, Suite 242  
Denver, CO 80218

Telephone: Office: 303-864-5320 • Fax: 303-864-5351

Federal Tax ID#: 84-0743810

*All but \$90 of your membership fee is tax-deductible.*

Join online at [www.NACCchildlaw.org](http://www.NACCchildlaw.org)

NAME \_\_\_\_\_

FIRM OR AGENCY \_\_\_\_\_

ADDRESS \_\_\_\_\_

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

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

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

OCCUPATION \_\_\_\_\_

ETHNICITY (OPT.) \_\_\_\_\_

Enclosed is my check in the amount of \$ \_\_\_\_\_

Please charge my      

NAME ON CARD (PLEASE PRINT) \_\_\_\_\_

CARD NUMBER \_\_\_\_\_

EXP. DATE \_\_\_\_\_ CVD (3-DIGIT CODE ON BACK OF CARD) \_\_\_\_\_

CREDIT CARD BILLING ZIP CODE \_\_\_\_\_

SIGNATURE \_\_\_\_\_



**NACC**  
National Association  
of Counsel for Children

1825 Marion Street, Suite 242  
Denver, Colorado 80218

**RETURN SERVICE REQUESTED**

Nonprofit Org.  
U.S. Postage  
**PAID**  
Denver, CO  
Permit No. 5193