IN THIS ISSUE
1 MESSAGE FROM RETIRED NACC PRESIDENT / CEO
2 MESSAGE FROM NACC FOUNDER
2 MESSAGE FROM NACC STAFF
3 CASES
4 NACC BOARD OF DIRECTORS ELECTIONS
5 2009 CONFERENCE — SAVE THE DATE
9 2009 ROCKY MOUNTAIN CHILD ADVOCACY TRAINING INSTITUTE
11 FEDERAL POLICY UPDATE
13 CHILDREN’S LAW NEWS

NACC 32nd National Conference
August 19–22, 2009
New York Marriott at the Brooklyn Bridge ■ Brooklyn, NY

National Association of Counsel for Children
www.NACCchildlaw.org
## Table of Contents

MESSAGE FROM RETIRED NACC PRESIDENT / CEO .......................... 1

MESSAGE FROM NACC FOUNDER ........................................... 2

MESSAGE FROM STAFF .......................................................... 2

CASES ................................................................................. 3
  Dependency / Reporting (Indiana) ........................................ 3
  Truancy / Right to Counsel (Washington) .............................. 3
  Dependency / Filing for Termination of Parental Rights (New York) 5
  Delinquency / Certification to Adult Court (Nevada) ............... 6
  Delinquency / Prostitution (Texas) ......................................... 8
  Guardianship / Child Support (Kansas) ................................. 8
  Dependency / Parental Interference (Kansas) ......................... 10

NACC BOARD OF DIRECTORS ELECTIONS ............................... 4

2009 CONFERENCE — SAVE THE DATE .................................... 5

NACC PUBLICATIONS ORDER FORM ..................................... 7

2009 ROCKY MOUNTAIN CHILD ADVOCACY TRAINING INSTITUTE 9

FEDERAL POLICY UPDATE ...................................................... 11
  by Miriam Rollin, JD

CHILDREN’S LAW NEWS ....................................................... 13
  News, Conferences & Trainings, Publications, and Jobs

AFFILIATE NEWS ................................................................. 16

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

NACC MEMBERSHIP APPLICATION ................................. BACK PAGE

---

**Mission**

THE MISSION OF THE NACC IS TO:
- Strengthen the Delivery of Legal Services for Children
- Enhance the Quality of Legal Services Affecting Children
- Improve Courts and Agencies Serving Children, and
- Advance the Rights and Interests of Children

---

**Executive Committee**

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

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

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

**SECRETARY**
Gerard Glynn, JD/LLM  
Orlando, Florida

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

**POLICY REPRESENTATIVE**
Miriam A. Rollin, JD  
Washington D.C.
I arrived at the NACC in November of 1993. That was the beginning for me. My vision was not very clear at that time — figuratively and literally. I did not know where the NACC was going and I was impaired by a serious eye infection. On my first evening in Denver, I sat next to Dr. Ruth Kempe at an award dinner for a local child advocate. Ruth is a wonderful woman and accomplished child psychiatrist. She is also the widow of Dr. C. Henry Kempe, the child welfare pioneer who, among other things, led the way for the publication of “The Battered Child Syndrome” in 1962. Other notables in the field were there, people I had only known as names on articles. Intimidated and vision impaired, I mostly listened and prayed for my condition to pass.

It did. With a course of antibiotics and the support and guidance of many wonderful people, my vision grew better. And the NACC grew too.

I wrote an article years ago about Amelia Dietrich Lewis, the lawyer who represented Gerald Gault in the 1967 landmark In re Gault case. Ms. Lewis had recently died after making history for us by establishing the attorney child-client relationship. Sometime later, I received a letter from a lawyer I did not know. It was from Ms. Lewis’ son thanking me for honoring his mother and helping her work live on. History, and our opportunity to play a role in it, came alive for me that day.

I have been privileged to play a role in the development of the work of the NACC. I believe in this work. I believe that lawyers are the custodians of the quality of social justice in this country. I believe in the rule of law and the duty of lawyers to enforce and develop it for children and families.

I am proud to be a lawyer and particularly proud to be a lawyer in the fields of family, child welfare, and juvenile justice law. I am proud of the accomplishments of the NACC. Together we have done important things. Our field has become a legitimate legal specialty, worthy of respect. It is a place for the best and brightest lawyers in this country.

I want to thank a few of the people responsible for that, and perhaps by doing so, contribute to our links to the past and our vision for the future.

Foremost among those people is NACC Founder Don Bross. Don has been my link to the lessons of history and he helped me understand the applications of those links to our vision of the future. Perhaps Don’s greatest gift to me, though, was trust and autonomy. It is hard to let your baby go. I know what that feels like now.

Other folks touched our lives at the NACC. I had the privilege of working with Dr. Brandt Steele, co-author of “The Battered Child” and renowned child psychiatrist. I listened in awe as he talked about working with Anna Freud and others. Brandt tried to teach me patience and humility — I’m working on it Brandt. I frequently recall two of Brandt’s reminders: “if you don’t understand someone’s actions, you don’t have enough information” and “where we stand depends on where we sit.” Brandt died in 2005 at the age of 97.

Thanks go out also to Dr. Dick Krugman, Dean of our medical school and the first Kempe Center Director to follow Henry Kempe, for his support of the NACC. “See one, do one, teach one.” I got it.

I am thankful to NACC Policy Representative Miriam Rollin. Miriam taught me the importance of public policy advocacy and made tireless contributions to NACC’s policy development. I am reminded of the tale of two fishermen who, while fishing, saw a baby and then another and another floating down the river. They worked to save them and then, as one man continued to try to save the babies one at a time, the other ran upstream. His companion called out, “where are you going?” The fisherman replied, “I am going upstream to find out who is throwing in all these babies.”

An NACC Board of Directors took a chance on me. Thank you for so many years of support and for your personal and professional contributions to the NACC. Thank you especially Chris Wu for our shared vision of rights-based citizenry for children and child empowered attorney-client child representation.

As important as a Board is, it is Staff that runs an effective organization. There are too many to thank here. Just as I was mentored though, I tried to pass that tradition on to the many law students and young attorneys who came through our doors. I am particularly thankful to Laosie King, intern and our first full-time Staff Attorney. While Laosie learned our links to the past, she also gave us vision for the future. While we debated the wisdom of a possibly too rigorous attorney certification program, she told us she did not want to be part of a profession for which just anyone was qualified. She was growing up and encouraged us to do the same.

This brings me to the NACC Child Welfare Attorney Certification Program, perhaps our most significant program accomplishment. The Certification Program is evidence of our growth and legitimacy as an association and a legal specialty. It is also a driving force in the creation and maintenance of a strong work force. Although I am frequently given credit for this, it was Don Duquette, Founder and Director of the University of Michigan Child Welfare Law Clinic, who had the vision. Thank you for that Don and for our time together on this and so many projects.

My family grew up with the NACC. It was a wonderfully instructive parallel existence. The lines between nuclear family and NACC family were frequently blurred. It was a wonderful village in which to raise and be raised. I am grateful to my family for its support of me and the NACC. We owe a special debt of gratitude to my wife, Camille Ventrell, for her many years of support and direct service to the NACC.
We have been fortunate at the NACC to have been housed in the Kempe Children’s Center in association with the Children’s Hospital and the University of Colorado Health Sciences Center. Our collaboration with Kempe has been a great benefit to the NACC. Dr. Rob Clyman, Kempe Center Director, and Jesse Wolf, Kempe Foundation President, are owed a debt of gratitude.

I am thankful to the thousands of NACC members for your support of me and the NACC over the years. You are the core of this organization and I hope you will continue your work and your contributions to the NACC. I encourage you to push this organization, your organization, forward and let the NACC know what you need to do your work.

I am grateful to the current staff at the NACC. Thank you for putting up with me. Transitions are tricky opportunities but they are, of course, opportunities. How exciting it will be for you and a new President to answer the question: what next NACC?

I remember the beginning of this NACC adventure but I certainly do not feel like this is the end of it. I like what Winston Churchill said: “Now this is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.”

Thank you. I wish you all the best.

Message from NACC Founder, Donald Bross, JD / Ph.D

Professor of Pediatrics (Family Law) at the University of Colorado School of Medicine and Director of Education and Legal Counsel for the Kempe Center for the Prevention and Treatment of Child Abuse and Neglect

In an effort to advance the field of pediatric law, Dr. Bross founded the NACC in 1977. He has continued as an integral member of the child advocacy field both as a professor and in his role as a NACC Board Member Emeritus and NACC Legal and Multidisciplinary Consultant.

Dear Colleagues,

When Marvin Ventrell came to the National Association of Counsel for Children in 1993 as its new Executive Director, we were only about 400 members strong. The current NACC membership of 2,500 individuals is only a partial indication of how Marvin’s leadership has ‘institutionalized’ our work. From the beginning, Marvin forcefully worked to improve the ‘trial skills’ quality of child advocacy by partnering with the National Institute of Trial Advocacy (NITA) to create the Rocky Mountain Child Advocacy Training Institute, in the process elevating the recognition of the NACC nationally through its association with NITA. Attending and presenting at important conferences on improving child advocacy, Marvin placed the NACC in a collaborative position with the American Bar Association as the new guidelines for representation of children by lawyers were developed. The National Council of Juvenile and Family Court Judges gave the NACC its highest organizational recognition during Marvin’s administration, and, working with an effective and very involved NACC Board, Marvin managed the initial grants, contracts, and work so that the NACC now accredits Child Welfare Law Specialists with the approval of the American Bar Association.

The energy required and the necessary time away from family and home for travel will test anyone in a demanding leadership role. Through their marriage and their parenting, Marvin and Camille managed to raise both of their children to be wonderful and successful people in their own right. In part the results of the loving commitment made by Marvin and Camille to their children, even while both parents negotiated very busy professional lives, the Ventrell children’s success is also due to the wonderful intrinsic qualities of both Patrick and Lily. On top of other commitments, Marvin and Camille devoted themselves for many years to coach two High School Mock Trial teams, one team of which competed as one of two finalists for the national championship.

Working on behalf of children ethically and well rarely pays well financially, and many types of support for the work are necessary if it is to continue well. Marvin has made a lasting contribution to the field of child advocacy and has helped assure that the NACC will endure and advance. I would like to thank all of you who listen to your clients, and also your colleagues, for all of your good work. I would also ask all of you to join me in thanking Marvin with a hearty “Well done,” with all best wishes in your new work, and a belief that you will always be one of us.

Sincerely, Don Bross

Message from NACC Staff

Dear Marvin: The NACC would not be where it is today without your inspiration, dedication, and enthusiasm. We wanted to thank you and let you know what you mean to us — and we decided that a haiku would be best:

Mentor and leader
Wolverines and summer names
Missing you already...

Wishing you all the best, NACC Staff – Amanda Donnelly, Maureen Martin, Anne Kellogg, Daniel Trujillo, Sara Whalen
Dependency / Reporting


After Kim McCauley gave birth to her son, the hospital performed a routine drug test. The drug test revealed a presence of narcotic drugs. The hospital made a report to the County Department of Child Services (Child Services) of possible child abuse based on the test results. Thereafter, Child Services removed the newborn and his older sister from their parents’ custody. Later, it was revealed that the lab results were incorrect.

The McCauleys filed a suit in Lake County Superior Court against the hospital and state agencies and officials. The defendants removed the case to federal court.

The McCauleys alleged that the hospital was negligent in: (1) administering the initial drug test, (2) reporting possible child abuse based on faulty test results, and (3) failing to correct its misdiagnosis. The hospital sought summary judgment on the latter two claims.

The hospital argued that it was immune from liability for any claim relating to the hospital’s initial report to Child Services or its alleged failure to correct that report when it became aware of the misdiagnosis. The hospital relied on a state child abuse reporting statute, which requires an individual who makes a child abuse report in good faith is immune from civil and criminal liability. The court noted that the reporting person’s good faith is presumed as a matter of law. Thus, immunity is only destroyed if the plaintiff can demonstrate that the report was made maliciously or in bad faith.

The McCauleys do not allege outright that the hospital made its initial report to Child Services maliciously or in bad faith. However, the McCauleys assert that the hospital reported the initial positive test results before those results were confirmed. The fact that the hospital reported possible child abuse immediately does not support an inference of bad faith. Instead, the court noted, the hospital’s report suggests that the hospital had a good faith belief that the child was in immediate danger.

The court found no evidence to rebut the presumption of good faith. Therefore, the court dismissed on immunity grounds the claim for negligent reporting of child abuse.

With regard to the second claim, the hospital argues that because it is immune from any claims that it negligently made the first report to child services, it is therefore immune from any subsequent acts which would not have occurred but for that report.

The state legislature provides qualified immunity for reporters of child abuse. The court noted that extending immunity to persons who make erroneous reports or who fail to correct them would likely frustrate the goals of the reporting statute, not promote them. The court also noted that false reports of child abuse cause emotional and financial difficulties for parents who are wrongly accused and waste the time and resources of the welfare agencies. Therefore, the court rejected the hospital’s affirmative defense as to the McCauleys’ claim that the hospital failed to correct its erroneous report to Child Services.

Because the court held that immunity did not apply to this claim, the court questioned whether a reasonable jury could find that the hospital negligently failed to correct its misdiagnosis. In Indiana, the tort of negligence consists of three elements: (1) a duty owed to the plaintiff by the defendant; (2) a breach of that duty by the defendant; and (3) injury to the plaintiff proximately caused by that breach.

As to the first element, the court found that the hospital had a duty to correct its initial misdiagnosis.

As to the second element, the court noted that the hospital knew that the initial test results were wrong and waited more than a week to send those results to Child Services. The court found that a reasonable jury could find that the hospital’s delay in correcting its initial misdiagnosis fell below the standard of reasonable care and there was a genuine issue of material fact regarding breach of the hospital’s duty.

As to the third element, proximate causation, the court found that a reasonable jury could find that the children would have returned home earlier but for the hospital’s delay and that a reasonable jury could conclude that the prolonged removal of the children should have been foreseen or anticipated by the hospital.

Thus, the court granted in part and denied in part the hospital’s Motion for Preliminary Determination of Summary Judgment. The court dismissed plaintiff’s claim that the hospital was negligent in reporting possible child abuse. The court denied plaintiff’s summary judgment claim that the hospital negligently failed to correct its erroneous report.

Truancy / Right to Counsel


The Bellevue School District (District) filed a truancy petition against E.S., 13 years old. At the initial hearing, E.S. was not appointed counsel. The court
signed an order requiring E.S. to attend school on a regular basis. Eight months after the initial hearing, E.S. continued to miss school and the District filed a motion for contempt. At this subsequent hearing, E.S. was appointed counsel.

At a later review hearing, E.S.'s substitute counsel moved to set aside the truancy finding, arguing that E.S. should have been provided counsel at the preliminary hearing and that the original petition was legally insufficient. The court commissioner ruled that E.S. had no right to counsel at the preliminary hearing and denied E.S.'s motion for revision. E.S. appealed.

Under Washington law, school is compulsory for children aged 8 to 18. Under the legislative amendments, schools must take steps to help ensure attendance. If a child has seven or more unexcused absences within any month or ten or more unexcused absences in the current school year and actions taken by the school district have not substantially reduced the child's absences, the district is required to file a truancy petition seeking intervention by the court.

The juvenile court must then schedule a hearing to consider the petition. A child over age eight may be compelled to attend. The Washington truancy statute provides that “[t]he court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child.” If allegations in the petition are proved by a preponderance of the evidence, the court may order the child to attend school, to change schools, to appear before a community truancy board, or to submit to drug and/or alcohol testing. Failure to comply with the order may result in contempt sanctions. At the point of contempt proceedings, counsel is appointed for the child.

E.S. argued that to satisfy due process, the child subject to a truancy petition must be afforded counsel at the initial truancy proceeding.

The parties directed their arguments to the Mathews v. Eldridge due process test, which balances the private interests affected by the proceeding, the risk of error caused by the procedures used, the probable value, if any, of additional or substitute procedural safeguards, and the countervailing governmental interest supporting the use of the challenged procedure. The court noted that truancy hearings are the only type of proceeding in which a juvenile respondent is not provided counsel. E.S. argued that truancy hearings affect three constitutionally protected interests: liberty, privacy, and the right to education.

In considering whether a truancy hearing affects a privacy interest, the court noted that for purposes of due process, the issue is whether the party has the mental capacity to represent her interests before the court. The court found that children do not have that capacity and in all other juvenile proceedings the child’s interests are protected by counsel.

In considering whether a truancy hearing affects a privacy interest, the court noted that although children have a right to bodily privacy, the truancy court can order a child to submit to drug and/or alcohol testing. The court found that a child’s bodily integrity is thus jeopardized where such an order may be entered without competent challenge.

In considering whether a truancy hearing affects the right to education, the court noted that the truancy court has the authority to order the child to transfer schools or to enroll in an alternative education program. The court held that such decisions, made without challenge and intelligent debate, pose a risk to the child’s right to education.

The court then considered the risk of error and the value of additional safeguards. The truancy statute requires that prior to court intervention, there must be a meaningful exploration of, and attempt to address, the causes of a child’s truancy. The court found nothing in the present procedure that ensures this will happen. The risk of error is
therefore high, and the consequences of error include lasting stigma and potential incarceration, as well as deepened alienation on the part of the child.

The District identified cost as the only countervailing government interest. The court held that “[f]inancial cost alone is not a controlling weight in determining whether due process requires a particular procedural safeguard.”

The court noted that the initial truancy hearing provides no procedural safeguards to protect the child’s rights, and the court found it undeniable that the child cannot be expected to protect those rights herself. Errors in the proceedings are therefore likely, and the risks to the child’s liberty interests are great. The court held that representation is required to ensure that the child understands her rights and the consequences of a truancy finding, that the district is held to its statutory duties and standard of proof, and that the child can explain the circumstances and respond to any suggested changes in education.

The court held that a child’s interests in her liberty, privacy, and right to education are in jeopardy at an initial truancy hearing, and she is unable to protect these interests alone. Due process demands a child be represented at the initial truancy hearing. Because counsel was not provided in this case, the court vacated the finding of truancy.

**Dependency / Filing for Termination of Parental Rights**


A boy’s mother disappeared and eventually her skeletal remains were found dumped in a shallow grave. After a four month investigation, the child’s father was charged with intentional murder and depraved indifference murder. After a jury trial, the father was convicted of second degree manslaughter and sentenced to a term of five to fifteen years.

The child’s maternal grandmother was awarded full custody, with consent. Following her award of custody, she filed a petition to terminate the father’s parental rights. Grandmother alleged that, because the father murdered the child’s mother, the child was severely abused, a permitted grounds for the termination of parental rights. Grandmother sought summary judgment.

The issue before the court was whether the grandmother may directly file a termination of parental rights (TPR) petition, based on severe abuse, against a father who has murdered the mother. New York statute provides that a TPR proceeding may be originated “by a relative with care and custody of the child.” Despite what appears to be a clear legislative direction, the court held that the grandmother had no standing to file a TPR.

In New York, severe abuse of a child is grounds for TPR. Homicide of one parent by the other parent is included in the definition of severe abuse. Because manslaughter is one of the enumerated forms of homicide, the court noted that there was no question that the child was severely abused by the father.

**Save the Date**

Mark your calendars now and plan to join us in New York for the National Association of Counsel for Children’s 32nd Annual National Juvenile and Family Law Conference

**August 19-22, 2009**

**New York Marriott at the Brooklyn Bridge**

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

**National Association of Counsel for Children**

1-888-828-NACC www.NACCchildlaw.org
Even when a child has been severely abused by a parent, the agency must make reasonable efforts before the court may enter a TPR determination.

In this case, no abuse petition was filed. Therefore, the mandates regarding diligent efforts and reasonable efforts were never put into play, and the agency made neither reasonable nor diligent efforts. Further, because no petition was filed, the agency was never in a position to request a finding that no reasonable efforts were required. A finding of no need for reasonable efforts can only be made pursuant to a petition filed. Because no such order was ever issued, the agency was never absolved of its duty to make diligent efforts.

The court noted that there is no statute that allows a private citizen or an agency to by-pass a abuse or neglect finding and proceed directly to a TPR proceeding. A TPR proceeding may be originated by an agency, a foster parent or law guardian if the agency was directed to file and fails to do so, or “by a relative with care and custody of the child.” For a TPR proceeding to be authorized, the child must have come into care pursuant to an abuse or neglect proceeding.

Therefore, because the child was not placed with the grandmother pursuant to a child protective proceeding, she lacked standing to bring the TPR action against the father. The court denied the grandmother’s summary judgment motion and dismissed her petition.

**Delinquency / Certification to Adult Court**


In this consolidated appeal, appellants were juveniles under the age of 13 when they were charged with offenses involving the use of a firearm. The State of Nevada petitioned the juvenile court to certify appellants for criminal proceedings as adults under the presumptive certification statute. Following separate proceedings, in which the juveniles maintained
their innocence, the juvenile court concluded that they failed to rebut the certification presumption and certified the juveniles as adults for criminal proceedings. Appellant juveniles challenged the orders of juvenile court. The issue before the court was the constitutionality of Nevada’s presumptive certification statute, under NRS 62B.390(2) and (3). These provisions create a rebuttable presumption that juveniles over age 13 and charged with certain enumerated offenses fall outside of the jurisdiction of the juvenile court and must be transferred to the district court for adult criminal proceedings.

Under NRS 62B.390(3)(b), to rebut the presumption of certification, the juvenile court must find clear and convincing evidence that the juvenile’s criminal actions were substantially influenced by substance abuse or behavioral problems that may be appropriately treated within the juvenile court system.

The court held that, based on the U.S. Supreme Court’s decision in In re Gault, the Fifth Amendment right...
against self-incrimination is available to juveniles in certification proceedings.

The court then addressed whether NRS 62B.390(3)(b) requirements violated the right against self-incrimination guaranteed by the Fifth Amendment to the United States Constitution by requiring the juvenile to either accede to the criminal court’s jurisdiction despite having a substance abuse or emotional or behavioral problem, or to admit guilt, even though that admission could later be used against him in juvenile or adult court proceedings.

The Court held that by requiring a juvenile to admit to the charged criminal conduct in order to overcome the presumption of adult certification, the presumptive certification statute violated the juvenile’s Fifth Amendment right against self-incrimination. Accordingly, the court declared that the entirety of Nevada’s presumptive certification provisions were unconstitutional.

The court therefore reversed the district court’s orders certifying the juvenile appellants as adults for criminal proceedings and remanded the matters for further proceedings in the juvenile court.

**Delinquency / Prostitution**


The State of Texas placed B.W., age 11, in the custody of Child Protective Services (CPS). Approximately one year later, B.W. ran away from her group home. Over the following fourteen months, B.W.’s whereabouts were unknown to CPS. B.W., then age 13, was arrested for prostitution. According to the arresting officer, B.W. offered to perform sexual acts for money.

A Texas trial court ruled that B.W. engaged in delinquent conduct and needed rehabilitation. B.W. filed a motion for a new trial, which was denied. B.W. appealed.

First, B.W. argued that, because a minor cannot consent to sex with an adult, the state could not prosecute her for prostitution. According to B.W., the notion of state protection over minors would compel an “absurd result” if the state charged that minor with prostitution. Second, she argued that the adjudication violated her due process rights. Lastly, she argued that this charge offended public policy notions that children suffering from sexual exploitation are victims, not offenders.

Texas Family Code defines “delinquent conduct” as “conduct, other than a traffic offense, that violates a penal law of this state or of the United States punishable by imprisonment or by confinement in jail.” A court can only find that a child engaged in delinquent conduct after an adjudication hearing and disposition can only occur if “the child is in need of rehabilitation or the protection of the public or protection of the child requires that disposition be made.” Disposition does not constitute a criminal conviction.

As to B.W.’s first argument, that the State cannot prosecute a minor for prostitution, the appellate court rejected her claims as based on a false premise. A minor is never “prosecuted” for committing a crime, but rather adjudicated delinquent (or not) for his or her actions. Additionally, to conclude that the plain meaning of delinquent conduct, interpreted through the statute, includes prostitution is not “absurd.” Because the legislature could have excluded specific crimes from the statute, but did not, the court rejected B.W.’s first claim.

The appellate court next addressed B.W.’s public policy argument, that the prosecution of a child for prostitution would contradict child protective statutes and would violate public policy considerations of child safety and consent. The court rejected her argument by noting that, although the public policy behind consent statutes are to protect children, “it does not logically follow that these statutes allow a child to engage in delinquent conduct without fear of adjudication.” The court reasoned that, by allowing a minor to perform sexual acts without fear of repercussion, sexual exploitation of minors would actually increase because the exploiting adults would not fear judicial backlash.

B.W. further argued that the State could not prosecute her for prostitution because state law granted her immunity. See Tex. Pen. Code § 43.06(b) (“A party to an offense under this subchapter may not be prosecuted for any offense about which he is required to furnish evidence or testify, and the evidence and testimony may not be used against the party in any adjudicatory proceeding.”). The court held that the immunity provision did not apply here because § 43.06 does not provide that a child may not be adjudicated for delinquent conduct, and that B.W. was never actually made to testify.

Lastly, the appellate court rejected B.W.’s due process argument. B.W. asserted that the State violated her due process rights when it failed to investigate her whereabouts for fourteen months, and when the State prosecuted her for prostitution when she cannot legally consent to sex. Additionally, B.W. argued that such prosecution stigmatized her irremediably. The court rejected her due process argument by noting that B.W. never alleged denial of any procedural rights relating to her adjudication.

The appellate court affirmed the trial court’s ruling.

**Guardianship / Child Support**


When S.B. was one year old, her parents divorced, and physical custody of her alternated between her parents for several years. When S.B. was five years old, the State of Kansas initiated a Child in Need of Care proceeding and placed her in foster care. S.B. was eventually transferred to the physical custody of her maternal great-grandmother. Following S.B.’s placement with her great-grandmother, the Kansas Department of Social and Rehabilitation Services (SRS) filed a motion to appoint the great-grandmother as permanent guardian. The parents consented to the appointment, and the court released S.B. from SRS custody and closed the case.

Thereafter, SRS initiated suit against the father, seeking reimbursement for funds spent on behalf of S.B., and for future child support and medical coverage. He responded that the permanent guardian appointment terminated his parental duties, including the obligation to pay child support. The district court agreed, holding that the appointment severed any child support obligation.

While appeal was pending before the Kansas Court of Appeals, the state legislature enacted the Revised Kansas
Code for Care of Children (Revised Code), retroactively amending the statute at issue, Kan. Stat. Ann. § 38-1501 et seq. The Revised Code states that appointment of a permanent custodian (guardian) without an actual termination of parental rights does not terminate the duty to provide child support and medical support.

Applying the Revised Code, the Court of Appeals reversed, holding that the appointment did not relieve Father of his parental responsibility to provide child support.


On appeal to the Kansas Supreme Court, the primary issue was whether, in light of the statutory mandates, the permanent guardian appointment terminated Father’s obligation to support S.B. The court noted three distinct means of “termination:” (1) adoption, (2) statutory termination, and (3) relinquishment of parental rights.

SRS argued that, in enacting the permanent guardianship, the legislature did not intend to create a fourth method of termination; as such, the permanent guardianship appointment should not have divested Father of his obligation to pay child support. Father contended that the plain and unambiguous language of the guardianship statutes divest natural parents of all rights, duties and responsibilities.

The court agreed with SRS, holding that just because the permanent guardian stands in loco parentis and exercises all rights and responsibilities of a parent does not mean that the parent is “relieved” of all rights and responsibilities. The focus of the statutes is on the duties assumed by the guardian, not on the rights retained by the parent. Thus, the court held that the legislative intent of the guardianship statutes was not to effect an official termination, but rather to have the permanent guardian step in as parent, while still receiving support from the natural parents.

The court classified the permanent guardianship statutes as a legislative intent to create a permanency “alternative” to termination, and that the natural parent does retain a duty to provide child support and medical support to the permanent guardian. Accordingly, the Kansas Supreme Court affirmed.
Dependency / Parental Interference


G.R. was born in April of 2003. G.R.’s parents ended their dating relationship in April of 2005, but never established a visitation schedule. Father maintained occasional contact with G.R. approximately twice per month until April of 2006.

On April 1, 2006, Father arrived at Mother’s apartment in the early morning, stating that he wanted to see G.R. Mother attempted to keep him out. Father did not attempt to force entry, but returned two days later and again tried to see G.R. Mother testified she told him it was not a good time to visit, but that he pushed his way through the door, causing her to fall to the floor. Mother did not then call the police, and Father proceeded to take G.R. from the apartment. He left Mother’s apartment, and would not tell Mother when he planned to return G.R.

Mother called the police, but they told her they could not act because Father retained parental rights to G.R. On April 4, Mother filed for a protection from stalking order because she worried about her safety and that of G.R. For the next six days, until April 10, Mother unsuccessfully searched for them. The police became involved on April 6, and they eventually classified the case as aggravated interference with parental custody. Throughout that period, Mother had sporadic contact with Father; and on April 8 they even met at a library with Mother’s parents. Father refused to divulge G.R.’s location.

Because of the case classification, the State entered G.R. into a national database for missing children. A news station interviewed Mother on April 11, and an anonymous tipster followed up by providing Father’s whereabouts. The police responded, discovered G.R., and returned the child to Mother.

During the trial, Father’s aunt testified that he had the child at her house at times between April 3 and 12, and that Mother knew of G.R.’s whereabouts. Mother testified that Father never told her where G.R. was, and that she even checked the aunt’s house. Father testified that he did take G.R. without telling Mother where he would be or when he would return the child, but that he did it because he wanted to establish a visitation schedule.

The trial court convicted Father of aggravated interference with child custody. On appeal, Father argued that his conviction violated his fundamental right to be a parent.

Kansas Statutes hold that interference with parental custody constitutes “leading, taking, carrying away, decoying or enticing away any child... with the intent to detain or conceal such child from its parent.” It is not a defense to this charge that the defendant is a parent entitled to joint custody, either by court order or by virtue of the absence of such order.

Father’s argument hinged on a previous case, State v. Al-Turck, which held that, because there was no court order of custody when the defendant took his child to Iraq, the State could not convict him of interference with parental custody. State v. Al-Turck, 552 P.2d 1375 (Kan. 1976). The court rejected this analogy, relying on a state statute enacted to overrule Al-Turck.

Analyzing Father’s case against this backdrop, the court held the amendment constitutional. The court reasoned that, if anything, the amendment actually protects the fundamental rights of a parent by preventing the other parent from depriving her the right to actually be a parent in the absence of a court order. As for Father’s conviction, the court held that, while courts recognize a fundamental right to be a parent, the absence of a court order is not a compelling enough reason to be able to abrogate that right. Father unlawfully abrogated Mother’s right to be a parent when he took G.R. for an extended period and refused to tell her the child’s whereabouts, despite his intentions.

The court found that there was sufficient evidence with which to convict Father of aggravated interference with parental custody, and affirmed the trial court’s ruling.

---

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.

---

NACC Child Welfare Law Attorney Specialty Certification

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

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

Call toll-free: 1-888-828-NACC
Visit our website: www.NACCchildlaw.org
Or email: advocate@NACCchildlaw.org

---

10 Winter 2009
Since the previous Guardian update, a new President and a new Congress came into office.

The 11th Congress completed action on two bills that will provide significant assistance for children at risk of contact with — or currently in contact with — the child welfare system and/or the juvenile justice system: (1) the reauthorization bill for the State Children’s Health Insurance Program (SCHIP) now covers four million more children; and (2) the economic recovery bill that includes many provisions to assist at-risk children and families (see below).

Congress has not yet finalized the FY09 appropriations, from early March ’09 to the end of September ’09, but is expected to do so in the coming weeks. Also, in the coming weeks, the President is expected to release his federal budget proposal for FY 2010.

Economic Recovery Package

On Friday, February 13, 2009, the House and Senate completed action on the $800 billion economic recovery package, the American Recovery and Reinvestment Act. Congress sent it to the President, who signed it into law on Tuesday, February 17. The legislation contains many provisions that will help at-risk families and children, including:

» IDEA Special Education: $12.2 billion for formula grants to increase the federal share of special education costs and prevent these mandatory costs from forcing states to cut other areas of education.

» Title I Help for Disadvantaged Kids: $13 billion for grants to help disadvantaged children in nearly every school district, and to help more than half of all public schools reach high academic standards.

» Statewide Data Systems: $250 million for competitive grants to states to design and develop data systems that analyze individual student data to find ways to improve student achievement, as well as to provide teachers and administrators with effective tools.

» Education for Homeless Children and Youth: $70 million for formula grants to states to provide services to homeless children, including meals and transportation, when high unemployment and home foreclosures have created an influx of homeless kids.

» Improving Teacher Quality: $300 million, including $200 million for competitive grants, to school districts and states to provide financial incentives for teachers and principals who raise student achievement and close the achievement gaps in high-need schools; and $100 million for competitive grants to address teacher shortages and modernize the teaching workforce.

» Child Care Development Block Grant: $2 billion to provide child care services for an additional 300,000 children in low-income families while their parents are at work. Today, only one out of seven eligible children receives care.

» Head Start and Early Head Start: $2.1 billion for comprehensive development services to help children succeed in school. Funds are distributed based on need. Only about one-half of all eligible preschoolers and less than 3 percent of eligible infants and toddlers participate in Head Start.

» Community Health Centers: $2 billion to increase the number of uninsured Americans who receive quality healthcare, and to renovate clinics and make health information technology improvements. More than 400 applications submitted earlier this year for new or expanded CHC sites remain unfunded.

» Rental Assistance: $2 billion for full-year payments to owners receiving Section 8 project-based rental assistance.

» Neighborhood Stabilization: $2 billion to help communities purchase and rehabilitate foreclosed, vacant properties in order to create more affordable housing and reduce neighborhood blight.

» Homeless Assistance Grants: $1.5 billion for the Emergency Shelter Grant program to provide short term rental assistance, housing relocation and stabilization services for families during the economic crisis. Funds are distributed by formula.

» Supplemental Nutrition Assistance: $19.9 billion to provide a 13% increase in nutrition assistance to modest-income families and to lift restrictions that limit the amount of time individuals can receive food stamps.

» School Lunch Program: $100 million to provide schools with assistance in purchasing equipment with priority for low-income schools.

» Emergency Food Assistance Program: $150 million to purchase commodities for food banks to refill emptying shelves.

» Emergency Food and Shelter: $100 million to help local community organizations provide food, shelter and support services to the nation’s hungry, homeless, and people in economic crisis. This includes one-month utility payments to prevent service cut-off, and one-month rent or mortgage assistance to prevent evictions or help people leave shelters. Funds are distributed by formula based on unemployment and poverty rates.

» Increase Eligibility for the Refundable Portion of Child Credit. The bill would increase the eligibility for the refundable child
tax credit in 2009 and 2010. For 2008, the child tax credit is refundable to the extent of 15 percent of the taxpayer's earned income in excess of $8,500. The bill would reduce this floor for 2009 and 2010 to $3,000. This proposal is estimated to cost $14.83 billion over 10 years.

» Temporary Assistance for Needy Families Contingency Fund: The bill creates, through FY 2010, a capped, temporary TANF Emergency Contingency Fund to provide states with relief during this recession. This provision is estimated to cost $2.418 billion.

» Extension of TANF Supplemental Grants. Through FY 2010, the bill provides additional assistance to qualifying states with high population growth and/or increased poverty at the same amount awarded in FY 2009. This provision is estimated to cost $319 million.

» Child Support Enforcement. The bill repeals cuts to child support enforcement funding through September 30, 2010. This provision is estimated to cost $1 billion.

» Temporary Federal Medical Assistance Percentage (FMAP) Increase. The bill increases FMAP funding for a 27-month period beginning October 1, 2008 through December 31, 2010, with an across-the-board increase to all states of 6.2% and a similar increase for territories. A bonus structure (in addition to the across-the-board increase) provides an additional decrease in State financial obligations for Medicaid based on increases in the State’s unemployment rate. States will also be required to maintain effort on eligibility. The estimated cost of these provisions is $86.6 billion.

» Extension of Moratoria on Medicaid Regulations. The bill extends moratoria on Medicaid regulations for targeted case management, provider taxes and school-based administration and transportation services through June 30, 2009. The bill also adds a moratorium on the Medicaid regulation for hospital outpatient services through June 30, 2009. The provision includes a Sense of Congress that the Secretary of HHS should not promulgate regulations concerning payments to public providers, graduate medical education or rehabilitative services. These provisions are estimated to cost $105 million.

» Extension of Transitional Medical Assistance (TMA). The bill extends TMA beyond the current expiration date of June 30, 2009, to December 31, 2010. This provision is estimated to cost $1.3 billion.

Action to Halt Implementation of Proposed SCHIP Directive

President Obama also rescinded the August 17, 2007 SCHIP directive, which would cap coverage of children at 250% above poverty and effectively prohibit “income disregards.” This directive would have negatively impacted the coverage of children in a number of states, with some states having to roll back coverage and others having to cover children without any federal support (thereby precluding other investments in children). Some states have already foregone expansions passed by their legislatures, waiting to see whether this directive would become effective in August.

Child Safety in Boot Camps and other Private Residential Programs

H.R. 911, the Stop Child Abuse in Residential Programs for Teens Act of 2009, was voted down by the House Education and Labor Committee on February 11, 2009; a similar bill had passed on the floor of the House on June 25, 2008, but was never enacted. The legislation sets minimum standards for boot camps and other private residential programs, as well as civil penalties for violation of these standards. The legislation also provides for federal oversight of such programs, including mandates that complaints of child abuse/neglect in the programs be investigated.

Gangs Legislation

On January 6, 2009, Senators Feinstein and Hatch reintroduced the latest version of their “gangs bill” as S.B. 132. This bill includes mandatory minimums and other enhanced penalties, as well as increased federalization of gang crime. However, the bill now also includes some prevention resources and no longer contains the previously-included section providing for expanded prosecution of juveniles as adults in federal court. Representatives Schiff and Bono Mack introduced companion legislation in the House, H.R. 1022, on February 12.


No House or Senate Judiciary Committee markup of any of these bills has been scheduled.

Voluntary Home Visiting Legislation

On January 14, 2009, Senators Bond and Murray introduced S.B. 244, 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 version of the legislation has not yet been introduced. Last year, the House Education and
New Federal Leadership in 2009

In Congress, the House and Senate top leadership remain intact. Senator Reid is Majority Leader and Senator McConnell is Minority Leader in the Senate, and Representative Pelosi remains Speaker and Representative Boehner remains Minority Leader in the House. Senate membership includes several new faces, with the Democratic caucus garnering 58 votes (up from 51), including two Independents who continue to caucus with the Democrats. The Republican caucus will have 41 votes (down from 49). One Senate race, Minnesota, continues to be unresolved at this time. The House Democratic Caucus also picked up a number of additional seats.

Committee leadership in the Senate will be somewhat different: the Appropriations Committee gavel will change hands from Sen. Byrd of W.VA to Sen. Inouye of Hawaii. However, many Senate Chairman remain: Sen. Conrad in the Budget Committee; Sen. Kennedy in the Energy and Commerce Committee; Sen. Specter in the Finance Committee; Sen. Baucus in the Health, Education, Labor and Pensions Committee; Sen. Leahy in the Judiciary Committee.


Nominations for NACC 2009 Outstanding Legal Advocacy Award are now being accepted. The award are 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, 13123 E. 16th Ave., B390, Aurora, CO 80045. The deadline is June 1, 2009.

NACC 2009 Law Student Essay Competition. The NACC is accepting essays for the 2009 Law Student Essay Competition. The winning essay will be published in the 2009 Children's Law Manual, and the winner will be given $1,000, a one-year NACC membership, and a scholarship to the 2009 conference in Brooklyn, NY. Essays will be evaluated on the importance of the topic to advancing the legal interests of children, persuasiveness, and quality of research and writing. Essays should be submitted electronically to Kellogg, Anne@tchden.org. The deadline is June 1, 2009.

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

NACC Child Welfare Law Attorney Certification is now open in the following nine states: California, Connecticut, District of Columbia, Iowa, Michigan, New Mexico, North Carolina, Tennessee, and Utah. The application deadline is May 31, 2009. For more information on applying in one of these states, contact the NACC or visit www.naccchildlaw.org.

Conferences & Training

May 5–8, 2009
14th Annual Rocky Mountain Child Abuse & Family Violence Training Institute, Louisville, CO. This is a five-day intensive professional trial skills training program for lawyers who represent the interests of children. Participants learn a variety of trial skills through lecture, demonstration, discussion, and participatory workshops. The majority of the training takes place in a simulated courtroom setting, where participants perform as trial lawyers. The training is presented in conjunction with The National Institute for Trial Advocacy and the Rocky Mountain Children's Law Center. Brochures will be mailed to all NACC members in Spring 2009. For more information, please visit: www.naccchildlaw.org.

August 19–22, 2009
NACC 32nd National Juvenile and Family Law Conference, Brooklyn, NY. The NACC’s premier training each year is the National Juvenile and Family Law Conference. Conference...
Publications


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

The Dependency Quick Guide (Dogbook). The California Administrative Office of the Courts Center for Families, Children, and the Courts has recently developed a new reference manual for attorneys representing parents and children in juvenile dependency proceedings. The guide is divided into three major parts: Hearings, Fact Sheets, and Summaries of Seminal Cases. It is designed to provide guidance and short answers to common questions that attorneys face. Available online at www.courtinfo.ca.gov/programs/cfcc/programs/description/DRAFT.htm.

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

NACC Child Welfare Law Office Guidebook: Best Practice Guidelines for Organizational Legal Representation of Children in Abuse, Neglect, and Dependency Cases (The Blue Book). Created as part of the NACC Children's Law Office Project (CLOP), the Blue Book is a collection of 33 best practice guidelines intended to move child welfare law offices toward model practice. It is organized by three areas of operation: administration, development, and program. Within these categories are guidelines and commentary developed by the CLOP staff and advisory board to promote best practices in the delivery of legal services to children. Limited numbers of hard copies are available for $20 each by contacting the NACC. The searchable electronic version is available at no charge at www.naccchildlaw.org.

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

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


Jobs

Note: Full Job Descriptions are available at www.NACCChildlaw.org/networking.

President/CEO, National Association of Counsel for Children, Colorado.

The President of the NACC serves as the Chief Executive Officer, responsible to the organization's Board of Directors. That Board currently includes 21 members from throughout the nation, including judges, attorneys and pediatricians with expertise in child welfare issues. The President is responsible for:

• Carrying out the remainder of the Board's 2005–2010 Strategic Plan, and beginning the development of a successor Strategic Plan;
• Monitoring and safeguarding the fiscal health of the organization and for its growth, both in financial terms and membership. He or she provides leadership in identifying and securing potential sources of public and private support and engages in substantial personal fund raising, including major gifts, foundation grants, endowment solicitation, and cy pres and other award opportunities;
• Overseeing the operating and capital budgets — including an endowment account under development — and maintaining fiscal control over expenditures.
• Managing the organization of the major programs, including certification, amicus contributions, conferences and trainings. Paying special attention over the next several years to the preservation and expansion of the Child Welfare Law Specialist program. And as part of overall management, utilizing a Chief Operating Officer/ED for detailed administration.
• Representing the NACC vis-a-vis other child advocacy organizations;
• Assisting the Chairman of the Board in the management of Board meetings, including usually an annual meeting at the fall conference location, a mid-year meeting in Denver, and periodic conference calls, including monthly conference calls of a Board Executive Committee, a Program Committee and a Development Committee.
• Carrying out the policies and decisions of the Board of Directors, guided by its Executive Committee.

A law degree and background in child welfare law is required. The President/CEO will serve in the Denver-area headquarters of the NACC but will be expected to travel extensively to plan and conduct conferences, trainings, and meetings, engage in child advocacy, facilitate expansion of the Child Welfare Law Specialist program, and to raise funds.

The salary and benefits package for this position will be competitive. NACC is an equal opportunity employer. All applicants will be evaluated on a merit basis.

Resumes may be submitted in confidence to:

Professor Robert C. Fellmeth, Children's Advocacy Institute, University of San Diego School of Law, 5998 Alcala Park, San Diego, CA 92110, or Email info@caichildlaw.org.
Detroit Center for Family Advocacy (CFA)

The Detroit Center for Family Advocacy (CFA), a new law and policy project of the Child Advocacy Law Clinic at the University of Michigan Law School, seeks to fill the following positions beginning on or around April 1, 2009. The CFA will provide legal advocacy and social work services to low-income parents and their extended families to prevent the unnecessary placement and prolonged stay of children in foster care. By doing so, the CFA will keep children safe with their families, minimize the emotional trauma caused by removal, and allow the foster care system to focus its resources on children who truly need its protection. The project will be based in the Osborn neighborhood of Detroit. CFA’s office space will be located in the Detroit area. The positions are part of a three year grant funded proposal.

The application deadline is Thursday, March 5, 2009. To apply, please access the University of Michigan Career Portal at www.umich.edu/~jobs/. Questions should be directed to Lou Anne Betts, Coordinator of Clinical Programs, University of Michigan Law School, at bettylou@umich.edu or 734-764-4533.

Attorney Manager

The primary role of the managing attorney will be to administer the implementation of the pilot project. In the project, advocacy teams consisting of an attorney, social worker and parent advocate (a parent who successfully reunified with his/her child in foster care) will represent parents and extended family members in child welfare cases and related proceedings with the goal of reducing the need for the children to enter or remain in foster care. In addition to representing clients as part of the advocacy team, the managing attorney will help institute the Center’s pro bono and internship program, conduct outreach efforts and participate in efforts to seek and solidify long-term funding for the project.

Attorney Intermediate

The attorney will represent parents and extended family members in child welfare and related proceedings. The attorney will collaborate with a social worker and a parent advocate (a parent who successfully reunified with his/her child in foster care) to accomplish

2009 Outstanding Legal Advocacy Award

NOMINATION FORM

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.

To nominate an outstanding legal advocate, please submit the following documents:

• Completed Nomination Form
• Nomination Letter, which highlights:
  » 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, and
  » other relevant information.
• Nominee’s Curriculum Vitae / Resume
• A list of nominee’s affiliations with other children and youth service organizations
• Any supporting materials, such as: letters of support, photographs, newspaper clippings, narratives, or other items describing the candidate’s efforts

NOMINEE:

NAME __________________________

DEGREE __________________________________________________________________________

TITLE / POSITION _________________________________________________________________

FIRM / ORGANIZATION _____________________________________________________________

ADDRESS __________________________________________________________________________

CITY / STATE / ZIP __________________________________________________________________

PHONE __________________________ FAX __________________________

E-MAIL ____________________________________________________________________________

NUMBER OF YEARS INVOLVED IN CHILD ADVOCACY ____________________________

NOMINATOR:

NAME __________________________

TITLE / POSITION _________________________________________________________________

FIRM / ORGANIZATION _____________________________________________________________

ADDRESS __________________________________________________________________________

CITY / STATE / ZIP __________________________________________________________________

PHONE __________________________ FAX __________________________

E-MAIL ____________________________________________________________________________

Nominations must be received by June 1st, 2009.

Send Nominations via email to Kellogg.Anne@tchden.org, fax to 303-864-5351, or mail to NACC, 13123 E. 16th Ave., B390, Aurora CO 80045.
these goals. As the project progresses, the attorney will help supervise interns and pro bono attorneys affiliated with the Center and provide some supervision and guidance over support staff.

**Social Worker**
The social worker’s primary responsibility will be to work collaboratively with attorneys representing parents and extended family members in child abuse and neglect cases as part of CFA’s interdisciplinary advocacy teams. The social worker will provide direct social work support and advocacy to clients, conduct intake and client interviews, assess clients’ needs and goals, ensure clients are engaged in appropriate and meaningful service plans, interact with service providers, obtain progress reports from service providers for court proceedings, advocate for clients at DHS conferences and other collateral meetings with foster care agencies, schools, mental health providers, and in a host of other venues.

**Parent Advocate**
The parent advocate’s primary responsibility will be as a member of CFA’s interdisciplinary advocacy team, and s/he will work with a social worker and attorney to assist parents in the community. The team will be available to advocate for families from the time when they first become involved with the Department of Human Services and will continue its work up to and throughout any proceedings. The team will help ensure that cases are resolved more quickly and more often in ways that keep children with their families.

The parent advocate will provide practical information and advice to parents involved in the child welfare system, help advocate for parents with service and foster care agencies, and attend important agency or other meetings with parents. Additionally, s/he will meet regularly with the attorneys, social workers, and other CFA staff who are working with parents.

**Legal Assistant**
The legal assistant will provide secretarial and administrative assistance for the CFA advocacy teams consisting of an attorney, social worker and parent advocate (a parent who successfully reunified with his/her child in foster care) which will represent parents and extended family members in child welfare cases and related proceedings with the goal of reducing the need for the children to enter or remain in foster care. The legal assistant will perform a broad range of secretarial and administrative duties including: organizing and maintaining client files; initiating correspondence and legal documents; handling incoming calls; scheduling appointments; ordering supplies; securing and maintaining office equipment and computer software and hardware; processing travel reimbursements, purchase orders, and payments to vendors; maintaining financial records and generating reports; and assisting the CFA team in efforts to seek and solidify long-term funding for the project.

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.

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

**Tennessee** The Tennessee affiliate is now forming! For more information, please contact Jeanne “Rickey” Schuller at Jeanne.Schuller@state.tn.us or 615-741-9183.

**Northern California** The Northern California chapter held a Sacramento and San Francisco CLE training in February. Please contact Jan Sherwood for more information on future NCACC trainings or the Northern California chapter at jgsherwood@mac.com or (415) 924-0585.
## Thank You

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

### $5,000 +

<table>
<thead>
<tr>
<th>Anonymous</th>
<th>Candace Barr</th>
<th>Megan Louise Furth Fund</th>
<th>Lea for Justice Fund</th>
<th>Janet Sherwood, CWLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anschtuz Foundation</td>
<td>Casey Family Programs</td>
<td>Donna Wickham Furth</td>
<td>Lexis Nexis</td>
<td></td>
</tr>
</tbody>
</table>

### $1,000 – $4,999

<table>
<thead>
<tr>
<th>Jim Brand</th>
<th>Georgia Association of Counsel for Children</th>
<th>Kempe Children's Center</th>
<th>Henry J. Plum</th>
<th>University of Oklahoma Section of General and Emergency Pediatrics and EMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Abuse &amp; Neglect The International Journal</td>
<td>Georgia Office of the Child Advocate</td>
<td>Kempe Children’s Foundation</td>
<td>Theresa Spahn</td>
<td></td>
</tr>
<tr>
<td>Robert Fellmeth</td>
<td>Gerard Glynn</td>
<td>H.D. Kirkpatrick</td>
<td>John Stuemky</td>
<td></td>
</tr>
</tbody>
</table>

### $250 – $999

<table>
<thead>
<tr>
<th>The Harris Law Firm</th>
<th>David Katner</th>
<th>Norton Roitman</th>
<th>Dawn Marie Rubio</th>
<th>Sampson Family Foundation</th>
</tr>
</thead>
</table>

### Lifetime Members

<table>
<thead>
<tr>
<th>Candace Barr</th>
<th>Donna Furth</th>
<th>Gerard Glynn</th>
<th>Kathleen McCallfrey</th>
<th>Janet Sherwood, CWLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donald Bross</td>
<td></td>
<td></td>
<td></td>
<td>Marvin Ventrell</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Smith Williams, Jr.</td>
</tr>
</tbody>
</table>

### Patron Members

<table>
<thead>
<tr>
<th>Karen Ashby</th>
<th>Leslie Heimov, CWLS</th>
<th>Phillip McCarthy</th>
<th>Norton Roitman</th>
<th>Arthur Webster</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Ciccolella</td>
<td>Katherine Holliday</td>
<td>Cindy Morris</td>
<td>Gary Seiser, CWLS</td>
<td>Linda Weinerman</td>
</tr>
<tr>
<td>Richard Cozzola</td>
<td>H.D. Kirkpatrick</td>
<td>John Myers</td>
<td>Tamara Steckler</td>
<td>Christopher Wu</td>
</tr>
<tr>
<td>Robert Fellmeth</td>
<td>Harold LaFlamme</td>
<td>Jane Okrasiński</td>
<td>John Stuemky</td>
<td></td>
</tr>
<tr>
<td>Damon Gannett</td>
<td>Randall Lococo</td>
<td>Hansa Patel</td>
<td>Arabia Vargas</td>
<td></td>
</tr>
</tbody>
</table>

### Sustaining Members

<table>
<thead>
<tr>
<th>Robert Ackley</th>
<th>Howard Davidson</th>
<th>Rich Harris</th>
<th>Polly McIntyre</th>
<th>Katherine Santelli</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patricia Anderson, CWLS</td>
<td>Kathryn Fehrman</td>
<td>Charles Kim, Jr.</td>
<td>James Ottesen</td>
<td>Caren Shapiro</td>
</tr>
<tr>
<td>Jennifer Ani</td>
<td>Christine Gille</td>
<td>Lisa Kirsch Satawa</td>
<td>Dianne Peterson</td>
<td>Neal Snyder</td>
</tr>
<tr>
<td>Martin Brown</td>
<td>Edward Goldson</td>
<td>Peter Klages, CWLS</td>
<td>Erik Pitchal</td>
<td>Susan Stephan</td>
</tr>
<tr>
<td>Cecilia Buck-Taylor</td>
<td>Karen Grane</td>
<td>Richard Krugman</td>
<td>Kathy Richards</td>
<td>Frank Tetley</td>
</tr>
<tr>
<td>Alice Bussiere</td>
<td>Julia Hagan</td>
<td>Anita Levin</td>
<td>Sherrill Rosen</td>
<td>Sonia Wagner</td>
</tr>
<tr>
<td>L. Michael Clark</td>
<td>Tisha Harman</td>
<td>James Louis</td>
<td>Mary Roth</td>
<td>James Widirstky</td>
</tr>
</tbody>
</table>

### Supporting Members

<table>
<thead>
<tr>
<th>Deborah Agard</th>
<th>R. English</th>
<th>Allen Johncox</th>
<th>Octavia Meledez</th>
<th>Sara Silverman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lance Beizer</td>
<td>Ana Espana, CWLS</td>
<td>Paula Kaldus</td>
<td>Thalia Meltz</td>
<td>Valerie Simons</td>
</tr>
<tr>
<td>Billie Bell</td>
<td>David Faccio</td>
<td>Jeffrey Kaufman</td>
<td>Thomas Miller</td>
<td>Michael Somma, Jr.</td>
</tr>
<tr>
<td>Sarah Bennett</td>
<td>Mark Fiddler</td>
<td>William Keene</td>
<td>Miki Minzer</td>
<td>Cynthia Spencer</td>
</tr>
<tr>
<td>Patricia Black</td>
<td>Judy Flynn-O’Brien</td>
<td>Walter Kellogg</td>
<td>William Owlesy</td>
<td>Janet Story</td>
</tr>
<tr>
<td>Patricia Block</td>
<td>Lori Fulton</td>
<td>Corne Kendrick</td>
<td>Jacqueline Parker</td>
<td>Lon Taubman</td>
</tr>
<tr>
<td>Bradley Bristow</td>
<td>Prislie Galliani</td>
<td>Darren Kessler</td>
<td>Mari Parlade</td>
<td>Justin Teitle</td>
</tr>
<tr>
<td>Michael Bury</td>
<td>Michelle Gaunt</td>
<td>Lenore Knudtson</td>
<td>William Patton</td>
<td>John Vap</td>
</tr>
<tr>
<td>Evelyn Calogero</td>
<td>Donna Gardner</td>
<td>Renee Kreis</td>
<td>Nancy Qualls</td>
<td>Kris Ward</td>
</tr>
<tr>
<td>Sheila Carrigan</td>
<td>Charles Gill</td>
<td>Cora Lancelle</td>
<td>Louis Reidenberg</td>
<td>Kelly Waterfall</td>
</tr>
<tr>
<td>Stephanie Charter</td>
<td>Debra Gilmore</td>
<td>Richard Landis</td>
<td>Kelly Reiter, CWLS</td>
<td>John Watson</td>
</tr>
<tr>
<td>Laura Cohen</td>
<td>Jereilyn Gladden</td>
<td>Joy Lazo, CWLS</td>
<td>Michael Rich</td>
<td>William Webb</td>
</tr>
<tr>
<td>Timothy Conlon</td>
<td>Kathi Grasso</td>
<td>Alan Lerner</td>
<td>Robin Robb</td>
<td>Deanna Weiss</td>
</tr>
<tr>
<td>Edith Croxen</td>
<td>Albert Grudzinskias</td>
<td>Kate Lyon</td>
<td>Cordelia Robinson-Rosenberg</td>
<td>Suzanne Whitaker</td>
</tr>
<tr>
<td>Michael Dale</td>
<td>Ann Haralambie</td>
<td>Kathleen Mallingier</td>
<td>Maureen Rodarte</td>
<td>Janet Wiig</td>
</tr>
<tr>
<td>Paul DeQuattro, CWLS</td>
<td>Celia Hamed</td>
<td>James Marsh</td>
<td>Anne Schneider</td>
<td>Agata Zwierzchowski</td>
</tr>
<tr>
<td>Troy Dierking</td>
<td>Beth Hopwood</td>
<td>Susan McConnell</td>
<td>Tamatha Scheinert, CWLS</td>
<td></td>
</tr>
</tbody>
</table>
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
13123 East 16th Avenue, B390
Aurora, Co 80045

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

Federal Tax ID#: 84-0743810

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

Join online at www.NACCchildlaw.org

NAME ________________________________

FIRM OR AGENCY ________________________________

ADDRESS _______________________________________

CITY / STATE / ZIP _____________________________

PHONE __________________________ FAX _____________

E-MAIL _________________________________________

OCCUPATION _________________________________

ETHNICITY (OPT.) _____________________________

☐ Enclosed is my check in the amount of $ ______________

☐ Please charge my

☐ VISA ☐ AMERICAN EXPRESS ☐ DISCOVER

NAME ON CARD (PLEASE PRINT) ____________________________

CARD NUMBER ________________________________

EXP. DATE ______________________ CVD (3-DIGIT CODE ON BACK OF CARD) _____________

CREDIT CARD BILLING ZIP CODE _____________________________

SIGNATURE ________________________________

The Guardian is printed on recycled paper.