

# THE GUARDIAN

National Association of Counsel For Children

Vol. 26, No. 2 ■ Spring 2004



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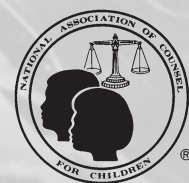
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September 07-10, 2004

**NATIONAL ASSOCIATION  
OF COUNSEL FOR CHILDREN**

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



**Mission**

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

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# THE GUARDIAN

NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

PHOTO: LAS VEGAS NEWS BUREAU / LVCA



## Representing Children, Families, and Agencies in Child Welfare, Juvenile Justice, Custody, and Adoption Proceedings

### Mandalay Bay Resort & Casino

September 07–10, 2004

#### Conference Sponsors

##### Co-Sponsors

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American Professional Society on the Abuse  
of Children

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Children's Attorney Project of Clark County  
Legal Services

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Juvenile Law Center, Philadelphia

National Call to Action

National Court Appointed Special Advocate Association

Office of the Child's Representative, Colorado

Support Center for Child Advocates, Philadelphia

University of Michigan Law School,  
Child Advocacy Law Clinic

William S. Boyd School of Law,  
University of Nevada Las Vegas

## T H E C O N F E R E N C E

Representing Children, Families, and Agencies is the 27th National Children's Law Conference of the NACC. The conference is designed for professionals from the fields of law, medicine, mental health, social work, and education. The program focus is the practice of children's law through interdisciplinary training.

The conference is comprised of General Sessions and Workshops. Workshops are organized along four tracks:

1: Abuse & Neglect; 2: Juvenile Justice; 3: Custody & Visitation; and 4: Policy Advocacy.

You are free to sign up for and attend sessions in different tracks. The multidisciplinary nature of the conference includes attorney, judicial, law enforcement, social work, physician, and mental health training. NACC conferences are rated highly by participants for content, administration, networking opportunity, and enjoyment. The conference is the product of 26 years of experience in the field of children's law.

### For the first time ever, the NACC conference comes to Las Vegas!

Whether you are a Las Vegas aficionado or simply a curious visitor, Las Vegas is a fun place to be. The conference will be held at one of the most extraordinary hotels and conference centers in the world — The Mandalay Bay Resort and Casino. It is the place to be in Las Vegas and a special conference room rate of \$139 single or double has been arranged for NACC conference attendees. The hotel will honor the special rate outside of the block if rooms are available. Reservations must be made by Friday, August 06 and it is anticipated that the block will sell out early. Please submit your conference registration and then make your hotel reservations ASAP to avoid a sold out hotel.

**To make reservations, call 877-632-7000 or 702-632-7000 and identify yourself with the National Association of Counsel for Children or NACC.**

Located on the Las Vegas Strip, the Mandalay Bay is a 60 acre, 43 story, 3 tower, \$100 million resort with over 3,000 rooms, 16 restaurants, a state of the art theatre, the House of Blues, a 135,000 square foot casino, 3 pools, a sand beach, a wave pool, a luxury spa and fitness center, retail shopping, the Mandalay Bay Shark Reef, and of course, a wedding chapel. Don't miss this opportunity to stay at one of the world's top destination resorts.

You may not want to leave the Mandalay Bay during your stay (and you certainly won't have to) but if you do, you will be conveniently located on the Las Vegas Strip with easy access to all Las Vegas has to offer. [www.lvcva.com](http://www.lvcva.com) [www.mandalaybay.com](http://www.mandalaybay.com)

## Discounted Travel and Airport Transportation

Special discounted travel for conference attendees is available from Delta and United Airlines. Please contact:


United Airlines:

800-521-4041 / code 523-AF

Delta Airlines:

800-241-6760 / code 205734-A

## Social Event

The NACC has arranged for discounted tickets for **Mamma Mia!** The show begins at 7:00PM in the Mandalay Bay on  Thursday evening, September 09. Please sign up on the registration form. A 20% ticket discount has been arranged for NACC attendees and their guests. Space is limited. For information about the show go to [www.mandalaybay.com](http://www.mandalaybay.com)

## Exhibits

Exhibit space will be provided to sponsors, vendors, children's law programs, and NACC affiliates. Space is limited and will be sold on a first-come, first-served basis. Please contact the NACC office for details and reservation of space.

## Pre-Conference: National Children's Law Office Project Meeting

### TUESDAY AFTERNOON, SEPT 07

The NACC Children's Law Office Project (CLOP) Annual Meeting brings together the leaders of children's law offices throughout the country in order to build a collaborative network and create best practice models for delivering legal services to children. This pre-conference meeting is open to staff from full time professional children's law offices which focus their work in dependency court. The meeting will be held from 12:00 NOON to 4:00PM and lunch will be provided. Pre-registration is required and the fee is \$50. For more information, contact CLOP Program Director Colene Flynn Robinson at [robinson.colene@tchden.org](mailto:robinson.colene@tchden.org).

## Conference Lunch Banquet

### THURSDAY, SEPT 09

The NACC has arranged a special conference luncheon banquet for all conference attendees on Thursday, September 09.

There is no additional charge for registered conference attendees, but you must complete the banquet section on the registration form. The 2004 Outstanding Legal Advocacy and Student Essay awards will be presented and the banquet will conclude with guest speaker Edward Lazarus, an expert on the juvenile death penalty. Limited space is available for guests of conference attendees at \$40 per person.

## Luncheons

The following luncheons are scheduled:

### LUNCHEON I: WEDNESDAY, SEPT 08

A luncheon featuring Child Advocacy Table Discussions. Child advocacy topics will be assigned for table discussion facilitated by members of the NACC National Board of Directors. This is an excellent opportunity to network. The cost of this luncheon is \$35 per person in addition to the registration fee, and space is limited. Please sign up on the registration form.

### LUNCHEON II: FRIDAY, SEPT 10

*The NACC Juvenile Attorney (Child Welfare) Certification Program: How to Become a Certified Child Welfare Specialist.* NACC Director Marvin Ventrell and certification program partner Donald Duquette from the University of Michigan Child Advocacy Law Clinic will cover the latest developments in the NACC's new program to certify lawyers as specialists in juvenile law. The cost of this luncheon is \$35 per person in addition to the registration fee and space is limited. Please sign up on the registration form.

## New Member Orientation

A special new member/first time attendee orientation is scheduled for Wednesday morning September 08. Continental breakfast will be available. Newcomers and interested veterans are invited to come and learn more about the NACC.

## Win a Trip to the 2005 Conference

The conference will conclude Friday afternoon with door prizes including a scholarship and all expense paid trip to the 2005 national conference. You must be present to win.

## Disabilities

Please advise the NACC of any meeting access accommodations you may require.

## Registration

NACC members receive a 25% registration discount. Space at the conference is limited, so please register early.

## CANCELLATION POLICY

Cancellations postmarked on or before August 09, 2004 will receive a refund, minus a \$50 processing fee. Cancellations postmarked after August 09 will not receive a refund.

## REGISTRATION

### Early Registration

(postmarked by August 09)

NACC Member: \$299

Non-Member: \$399

### Regular Registration

(postmarked after August 09)

NACC Member: \$325

Non-Member: \$425

Non-member registration includes a one-year membership in the NACC. All participants will receive the 2004 NACC Children's Law Manual.

You may register by mail, fax, phone, or online at [www.NACCchildlaw.org](http://www.NACCchildlaw.org).

The NACC accepts checks, purchase orders, and credit cards (Visa or MasterCard). Payment or Purchase Order must accompany registration. Purchase Orders must be paid within 30 days.

## Continuing Education Credits

CLE authorizations are pending. NACC conferences are typically approved by the continuing education agencies in most jurisdictions and disciplines. Additionally, uniform certificates of attendance will be distributed at the conference. We anticipate that most jurisdictions will approve the conference for approximately 25 CLE credits including 2 ethics credits. The following jurisdictions have (at the time of printing) already pre-approved the conference as follows:

- CA 21.0 General / 1.5 Ethics
- CO 25.0 General / 1.8 Ethics
- NV 20.5 General / 1.5 Ethics
- OR 18.5 General

## P R O G R A M

### Pre-Conference

**NATIONAL CHILDREN'S  
LAW OFFICE PROJECT  
ANNUAL MEETING**  
*Developing Children's  
Law Office Practices  
and Procedures*

**Tuesday, Sep 07, 2004**

12:00 NOON TO 4:00 PM

Lunch Provided. Separate registration and fee required. Please indicate attendance on the conference registration form. This session is intended for staff members of full time professional children's law offices focused on dependency representation.

### T U E Sep 07

2:00–5:00 PM

**Conference Registration  
& Exhibits**

5:00–6:00 PM

**Cocktail / Hors d'oeuvre  
Reception**

6:00–6:15 PM

**Welcome**

Candace Barr, NACC Board  
President and Conference  
Committee Chair  
Marvin Ventrell,  
NACC Executive Director

6:15–6:45 PM

**Opening Remarks**

Hon. Sharon McCully,  
President Elect,  
National Council of Juvenile  
and Family Court Judges

6:45–7:30 PM

**Keynote Presentation**  
*Producing High Quality  
Advocacy for Children &  
Families*



**Shay Bilchik, JD,**  
President, Child Welfare  
League of America  
CWLA is the nation's oldest and  
largest membership-based child  
welfare organization. Since  
joining CWLA, Shay Bilchik has  
spearheaded the League's efforts  
to articulate a comprehensive  
national and community vision  
for child well-being in America,  
resulting in the creation of *Making  
Children a National Priority: A  
Framework for Community Action*.  
This vibrant document challenges  
individuals, agencies, and com-  
munities to imagine an America  
where every child is healthy and  
safe and where all children  
develop to their full potential.  
Mr. Bilchik oversees a staff of  
more than 140 and a budget of  
\$18 million. Mr. Bilchik and CWLA  
are renowned nationally and  
globally for their advocacy on  
behalf of children. In December  
2002, CWLA was named by

*Worth Magazine* as one of the  
nation's Top 100 Charities. In  
2001, Mr. Bilchik was named  
among *The NonProfit Times* Power  
and Influence Top 50 for making  
his mark in the public policy arena,  
championing child welfare issues  
and the Younger Americans Act.  
Mr. Bilchik came to CWLA from  
the Office of Juvenile Justice and  
Delinquency Prevention (OJJDP)  
in the U.S. Department of Justice.  
Prior to serving as OJJDP Admini-  
strator from 1994–2000, he served  
the Department as Associate  
Deputy Attorney General.

7:30 PM

**Dinner on Your Own**

### W E D Sep 08

7:30 AM

**Conference Registration Open**

7:30 AM

**Hospitality / Networking  
Lounge Opens**

8:00–9:00 AM

**New Member / First Time  
Attendee Orientation /  
Continental Breakfast**  
Facilitators: Marvin Ventrell,  
NACC Executive Director and  
Members of the NACC National  
Board of Directors

8:30–9:00 AM

**Continental Breakfast**

9:00–10:00 AM

**General Session I**  
*Foster Care Reform: The Pew  
Commission on Children in  
Foster Care — Findings and  
Recommendations for Change*



Hon. Nancy Salyers



Hon. Patricia Macias



Hon. Richard FitzGerald

Moderator: Miriam Krinsky, JD

10:00–10:30 AM

**Coffee Break**

10:30 AM–12:00 NOON

**General Session II**

*The NACC Youth  
Empowerment Initiative:  
Collaborating with Youth  
to Produce Best Practices for  
the Representation of Youth*

Presented by Voices of Youth  
Moderator:

Colene Flynn Robinson, JD  
SPONSORED BY THE MEGAN LOUISE  
FURTH YOUTH EMPOWERMENT FUND

12:00 NOON–1:30 PM

**Luncheon 1**

*Networking / Table Topics  
Discussion Luncheon*

Facilitated by NACC  
Board of Directors

SEPARATE REGISTRATION AND FEE  
REQUIRED. PLEASE INDICATE ATTEN-  
DANCE ON THE REGISTRATION FORM.

or LUNCH ON YOUR OWN

1:30–3:00 PM

**Concurrent Session A**

**TRACK 1: ABUSE & NEGLECT**  
*Intervening Children with  
Developmental Disabilities*  
Rebecca Nathanson, Ph.D.

**TRACK 2: JUVENILE JUSTICE**  
*The Borders of the Juvenile /  
Criminal Justice System*  
Robert Schwartz, JD

**TRACK 3: CUSTODY,  
VISITATION & ADOPTION**  
*Representing Children in Civil  
Domestic Violence Cases*  
Linda Rio, JD  
Vivek Sankaran, JD  
Silvia Perez, JD

**TRACK 4: POLICY ADVOCACY**  
*Impacting Policy through  
Amicus Curiae Practice*  
Edward Lazarus, JD  
Donald Bross, JD / Ph.D.

3:00–3:30 PM

**Catered Break**

3:30–5:00 PM

**Concurrent Session B**

**TRACK 1: ABUSE & NEGLECT**  
*Youth Empowerment  
Workshop: "Voices of Youth"  
Members Working in Small  
Groups with Attendees*

Voices of Youth  
Moderator:  
Colene Flynn Robinson, JD

**TRACK 2: JUVENILE JUSTICE**  
*Youth with Sexual Behavioral  
Problems: Policy Implications  
and Recommendations*

Alisa Klein, MAIP

**TRACK 3: CUSTODY,  
VISITATION & ADOPTION**

*I Feel Your Pain: The Role of  
Empathy in Divorce Practice*

Andrea Niemi, JD  
Mindy Mitnick, Ed.M. / MA

**TRACK 4: POLICY ADVOCACY**

*Policy Advocacy for Child  
Advocates: Turning Your  
Ideas into Law and Policy*

Tony Winnicker  
Miriam Krinsky, JD  
Leslie Heimov, JD

5:10 – 6:30 PM

**Ask the Doctor: Case  
Consultations by Child  
Maltreatment Medical Experts**

John Stuemky, MD

SPONSORED BY UNIVERSITY OF  
OKLAHOMA SECTION OF GENERAL  
PEDIATRICS AND PEDIATRIC  
EMERGENCY MEDICINE.

6:45 – 8:00 PM

**UNLV Law School Child  
Advocacy Program Tour  
and Reception**

Hosted by: University of Nevada  
Las Vegas William S. Boyd Law  
School

TRANSPORTATION LEAVES MANDALAY  
BAY RESORT & CASINO AT 6:45PM

T H U Sep 09

8:00 AM

**Hospitality / Networking  
Lounge Open**

8:30 – 9:00 AM

**Continental Breakfast**

9:00 – 11:00 AM

**Concurrent Session C**

**TRACK 1: ABUSE & NEGLECT**

*Educational Advocacy  
and Youth in Care*

Miriam Krinsky, JD  
Leslie Heimov, JD  
Katherine Locker, JD  
Nellis Kim, MSSW / CSW

**TRACK 2: JUVENILE JUSTICE**

*The Role of Delinquency  
Attorneys in Post-Disposition  
Advocacy: Services, Conditions,  
Discharge & Aftercare*

Hon. Michael Nash  
Robert Schwartz, JD

**TRACK 3: CUSTODY,  
VISITATION & ADOPTION**

*The Child as a Witness:  
In Whose Best Interest?*

Sylvie Schirm, JD

**TRACK 4: POLICY ADVOCACY**

*Dependency Drug Court:  
How Valuable is It?*

Hon. Charles McGee  
Marlene Hertoghe, JD  
John Passalacqua, JD

11:00 – 11:30 AM

**Exhibitors / Coffee Break**

11:30 AM – 1:30 PM

**Conference Banquet**

INCLUDED IN REGISTRATION FEE.  
PLEASE INDICATE ATTENDANCE ON  
REGISTRATION FORM.

**Presentation of NACC  
2004 Outstanding Legal  
Advocacy Award & Law  
Student Essay Award**

Guest Speaker:



**Edward Lazarus, JD**

*The Juvenile Death Penalty:  
Its History, Impact, and  
Current Status*

Edward Lazarus received his BA and JD from Yale University, where he was note editor of the *Yale Law Journal*. He served as a law clerk to U.S. Supreme Court Associate Justice Harry A. Blackmun. He has focused his practice on appellate litigation, handling matters ranging from complex tax and administrative law to intellectual property, constitutional law and federal Indian law. Since joining Akin Gump, his diverse roster of clients has ranged from Fortune 50 companies to a national labor union and the California State Assembly. He is the author of two highly acclaimed books: *Black Hills/White Justice: The Sioux Nation v. The United States, 1775 to the Present*; and *Closed Chambers: The Rise, Fall, and Future of the Modern Supreme Court*. His writing has also appeared in *The Atlantic Monthly*, *U.S. News & World Report*, *The New York Times*, *The Washington Post*, *The Los Angeles Times* and *The Chicago Tribune*. Mr. Lazarus serves on the board of directors of Public Counsel, the nation's largest public interest law firm. He is the lead author of the NACC's *amicus curiae* brief in the U.S. Supreme Court juvenile death penalty case *Roper v. Simmons*.

1:30 – 3:00 PM

**Concurrent Session D**

**TRACK 1: ABUSE & NEGLECT**

*Maintaining Sibling Bonds:  
Advocating for Sibling*

*Visitation during Foster  
Care and Beyond*

Stephanie Charter, JD  
Steve Hiltz, JD  
Stacey Sallerson, JD / MSW  
Annette Appell, JD

**TRACK 2: JUVENILE JUSTICE**

*Implications of the MacArthur  
Juvenile Competence Study*

Robert Schwartz, JD  
David Katner, JD

**TRACK 3: LITIGATION**

*Representing Children  
in Civil Damages Litigation:  
Law and Procedure*

Richard W. Myers, JD  
TBA

**TRACK 4: POLICY ADVOCACY**

*Title IV-E: Not Just an  
Agency Issue*

Kate O'Leary, JD

3:00 – 3:30 PM

**Catered Break**

3:30 – 5:00 PM

**Concurrent Session E**

**TRACK 1: ABUSE & NEGLECT**

*LGBTQ Youth: The Model  
Standards Project —  
Creating Safe and Inclusive  
Systems for All Youth*

Shannan Wilber, JD  
Moderator: Janet Sherwood, JD  
SPONSORED BY THE NORTHERN  
CALIFORNIA ASSOCIATION OF COUNSEL  
FOR CHILDREN – A CHARTERED  
AFFILIATE OF THE NACC

**TRACK 2: JUVENILE JUSTICE**

*Peer Courts: Developing  
and Operating Peer Courts /  
Teen Courts*

Hon. Richard Couzens  
Karen Green

**TRACK 3: CUSTODY,  
VISITATION & ADOPTION**

*Grandparent / 3rd Party  
Visitation and Custody  
Update*

Richard Harris, JD  
Catherine Wright Smith, JD  
Vivek Sankaran, JD

**TRACK 4: POLICY ADVOCACY**

*Time Running Out: The Crisis  
of Teens in Congregate Care*

Madelyn Freundlich, JD  
Eric Pitchal, JD

5:15 – 6:00 PM

**NACC Annual Federal  
Children's Policy Update**

Miriam Rollin, JD — NACC  
Federal Policy Representative

7:00 PM

**Social Event: Mamma Mia!**

SEPARATE REGISTRATION AND FEE  
REQUIRED. PLEASE INDICATE ATTEN-  
DANCE ON THE REGISTRATION FORM.

F R I Sep 10

8:00 AM

**Hospitality Lounge Opens**

8:00 – 8:30 AM

**Continental Breakfast**

8:30 – 10:00 AM

**Concurrent Session F**

**TRACK 1: ABUSE & NEGLECT  
(A): Confidentiality of Juvenile  
Mental Health Records in  
Dependency Proceedings**

David Katner, JD

**(B): Family Values: How  
Children's Lawyers Can Help  
Their Clients by Advocating  
for Parents**

Erik Pitchal, JD  
Chris Gottlieb, JD

**TRACK 3: CUSTODY,  
VISITATION & ADOPTION**

*A Developmental Needs  
Approach to Custody and  
Visitation Decisions*

Frederica Conrad, Ph.D.

**TRACK 4: POLICY ADVOCACY**

*Advanced Policy Advocacy:  
Strategies for Targeting  
Swing Policy Makers*

Miriam Rollin, JD

10:00 – 10:30 AM

**Coffee Break**

10:30 AM – 12:00 NOON

**Concurrent Session G**

**TRACK 1: ABUSE & NEGLECT  
Representing Teenagers in  
Abuse and Neglect Cases**

Rashida West, JD  
Jennifer Pokempner, JD  
Moderator:  
Amanda George Donnelly, JD

**TRACK 2: ADOPTION**

*Adoption, Gay and  
Lesbian Parents, and  
the Lofton Decision*

Joan Hollinger, JD

**TRACK 3: CUSTODY**

*Psychotropic Medication  
for Children*

Norton Roitman, MD

**TRACK 4: POLICY ADVOCACY**

*The Developing Law and  
Policy of Child's Attorney  
Liability: Can My Child  
Clients' Parents Sue Me?*

Harlan Watkins, JD

12:00 NOON – 1:30 PM

**Luncheon II**

**The NACC Juvenile Attorney  
(Child Welfare) Certification  
Program: How to Become a  
Certified Child Welfare Specialist**

Donald Duquette, JD  
Marvin Ventrell, JD

SEPARATE REGISTRATION AND FEE REQUIRED.  
PLEASE INDICATE ATTENDANCE ON THE  
REGISTRATION FORM.

or **LUNCH ON YOUR OWN**

1:30 – 3:00 PM

**General Session III\***

**Ethical Issues in Legal  
Representation in Children's Cases**

Hon. Patricia Macias  
Monica Drinane, JD

Moderator: Donald Duquette, JD

\*QUALIFIES FOR ETHICS CLE.

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LITIGATION COMMITTEE

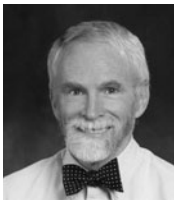
3:00 – 3:30 PM

**Catered Break**

3:30 – 5:00 PM

**Closing Session**

**The Times They Are a Changin':  
Crawford v. Washington and Other  
Important Developments in the  
Law of Evidence Affecting Children**



**John E.B. Myers, JD**

**Closing Remarks**

Marvin Ventrell

**Door prizes (including scholarship  
and all expense paid trip to the  
2005 conference — must be  
present to win)**

**Ethics CLE Certificates**

**2005 Conference Announcement**

5:00 PM

**Adjourn**

5:00 – 6:00 PM

**NACC Affiliate Development:  
Informational Meeting for the  
Creation of a Nevada Chapter  
of the NACC**

ALL INTERESTED ATTENDEES  
ARE WELCOME

Facilitated by Stephanie Charter,  
Clark County Legal Services  
Children's Attorney Project

**R E G I S T R A T I O N**

**The NACC 27th National Children's Law Conference  
Tuesday, September 07 – Friday, September 10, 2004**

MAILING CODE  
(See mailing  
label for code)

NAME (MR / MS)

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ADDRESS

CITY / STATE / ZIP

TELEPHONE / FAX / E-MAIL

DEGREE / OCCUPATION

ETHNICITY (OPTIONAL) / BAR MEMBER NUMBER / STATE

**Registration includes tuition, manual, reception, breaks, and banquet  
(and a 1 year NACC membership for non-member registrants)**

**Early Registration**

(postmarked by Aug 09, 2004)

- NACC MEMBER \$ 299
- NON-MEMBER \$ 399

**Regular Registration**

(postmarked after Aug 09, 2004)

- NACC MEMBER \$ 325
- NON-MEMBER \$ 425

Registration Fee Enclosed ..... \$ \_\_\_\_\_

**Pre-Conference:**

**Children's Law Office Project Meeting / Tue Sep 07**

Yes, I will attend. \$50 ..... \$ \_\_\_\_\_

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Space at this conference is limited. Registrations will be filled based on date applications are received. If you will require handicap access to facilities or special assistance at the program, please contact the NACC as soon as possible.



## Cases

### Testimonial Statements / Hearsay

*U.S. Supreme Court Rules That Out Of Court Testimonial Statements Are Inadmissible Hearsay If The Declarant Is Available To Testify. Crawford v. Washington, 124 S. Ct. 1354 (2004).*

By John E.B. Myers, JD

The U.S. Supreme Court's March, 2004 decision in *Crawford* changed the legal landscape regarding hearsay in criminal trials, and the decision has far-reaching implications for criminal child abuse litigation. Prior to *Crawford*, the impact of the Sixth Amendment's Confrontation Clause on hearsay was governed by *Ohio v. Roberts*, 448 U.S. 56 (1980). Under *Roberts*, the admissibility of hearsay was determined by considerations of reliability. Reliability was assumed for hearsay falling within a firmly rooted exception (e.g., excited utterances; statements for purposes of medical treatment). Residual, catchall, and so-called child hearsay exceptions are not firmly rooted, and hearsay offered under these exceptions was admissible only if the judge conducted a case-specific assessment of reliability. *Crawford* partially overrules *Roberts*.

Before describing *Crawford*'s impact, it is important to explain what *Crawford* does not do. First, *Crawford* does not change the rule that if the hearsay declarant testifies at trial and is subject to cross-examination about the out-of-court statement, the Confrontation Clause is satisfied and poses no barrier to admissibility. Second, *Crawford* is a Sixth Amendment case, and the Sixth Amendment applies only in criminal proceedings. Juvenile court dependency litigation is civil, and *Crawford* does not apply. Nevertheless, attorneys resisting the admission of hearsay in civil dependency proceedings are likely to cite *Crawford*. The proponent of hearsay should point out that the Sixth Amendment and *Crawford* are inappli-

cable in civil cases. Although the Due Process Clause of the Fourteenth Amendment creates a limited right of confrontation in dependency proceedings, the Fourteenth Amendment right is not as broad as confrontation rights under the Sixth Amendment. Third, in *Crawford*, the Supreme Court wrote that the Confrontation "Clause does not bar the use of testimonial statements for purposes other than establishing the truth of the matter asserted." In certain criminal cases, a child's out-of-court utterances may be relevant for purposes other than the truth, and in such circumstances, a prosecutor may argue that *Crawford* does not apply. (See *Bridges v. State*, 19 N.W.2d 529 (Wis. 1945)).

How does *Crawford* change Confrontation Clause analysis? Under *Crawford*, hearsay statements by unavailable declarants are either testimonial or non-testimonial. If hearsay by an unavailable declarant is testimonial, it is inadmissible against the defendant unless the defendant had a prior opportunity to cross-examine the declarant. If the unavailable declarant's hearsay is non-testimonial, then the Confrontation Clause is not implicated, and admissibility is governed by the rules of evidence, including considerations of reliability as discussed in *Ohio v. Roberts*. (See *State v. Rivera*, 2003 WL 23341462 (Conn. 2004) (post-*Crawford* decision holding that *Roberts* reliability analysis still applies to non-testimonial hearsay).

When is hearsay testimonial? The *Crawford* Court stated that "[t]estimony... is typically a solemn declaration or affirmation made for the purpose of establishing or proving some fact." Under *Crawford*, the following are testimonial: prior testimony that the defendant was unable to cross examine (e.g., ex parte preliminary hearing); grand jury testimony; affidavits, depositions; and statements made during formal police interrogations.

What hearsay statements are non-testimonial? The Court gave as an example "[a]n off-hand, overheard remark..." Beyond this, the Court left "for another day any effort to spell out a comprehensive definition of 'testimonial.'" Lower courts are beginning the task of sorting testimonial from non-testimonial out-of-court statements. Thus, in *People v. Moscat*, 2004 WL 615113 (N.Y. City Crim. Ct. 2004), the trial judge ruled in a domestic violence case that a 911 call to the police, which qualified as an excited utterance, was non-testimonial. Children's excited utterances to friends, parents, ambulance attendance, and medical professionals are likely non-testimonial.

In *Demons v. State*, 2004 WL 601751 (Ga. 2004), the Georgia Supreme Court ruled that a murder victim's statements to a friend were non-testimonial.

*Snowden v. State*, 2004 WL 71945 (Md. Ct. Special App. 2004) was a child sexual abuse case. The child victims were interviewed by a CPS social worker, and the girls' hearsay statements were offered at trial in lieu of live testimony. The Court of Appeals reversed defendant's conviction, ruling that the hearsay was testimonial and inadmissible under *Crawford*.

*Crawford* leaves many questions unanswered. Are children's statements to police officers always testimonial? The Court more than once suggested an affirmative answer. The Court wrote that "[s]tatements taken by police officers in the course of interrogations are also testimonial..." Yet, what of a traumatized child's spontaneous description of abuse to a police officer responding to a 911 call? A strong argument can be made that such excited utterances are non-testimonial, although defense attorneys will argue the contrary. What about a child's statement to a doctor or nurse that is admissible under the medical diagnosis or treatment exception to the hearsay rule? If the medical professional gathers the statement both to provide



treatment and to preserve hearsay for possible use in court, is the statement testimonial? *Crawford* provides no answer. Finally, what of children's videotaped statements in formal investigative interviews at multidisciplinary interview centers? It is fairly clear that such interviews are testimonial under *Crawford*.

Across the country, prosecutors, defense attorneys, and judges are scrambling to apply *Crawford's* new rule. The resolution of their efforts will have momentous implications for child protection through the criminal justice system.

## Same Sex Adoption

*11th Circuit Court Of Appeals Unanimously Upholds Constitutionality Of Florida Statute Prohibiting Gay And Lesbians From Adopting Children. Lofton v. Sec'y of Dep't Of Child. & Family Serv., 358 F.3d 804 (11th Cir. 2004).*

A group of gay foster parents and guardians filed suit in United States District Court against the Department of Children and Families' Secretary and Administrator for Dade and Monroe Counties, alleging that the Florida statute preventing homosexuals from adopting children unconstitutionally violated their fundamental rights and the principles of equal protection. Florida's adoption law prohibits adoption by any homosexual; the prohibition is limited to those who are engaged in "current, voluntary homosexual activity." The district court denied the groups request for class certification and granted summary judgment in favor of the state. On appeal, the group contended that the statute violates their due process and equal protection rights. Additionally, they argued that Florida's statute violates their fundamental right to private sexual intimacy recognized by the United State Supreme Court's recent decision *Lawrence v. Texas*.

The court first examined Florida's adoption statute. The court noted that in Florida adoption is a statutory scheme not a right. It distinguished the rights of biological parents from those of foster parents. The state's primary purpose in adoption proceedings is to serve the best interest of children in its care. For example, Florida law requires some adoptive parents to be residents of the state and considers factors like income,

physical and mental health, and housing. The court noted that the state makes considerations in adoption proceedings that would not withstand constitutional scrutiny in other areas of the law. However, the state is justified in doing so because the purpose of adoption proceedings is to serve the best interest of children involved, not to provide individuals with the opportunity to adopt.

Appellants argued that by prohibiting homosexuals from adopting, the state is denying them the right to "family integrity." The party contended that the state's refusal to recognize and protect their parent-child relationships burdens their liberty interest in the care, control, and custody of their children. Appellants based this claim on the strong emotional bond they have with the children in their care, which they believe to be equivalent to that of a natural parent and child. However, both parties agreed there is no fundamental right to adopt or to be adopted. The court looked to case law involving foster families and concluded that the appellants have no justifiable expectation of permanency in their relationships. The court refused to recognize a fundamental right to family integrity for groups with deep emotional and interdependent relationships that are not natural or adoptive families.

The court quickly dismissed appellants' claim that the U.S. Supreme Court's *Lawrence v. Texas* decision created a fundamental right to sexual intimacy. In *Lawrence* the Supreme Court held that substantive due process prevents a state from criminalizing private consensual homosexual conduct. The Court did not make a fundamental rights analysis, but invalidated the Texas statute on rational-basis grounds. Therefore, the appellate court concluded that *Lawrence* did not create a new fundamental right and cannot be extrapolated to create a right for homosexuals to adopt.

Next, the court considered the appellants' equal protection challenge. The court reviewed the Florida statute under the rational basis standard, noting that as discussed the Florida statute did not burden a fundamental right and it declined to treat homosexuals as a suspect class. The question was thus deduced to whether the Florida statute was rationally related to the state's interest in providing adoptive homes that resemble nuclear families as closely as

possible. Florida asserted that marriage affords stability and both male and female authority figures, which it considers critical to childhood development. The state contended that prohibiting homosexuals from adopting is a rational means of furthering its interest in promoting adoption by marital families.

Appellants argued that recent social science research indicates there is no child welfare basis for excluding homosexuals from adopting. Additionally, homosexuals are similarly situated to unmarried heterosexuals who are permitted to adopt and Florida permits homosexuals to be foster parents and legal guardians. The court concluded that the existence of evidence supporting homosexual parents does not make the Florida legislature's decision to prohibit homosexuals from adopting irrational. It also concluded that permitting single heterosexuals to adopt is not inconsistent with the state's interest in promoting marital families because a single heterosexual has the potential of getting married. The court viewed the state's foster care and guardianship policies as irrelevant because they do not have the permanency, legal, or societal significance of adoptive placements.

Lastly, the court rejected the appellants' argument that the Colorado Amendment 2 case, *Romer v. Evans*, required it to strike down the Florida statute. Colorado's Amendment 2 classified homosexual conduct and status, prohibiting all legislative, executive, or judicial action designed to protect homosexuals. In contrast Florida's statute makes a narrower classification limited to preventing conduct not status. The court affirmed the district court's order granting summary judgment to Florida, concluding that the Florida legislature's decision to prohibit homosexuals from adopting children was rationally related to the state's interest in placing children in adoptive homes similar to traditional nuclear families.

## Putative Father Rights

*California Supreme Court Reinstates Trial Court's Order Adjudicating Child Dependent And Recognizing Mother's Husband, Instead Of Child's Biological Father, As Putative Father. In re Jesusa V., 32 Cal. 4th 588, 2004 Cal. LEXIS 1666 (CA. 2004).*

In April 2001, Jesusa was taken into the custody of the Los Angeles County Department for Children and Family Services (DCFS) after her biological father Heriberto was arrested for raping and beating her mother. Her mother had been living with Heriberto for three years although she was still married to Paul, her husband of eighteen years and the father of her five other children. At the detention hearing Paul requested presumed father status and custody of Jesusa, who was almost two years old. Jesusa's mother supported both requests and stated that both Paul and Heriberto held themselves out as Jesusa's father. The juvenile court placed Jesusa with Paul and her five half-siblings and made a tentative finding that Paul was Jesusa's presumed father.

Shortly thereafter Heriberto, who was incarcerated, requested presumed father status. The court appointed Heriberto an attorney and set a hearing date. In the meantime Heriberto was convicted of rape and transferred to the state prison. Although the court issued a removal order for Heriberto because of his transfer to state prison he did not get transported to the hearing. Heriberto's attorney was present and objected to proceeding arguing that it violated his client's due process rights. The court denied the request for a continuance. The court stated it intended to resolve the issue of paternity based on the briefs previously filed by both parties and no testimony would be heard. Because the court credited the representations made by Heriberto's counsel, including that he was Jesusa's biological father, he had held himself out as such, and that he received the child in his home, it was not necessary for Heriberto to be present.

The juvenile court observed that either man could be Jesusa's presumed father, but ultimately gave Paul presumed father status. The court noted the importance of preserving and maintaining a family unit and gave great weight to the following facts: Paul was married to Jesusa's mother; he held himself out as her father; he received Jesusa in his home; Jesusa had lived with Paul for a significant amount of time, and; she was bonded to him and her half-siblings. The court also made a dependency finding based on DCFS and police reports. The court ordered that Paul maintain

custody of Jesusa, it granted her mother unlimited visits and reunification services, and ordered Heriberto to have no contact with the child. Heriberto appealed the juvenile court's order.

The Court of Appeals affirmed the juvenile court's order granting Paul presumed father status, but reversed the dependency adjudication. The court found that the juvenile court lacked jurisdiction to sustain the dependency petition in Heriberto's absence. On review the California Supreme Court considered three issues: 1) whether the juvenile court erred by determining presumed father status in the absence of the biological father; 2) did it err by giving Paul presumed father status instead of Heriberto, and; 3) did it err by adjudicating the dependency hearing in Heriberto's absence? The court concluded that the juvenile court's only error was adjudicating the dependency proceeding in Heriberto's absence, however the court concluded the error was harmless.

The court noted that identifying Paul as Jesusa's presumed father did not require a showing of parental unfitness and did not itself terminate Heriberto's parental rights. Heriberto's absence from the hearing was not an unconstitutional infringement on his due process rights. Furthermore, Heriberto was seeking the rights of fatherhood without any of its responsibilities; he remained in prison for raping Jesusa's mother and would face deportation upon his release. The California Supreme Court referenced the juvenile court's finding that being a father requires more than planting a biological seed. It supported the juvenile court's conclusion that Paul was Jesusa's father, he provided her with stability, permanency, and nurturance. The court reversed the court of appeals judgment and reinstated the trial court's order adjudicating Jesusa a dependent child.

## **Delinquency / Sex Offender Registration**

*Supreme Court Of New Jersey Affirms Its Previous Ruling That The Lifetime Sex Offender Registration Requirement Of Megan's Law Should Not Apply To Offenders Under The Age Of 14, Despite Recent Amendments To Megan's Law. In the Matter of Registrant L.E. and R.O.*, 366 N.J. Super. 61, 2003 N.J. Super LEXIS 410 (N.J. Super. 2003).

*In the Matter of Registrant J.G.* was previously reported on page 5 of the Winter 2002 issue of *The Guardian*. *J.G.* involved a ten-year-old convicted of sexual assault. The court compared the lifetime registration requirement provided for in Megan's Law with New Jersey's Juvenile code. Under New Jersey Law, persons under the age of 14 are deemed too immature to be treated as adults who commit the same offense. The New Jersey Supreme Court concluded that the Megan's Law lifetime registration requirement should not apply to juveniles under the age of 14. The court ruled that registration orders terminate after the registrant reaches the age of 18 and a hearing concludes the offender is unlikely to offend again. *J.G.* was released of his obligation to register as a sex offender. Six months later the New Jersey Legislature amended its Megan's Law statute to limit a registrant's right to apply for exemption of the registration requirement to those who had not been convicted of more than one sexual offense or aggravated sexual assault. The trial court subsequently read the amendments as overriding the Supreme Court's decision in *J.G.*

*L.E.* and *R.O.* were both under fourteen years old when they were adjudicated delinquents for separate acts of criminal sexual assault. Both were classified under Megan's Law as Tier I low risk offenders. When they turned eighteen years old both registrants filed motions to be relieved of the Megan's Law registration requirement. The trial court stated that both registrants satisfied the *J.G.* criteria; they were under the age of fourteen at the time of their offenses, they were now eighteen years old, and both were unlikely to offend again. Because both *L.E.* and *R.O.* were convicted of delinquent acts specified in the amendment, the trial court denied their request to be relieved of their obligation to register, concluding that the legislative intent overrode the New Jersey Supreme Court's decision in *J.G.*

*L.E.* and *R.O.* challenged the trial court's interpretation of New Jersey's Megan's Law amendments. On appeal the registrants argued that they should be relieved of the Megan's Law requirement to register as sex offenders, because they were under the age of fourteen at the time of their offenses and they are now eighteen. The appellate court

disagreed with the trial court's reading of the legislative intent behind amending the Megan's Law registration requirement.

The court concluded that the amendment does not override the *J.G.* decision. The court noted that in *J.G.* the New Jersey Supreme Court decided that juveniles under fourteen at the time of their offenses could apply for termination of the registration requirements when they turned eighteen. The legislature's changes to Megan's Law did not specifically identify this group of registrants. As a result, the court concluded that the amendments to Megan's Law did not override the *J.G.* decision. The orders were remanded to the trial court and, because the trial court previously stated that the registrants met the *J.G.* criteria, it was ordered to grant the relief requested.

## Dependency / TPR

*Missouri Supreme Court Reverses Trial Court's Order Terminating Mother's Parental Rights and Remands Case For Review. In the Interest of: K.A.W. and K.A.W., SC85683 (MO. 2004).*

The Missouri Supreme Court reversed the trial court's order terminating a mother's parental rights to her two year old twin daughters, concluding that the findings of the trial court were insufficient for termination. The mother gave birth to twin girls in 2000. She was raising three other children and decided to put the twins up for "open" adoption, allowing her to maintain some contact with the girls. Missouri law does not recognize open adoptions, but with the aid of a case facilitator the mother found an adoptive family in California.

The twins were born three months premature and although their mother intended to give the girls up for adoption, she cared for them while they were in the hospital. Once their health was stabilized they were moved to California to live with their adoptive family. During a visit to California, their biological mother decided the adoptive family was not fit. She retained the twins in her custody and contacted a British couple who previously showed interest in adopting the girls. The mother and the twins drove to Arkansas with the British couple where an Arkansas judge approved the adoption, although none of the parties lived there. The twins returned to England where British officials determined the British couple was unfit. The twins were

returned to Missouri and placed in the custody of the Missouri Department of Family Services (department).

After the department gained custody of the twins, their mother considered allowing their foster parents to adopt, she ultimately decided she wanted to regain custody and raise the girls herself. The department devised a parenting plan with the goal of reunification. Although the mother complied with every element of the parenting plan, the juvenile officer opted to file a motion for termination. The trial court conducted a hearing and issued a judgment terminating the mother's parental rights. The trial court concluded that the mother was unfit and had abused and neglected the twins, as evidenced primarily by the multiple placements. The trial court determined there was no bond between the mother and the twins and that termination was in the best interest of the children.

Missouri statute provides that termination of parental rights be based on the best interests of the child and parental fault. The grounds for termination must be supported by clear, cogent, and convincing evidence. On review the Missouri Supreme Court concluded that the trial court erred in terminating the mother's parental rights, finding that there was not sufficient evidence on the record to support the trial court's termination order.

The court noted that putting a child up for adoption has never risen to the level of abuse necessary for termination in Missouri. Additionally, termination cannot be based merely on past acts; there must be a likelihood of future harm based on the past acts. Although one of the three psychologists who evaluated the twins diagnosed them with moderate Reactive Attachment Disorder in Partial Remission, that doctor did not observe the twins in the presence of their mother. The other psychologists observed interaction between the twins and mother and found indications of a bond between them. The court concluded that many of the elements necessary to support termination of parental rights were absent from the trial court's record. Furthermore, the findings provided were not sufficient to support termination. The court reversed and remanded the case and directed the trial court to make specific findings on each statutory requirement if future termination proceedings are held.

*Thank you to NACC member Mary Taylor from St. Louis City CASA for identifying this case.*

## Foster Care Reform

*Washington Supreme Court Reverses Trial Court's Ruling In Class Action Suit Brought By Former And Current Foster And Ordered A New Trial. Jessica Braam, et al. v. State of Washington, 81 P.3d 851 (Wash. 2003). This case was previously reported on page 7 of the Summer 2002 edition of The Guardian.*

In *Braam*, The Washington Superior Court found that the Department of Social and Health Services and the Secretary of the department violated the constitutional rights of foster children in their care. At a review hearing held in December 2003, the Washington Supreme Court reversed the trial court's ruling due to improper jury instructions.

The class action was originally brought by thirteen current and former foster children (plaintiffs) who were or had been in the custody of the Department of Social and Health Services (DSHS). The claims were brought under the Due Process Clause of the Fourteenth Amendment, the Adoption Assistance and Child Welfare Act, and state statutes and regulations. The plaintiffs were seeking damages for injuries caused by the DSHS practice of moving them from foster home to foster home without notice or an opportunity to be heard.

The jury concluded that DSHS violated the plaintiffs' constitutional rights and that the violation was a proximate cause of harm to the plaintiff class in one or more ways claimed by the plaintiffs. In its order the court found substantial evidence to support findings that the plaintiffs were harmed by DSHS practices and issued an injunction to remedy the constitutional violations found by the jury. The court determined DSHS needed to address a number of practices, including: placing children in multiple and unsafe placements, inadequately training foster parents, denying children mental health care, and separating children from their siblings. The court issued an order mandating specific action by DSHS. It required DSHS to develop and maintain a central record to track all allegations of assault in a foster home, and every placement in a foster home that is not in compliance with the

court order. DSHS was ordered to report to the court quarterly, documenting its compliance with the court order. The court indefinitely retained jurisdiction over the matter until "no reasonable possibility of recurrence of the unconstitutional conditions identified."

The state of Washington moved for an emergency injunction, based on DSHS's estimate that implementation of the court order would cost more than sixty million dollars. The court of appeals stayed implementation of most of the injunction, leaving some orders concerning unsafe placements. The Washington Supreme Court accepted review of the case.

The Washington Supreme Court concluded that foster children have substantive due process rights to be free from unreasonable risk of harm and to reasonable safety. The court found that the state has a responsibility to provide adequate services to meet the needs of children in its custody and to provide placement that does not create an

unreasonable risk of harm. The court referred to the U.S. Supreme Court's culpability standards to determine the state executives' culpability for the alleged violations. The Supreme Court identified two standards for evaluating culpability for executive action: deliberate indifference and professional judgment. The Washington Supreme Court concluded that foster children are entitled to a high standard and agreed with the plaintiffs to apply the professional judgment standard.

If conduct falls "substantially short of the exercise of professional judgment, standards or practices" it violates the professional judgment standard. The court concluded that the state is liable for harm when the care "substantially departs" from the professional standard of practice and judgment.

The court reversed the trial court's decision, finding that the jury instructions were improper. The jury should have been asked first to determine if specific

decisions by DSHS violated the foster children's substantive due process rights, then asked if plaintiffs had established that the decision was a departure from professional judgment, standards, or practice. The court concluded that the trial court erred by admitting aspirational standards for foster care, created by the Child Welfare League and the American Academy of Pediatrics, and by admitting the Office of the Family and Child Ombudsman's annual report. Ultimately, the court vacated the injunction and the verdict and remanded the case. A new trial is set for September 2004.

**Thank you to NACC member Sheila Huber from the Washington State Attorney General's Office for identifying this case.**

## Sibling Association Rights

*Nevada Supreme Court Affirms Family Court Order Requiring Division of Child and Family Services To Release*

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*Names And Addresses Of Siblings' Adoptive and Biological Parents. State v. State*, 81 P.3d 512 (Nev. 2003).

A.M.S. filed a motion requesting the Division of Child and Family Services (DCFS) release the names and addresses of her siblings' adoptive and biological parents to her attorney. The family court granted A.M.S.'s motion for the purpose of serving the siblings' legal guardians with a petition for sibling visitation. The family court denied DCFS's motion to reconsider. DCFS then petitioned the Nevada Supreme Court for a writ of mandamus or prohibition to arrest the family court's order granting A.M.S.'s motion.

In April 1998, A.M.S. and her three younger siblings were placed with DCFS due to their mother's drug abuse. While in their mother's care A.M.S., then nine years old, cared for her siblings, with whom she formed a very strong bond. Initially, the four children were placed in foster care together. When their mother's parental rights were terminated in July 2000, DCFS determined that adoption was a viable option for two of the girls, and placed the third child with her biological father; leaving A.M.S. in DCFS custody. The family court ordered that the girls be given unlimited and unsupervised visitation and that a visitation plan be established before final adoption. DCFS and the children's caregivers failed to comply with this order. The order granting sibling visitation was not included in the adoption decrees.

In January 2002, the family court appointed Clark County Legal Services' Children's Advocacy Project to represent A.M.S., and address her request for sibling visitation and her permanency plan. First, A.M.S. tried to obtain the names and addresses of her sisters' adoptive and biological parents from DCFS in an effort to reestablish contact. DCFS refused to provide her with any information, claiming that since A.M.S. failed to file a petition for sibling visitation before termination of her mother's parental rights her right to seek visitation expired. The court criticized this claim, noting that A.M.S. is a minor and a ward of the state. The court stated that DCFS is responsible for acting in the best interests of children in its care. The family court previously determined that visitation was in the sisters' best interests and

it was DCFS's duty to bring this to the attention of the adoption court.

DCFS next argued that the family law court lacked jurisdiction to order the release of A.M.S.'s sisters' contact information because Nevada law mandates confidentiality of adoption records. The court noted that A.M.S. is seeking information from her own abuse and neglect case and the information is necessary to bring the issue before the family court. Furthermore, the family court's order was for the sole purpose of effecting services. The Nevada Supreme Court concluded that the family court acted within its jurisdiction.

Lastly, DCFS argued that the family court abused its discretion, claiming that its order compelling the legal guardians' names and addresses opposed public policy, would have a chilling effect on adoptions, and undermine the children's permanency and stability in their new homes. The court disregarded these claims. A.M.S. requested information to serve a petition for sibling visitation, so a hearing could be held to determine whether visitation would be in the sisters' best interests. It found that the family court order to release contact information to A.M.S.'s attorney sufficiently protected the legal guardians' privacy interests. The court emphasized that DCFS's responsibility is not just permanency planning, but to act in the best interests of the children. In conclusion, the court denied DCFS's petition challenging the family court's order granting A.M.S.'s motion.

## **Court-Appointed Attorney Granted Immunity**

*Connecticut Appellate Court Affirmed State Supreme Court's Order Granting Court-Appointed Counsel Qualified Quasi-Judicial Immunity. Carrubba et al. v. Moskowitz*, 81 Conn. App. 382, 2004 Conn. App. LEXIS 40 (CT. 2004).

The defendant in this case, Ms. Moskowitz, served as court-appointed counsel to Mr. Carrubba's two children during his divorce from his wife. In 1998, after the marriage was dissolved, Mr. Carrubba sought to disqualify Ms. Moskowitz. He filed a complaint claiming that Ms. Moskowitz's representation intentionally or negligently caused him to suffer emotional distress. Additionally, he filed a complaint on behalf of his son, M.C., as

next of friend alleging legal malpractice against her. The court dismissed both actions. Mr. Carrubba and his son M.C. appealed the court's decision arguing that the Superior Court erred first when it determined that the guardian ad litem was immune from this suit, and also erred in finding that Mr. Carrubba lacked standing to bring a malpractice suit against his son's guardian ad litem.

The court first considered whether the Superior Court improperly determined that Ms. Moskowitz was immune from suit in her capacity as a court-appointed attorney. The court turned to Connecticut Statute § 46b-54, which grants the court authority to appoint counsel to children in certain circumstances. It then considered the trial court's finding that guardians ad litem should be shielded from litigation to preserve their independent judgment. The court noted that judicial immunity is intended to protect the judicial function, not the judicial office. It adopted the U.S. Supreme Court's approach to determine which officials should be exempt from liability, considering historically which officials were granted immunity and the reasoning behind it. The court concluded that § 46b-54 creates a hybrid role for attorneys, requiring them to act as the child's counsel and represent his best interests.

When determining an attorney's liability in this hybrid role, the court must balance its interest in protecting minors from malpractice and protecting an attorney's ability to exercise his discretion. The court determined that the public policy concerns resulting in extending quasi-judicial immunity to guardians ad litem also apply to counsel appointed to represent children under § 46b-54. The court noted that since court-appointed attorneys must exercise good faith in reaching an independent decision on the child's behalf, they must be granted some immunity. It concluded that qualified immunity was the appropriate level of protection. Granting court-appointed counsel qualified quasi-judicial immunity for actions taken in representing children allows an attorney to make good faith decisions on the child's behalf, but does not shield him from liability for acts that are done with malice, wantonness or intent to injure.

Lastly, the court considered whether the trial court properly concluded that Mr. Carrubba lacked standing to bring

a malpractice claim against Ms. Moskowitz on behalf of his son as next of friend. The trial court determined that Mr. Carrubba lacked standing based on its findings that his interests were adverse to those of his child and that he failed to demonstrate prejudice in his own case. The court affirmed the trial court's finding, noting that a person does not have standing to assert the due process right of another. Furthermore, the only test to determine whether a person may properly act as next of friend is to consider whether his interests are adverse to the child's. The court concluded that the trial court properly considered this question and did not err when it determined that Mr. Carrubba lacked standing. The court, therefore, affirmed the trial court's judgments that Ms. Moskowitz was immune from suit in her capacity as court-appointed counsel and Mr. Carrubba lacked standing to bring a legal malpractice claim against her.

## **Guardian Case Updates**

**Sharon S. v. Superior Court**, 73 P.3d 554 (Cal. 2003). *Previously reported on page 4 of the Fall 2003 issue of The Guardian.*

The United States Supreme Court denied certiorari, allowing the California Supreme Court's decision to stand. The Court's decision allowed a former domestic partner to complete an independent second-parent adoption of a biological child conceived by the other domestic partner during their partnership.

**Clark v. McLeod**, (Colo. 2003).

*This is an unpublished decision.*

In April 2004 members of the Colorado House of Representatives attempted to impeach a Denver family court judge for his decision in a child custody case. The custody order involved Clark and McLeod, two women who were in a

domestic relationship for twelve years. In 1995 the couple adopted a child from China. Clark was named as the adoptive parent because two-parent same-gender adoptions are not recognized in Colorado.

In 2001, the women broke up and a lengthy custody battle ensued. The judge awarded joint custody, and gave each woman equal parenting time. Clark, who became an evangelical Christian, had sole-decision making authority over the child's religious upbringing, but was ordered not to teach the child anything that would be considered "homophobic." A Colorado House member viewed the parenting plan as "judicial activism" and sought to have the judge impeached. This was the first judicial impeachment proceeding in the Colorado legislature in 65 years. The resolution was struck down by an 8-3 vote. ■

### **GUARDIAN CASES — NOTICE TO READERS**

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

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

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



## **Federal Policy Update**

*by Miriam A. Rollin, JD*

NACC Policy Representative, Washington, DC

### **FY2005 Budget News**

On February 2, the President submitted his proposed FY05 budget to Congress. (See Winter 2004 *Guardian*, p. 9, for details.) Since then, the Senate (March 12) and House (March 25) passed somewhat different versions of the FY05 budget.

Unfortunately, the House and Senate budget resolutions do not include the modest increases in child abuse prevention and treatment funding (Promoting Safe and Stable Families, and the Child Abuse Prevention and Treatment Act) that were proposed by the President. Also unfortunately, the House budget includes the President's proposed slashing of juvenile justice funding (eliminating the Juvenile Accountability Block Grant

and slicing the Title V Prevention Grants program in half, for a total juvenile justice cut of 40% below FY04 levels, and a more than 2/3 cut from FY02 levels).

However, on March 11, the Senate adopted, by voice vote, a bipartisan floor amendment, sponsored by Senators Hatch, Biden, and Kohl, to increase Justice Department funding in the budget by \$600 million, thus restoring funding that was proposed to be cut from juvenile justice and delinquency prevention (including JABG and Title V), as well as restoring some law enforcement funding that was also proposed to be cut (Byrne Grants and Local Law Enforcement Block Grants).

House and Senate leadership have not been able to craft a compromise

("Conference Report") to take back to their respective chambers for final passage. As a result, Congress has not moved forward on any FY05 appropriations legislation (which determines actual program-by-program funding levels each year, within the broad outlines of the budget resolution).

### **Welfare / Child Care Legislation**

As noted previously in *The Guardian*, the House passed legislation to reauthorize welfare reform (TANF) and child care (CCDBG) programs (H.R. 4) in February 2003, and later in 2003 the relevant Senate Committees (Health, Education, Labor and Pensions — in April; and Finance — in September) reported out the legislation to the Senate.

On March 29, the Senate began floor consideration of its version of H.R. 4, and the first (and only, so far) amendment considered was the Snowe (R-ME) / Dodd (D-CT) bipartisan amendment to provide for a significant increase in mandatory child care funding — \$6 billion over five years above the level in the Committee-approved bill. That amendment was adopted by an overwhelming vote of support on March 30: a vote of 78-20. Unfortunately, the legislation was then pulled from the Senate floor, due to a controversy over other amendments (not affecting child care funding or welfare/TANF rules). It is not clear whether the bill will be brought back to the Senate floor for further consideration. In the meantime, on March 31, the TANF program was temporarily extended through June 30.

### Family Opportunity Act

On May 6, 2004, the Senate passed, by unanimous consent, S. 622, the Family Opportunity Act. The bill will provide assistance for states to enable adoptive parents of special needs children to purchase, on a sliding-fee scale) Medicaid health coverage. The House has not yet taken action on this legislation (H.R. 1811).

### No Further Action on Most Legislation Since Last Guardian

- The President's proposed foster care "state option" (block grant) proposal.
- Restoration of Social Services Block Grant (SSBG) funding from \$1.7 billion to \$2.8 billion, as part of the "CARE" Act, S. 476, adopted 95-5

in the Senate in April 2003, and still awaiting House/Senate Conference.

- The Mentally Ill Offender Treatment and Crime Reduction Act (S. 1194) sponsored by Sen. DeWine (R-OH) passed by the Senate (by unanimous consent) in October 2003.
- The Lifespan Respite Care Act, to assist families in accessing affordable respite care (S. 538), which had passed the Senate in April 2003, but has not yet moved in the House (H.R. 1083).
- The Keeping Families Together Act [S. 1704, introduced in 2003 by Sen. Collins (R-ME); and H.R. 3243, introduced by Rep. Ramstad (R-MN) and Rep. Kennedy (D-RI)], to establish a state grant program to reduce the practice of parents giving custody of their seriously emotionally disturbed children to state child welfare or juvenile justice agencies for the purpose of obtaining mental health services for those children.
- The Child Protective Services Improvement Act [H.R. 1534, introduced in 2003 by Rep. Miller (D-CA) and Rep. Cardin (D-MD), as an alternative to the Administration-proposed foster care block grant].
- Legislation to amend Title IV-E of the Social Security Act to provide equitable access to foster care and adoption services for Indian children in tribal areas (H.R. 443, S. 331).
- Indian Child Welfare Act amendments legislation (H.R. 2750).

- The Adoption Equality Act (S. 862), to promote the adoption of children with special needs by "de-linking" their eligibility from the old AFDC (the predecessor to welfare reform, or "TANF").
- A bill to provide for the protection of unaccompanied "alien" (non-citizen) children, including ensuring access to counsel (S. 1129 and H.R. 3361).
- The Child Protection and Alcohol and Drug Partnership Act (S. 614).
- Bills providing for loan forgiveness for personnel in the child welfare system (for social workers: S. 409 and H.R. 734; for attorneys: S. 407; and for child welfare workers, certain teachers, nurses, etc.: H.R. 1306).
- A bill (H.R. 2437, the Child Protective Services Workforce Improvement Act) to provide grants to state child welfare systems to improve quality standards and outcomes, etc.
- A bill (H.R. 1378) to amend Title IV-E of the Social Security Act to increase payments to states for expenditures for short-term training of child welfare agency staff.

**Don't forget:** you can use the web to "surf" bills, committee reports, floor debate and votes, committee assignments, etc. Just go to [thomas.loc.gov](http://thomas.loc.gov) and you'll find what you need! Also, the U.S. Capitol Switchboard (to contact any Senator or Representative) can be reached at 202-225-3121. ■

## NACC – Federal Policy Network

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

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

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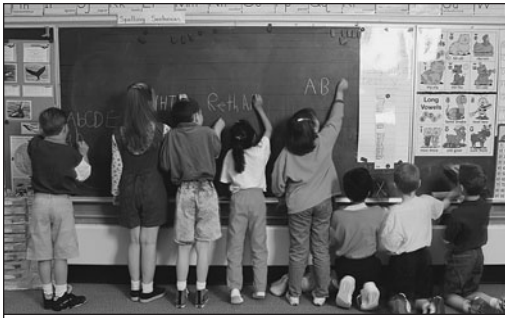
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**Return to:** NACC, 1825 Marion Street, Suite 242, Denver, CO 80218 or Fax to: 303-864-5351



# Children's Law News

## Conferences & Training

**September 7–10, 2004** *NACC 27th National Children's Law Conference, Representing Children, Families, and Agencies in Child Welfare, Juvenile Justice, Custody, and Adoption Proceedings.* Mandalay Bay Resort, Las Vegas, NV. For more information, contact the NACC or visit [NACCchildlaw.org/training/conference.html](http://NACCchildlaw.org/training/conference.html). Conference brochures will be available in June, 2004.

## Publications / Resources

*I Will Speak up for Myself: Your Legal Rights in Foster Care*, by Martha Stone, JD – Center for Children's Advocacy. 860-570-5256 / [www.kid-scounsel.org](http://www.kid-scounsel.org)

*A Floor, Not a Ceiling: Beyond Guidelines — An Argument for Minimum Standards of Practice in Conducting Child Custody and Visitation Evaluations*, by H.D. Kirkpatrick, Ph.D. *Journal of Child Custody*, Vol. 1, No. 1, p. 61, 2004 – The Haworth Press. Free sample copy of this new journal at [www.HaworthPress.com](http://www.HaworthPress.com).

*Confidentiality and Juvenile Mental Health Records in Dependency Proceedings*, by David Katner, JD. *William and Mary Bill of Rights Journal*, Vol. 12, Issue 2, February 2004.

*Families by Law: An Adoption Reader*, edited by Cahn and Hollinger. NYU Press, \$19.00. 800-996-NYUP / [www.nyuupress.org](http://www.nyuupress.org).

*A Review of the Year in Family Law: Children's Issues Remain the Focus*, by Elrod and Spector. *Family Law Quarterly*, Vol. 37, No. 4, p. 527, Winter 2004.

*Access to Justice for Children, the 2003 Edition of the NACC Children's Law Manual Series.* The manual is 463 pages and includes 25 articles covering a wide range of children's legal issues including: The Development of Children's Law and Practice, Making Sensible Post-ASFA Placement Decisions, Youth Empowerment Programs, Juvenile Competence to Stand Trial, Adoption

Subsidies, International Custody, Corporal Punishment, Visitation in Dependency Cases, Preparing Caseworkers for Trial, Expert Testimony in Children's Cases, and more. Copies may be ordered from the NACC by calling toll free 1-888-828-NACC, using the Publications Order Form on page \_\_\_ of this issue, or online at [www.naccchildlaw.org/trainings/manuals.html](http://www.naccchildlaw.org/trainings/manuals.html).

*Legal Representation of Children: Recommendations and Standards of Practice for the Legal Representation of Children in Abuse and Neglect Cases*, by NACC. This document provides comprehensive guidance to children's attorneys including descriptions of the attorney's role and duties. The NACC encourages jurisdictions and courts to use this publication to create local guidelines that will improve the quality of legal representation in your jurisdiction. To obtain a copy, contact the NACC or use the publication order form in this issue. The two documents contained in this publication are also available online at: [www.naccchildlaw.org/training/standards.html](http://www.naccchildlaw.org/training/standards.html).

*The Children's Legal Rights Journal (CLRJ)* is a quarterly professional practice journal for child welfare, juvenile justice, and family law professionals. Now in its 22nd year, CLRJ is published by William S. Hein & Co., Inc., under the editorial direction of the ABA Center on Children and the Law, Loyola University of Chicago School of Law, and the National Association of Counsel for Children. CLRJ is indexed in the *Current Law Index* and *Index to Legal Periodicals* and runs approximately 60 pages per issue. The annual subscription rate is \$67 but is available to NACC members at a 30% discount (\$47 annually). To subscribe, contact Hein toll free at 800-828-7571, ISSN 0278-7210, or contact the NACC for more information.



*NACC's Better Public Policy for Children, Youth and Families — An Advocacy Guide*, by NACC Policy Representative Miriam Rollin. A com-

prehensive guide to policy advocacy for children and families. Available on-line at [www.NACCchildlaw.org/policy/policy\\_guide.html](http://www.NACCchildlaw.org/policy/policy_guide.html), or call the NACC at 888-828-NACC.

## News

**New NACC Staff.** The NACC is pleased to announce that Beth Wicht, MBA has joined the NACC staff as Association Administrator. Beth can be reached at 888-828-NACC extension 3, or by email at [wicht.elizabeth@tchden.org](mailto:wicht.elizabeth@tchden.org).

**New NACC Office.** The NACC has moved to a larger suite at the Kempe Center in Denver: Suite 242. All other contact information remains the same.

**NACC Member Judge Leonard Edwards Named Jurist of the Year.** The Judicial Council of California named Judge Edwards Jurist of the Year for his innovative and lasting contributions to the judiciary in the areas of juvenile and family courts, court coordination, and domestic violence prevention and intervention.

**The NACC Megan Louise Furth Youth Empowerment Fund** was created to honor the life of Megan Furth by promoting the Youth Empowerment Initiative of the National Association of Counsel for Children. Megan was a remarkable young woman who died July 30, 2003 at the age of 31. The NACC Youth Empowerment Initiative was created to develop the concept of children and youth as valuable persons and citizens with inherent legal and human rights. The NACC promotes youth participation in NACC decision-making and in the societal and governmental structures that affect young people. Youth serve on the NACC Board of Directors, teach at NACC trainings, and participate in the operation of local and national child welfare systems.

The fund was created on September 1, 2003 by Megan's mother, Donna Wickham Furth, with an initial contribution of \$25,000 and a promise to match, dollar for dollar, contributions made to the



fund during its first year, giving donors an opportunity to double the impact of their contributions to the NACC. Funds will be used to support youth participation in empowerment program activity including paying youth travel and lodging expenses for meetings and trainings.

All contributions to the Megan Louise Furth Youth Empowerment Fund are tax deductible. Contributions can be made by check or credit card and by phone (888-828-NACC), fax (303-864-5351), email ([advocate@NACCchildlaw.org](mailto:advocate@NACCchildlaw.org)), or online ([www.NACCchildlaw.org/about/donate.html](http://www.NACCchildlaw.org/about/donate.html)). Make checks payable to "NACC MLF Fund."

**NACC 2004 Outstanding Legal Advocacy Award.** Nominations for the 2004 award are being accepted now. 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 to NACC Awards, 1825 Marion Street, Suite 242, Denver, CO 80218. Contact the NACC for more information. The deadline is July 1, 2004. See ad on page 16.

**NACC 2004 Law Student Essay Competition.** The NACC is accepting essays for the 2004 Law Student Essay Competition. The winning essay will be published in the 2004 Children's Law Manual, and the winner will be given \$100, a one-year NACC membership, and a scholarship to the 2004 conference in Las Vegas. Essays will be evaluated on the importance of the topic to advancing the legal interests of children, persuasiveness, and quality of research and writing. Mail essays with contact information to NACC Student Essay Competition, 1825 Marion Street, Suite 242, Denver, CO 80218 by July 1, 2004. Essays should be submitted on disk together with a hard copy.

**2004 NACC Outstanding Affiliate Award.** Nominations are being accepted for the NACC 2004 Outstanding Affiliate Award. The award will be presented to the affiliate that best fulfills the mission of the NACC on the local level. The mission of the NACC is to achieve the well-being of children by promoting multidisciplinary excellence in children's law, establishing the legal interests of children, and enhancing children's legal remedies. Affiliates should submit an application in letter form together with supporting documentation to NACC Affiliate Award, 1825 Marion St., Suite

242, Denver, CO 80218. Submission Deadline is July 1, 2004.

#### **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. It is an excellent way to improve your advocacy skills and share your expertise with your NACC colleagues. 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 Web Site / Member Directory Now Open to Public.** Visit the NACC's member services web site at [www.NACCchildlaw.org](http://www.NACCchildlaw.org). The site is comprised of four sections: About the NACC; Technical Assistance and Training; Children and the Law; and Policy Advocacy. The site includes members-only sections that allow you special access to resources. Passwords are mailed to all NACC members with their welcome packets. Contact the NACC if you don't know your password. Additionally, the NACC online membership directory, formerly a member only section, is now open to the public. Please contact the NACC if you do not want your listing made public.

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

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

### ***Amicus Curiae* Activity**

***K.M. v. E.G.*, A101754 (2004), California Court of Appeals.** Previously reported on page 14 of the

*Fall 2003 issue of The Guardian.* The NACC joined the Northern California Association of Counsel for Children in an *amicus curiae* brief supporting the interests of twin sisters M.G. and K.G. The twins were born to domestic partners by in vitro fertilization. The amici argued that the court failed to protect the interests of the seven-year old twins by not appointing counsel or guardian ad litem to them, nor recognizing them as parties to the action.

When E.G. and K.M. met, E.G. was trying to become pregnant through in vitro fertilization. After doctors determined E.G.'s eggs were sterile, the couple decided to use K.M.'s eggs and implant them in E.G.'s uterus. In 1995, E.G. became pregnant and gave birth to twins, who the women raised together. The couple separated in 2001 and E.G. moved to Massachusetts with the girls. K.M. then filed a petition for visitation.

The court heard testimony that E.G. wanted to have children alone and K.M. was merely an egg donor. Although the women raised the children as a family unit, when K.M. gave E.G. her eggs she signed an ovum consent form waiving any right to a relationship to the children born of the procedure. The trial court denied K.M.'s petition for visitation. The court concluded that K.M. had no legal relationship to the girls, despite the facts that she was actually the girls' biological mother; she had lived with the twins since their birth, was named as a parent on school records, and shared expenses with E.G.

The California Court of Appeals affirmed the trial court's decision, finding that when K.M. agreed to be an egg donor and signed the ovum donor consent form she relinquished her claim to parentage. Although the court recognized that the interest of the children was disserved by severing their relationship with K.M., it refused to apply the best interest standard. The court stated that best interest analyses are limited to custody and visitation issues and could not be applied to a parentage question.

***Dixon v. Georgia*, S 04 0072 (2004), Georgia Supreme Court.** Previously reported on page 4 of the *Winter 2004 issue of The Guardian.* The NACC reported joining the Children's Defense Fund and a number of other groups in an *amicus curiae* brief opposing the application of Georgia child molestation laws. Dixon, who was eighteen years old at the time of the offense, was convicted of statutory rape and sentenced to ten years

for criminal child molestation based on a consensual sexual act between him and a fifteen year old classmate. In a 4-to-3 vote the Georgia Supreme Court overturned Dixon's conviction. Dixon was acquitted of rape, aggravated assault, false imprisonment, and sexual battery. The court noted that the legislature intended for crimes like this one, involving consensual sex between teenagers, to be prosecuted as misdemeanor statutory rape. Convicting Dixon of child molestation was a misapplication of the Georgia criminal child molestation laws. Dixon was released on his own recognizance. The state has filed a motion to reconsider. The trial court must still sentence Dixon for statutory rape, however he already served over one year in prison, exceeding Georgia's maximum penalty for misdemeanor statutory rape.

**Nebraska v. Anaya, Docket 1030 No. 781, Nebraska Supreme Court.** The NACC will join Children's Health Care is a Legal Duty, Inc. (CHILD) in an *amicus curiae* brief to the Nebraska Supreme Court in support of the state's practice of screening infants for metabolic disorders. CHILD's position supports the state's authority to require health screenings over religious objections; adopting conditions similar to those set forth by the Joint Report of the Association of Public Health Laboratories and Council or Regional Genetic Networks.

**Jobs**

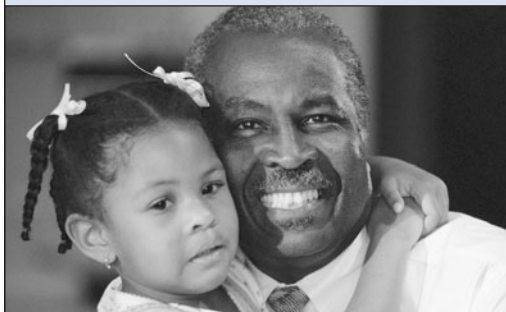
**Child Advocate, National Center for Youth Law, Oakland, CA.** NCYL is seeking an experienced attorney or

policy advocate prepared to play a key role in shaping and conducting advocacy on behalf of low-income children and adolescents. Interested applicants please mail or email a cover letter, resume, three professional references, and a writing sample to: Maria Salzano, Office Manager, National Center for Youth Law, 405 - 14th Street, 15th Floor, Oakland, CA 98612-2701, Email: [msalzano@youthlaw.org](mailto:msalzano@youthlaw.org).

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

You can access the information online at [www.NACCchildlaw.org/childrenlaw/jobs.asp](http://www.NACCchildlaw.org/childrenlaw/jobs.asp). If you wish to post a job on the web site, follow the online directions or call the NACC at 1-888-828-NACC. ■

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).



National Association of Counsel for Children

*2004 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.

**Send Nominations to:**  
 Awards Committee  
 National Association of  
 Counsel for Children  
 1825 Marion Street, Suite 242  
 Denver, Colorado 80218

**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.

**Nominations Must Be Received By July 01, 2004.**

**NOMINEE:**

NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_  
 DEGREE \_\_\_\_\_ TITLE / POSITION \_\_\_\_\_  
 FIRM / ORGANIZATION \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY, STATE, ZIP CODE \_\_\_\_\_  
 PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
 E-MAIL: \_\_\_\_\_  
 MEMBER OF THE NACC?  YES  NO  
 NUMBER OF YEARS NOMINEE HAS BEEN INVOLVED IN CHILD ADVOCACY: \_\_\_\_\_

**NOMINATOR:**

NAME \_\_\_\_\_  
 TITLE/POSITION \_\_\_\_\_  
 FIRM/ORGANIZATION \_\_\_\_\_  
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# Thank You

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

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