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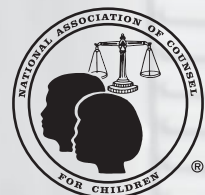
NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

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NACC President's Message

CHILDREN'S LAW OFFICE SYMPOSIUM LAUNCHES MODEL OFFICE PRACTICE FOR CHILDREN

Marvin Ventrell, NACC President / CEO

The NACC recently held a national symposium for children's law offices in order to promote best practice models for delivering legal services to children in abuse, neglect, and dependency court cases.

The National Children's Law Office Symposium: Creating and Running a Model Children's Law Office was hosted by the Juvenile and Family Law Program at the University of Colorado School of Law in Boulder, Colorado, January 18–20, 2007. The Symposium was co-sponsored by the ABA Center on Children and the Law and the Colorado Office of the Child's Representative. We believe it was the first gathering of its kind.

The Symposium, attended by 60 attorneys from 39 children's law offices across the country, was the culmination of a three-year NACC project called the Children's Law Office Project (CLOP). The purpose of CLOP was to serve as an institutional or organizational partner to the NACC Attorney Certification Program. Whereas Attorney Certification is designed to promote proficient individual attorney practice by certifying attorneys as specialists, CLOP is intended to promote proficient office or law firm delivery of such attorney practice through the implementation of model office guidelines. The NACC believes that as our field has matured and become specialized, we must promote the development of children's law offices that operate to provide legal representation of children in dependency cases, staffed by full time child welfare law attorneys.

The Symposium served as a launch of the *Child Welfare Law Office Guidebook: Best Practice Guidelines for the Organizational Legal Representation of Children in Abuse, Neglect, and Dependency Cases*, also known as The Blue Book. (The NACC certification practice and test preparation manual is called The Red Book.) The Blue Book (and the Symposium) is organized by the institutional structures of Administration (including business plans, physical space, and office policies), Development (including media relations and fund development), and Program (including staff training, caseloads,

and standards of practice). The Blue Book contains 33 guidelines designed to help offices reach model practice standards, and over the course of the three-day Symposium, leaders of some of the nation's premier children's law office programs participated in interactive workshops for this purpose. It was my observation that these leaders then returned to their cities with both a commitment and a plan to implement the guidelines in their offices.

The NACC's goal, and the next stages of CLOP, is the proliferation and implementation of The Blue Book guidelines. The Symposium findings will be published soon in the University of Colorado Law review. And while the children's law office pilot *project* is now complete, the children's law office *program* is just beginning. Through the continuation of the work, the NACC will strive to not only assist currently involved offices in achieving model practice, but to involve more existing offices in the effort, and help create such offices where they do not currently exist. We envision the day when every jurisdiction is served by well managed children's law offices staffed by well compensated, full time child welfare law specialists.

As part of the ongoing CLOP effort, the NACC has formed a national network of children's law offices to facilitate information sharing and guideline implementation. We will also include CLOP training at our conferences, beginning at our 30th anniversary conference in Colorado this August. In addition to the guidelines and training sessions, CLOP services will include a national directory of children's law offices, a technical assistance / document depository, and a listserv. We encourage offices that fit the CLOP office characteristics to become involved in the program by visiting the NACC CLOP site. Information currently available on the site includes The Blue Book (limited numbers of hard copies are also for sale), the National Directory of Children's Law Offices, and the Document Depository.

The NACC Children's Law Office Program Site:

<http://www.naccchildlaw.org/about/nclop.html>



Cases

Dependency / Termination of Parental Rights

Tennessee Supreme Court Unanimously Holds That Parents Did Not Willfully Abandon Their Daughter, Reverses Order Terminating Parental Rights, and Orders That A.M.H. Be Returned To Parents' Custody After Living With Foster Parents For More Than Seven Years. In re Adoption of A.M.H., 2007 Tenn. LEXIS 13.

The parents of A.M.H. are Chinese citizens. In 1995, her father moved to the U.S. on a student visa. He later enrolled in a doctorate program and was awarded a graduate assistant position. The mother became pregnant with A.M.H. in July of 1998. Also around this time, the father lost his position, leaving the family with little income and no health insurance. A.M.H. was born on January 28, 1999. The parents went to the juvenile court and explained that they could not afford to care for A.M.H. and wished to place her in temporary foster care. The juvenile court contacted Mid-South Christian Services, and the parties entered into an agreement whereby Mid-South was to provide three months of care for A.M.H.

Mid-South placed A.M.H. at the home of Jerry and Louise Baker. Her parents visited regularly. However, their financial situation did not improve, and in June, 1999 the parents met with the Bakers to discuss a change of legal custody. An attorney from Mid-South was present at this meeting to inform the parents about the legal effect and risks of granting the Bakers temporary custody. On June 4, 1999 the parties obtained a consent order from the juvenile court transferring custody of A.M.H. to the Bakers. At this time, the mother expressed concern that the arrangement be temporary and

that the parents have continued visitation. Despite the mother's insistence regarding the agreement's temporary nature, the court order also included a guardianship provision so that the Bakers could obtain health insurance for A.M.H.

In May of 2000, the parents filed a petition claiming a change in circumstances and requesting custody of A.M.H. The petition was denied. The relationship between the parties also began to rapidly deteriorate, culminating in early 2001 when the parents arranged to take A.M.H. for a family picture. When they arrived at the Bakers' home to pick up A.M.H., the Bakers informed the parents that A.M.H. was sick and could not leave. An argument ensued, the police arrived, and the parents were instructed to leave the premises. After this incident, the parents stopped visiting.

In February and April of 2001, the parents contacted the juvenile court seeking assistance. Eventually, a court officer prepared a petition to regain custody for the parents. Two days prior to the hearing on this petition, the Bakers filed a petition for termination of parental rights and adoption of A.M.H., and the case was transferred to the chancery court. In 2004, after proceedings lasting 32 months, the chancery court found that the parents willfully abandoned A.M.H. by failing to visit or provide support for four months and concluded it was in A.M.H.'s best interests to terminate parental rights. The Court of Appeals affirmed the termination based only on the ground of willful failure to visit.

The Tennessee Supreme Court began by establishing that parents' right to the custody and care of their child is a fundamental right protected under both the Tennessee and United States Constitutions. The court stated that

"before a parent's rights to a child may be terminated by a court, 'there must be a showing that the parent is unfit or that substantial harm to the child will result if parental rights are not terminated.'" The court went on to note that under Tennessee law a parent who abandons a child by *willfully* failing to visit is considered unfit based on constitutional standards. However, when not willful, the failure to visit does not constitute abandonment. The court noted that due to the animosity during the visits, the parents likely chose to redirect their energy toward regaining custody through the court process. The court held that in this case, where the parents attempted to regain custody throughout the "abandonment period," the evidence did not support a finding of willful abandonment. With no remaining grounds for termination of parental rights, the court reversed the termination order.

The court next addressed the 1999 consent order which transferred custody and guardianship of A.M.H. to the Bakers. The court first clarified that "it is only a parent's 'voluntary transfer of custody to a non-parent, with knowledge of the consequences of that transfer,' that will defeat a parent's claim to superior rights of custody." The court found that the evidence demonstrated that the transfer of custody was a temporary measure to provide health insurance for A.M.H. with the clear intent that custody would be returned to the parents. Therefore, the Court found that the parents did not transfer custody and guardianship with knowledge of the consequences, and thus were entitled to superior rights of custody, which could only be overcome upon a showing of substantial threatened harm to A.M.H. Here, the court held that the only evidence of substantial harm existed because of

the prolonged litigation and the “failure of the court system to protect the parent-child relationship throughout the proceedings.” Therefore, the court found that physical custody should be returned to the parents, stating, “evidence that A.M.H. will be harmed from a change in custody because she has lived and bonded with the Bakers cannot constitute the substantial harm required to prevent the parents from regaining custody.”

Note: On February 2, 2007 the Bakers filed a request with the Tennessee Supreme Court asking for a rehearing or a stay of the order while they consider a possible appeal to the U.S. Supreme Court. The parents responded on February 8, asking the court to uphold the decision.

Delinquency / Jury Trial

Oklahoma Appeals Court Holds That A Juvenile’s Waiver of Right To A Jury Trial Is Invalid Absent A Competent, Knowing, And Intelligent Waiver On The Record. D.M.H. v. State of Oklahoma, 136 P.3d 1054 (Okla. Crim. App. 2006).

The Oklahoma Court of Appeals considered whether a juvenile’s failure to demand a jury trial is considered a valid waiver or whether, as in adult cases, there must be a record made representing a knowing and intelligent waiver of the right to trial by jury.

D.M.H. was fifteen years old when he was charged as a juvenile delinquent with attempted rape, assault, and two counts of intimidation of a witness. He

was adjudicated a delinquent after a non-jury trial. When D.M.H.’s case was called for trial, D.M.H. did not request a trial by jury, nor did the court make any kind of record regarding his waiver of his right to trial by jury. The issue in this case was to determine what is required, under Oklahoma law, for a juvenile to waive his or her right to trial by jury in a delinquency proceeding.

The Court began its analysis with a brief history of a juvenile’s rights. *In re Gault* rejected the position that allowing juveniles basic procedural rights would somehow frustrate the goals and effectiveness of the juvenile justice system. 387 U.S. 1 (1967). The *Gault* Court held that a juvenile has the right to notice of the charges against him or her, to counsel, to remain silent,

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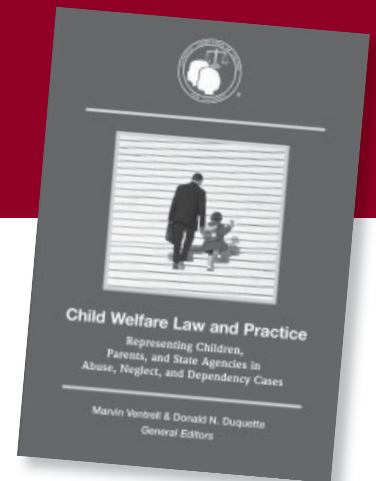
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and to confront and cross-examine witnesses. Four years after *Gault*, the Supreme Court considered whether jury trials were constitutionally required in the adjudicative stage of a juvenile delinquency proceeding. In a plurality opinion, the Court concluded that a jury trial was not constitutionally required under the United States Constitution. *McKeiver v. Pennsylvania* 403 U.S. 528 (1971).

The Oklahoma Court acknowledged that, although the Oklahoma Constitution has not been interpreted to require a jury trial in juvenile proceedings, the Oklahoma legislature created a statutory right to a jury trial in the adjudicative stage of a juvenile delinquency proceeding. The statute requires the juvenile to demand a jury trial before one will be provided. The Court reasoned that before the right may be demanded, the juvenile must know that he or she has such a right to demand a jury trial. In this case, counsel for D.M.H. stated that he could not clearly remember whether D.M.H. had been advised of, and had affirmatively waived, his right to jury trial during their conversations.

In determining whether D.M.H. was denied his statutory right to a jury trial, the Court considered whether the State followed the requirements of procedural due process. The due process standard in juvenile proceedings is fundamental fairness. The Court held that it is fundamentally unfair to presume there has been a waiver of the right to trial by jury when the juvenile is silent. If D.M.H. had been charged as an adult, the lack of an affirmative waiver of his right to a jury trial could be considered reversible error.

The Court held that it is necessary for the juvenile court judge to make a record of the juvenile's waiver of the right to trial by jury. The Court stated that the juvenile court judge shall not accept a waiver unless the juvenile has been advised by the court of his or her right to a trial by jury, has discussed it with his or her counsel, and personally waives his or her right to trial by jury in open court on the record. Additionally, it must be clear that the juvenile waived his or her right competently, knowingly, and intelligently. The Court

stated that preferably, the juvenile should execute a written waiver signed by both the juvenile and his or her counsel.

In this case, D.M.H.'s attorney did not know whether the possibility of a jury trial was properly discussed, or whether D.M.H. understood and knowingly waived his right to a jury trial. Thus, the Court found that D.M.H. did not waive his right to a jury trial because there was not a competent, knowing, and intelligent waiver of his right on the record. The adjudication was vacated, and the matter was remanded for further proceedings.

Child Support / Emancipation

Mississippi Supreme Court Holds That Child Incarcerated For Life Was Not Emancipated For Purposes of Determining Child Support. Edmonds v. Edmonds, 935 So. 2d 980 (Miss. 2006).

The Mississippi Supreme Court determined whether a father's child support payments should be terminated or reduced when the minor, who benefits from those payments, has been sentenced to life imprisonment.

Mother and Father were divorced in 1993 and Father was ordered to pay \$213 a month in child support for the couple's minor child, Tyler. In 2003, although a minor, Tyler was convicted of murder as an adult and sentenced to life imprisonment. Father sought termination or reduction of child support payments based on Tyler's incarceration. Mother filed a counter-petition seeking attorney's fees she had incurred during Tyler's trial. The County Chancery Court denied Father's motion for termination of child support and awarded attorney's fees to Mother. Father appealed.

Father first asserted that because of Tyler's lengthy incarceration, Tyler should be considered an emancipated child. Although Tyler did not meet the statutory definition of an emancipated child, he was no longer in the custody of his mother, and his mother was no longer responsible for his direct support and maintenance because he was incarcerated and supported by

the State Department of Corrections. Based on these facts, Father argued Tyler was "emancipated in fact," and thus Father should be relieved of his child support obligations.

The Chancery Court found that Tyler did not meet any of the conditions for emancipation under the Mississippi statute; thus, Tyler was not emancipated. Here, the Mississippi Supreme Court stated that the statutory grounds for emancipation are not exclusive and there are other situations which were not contemplated by the statute that may also establish emancipation. However, the Court declined to find that Tyler's incarceration, in and of itself, established emancipation. Additionally, the Court found that even though Tyler received the majority of his support from the State Department of Corrections, Mother spent approximately \$140 per month in support of Tyler. This money was put into the canteen account which provided Tyler with toiletries and other items which were not provided by the State. Thus, the Court held that because Tyler was still receiving support and maintenance from Mother, the County Chancellor did not abuse its discretion in ruling that Tyler was not emancipated.

Father alternatively argued that he was entitled to a modification of child support based on a material change in Tyler's circumstances. This Court previously stated that "a modification of a child support payment may be appropriate if it can be shown that there has been a substantial or material change in the circumstances of one or more of the interested parties: the father, the mother, and the child or children, arising subsequent to the entry of the decree to be modified." The Court found the facts in this case tend to show that a material change in circumstances had occurred since the time of the divorce decree. Because of Tyler's lengthy incarceration, he was not living with either parent, and the only financial support from Mother was approximately \$140 per month. Thus, there was sufficient evidence to justify a consideration of Father's request for modification of child support, and the Chancellor failed to consider Father's modification request. The Court remanded this case so the County

Chancellor could rule on Father's modification request.

Finally, Father asserted that the County Chancellor erred in awarding \$5,000 to Mother to pay for half of the attorney's fees associated with Tyler's criminal trial. The Court held that attorney's fees related to a minor child's criminal defense are not an expense contemplated by the child support provisions of the Mississippi statute, and that the Chancellor abused its discretion in awarding attorney's fees to Mother.

Dependency / Representation of a Minor Parent

California Court of Appeals Holds That Termination Proceedings Were Fundamentally Unfair Where No Guardian ad Litem Was Appointed To Represent The Minor Father. In re D.D. v. J.D., 50 Cal. Rptr. 3d 578 (2006).

A California Court of Appeals held that a guardian *ad litem* must be appointed for a presumed father who is a minor, even when the presumed father does not personally appear.

This case involved two minor parents, J.D. (father) and S.W. (mother) and their two-month-old son, D.D. On June 24, 2005, police officers executed a search warrant at the home of S.W.'s parents. J.D., S.W., and D.D. were present. Police found cocaine, marijuana, pipes, and scales inside the home, and methamphetamine in S.W.'s purse. J.D. was not arrested, but a social worker was contacted. J.D. told the social worker that he was emancipated; however, this later proved to be false. Because J.D. had no adult caregiver, both he and his son were placed in protective custody. On June 28, the County Services Agency filed a petition on behalf of the child, D.D. The petition identified J.D. as the child's presumed father.

The detention hearing was held the following day. Although J.D. did not appear, the court verified that J.D. was listed on the birth certificate as D.D.'s father and confirmed that both J.D. and the child's mother were minors. The court then appointed an attorney and guardian *ad litem* for the mother; but made no mention of doing the same for J.D.

Throughout the reunification process there was virtually no contact between the agency and J.D. J.D. was again absent at the jurisdictional / dispositional hearing on July 28, 2005. Further, there was no indication that the social worker reviewed the case plan with J.D., and there were no visits between J.D. and his son. In December, the agency asked the court to find that although reasonable services had been offered, J.D. had not participated regularly or made substantial progress. As a result, the agency recommended that the court set a termination hearing and proceed with a plan of adoption. On January 5, 2006, J.D. appeared before the court and an attorney and guardian *ad litem* were appointed to represent him. However, one month later, the court followed the agency's recommendations and terminated services for J.D.

On appeal J.D. argued that the juvenile court erred in failing to appoint a guardian *ad litem* and an attorney. The Appeals Court agreed that according to the California Code of Civil Procedure, a guardian *ad litem* must be appointed whenever a minor is a party to an action. The Court pointed out that the lower court apparently understood this requirement, as it appointed both an attorney and guardian *ad litem* for the child's mother.

Despite the statutory obligation, the agency first argued that the juvenile court did not need to appoint a guardian *ad litem* for J.D. because he did not need this protection. The agency based this position on J.D.'s initial statement claiming he was an emancipated minor. The Court found this argument unconvincing since the social worker discovered that J.D. was *not* emancipated only a few days after her initial contact. The agency next claimed that the court was relieved of its duty to appoint a guardian *ad litem* because J.D. failed to appear in court. This position was based on a previous California appeals case, *In re Emily R.*, 80 Cal.App. 4th 1344 (2000) where the court held that "a juvenile court had no duty to appoint a guardian *ad litem* for an *alleged* father, who was under 18, who had not appeared in the dependency proceeding after receiving adequate notice."

The present Court noted that J.D.'s situation was distinguishable from the *Emily R.* case in that J.D. was a *presumed* father, rather than simply an alleged father. The Court stated, "A father's status in dependency proceedings is significant because it determines the extent that he is entitled to participate and the rights he has." Presumed fathers are afforded the most protections and are entitled to reunification services and custody of the child. Therefore, as a minor, J.D. was entitled to a guardian *ad litem* to help protect his rights as a presumed father. The Court found that although a guardian *ad litem* was not required at detention hearing due to the emergency removal, appointment was clearly required prior to the jurisdictional / dispositional phase.

Criminal Law / Prenatal Drug Use

Court Of Appeals Of Maryland Holds That Intentional Ingestion Of Cocaine By A Pregnant Woman Cannot Form The Basis For A Conviction Of Reckless Endangerment. Kilmon v. Maryland, 905 A.2d 306 (Md. 2006).

The Court of Appeals of Maryland determined whether a pregnant woman who intentionally ingests cocaine can be convicted of reckless endangerment of the later-born child. In separate cases, two mothers were found guilty of reckless endangerment for intentionally ingesting cocaine while pregnant with their children. The first defendant was sentenced to four years in prison, and the second was sentenced to five. Both defendants appealed.

Under the Maryland statute it is a misdemeanor for a person to recklessly engage in conduct that creates a substantial risk of death or serious physical injury to another person. In this case, the State argued that the "person" allegedly endangered by each defendant's conduct was not the fetus, but rather the living child after the birth. Therefore, the State asserted that the offense in this situation was the prenatal ingestion of cocaine by a pregnant woman which recklessly endangered the child immediately upon and after the live birth.

Because reckless endangerment is a “purely statutory crime” in Maryland, the Court framed the issue as one of statutory construction. The Court stated that although the Maryland legislature intended a broad definition of reckless endangerment, it was unclear that the legislature intended to extend the definition to the conduct of a pregnant woman who might endanger her unborn child. The Court noted that the broad extension proposed by the State could be construed to include not only the ingestion of cocaine or other controlled substances, but also other potentially reckless activity that the legislature did not intend. The Court opined that if the statute was read to apply to the effect of a pregnant woman’s conduct on her unborn

child, it could well be extended to other behavior such as not maintaining a proper diet, consuming alcoholic beverages, smoking cigarettes, driving without a seatbelt, or failing to obtain prenatal medical care. The Court held that the legislature could not have intended the definition to be extended in this manner.

The Court then considered the history of the Maryland legislature in addressing this issue. The Court pointed out that under Maryland law, a pregnant woman, like anyone else, may be prosecuted for possession of a controlled substance. However, the Court further noted that the legislature had consistently refused to impose additional criminal penalties on a

pregnant woman’s ingestion of illegal substances and its potential effect on the unborn child, either before or after birth. Legislative proposals to classify such conduct as murder, manslaughter, child abuse or reckless endangerment were consistently rejected. Further, the legislature acknowledged that criminalizing the ingestion of a controlled substance in this manner was essentially criminalizing drug addiction for one segment of the population, pregnant women. Thus, rather than criminalize this conduct, the legislature chose to deal with the problem by providing drug treatment programs for pregnant women, and using the remedies provided through the child welfare system, including potential termination of parental rights.



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Interestingly, the Court found that in 2005 the Maryland legislature extended the definition of murder and manslaughter to permit a prosecution for the murder or manslaughter of a viable fetus. However, the legislature made it clear that nothing in that section applied to an act or omission of a pregnant woman with regard to her own fetus. The Court concluded that based on this blatant exception in the statute, “it would be an anomaly, indeed, if the law were such that a pregnant woman who, by ingesting drugs, recklessly caused the death of a viable fetus would suffer no criminal liability for manslaughter, but if the child was born alive and did not die, could be imprisoned for five years for reckless endangerment.”

The court also noted that a majority of other states addressing this issue have similarly concluded that a pregnant woman who ingests a controlled substance should not be prosecuted for reckless endangerment, child abuse, or distribution of a controlled substance. Only one state, South Carolina, has taken a contrary position. The Court thus concluded that it was not the legislative intent that the reckless endangerment statute apply to drug ingestion by a pregnant woman, and reversed the lower court judgments.

Parents’ Rights / Medical Decisionmaking

U.S. District Court For Nebraska Becomes First Federal Court To Uphold State’s Right To Require Medical Testing For Newborn Children Over Parents’ Constitutional Challenges. Speiring v. Heineman, 448 F. Supp. 2d 1129 (D. Neb. 2006).

Under Nebraska law all newborn infants must undergo testing for certain metabolic diseases. Because some diseases have potentially serious and life-threatening consequences if not diagnosed and treated promptly after birth, this screening must occur 24–48 hours after birth. Physicians are required to notify the parents about the mandatory testing. If the parents refuse consent, Nebraska law requires that a hearing be held to resolve the matter. Ray and Louise Spiering argued that

mandatory testing of their infant child violated their rights under the First, Fourth, and Fourteenth Amendments.

The Spierings follow the teachings of the Church of Scientology. One such teaching is “silent birth,” which requires parents to shield their newborn children from pain, both during birth and for seven days thereafter. The Spierings believe that subjecting their newborn to the blood draw needed for metabolic testing violates the silent birth teaching and would cause the child to suffer future physical or mental injury.

The Spierings argued that the mandatory testing violated their First Amendment right to free exercise of religion. In evaluating this claim, the Court first addressed whether rational basis or strict scrutiny analysis should apply. The Court found that based on the U.S. Supreme Court decision in *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1989), if a law is neutral and of general applicability, it need not be justified by a compelling government interest. Instead, the law need only be rationally related to a legitimate government interest, even if it has the incidental effect of burdening a particular religion.

The Spierings argued that this holding was subject to two exceptions where strict scrutiny must be applied. The first asserted exception was that strict scrutiny must apply when the challenged law “fail[s] to prohibit nonreligious conduct that endangers the [government’s] interest in a similar or greater degree as compared with the religiously motivated conduct that [is] prohibited.” *Church of the Lukumi Babalu Aye Inc., v. City of Hialeah*, 508 U.S. 520 (1993). The Spierings argued that the Nebraska law contained “secular exemptions” from the testing requirements while failing to provide a similar religious exemption. The referenced “secular exemptions” addressed situations where an infant was tested too early, mistakenly discharged prior to testing, or required retesting. The Court rejected the Spierings’ argument, noting that none of these exemptions endangered the governmental interest

behind the statute, and in fact, were consistent with promoting child safety.

The Spierings next claimed that strict scrutiny must be applied in hybrid cases where a free exercise claim is linked with a claim involving the fundamental rights of parents. In *Smith*, the U.S. Supreme Court suggested that strict scrutiny should apply in a hybrid situation where a free exercise claim was attached to a claim regarding parents’ right to direct the education of their children. Here, the Court found that because the Spierings’ situation did not concern educational decision-making, “the ‘hybrid rights’ justification for strict scrutiny [did] not apply as a categorical matter.” The Court also rejected the hybrid claim argument on a second ground. While recognizing parents’ fundamental right to make decisions regarding their children, the Court noted that the state also has some control over parental action that affects the physical or mental health of children. The Court stated, “the precedents of the [U.S. Supreme] Court recognize two competing values of equal worth: the right of parents to parent and the right of children to safety. It is not plausible that the Supreme Court would apply strict scrutiny and thus tilt the table in favor of the rights of parents and against the safety of children.”

Because neither exception applied, the Court evaluated the testing statute under a rational basis analysis and held that metabolic testing of newborns was justified by the government’s legitimate interest in protecting children’s health. It further found a “fit” between this interest and Nebraska’s testing scheme.

Finally, the Court addressed the Spierings’ additional constitutional challenges. The Court found no Fourth Amendment claim for unreasonable search and seizure existed where the parents were given notice and afforded a hearing prior to testing. The Court also rejected the Spierings’ claim that testing violated a parent’s Fourteenth Amendment right to raise their children, reiterating that parents’ rights to raise their children and children’s rights to safety are of equal value. Therefore, strict scrutiny cannot be applied to favor parents’ rights over children’s

safety, and the statute survives rational basis review.

Other Case Law News

Susan C. v. Florida Department of Children and Family Services

In November, 2006, a Florida state judge issued a writ of mandamus on behalf of Florida foster children who alleged that they were being forced to live in an office conference room at the Department of Children and Family Services (DCF). The court order directed DCF and its private agencies to obey Florida state law and use only licensed facilities for the placement of abused and neglected children.

The ruling came as part of a class action lawsuit filed on April 4, 2006 by the Youth Law Center, the Florida

State University Children's Advocacy Center, and Michael Dale of Nova Southeastern Law School on behalf of a group of Florida foster children. The lawsuit charged that DCF and a private contract foster care agency failed to find licensed placements for dependent children, and instead housed the children in an office conference room. The lawsuit alleged that children typically stayed in the conference room from 5 p.m. until 8 a.m., and that children of all ages and both sexes slept together, usually on top of tables or sitting in chairs. As a result the children suffered physical harm and psychological trauma from being without beds, adequate food, sanitary facilities, supervision or medical care.

The writ states that "dependent children have a clear legal right,

established by the Legislature and the State of Florida, to both emergency and permanent placement in licensed facilities and holding children in office conference rooms or other unlicensed facilities violates that mandate." The court further stated that state expense in operating licensed facilities was irrelevant, noting that "otherwise, it would put the most vulnerable children — that is, those who have just been removed from their families — in the greatest jeopardy by allowing their 'temporary placement' just about anywhere."

Bell v. Leavitt

In December, 2006, Congress confirmed that the Medicaid citizenship documentation requirements do not apply to

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foster children and children receiving adoption assistance.

This action came as a result of *Bell v. Leavitt*, a class action lawsuit filed against Mike Leavitt, the Secretary of the U.S. Department of Health and Human Services. The lawsuit, filed on June 28, 2006, challenges the citizenship documentation requirements imposed by the Deficit Reduction Act of 2005. The Plaintiffs are U.S. citizens who are applicants or current recipients of Medicaid who lack the documentation required to demonstrate citizenship. The majority are low-income persons, including minor children in foster care and those receiving adoption assistance.

On September 15, 2006, Federal Judge Ronald Guzman issued an “interim ruling” in the case, indicating that he would likely order an injunction exempting 500,000 foster care children from the new Medicaid requirements. This turned out to be unnecessary. On December 9, 2006, Congress passed H.R. 6111, which made several “technical corrections” to the Deficit Reduction Act of 2005. One such correction confirmed that Congress intended to exempt foster children and children receiving adoption assistance from the new citizenship documentation requirements. Discussions have now begun regarding how HHS can most efficiently advise the states to exempt these children from the documentation requirements. John Bouman, an attorney for the Plaintiffs, stated: “We are very pleased that Congress has now affirmed what we said all along... A half million very vulnerable children are now spared from the government’s unnecessary threat to their health care.” The lawsuit will continue on the remaining issues, including the application of the documentation requirements on other Medicaid recipients.

Amicus Curiae Update

In re Corey Spears, Ohio Supreme Court. The NACC joined with Chil-

dren’s Law Center, Inc., the American Civil Liberties Union, the Children’s Defense Fund, and others in filing an *amicus curiae* brief urging that waiver of counsel by children should be permitted only upon strict compliance with constitutional safeguards that ensure that waiver is knowing, intelligent, and voluntary, in accordance with due process. *Amici* further urged that by adopting a clear, explicit standard for trial judges to follow in reviewing waiver of counsel, Ohio would be adopting a majority viewpoint in the protection of juveniles’ rights.

In this case, Corey Spears, age 13, appeared in juvenile court for an adjudication and disposition hearing on charges including grand theft and probation violation. During preliminary questioning by the court, Corey stated he understood his right to an attorney at the hearing and wished to proceed without an attorney. The court then dispensed with Corey’s right to counsel, proceeded with the hearing, explained the nature of the charges, and accepted Corey’s admission to the charges. Corey was committed to the Department of Youth Services for a minimum of six months on each charge.

Ohio rules, statutes, and judicial practices regarding waiver of counsel afford less protection to children than the majority of other states. As a result, juveniles in Ohio frequently give up their right to counsel without receiving adequate explanation of what the right to counsel means or why they might choose to exercise that right. In contrast, many other states have taken steps to ensure that juveniles have meaningful access to counsel by restricting waiver and making it difficult, if not impossible, for juveniles to waive the right to an attorney in delinquency proceedings.

Amy G. v. M.W.; G.G. v. Superior Court, California Supreme Court.

The NACC filed an *amicus* letter urging the California Supreme Court to grant

review. In this case, a child was conceived during a sexual encounter that was extramarital for both partners. Twenty-nine days after the child’s birth, the mother relinquished the boy to the father in a written agreement (later determined to be void) permitting father and his wife to raise the boy as their natural child and allowing the father’s wife to adopt the child. Six months later, the birth mother sought custody. By the time the case was heard by the Second District Court of Appeal, the father’s wife had been the child’s primary caregiver for three years. However, the Court of Appeal held that the father’s wife could not be deemed a natural or presumed mother under any provision of the Uniform Parentage Act (UPA), because the birth mother had promptly asserted her rights.

The NACC urged that review should be granted because this decision was inconsistent with the prior opinions of California Supreme Court which uniformly recognize the independent interests of the child and the state in preserving the developed parent-child relationships and apply the Uniform Parentage Act in a gender-neutral manner. In addition, in *Craig L. v. Sandy S.*, the First District Court of Appeal considered a similar situation and held that competing claims must be resolved by weighing all relevant facts to determine which presumption was based on “weightier considerations of policy and logic.” The NACC suggested that this analysis would preserve the integrity of the family, the child’s bond with his primary caregiver and siblings, and the compelling interest of the state in the welfare of the child. The California Supreme Court denied review.

Thank you to attorney Donna Wickham Furth for drafting and filing the amicus letter on behalf of the NACC. ■

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.

Reflections from Youth Trainers

Two youth trainers recently shared their foster care experiences with children's law office managers during the NACC Children's Law Office Symposium. The training session covered law office client outreach and youth involvement. The trainers' reflections on youth participation in their own cases follow. The NACC is thankful to these talented young women and to Mile High United Way and the Bridging the Gap Program for their service.

Janay E.

I spent ten years in the foster care system. During that time, I met my GAL once — over the phone. After court cases, which I never was invited to attend, my GAL did not keep me informed about what happened. I felt discouraged to know that I was not invited to my court dates and that my GAL felt comfortable making decisions about me when he didn't know me.

When I was asked to speak at the Children's Law Office Symposium, it was totally different knowing those in attendance really wanted to hear us and know our opinions. I wanted to speak at the Symposium even though I have recently emancipated from the foster care system, because I want other youth to have the opportunity to be more involved in their cases. I know that many youth still in care feel the same way I felt, and I want them to have more opportunities to speak and attend court. Although many people assume that youth in care don't know what is best for them, and that we may not even get a chance to speak in court, it is still good to be in court and know what is being said and what decisions are made.

The session I spoke at during the Symposium was on the topic of Youth Involvement. Those who attended were truly interested in hearing our experiences. At one time someone tried to answer a question for me, and another person insisted that I provide *my* perspective. I feel that although I am still young, I have valuable information, and I should be allowed to speak my mind to improve the system. Adults should take youth opinions seriously.

In our session, we also talked about creating surveys for youth to take when they enter care and when they leave care. This is another way to get youth involved and allow them to speak their mind about the services they are receiving. I think this is a good idea because it gives youth the opportunity to speak about their experience both entering foster care and leaving it. I liked this idea because if you do the survey when you first enter care, your caseworker will know more about *your* feelings about being in foster care, not just the negative information they get from your file. This part will come from the youth instead of just the adults.

It was interesting to find out more about how the system works in other cities and states. I got a lot of resources and valuable information from those who were present. It's great to know that people finally want to listen to us. In the past, it seemed that when adults listened to us, it was mandatory for them to do so, but the feeling at the Symposium was that these people really wanted to be there and know what was going on — not just from the adult side, but also from my point of view.

I want to thank everybody at the Symposium for giving me the time to speak about what I have to say. I hope that this won't be the last opportunity for youth to speak and that others will be able to have the same experience.

Tana W.

As a youth I witnessed my mother struggle and fall, but I am not discouraged. In fact, it gives me more ambition to succeed. I am currently living in a foster home, and to many, this may seem a great

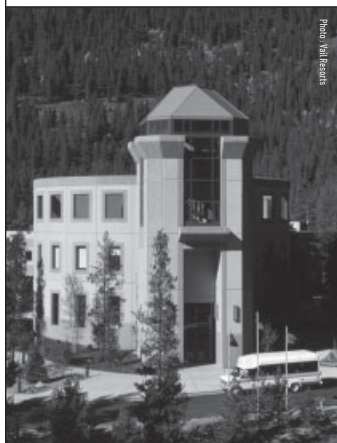
failure, but in reality I am encouraged to succeed and to encourage success in others. For example, I spend my free time on my spirituality and mentoring others, which is why the issues that interest me most are the condition of today's youth and how we define self-worth. The things that we hear and see affect our generation and the generations to come. One of our former presidents, John F. Kennedy said, "If you want to find a great success find a failure."

I am an African America female, fearfully and wonderfully made. The woman who birthed me and my five siblings into this world can never be described as anything less than a queen and the word tenacious isn't enough to describe her powerful character. She raised six kids on her own and would never accept anything from anyone who tried to help... Then the darkness of crack cocaine was heaved into the light, and her mighty kingdom came crumbling down. I didn't know who this woman was. What happened to my mom? She was wearing someone else's body. Ignorant to boldness, she spoke with a timid voice, and the most excruciating thing of all is she became dependent. Her six children

all got thrown from family member to family member and eventually ended in group and foster homes.

I live in a foster home now and refuse to hide in the shame of who I am any longer. I feel that one of the prime problems in our cities is that adolescents are afraid to be who they really are because they are damaged and continually affected by past experiences. I was a product of all of this. That is why I can easily recognize it. I use my testimony as a beacon to help others get through adversity. My mom fell short and is still currently struggling with the addiction that created so much division in our family. But look at the potential it has given me - gaze at the power of the oppressed.

The crack cocaine issue that my mother is battling is heavy and painful to tolerate every day, but I know that right now there is nothing I can't handle, and as bad as it hurts, the situation is in the right hands. When I see someone who is going through a lot it is easy for me to reach out and help them. I can look at them straight in the eye and tell them I understand, and I know how you feel. ■



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Federal Policy Update

by Miriam A. Rollin, Esq.
NACC Policy Representative, Washington, DC

Federal Budget for FY 2008

On February 5, 2007, President Bush submitted his proposed FY 2008 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), and 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). There was one modest increase (\$10 million) proposed for the

Child Abuse Prevention and Treatment Act discretionary grants funding, to support new funding for nurse home visitation, shown by research to be effective at cutting child abuse and neglect among at risk families, and reducing later crime. Once again, there are large cuts proposed in the area of juvenile justice and delinquency prevention, though there is a new twist this year: the proposed 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, along with a 25% cut from last year’s juvenile

justice funding levels. Given the new leadership in Congress, it is unlikely that most of the President’s budget proposals will be enacted.

Federal Appropriations for FY 2007 – Finally Completed!

The final FY 2007 appropriations legislation — left as unfinished business by the 109th Congress when they adjourned in December — was completed by the new Congress and enacted on 2/15/07 as P.L. 110-5. The bill continues most programs’ funding at FY 2006 enacted levels, with exceptions for modest increases in certain high-priority areas. One of the

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programs increased was Head Start, the premier early education program for children in poverty, which received an additional \$104 million, for a total FY07 funding level of \$6.9 billion. The bill also eliminates all earmarks for specific local projects that had been included in proposed appropriations bills, instead utilizing competitive approaches to decisions about funded entities.

Head Start Reauthorization

On 2/14/07, the Senate Committee on Health, Education, Labor and Pensions marked up S. 556, the "Head Start for School Readiness Act", a bill to reauthorize the Head Start early education program for disadvantaged kids. The 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 that had been in a previous House-passed bill (that bill never got enacted). S. 556 is awaiting Senate floor action, which may occur in late March. House Education and Labor Committee markup may occur in March, as well.

Gangs Legislation

On 1/31/07, Senators Feinstein, Hatch, et al. introduced 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 no longer has the previously-included section providing for expanded prosecution of juveniles as adults in federal court. Companion legislation in the House, H.R. 880, introduced on 2/7/07 by Rep. Forbes et al., still includes the provision expanding the prosecution of juveniles as adults. No markup of either bill is scheduled at this time.

Indian Child Protection and Family Violence Prevention

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. No action has been scheduled, yet, on this bill.

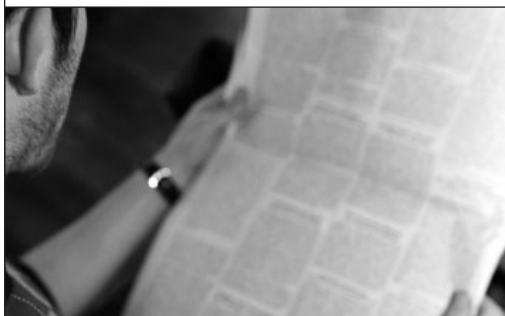
Other Relevant Bills Introduced, But No Further Action Yet

- 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 has been scheduled.

- On 2/16/07, Sen. Clinton and Sen. Snowe introduced the Kinship Care-giver Support Act (S. 661), which provides funding for kinship navigator programs, provides a IV-E support option for kinship care, and provides notice to relatives of children entering foster care. No Finance Committee action has yet been scheduled.
- 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). The House Education Reform Subcommittee held an excellent hearing on this legislation in the last Congress (on 9/27/06). No action on this legislation has yet been scheduled in this Congress.

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



Children's Law News

News

Congratulations New NACC Board

Members: Hon. Douglas Johnson – Omaha, NE; Anita Lacy – Kalamazoo, MI; Jane Okrasinski, JD – Athens, GA; Norton Roitman, MD – Las Vegas, NV; Tamara Steckler, JD – New York, NY.

NACC Child Welfare Law Attorney Specialty Certification is now open

in 4 States: California, Michigan, New Mexico, 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 go to: <http://www.naccchildlaw.org/training/certification.html>.

NACC 2007 Outstanding Legal Advocacy Award. Nominations for

the 2007 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 to NACC Awards, 1825 Marion Street, Suite 242, Denver, CO

80218. Contact the NACC for more information. The deadline is June 1, 2007.

NACC 2007 Law Student Essay

Competition. The NACC is accepting essays for the 2007 Law Student Essay Competition. The winning essay will be published in the 2007 Children's Law Manual, and the winner will be given \$1,000, a one-year NACC membership, and a scholarship to the 2007 conference in Keystone, CO. 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: advocate@NACCchildlaw.org by June 1, 2007.

Scholarships For Foster Youth. The Orphan Foundation of America and the Casey Family Scholars Program award \$1.5 million in scholarships to help foster youth attend college, university, or training programs. The Casey Family Scholars Program provides scholarships of up to \$10,000 to young people who have spent at least 12 months in foster care and were not subsequently adopted. The Hildegard Lash Merit Scholarship, administered through OFA, recognizes outstanding scholarship and community service by

college students who have no family supporting their goals and efforts. The application and criteria for both scholarships can be accessed at: <http://www.orphan.org/scholarships.html>.

Call For Papers. In honor of the upcoming 40th anniversary of the *In re Gault* decision, the Barry Law Review at Barry University School of Law is issuing a call for papers to ascertain how much progress has been made in achieving the goals of the rulings of *Gault*. Selected manuscripts will be included in a symposium issue dedicated to *In re Gault*. The deadline for articles is on or before June 15, 2007. For more information email: lawrev@mail.barry.edu.

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 and say "Please add me to the NACC Listserv."

The Second Annual National Moot Court Competition in Child Welfare and Adoption Law. The National

Center for Adoption Law and Policy at Capital University Law School in Columbus, Ohio held its second annual National Moot Court Competition in Child Welfare and Adoption Law February 16-17, 2007. The two issues presented were: 1) whether the putative father had a procedural due process right to appointed counsel; and 2) whether the lower court violated the father's due process rights by applying law from the state of adoption rather than the state of the putative father's residence when determining the putative father's right to notice of, and the opportunity to object to, the child's adoption. Seventeen law schools from across the nation were represented in the competition. The National Champions for 2007 are Krista Gundersen and Vanessa Campagna from Seton Hall University School of Law. The runner-up for the National Championship was Ashley Baird, Megan Maxfield, and Scott Van Nice from Northern Kentucky University - Salmon P. Chase College of Law. Sponsors of the competition included Capital University Law School Moot Court Board, The National Center for Adoption Law and Policy, The National Council of Juvenile and Family Court Judges, The ABA Center on Children and the Law, The American

NACC Child Welfare Law Attorney Specialty Certification

Program Summary

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.



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Conferences & Training

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ABA Center on Children and the Law 12th National Conference: Promoting Children's Interests: Preparation, Practice & Policy, Cambridge, MA, in partnership with the Harvard Law School Child Advocacy Program. For more information please visit: www.abanet.org/child.

May 21–25, 2007

NACC 12th Annual Rocky Mountain Child Advocacy Training Institute, Louisville, CO. A hands-on trial skills training course for lawyers who represent the interests of children. Presented in conjunction with NITA and the Rocky Mountain Children's Law Center. For more information, please visit www.naccchildlaw.org/training/RMCATI.html.

May 30–June 2, 2007

AFCC 44th Annual Conference: Children of Separation and Divorce: The Politics of Policy, Practice and Parenting, Washington, D.C. Register online at: www.afccnet.org.

August 15–18, 2007

NACC 30th National Children's Law Conference, Keystone, CO. For more information, contact the NACC or visit: www.NACCchildlaw.org/training/conference.html. Conference Brochures will be available in Spring, 2007.

Publications

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 commen-

tary 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 available for \$20 each by contacting the NACC. The searchable electronic version is available at no charge at www.naccchildlaw.org/about/nclop.html.

Homeland Insecurity... American Children at Risk. To help spark debate about the need for major federal investments in children and families, Every Child Matters has produced this new book. Drawing mostly from official federal data, this book shows the challenges families face in raising healthy children and demonstrates that government policy is failing many of these families. The book can be downloaded free at www.everychildmatters.org/homelandinsecurity.

Creating Effective Parenting Plans: A Developmental Approach for Lawyers and Divorce Professionals, by John N. Hartson, Ph.D. and Brenda J. Payne, Ph.D. This book explores the development of schedules of alternative parenting time with the best interest and developmental needs of the child considered first. Available online at www.ababooks.org or by calling (800) 285-2221.

Working with the Courts in Child Protection. This new publication from the Children's Bureau provides the basic information needed by CPS caseworkers to work successfully with the courts, including relevant terminology, descriptions of the key court processes, and practical information to help caseworkers prepare to go to court. To obtain a copy, contact Child Welfare Information Gateway at (800) 394-3366 or info@childwelfare.gov. Manuals can also be downloaded at www.childwelfare.gov/pubs/usermanual.cfm.

Erik Pitchal, Children's Constitutional Right to Counsel in Dependency Cases, 15 Temp. Pol. & Civ. Rts. L. Rev. 663 (2006).

Marvin Ventrell, The Practice of Law for Children, 28 Ham. J. Pub. L. & Pol'y 75 (2006).

The Specialized Practice of Juvenile Law: Model Practice in Model Offices, the 2006 Edition of the NACC Children's Law Manual Series is now available for purchase. Copies may be ordered from the NACC by calling toll free 1-888-828-NACC, using the Publications Order Form in this issue, or online at www.naccchildlaw.org/training/manuals.html.

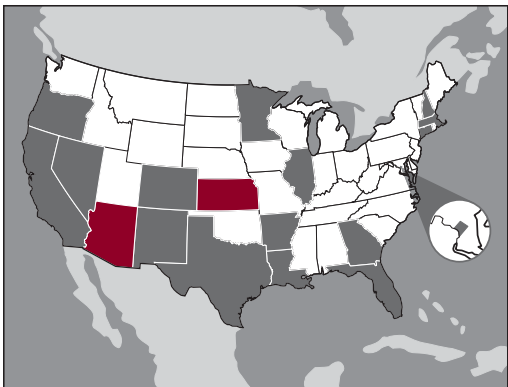
Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect and Dependency Cases (The Red Book). Please see the ad in this issue or contact Bradford Publishing at 800-446-2831; www.bradfordpublishing.com. NACC members receive a 20% discount.

Jobs

GAL Project Director, The Children's Law Center, Washington, D.C. The GAL Project Director will ensure that clients served by the GAL project receive the highest quality representation and that the staff in the program has the resources, training and supervision necessary to provide this high-quality representation. The position therefore requires strong poverty law knowledge and excellent management and people skills. The GAL Project Director will have primary responsibility for managing all aspects of the GAL Project, including: ensuring that GAL clients receive the highest quality legal representation, developing the GAL program's annual work plan, and ensuring that CLC meets or exceeds the goals set in the plan and set forth under the CLC's contract for legal services with the Superior Court of the District of Columbia. Serious candidates will have: five years of experience as a poverty lawyer and management or supervisory experience. Applications should include a cover letter, current resume and list of references, and should be submitted to: GAL Project Director Search Committee, The Children's Law Center, 901 15th Street, NW Suite 500, Washington, DC 20005, jobs@childrenslawcenter.org. No phone calls, please. ■

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



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.

Arizona

The Arizona Association of Counsel for Children (AACC) is looking for new officers and trustees. Please contact Ann Haralambie at: Ann.Haralambie@azbar.org; 520-327-6287.

Kansas

The Kansas Association of Counsel for Children (KACC) is co-sponsoring a one-day seminar, *Immigration and Children:*

Searching for the Voice of the Child with Washburn University School of Law Children and Family Law Center to be held on March 16, 2007. The seminar will focus on the impact of immigration law on families and their children in dependency and delinquency. It has been pre-approved in Kansas and Missouri for 6.5 hours general CLE and 1.0 hour ethics. For more information or to register, visit www.washburnlaw.edu/cle/, or call 785-670-1105. ■



2007 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 1, 2007.

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

Thank You

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

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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.

NAME _____

FIRM OR AGENCY _____

ADDRESS _____

CITY / STATE / ZIP _____

PHONE _____ FAX _____

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