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34th National Child Welfare, Juvenile, and Family Law Conference
ELIMINATING UNINTENDED BIAS

Hotel del Coronado
San Diego, California

Pre-Conference
Aug 29, 2011

Three-Day Conference
Aug 30—Sep 1, 2011
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
- Advance the Rights and Interests of Children

Executive Committee

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Oklahoma City, Oklahoma

The Conference

This conference is the NACC’s premier training, and is the product of 34 years of experience. It is designed primarily for attorneys who practice child welfare, juvenile, and family law. NACC members and attendees dedicate most of their practice to the representation of children and youth, parents, or the state in juvenile dependency, delinquency, or family law cases. Due to the multidisciplinary nature of this work, professionals from the fields of medicine, mental health, social work, probation, law enforcement, and education also belong to the NACC, attend our conferences, and serve as faculty.

The conference comprises Plenary Sessions and Breakout Sessions. Attendees are free to sign up for and attend any one of the five concurrent Breakout Sessions.

Conference Highlights

The NACC is offering two pre-conference sessions:

1. NACC Red Book Training
A training based on the newly released NACC Red Book, Second Ed. (2010), which covers the major dependency practice competency areas and prepares attendees for the NACC Child Welfare Attorney Certification Exam (see page 5).

Session will confront myriad misconceptions surrounding the concept of race, discuss race, privilege, policy and justice, expose how ideas about race have been shaped by history, social institutions and cultural beliefs, and discuss how implicit bias can occur within child welfare practice (see page 5).
CONFERENCE HIGHLIGHTS, CONT.


» **Lunch Session** • Join colleagues and brief drafters for a discussion of U.S. Supreme Court case Greene v. Camreta, which confronts the issue of whether police officers investigating suspected child abuse violate a child’s and/or parents’ Fourth Amendment rights by questioning the child at school without warrant, probable cause, or parental consent (see pages 8 and 26).

» **The Power of Boundless Compassion** • Presented by Fr. Greg Boyle, SJ, Jesuit priest, Founder and Executive Director of Homeboy Industries, and author of *Tattoos on the Heart: The Power of Boundless Compassion* and two *Homeboys*. Book signing to follow (see pages 9 and 35).

» **The Conference Reception** will feature the following (see page 9):
  - *Steel Drum Band Performance* by students from the Monarch School in San Diego;
  - *Presentation of Awards* to the newly certified Child Welfare Law Specialists and other award recipients;
  - *Silent Auction* to Benefit NACC.

» **Bias in Decision Making** • Presented by Rita Cameron Wedding, Ph.D., Chair of the Department of Women’s Studies and Professor of Ethnic Studies at California State University, Sacramento, CA (see page 10).

» **Offsite-Activity** • Join your colleagues on a fully narrated trolley tour of beautiful San Diego. Highlights include: Old Town San Diego State Historic Park; San Diego Harbor; USS Midway Museum; Seaport Village; Gaslamp Quarter; Coronado; Balboa Park; and Little Italy (see page 12).

The conference will conclude with a live theater performance of *Switch*, a production by Playwrights Project from *Telling Stories: Giving Voice to Foster Youth*. Founded in 1985, Playwrights Project is a nonprofit organization devoted to advancing literacy, creativity and communication by empowering individuals to voice their stories through playwriting programs and theatre production. The *Telling Stories* program is designed to encourage foster youth and their caregivers to voice their experiences through theatre, in an effort to communicate the unique issues facing those involved in the foster care system. The production will be followed by a discussion with a Playwrights Project staff member, emancipated foster youth, social worker, and youth advocate (see page 14).
The Hotel
Room Rate: $159 Single/Double

Reservations: The NACC has secured a limited room block at the discounted rate. When the room block fills, the discounted rate is not guaranteed — please book your room early!

Note: In order to receive the discounted room rate, you must register for the conference within 5 business days of reserving your hotel room. Hotel reservations without a corresponding conference registration will be cancelled.

Reservations Deadline/Cutoff: The cutoff date to receive discounted hotel reservations is July 27, 2011. In the event the room block fills entirely before the cutoff date, additional rooms are subject to availability and the rate is subject to change.

Special Offer Through Labor Day Weekend: If you are interested in extending your stay at the Hotel through Labor Day weekend, the $159 rate is applicable August 24 through September 6 (check-out Sept. 7), based upon Hotel availability.

Great Concessions! The Hotel is offering complimentary high-speed internet in meeting rooms and sleeping rooms, complimentary self-parking, and is waiving the resort fee.

BOOKING


TRANSPORTATION FROM SAN DIEGO AIRPORT TO HOTEL
A shared taxi is your best option.
Approximate fare: $30.

TRANSPORTATION FROM HOTEL TO AIRPORT
NACC Bus: The NACC has hired one 50-passenger coach bus, which will depart the hotel at 1:00pm, 2:00pm and 3:00pm on Thursday, September 1. Separate registration and fee: $30. Because there is only one bus, you must register early to secure the departure time that best suits your flight schedule. Please indicate your first, second, and third choices. After you register, you will receive a confirmation email indicating your bus departure time. If you are departing on a day other than Thursday, the NACC bus is not offered.

Hotel Shuttle: The Del Express Shuttle, operated by the hotel, has only two six-passenger vans. Reservations can be made through the concierge or directly at 888-364-2315. The rate is $32 per party (individual, couple or family).

Taxis: Taxis are limited on Coronado Island (where the hotel is located), making it difficult to handle large-group departures. If you wish to take a taxi, contact the hotel concierge the day prior to your departure to see whether they are able to accommodate you.
Monday, August 29, 2011

8:30am–4:30pm  **NACC Red Book, Second Ed. (2010), Training: Survey and Certification Exam Prep Course in Child Welfare Law and Practice**


- Separate registration and fee: $250 (includes coffee, lunch, and a copy of The Red Book, Second Ed.)
- Pre-Approved for 6.5 total credits (including 1 legal ethics)

8:30am–5:00pm  **Eliminating Bias**


**Highlights of the day include:**

- *Race: The Power of an Illusion*, a provocative film that questions the idea of race as biology and helps viewers confront myriad misconceptions surrounding the concept of race.
- Facilitated conversation about race, privilege, policy and justice, exposing how ideas about race have been shaped by history, social institutions and cultural beliefs.
- Guided discussion of how implicit bias can occur within child welfare practice, how implicit bias can promote “perception of risk,” and how to modify attitudes and behaviors that promote bias.
- *Child Safety: Guide for Judges and Lawyers*, which was developed for use in child welfare and can be implemented within any practice model. The session will cover concepts, vocabulary and analytic framework for safety decision making, and address issues such as:
  - Is it safe for this child to remain in the home, or if in care, to be returned?
  - Have the parents developed sufficient capacity to care for the child without further support?
  - What additional evidence needs to be gathered, presented, and considered?

The process is presented from both a social work and legal perspective. By identifying the specific safety concerns and needed parental change, it helps clarify the services germane to creating the conditions for return and to developing the protective capacities of the family. Benchcards and checklists to assist participants in understanding these concepts and making safety decisions will be included in the discussion.
PRESENTED BY

Therese Roe Lund, MSSW, Associate Director, National Resource Center for Child Protective Services, Albuquerque, NM

Timothy Travis, JD, Consultant to the ABA Center on Children and the Law, National Resource Center on Legal and Judicial Issues, Portland, OR


Rita Cameron Wedding, Ph.D., Chair of the Department of Women's Studies and Professor of Ethnic Studies at California State University, Sacramento, CA

» Separate registration and fee: $175 (includes coffee & lunch)

» Pre-Approved for 6.5 total credits (including 3 legal ethics & 1 elimination of bias in the legal profession)

5:00-6:00pm or 6:00-7:00pm Optional Historical Tour of the Hotel del Coronado
Volunteer docents lead a 60-minute walking tour through this historic hotel. One-hour tours depart Monday at 5:00pm and 6:00pm.

» Separate registration and fee: $15 per person. Reservations required; call Katherine at 619-437-8788 and reference the “NACC Tour.” Space is limited.

2:00-5:00pm Registration Open
Monday, August 29, 2011

2:00-5:00pm  Registration Open

Tuesday, August 30, 2011

7:30am  Registration Open

8:00-8:30am  Continental Breakfast

8:30-10:00am  Welcome to the Conference & Keynote

All Alone in the World: A Child’s Eye View of Criminal Justice

Presented by
Nell Bernstein, Coordinator of the San Francisco Children of Incarcerated Parents Partnership, and Contributing Editor at New America Media

Nell Bernstein Book Signing: All Alone in the World: Children of the Incarcerated

In this “moving condemnation of the U.S. penal system and its effect on families” (Parents’ Press), award-winning journalist Nell Bernstein takes an intimate look at parents and children — over two million of them — torn apart by our current incarceration policies. Described as “meticulously reported and sensitively written” by Salon, the book is “brimming with compelling case studies… and recommendations for change” (Orlando Sentinel); Our Weekly Los Angeles calls it “a must-read for lawmakers as well as for lawbreakers.”

10:00-10:30am  Coffee Break
**10:30-11:45am**

### Breakout Session A

#### 1. Abuse & Neglect
**Supporting Early Connections: Meeting the Needs of Maltreated Infants, Toddlers and Their Families in a Court-Community Partnership**
Sheri Hill, Ph.D  
Sheri L Hill, Ph.D, LLC  
Seattle, WA  
**Helen Redman, JD**  
The Defender Association  
Kent, WA  
**Kelly Warner-King, JD**  
The Defender Association  
Center for Children and Youth Justice  
Seattle, WA

#### 2. Juvenile Justice
**Locking Out Treatment: The Conflicts Between Rehabilitation and Punishment in Adult Facilities**
Kim Dvorchak, JD  
Colorado Juvenile Defender Coalition  
Denver, CO  
**Susan Weber, Psy.D.**  
Compass Colorado Health Care  
Highlands Ranch, CO

#### 3. Family
**Effective Client Interviewing**
Karen Simmons, JD  
The Children’s Law Center  
Brooklyn, NY  
**Tracey Tronolone, LMSW**  
The Children’s Law Center  
Brooklyn, NY

#### 4. Policy
**Small Towns, Big Problems: Representing Child Welfare Clients in Rural Areas**
Mara Bernstein, JD  
California Administrative Office of the Courts  
San Francisco, CA  
David Meyers, JD  
California Administrative Office of the Courts  
San Francisco, CA  
John Myers, JD  
University of the Pacific McGeorge School of Law  
Sacramento, CA

#### 5. Children’s Law Office Program
**Transitional to Multidisciplinary Children’s Law Offices: Triumphs, Perils and Pitfalls**
Cathleen Kendall, JD  
Office of the Child’s Representative  
Denver, CO  
Linda Weinerman, JD  
Office of the Child’s Representative  
Denver, CO  
Carolyn Signorelli, JD  
Office of Chief Child Protection Attorney  
Hartford, CT

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**12:00-1:30pm**

### Lunch: Optional Session

**Greene v. Camreta: Shades of Greene, a Discussion with Colleagues**

- Separate registration and fee: $35 for attendees and guests (includes lunch).
- Space is limited — register early.

**Presented by**

- Marsha Levick, JD, Deputy Director and Chief Counsel, Juvenile Law Center, Philadelphia, PA
- Gary Seiser, JD, Senior Deputy, Office of County Counsel, Juvenile Dependency Division, San Diego, CA

- Facilitated by Chris Wu, JD (NACC Board Member), Executive Director, Blue Ribbon Commission on Children in Foster Care, CA Administrative Office of the Courts, San Francisco, CA

**OR Lunch on Your Own**
1:45-3:00pm Breakout Session B

1. Abuse & Neglect
   Finding Permanency for Our Most Vulnerable Youth: Why APPLA Isn’t Good Enough
   Patricia Buonodono, JD/CWLS
   Georgia Supreme Court Committee on Justice for Children
   Atlanta, GA
   Christopher Church, JD
   Georgia Supreme Court Committee on Justice for Children
   Atlanta, GA
   Anthony Reeves
   EmpowerMEnt
   Atlanta, GA

2. Juvenile Justice
   Juvenile Sexual Offending: Prevention, Treatment and the Law
   Donald Bross, Ph.D./JD (NACC Founder and Board Member Emeritus),
   Gail Ryan, MA
   Kempe Center for the Prevention and Treatment of Child Abuse and Neglect
   Aurora, CO

3. Juvenile Justice
   Counseling Child Clients: A Critical Component of Successful Representation
   Lauren Girard Adams, JD
   Children’s Rights Litigation Committee, Section of Litigation, ABA
   Norwalk, VT
   Maisley Paxton
   George Washington University
   Washington, DC

4. Policy
   Collaborating to Address Domestic Violence, Child Safety and Well-Being
   Joyce Dowell, MSW
   Children and Family Services Division, CA Dept. of Social Services
   Sacramento, CA
   Ann Rosewater, MA
   Rosewater Consulting
   Atlanta, GA
   Christopher Wu, JD (NACC Board Member)
   California Administrative Office of the Courts
   San Francisco, CA

5. All Practical Steps Attorneys Can Take to Ensure Educational Stability for Their Clients
   Amanda Shackelton, JD,
   Jennifer Staley-McCrady, JD,
   Tom Welshonce, JD
   KidsVoice
   Pittsburgh, PA

3:00-3:30pm Break

3:30-5:00pm Plenary Session I: The Power of Boundless Compassion

Presented by Father Greg Boyle, SJ, and two Homeboys

Fr. Greg is a Jesuit priest and the Founder and Executive Director of Homeboy Industries, a nonprofit organization and the largest gang intervention and re-entry program in the country.

5:00-6:30pm Reception

Fr. Boyle Book Signing: Tattoos on the Heart: The Power of Boundless Compassion

How do you fight despair and learn to meet the world with a loving heart? How do you overcome shame? Stay faithful in spite of failure? No matter where people live or what their circumstances may be, everyone needs boundless, restorative love. Gorgeous and uplifting, Tattoos on the Heart amplifies the impact unconditional love can have on your life.

Awards Presentations and Introduction of 2011 Certified Child Welfare Law Specialists

Steel Drum Band

Performance by students from the Monarch School, San Diego

Silent Auction to Benefit NACC

Dinner on Your Own
Wednesday, August 31, 2011

8:00-8:30am Continental Breakfast

NACC Certification Introduction and Information on QIC-ChildRep Application Fee Waiver

Learn more about NACC Certification and the fee waivers offered by the Children’s Bureau’s National Quality Improvement Center on the Representation of Children in the Child Welfare System (QIC-ChildRep).

8:30-10:00am Plenary Session II: Bias: Impact on Decision-Makers

Presented by
Rita Cameron Wedding, Ph.D., Chair of the Department of Women’s Studies and Professor of Ethnic Studies at California State University, Sacramento, CA

Bias: Impact on Decision-Makers will discuss how stereotyping, implicit bias and colorblindness can influence decision-making, resulting in disproportionality in child welfare. Much of the bias that occurs in public systems is unintentional. Even people who believe they treat everyone the same can discriminate in subtle but consequential ways. Bias reflected in language, attitudes and actions however slight can affect the application and interpretation of policies, procedures and the law in ways that can contribute to racial disparities. By discussing the impact of implicit bias on decision making, practitioners learn how to have dialogues about race and racism that make them more effective in their decision-making and offer the possibility of improving outcomes for all children.

10:00-10:30am Coffee Break

10:30-11:45am Breakout Session C

1. Abuse & Neglect
   Compelled Disclosure of Patient Confidences in Court-Ordered Treatment Plans: Why it Significantly Harms Parents While Providing Little Protection for Children
   Deborah Paruch, JD
   University of Detroit Mercy School of Law
   Detroit, MI

2. Juvenile Justice
   Rethinking the Ethical Duty of Lawyers in Delinquency Cases to Communicate with Parents*
   David Katner, JD
   Tulane Law School
   New Orleans, LA
   * Pre-Approved for 1.25 legal ethics

3. Family
   Custody Aspects of Military Deployment
   Ann Haralambie, JD
   Haralambie & Haralambie, Attorneys, P.C.
   Tucson, AZ

4. Immigration
   Immigrant Children in the Child Welfare System
   Sonia Velazquez, CSS (NACC Board Member)
   American Humane Association
   Washington, DC

   Ken Borelli, MSW/ACSW (Ret.) Deputy Director
   Department of Family and Children’s Services of Santa Clara County, CA

5. Policy
   Improving the Quality of Representation by Creating a Model Resource Center
   Carrie Lee, JD
   Juvenile Justice Center, Barry University School of Law
   Orlando, FL

   Gerard Glynn, JD/JLM (NACC Board Treasurer)
   Clinical Programs, Barry University School of Law
   Orlando, FL
12:00-1:45pm

**Annual Luncheon:**
Child Abuse and Neglect in America: An Illustrated History in Film

American film, television, and media generally have a checkered history at best in portraying child abuse and neglect, ranging from the uplifting and ennobling to the prurient and exploitative. But does film follow society, or the opposite? Which the chicken and which the egg?

**Presented by Peter Samuelson**

Mr. Samuelson is a media executive and serial pro-social entrepreneur. In 1982, Samuelson founded the Starlight Children’s Foundation — an international charitable organization dedicated to granting wishes for seriously ill children. In 1990, Samuelson, Steven Spielberg and General Norman Schwarzkopf founded Starbright World, an online social network to educate, encourage and empower children to cope with the medical, emotional and social challenges of their illness. In 1999, Samuelson co-founded First Star, a charitable organization that advocates on behalf of America’s abused and neglected children. In 2006, Samuelson founded Everyone Deserves A Roof to develop and widely distribute through established service agencies a mobile single-user homeless shelter on wheels. Samuelson serves as President of Splashlife, Inc., a double-bottom-line membership network where young adults find community and enjoy important membership benefits and entertainment. Samuelson has produced two dozen motion pictures including Revenge of the Nerds, Wilde and Arlington Road.

» Separate registration and fee: $35 for attendees and guests. Space is limited — register early.

2:00-3:15pm

**Breakout Session D**

| 1. Abuse & Neglect Representing Pregnant and Parenting Teens in the Dependency System Roxanna Alavi, JD, Andrew Cain, JD, Rachel Fightmaster, JD, Heidi Koh, JD Legal Advocates for Children and Youth, Law Foundation of Silicon Valley San Jose, CA |
| 2. Abuse & Neglect Hot Topics in Dependency: Beyond Statutory Hearings* Candi Mayes, JD/CWLS, Tilisha Martin, JD/CWLS/MSW Dependency Legal Group of San Diego San Diego, CA |
| 3. Juvenile Justice Defending and Advocating for Children at Detention and the Dangers of Detention Carrie Lee, JD Juvenile Justice Center, Barry University School of Law Orlando, FL |
| 4. Policy Multi-Systemic Advocacy to Increase and Improve Legal Representation for Children in Foster Care: The Washington State Experience Erin Shea McCann, JD Columbia Legal Services Seattle, WA Jim Theofelis, MC/CD/C HT The Mockingbird Society Seattle, WA Casey Trupin, JD Columbia Legal Services Seattle, WA |

3:15-3:45pm

**Break**
3:45-5:00pm

**Breakout Session E**

1. **Abuse & Neglect**
   Collaboration vs. Zealous Advocacy: Ethically Inconsistent or Highly Compatible?*
   - Candi Mayes, JD/CWLS
   - Dependency Legal Group of San Diego
   - San Diego, CA
   - John Passalacqua, JD/CWLS
   - Ukiah, CA
   - Gary Seiser, JD/CWLS
   - Office of County Counsel, Juvenile Dependency Division
   - San Diego, CA
   * Pre-Approved for 1.25 legal ethics

2. **Abuse & Neglect**
   Addressing the Cultural and Permanency Needs of Native American Children when ICWA is Established Late or Not At All
   - Tracy Mills
   - Martha Pierce, JD
   - Office of Guardian ad Litem
   - Salt Lake City, UT

3. **Juvenile Justice**
   Preserving the Record for Appeal or How Thinking About an Appeal Can Help You Try Your Case
   - Judith Harris, JD/MSW
   - Judith Waksberg, JD
   - The Legal Aid Society, Juvenile Rights Practice
   - New York, NY

4. **Children’s Law Office Program**
   Rebooting, Rebuilding, and Reinvigorating a Child Law Office
   - Tamara Steckler, JD
   - (NACC Board Member)
   - The Legal Aid Society, Juvenile Rights Practice
   - New York, NY

6:00-8:00pm

**Off-Site Activity: San Diego Sightseeing Tour**

Join your colleagues for a fully narrated trolley tour of beautiful San Diego. Colorful anecdotes, humorous stories, and historical information are combined into a two-hour narrative that will both entertain and educate. Highlights include:

» Old Town San Diego State Historic Park
» Seaport Village
» Balboa Park
» USS Midway Museum
» Tour will pick-up and drop-off in front of the Hotel del Coronado.

» San Diego Harbor
» Gaslamp Quarter
» Little Italy
» Coronado

Separate registration and fee: $50 for conference attendees and guests (includes tour and dinner — catered with gourmet sandwiches). Space is limited — register early.
Thursday, September 1, 2011

8:00-8:50am CASA-Attorney Collaboration

Presented by
Jan Sherwood, JD/CWLS (NACC Board Member), Law Offices of Janet G. Sherwood, Corte Madera, CA
Michael Piraino, CEO, National CASA Association

8:30-9:00am Continental Breakfast

9:00-10:15am Breakout Session F

1. Abuse & Neglect
   Social Work Practice from the Inside: What Every Parent’s Attorney Should Know
   Drew Cabral, MSW, Rommel Cruz, JD, Donna Reyes, MSW, Cristina Sanchez, JD, Jennifer Turner, JD
   Dependency Legal Group of San Diego, Conflict Parent Office San Diego, CA

2. Juvenile Justice
   “But I Saw it On TV”: Keeping Forensic Guesswork Out of the Courtroom
   Katherine Mullen, Erin Palacios
   The Legal Aid Society, Juvenile Rights Practice Brooklyn, NY

3. Policy
   Building a Bridge from Foster Care to Financial Self Sufficiency
   Melanie Delgado, JD, Robert Fellmeth, JD (NACC Board Member), Mercedez Hand, Amy Harfeld, JD, Shari Leiton
   Children’s Advocacy Institute San Diego, CA

4. Children’s Law Office Program
   What Our Work Does to Us — Managing Secondary Trauma
   Beth Hofmeister, JD, Vicki E. Light, JD/MPH, Brad Martin, JD, Jennifer Melnick, MSW/LCSW
   The Legal Aid Society, Juvenile Rights Practice NY

5. All Youth in Foster Care and Psychotropic Medications: Strategies to Improve Health Outcomes
   Melissa Carter, JD
   Barton Child Law and Policy Center, Emory Law School Atlanta, GA
   Hon. Michael Nash
   Los Angeles Juvenile Court Monterey Park, CA
   Brent Wilson, MD
   Premier Psychiatry Atlanta, GA
   Karen Worthington, JD
   Karen Worthington Consulting Kula, HI

10:15-10:30am Coffee Break
10:30am-12:00pm  
**Plenary Session III: Switch**  

**Presented by**  
Playwrights Project from *Telling Stories: Giving Voice to Foster Youth*

Founded in 1985, *Playwrights Project* is a nonprofit organization devoted to advancing literacy, creativity and communication by empowering individuals to voice their stories through playwriting programs and theatre production. The *Telling Stories* program is designed to encourage foster youth and their caregivers to voice their experiences through theatre, in an effort to communicate the unique issues facing those involved in the foster care system.

» The production will be followed by a discussion with a *Playwrights Project* staff member, emancipated foster youth, social worker, and youth advocate.

**Closing**

» Door Prizes, including an all-expense-paid trip (airfare, hotel, and conference registration) to the 2012 NACC 35th National Conference. **You must be present to win!**

» Closing Remarks

12:00pm  

**Adjourn**
### Session Descriptions

#### Breakout Session A   Tuesday 10:30-11:45am

1. **Abuse & Neglect**
   - **Supporting Early Connections: Meeting the Needs of Maltreated Infants, Toddlers and Their Families in a Court-Community Partnership**
   - This presentation will describe an innovative court-community partnership addressing the relationship and mental health needs of maltreated infants and toddlers. Information on how brain research can inform children’s, parents and agency attorneys; practical tips; resources; and reproducible tools, forms and related materials will be provided.
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys
   - **Audience Experience Level:** All

2. **Juvenile Justice**
   - **Locking Out Treatment: The Conflicts Between Rehabilitation and Punishment in Adult Facilities**
   - An examination of youth incarceration and experience in adults jails.
   - **Targeted Audience:** Children’s Attorneys
   - **Audience Experience Level:** 5–10 years

3. **Family**
   - **Effective Client Interviewing**
   - Because children are unique and express themselves in both verbal and non-verbal ways, understanding how they feel about where they want to live and with whom they feel safe can be difficult. Yet their insight and feelings are vital to each case. Join an interactive presentation to discuss ways of engaging and assessing a client in an interview.
   - **Targeted Audience:** Children’s Attorneys
   - **Audience Experience Level:** All

4. **Policy**
   - **Small Towns, Big Problems: Representing Child Welfare Clients in Rural Areas**
   - Attorneys who practice in rural areas often lack readily available access to the requisite knowledge, skills and expertise needed to effectively represent clients. This workshop will identify challenges endemic to rural practice and provide strategies, tips and solutions to common dilemmas.
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys
   - **Audience Experience Level:** All

5. **Children’s Law Office Program**
   - **Transitioning to Multidisciplinary Children’s Law Offices: Triumphs, Perils and Pitfalls**
   - For those states, jurisdictions or individual attorneys who would like to consider transitioning from an independent contractor model to multidisciplinary children’s law offices, this presentation will be a how-to concerning the various processes available for setting up the offices and other issues to be considered.
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys
   - **Audience Experience Level:** All

#### Breakout Session B   Tuesday 1:45-3:00pm

1. **Abuse & Neglect**
   - **Finding Permanency for Our Most Vulnerable Youth: Why APPLA Isn’t Good Enough**
   - Working cooperatively can lead to finding permanent families for our most vulnerable youth. This session will provide an overview of those strategies, and EmpowerMEnt, Georgia’s youth-led foster care advocacy group, will provide their own perspective on growing up in, and aging out of, foster care through their own creative medium.
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys
   - **Audience Experience Level:** All

2. **Juvenile Justice**
   - **Juvenile Sexual Offending: Prevention, Treatment and the Law**
   - Ms. Ryan will summarize and explain how management and treatment of children and adolescents who sexually abuse others has been transformed in the past thirty years. Dr. Bross will review legislation and case law trends.
   - **Targeted Audience:** Children’s Attorneys/Agency Attorneys
   - **Audience Experience Level:** All

3. **Juvenile Justice**
   - **Counseling Child Clients: A Critical Component of Successful Representation**
   - This program will use an multidisciplinary approach to provide children’s lawyers with critical techniques and strategies to enhance their ability to effectively and ethically counsel their child clients.
   - **Targeted Audience:** Children’s Attorneys
   - **Audience Experience Level:** 5–10 years

4. **Policy**
   - **Collaborating to Address Domestic Violence, Child Safety and Well-Being**
   - Developing effective and consistent policies and practices for courts and service providers in cases where DV and child maltreatment co-occur requires effective collaboration among diverse professionals.
   - Attendees will hear about a successful statewide collaboration in CA and discuss the challenges of addressing these cases in their jurisdiction.
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys
   - **Audience Experience Level:** All

5. **All**
   - **Practical Steps Attorneys Can Take to Ensure Educational Stability for Their Clients**
   - Whether the advocate is working for an organization or is a solo practitioner, this presentation, which will include real case scenarios and audience participation, will provide practical guides and tips to ensure educational stability for clients.
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys
   - **Audience Experience Level:** 5–10 years
### Breakout Session C  Wednesday 10:30-11:45am

1. **Abuse & Neglect**  
   - Compelled Disclosure of Patient Confidences in Court-Ordered Treatment Plans: Why it Significantly Harms Parents While Providing Little Protection for Children  
   - **Targeted Audience:** Parent’s Attorneys  
   - **Audience Experience Level:** All

2. **Juvenile Justice**  
   - Rethinking the Ethical Duty of Lawyers in Delinquency Cases to Communicate with Parents  
   - **Targeted Audience:** Children’s Attorneys  
   - **Audience Experience Level:** All

3. **Family**  
   - Custody Aspects of Military Deployment  
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys  
   - **Audience Experience Level:** All

4. **Immigration**  
   - Immigrant Children in the Child Welfare System  
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys/Agency Attorneys  
   - **Audience Experience Level:** 1-5 / limited child welfare experience

### Breakout Session D  Wednesday 2:00-3:15pm

1. **Abuse & Neglect**  
   - Representing Pregnant and Parenting Teens in the Dependency System  
   - **Targeted Audience:** Children’s Attorneys  
   - **Audience Experience Level:** 1-5 / limited child welfare experience

2. **Abuse & Neglect**  
   - Hot Topics in Dependency: Beyond Statutory Hearings  
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys  
   - **Audience Experience Level:** All

3. **Juvenile Justice**  
   - Defending and Advocating for Children at Detention and the Dangers of Detention  
   - **Targeted Audience:** Children’s Attorneys/Agency Attorneys  
   - **Audience Experience Level:** All

4. **Policy**  
   - Multi-System Advocacy to Increase and Improve Legal Representation for Children in Foster Care: The Washington State Experience  
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys/Agency Attorneys  
   - **Audience Experience Level:** All

5. **Children’s Law Office Program**  
   - Access to Higher Education for Foster Youth: Best Practices to Ensure Higher Education Options for Foster Youth  
   - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys/Agency Attorneys  
   - **Audience Experience Level:** All
### Breakout Session E  Wednesday 3:45-5:00pm

1. **Abuse & Neglect**
   - "Collaboration vs. Zealous Advocacy: Ethically Inconsistent or Highly Compatible?"
     - Attorneys have an ethical duty of zealous advocacy, but courts want them to collaborate. Can an attorney ethically do both or are they inconsistent? This discussion by three experienced practitioners will focus on the ethical duty of zealous advocacy, the need to work together whenever possible, and whether there is a bridge between the two.
     - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys/Agency Attorneys
     - **Audience Experience Level:** All

2. **Abuse & Neglect**
   - **Addressing the Cultural and Permanency Needs of Native American Children when ICWA is Established Late or Not At All**
     - Early in a case, a child may be covered by the Interethnic Adoption Act and later, once ICWA is implicated, by the policies of that seemingly conflicting act, even though it is the same child with the same needs. How can practitioners address the cultural and permanency needs of such children while complying with relevant federal law?
     - **Targeted Audience:** Parent’s Attorneys/Children’s Attorneys/Agency Attorneys
     - **Audience Experience Level:** All

3. **Juvenile Justice**
   - **Preserving the Record for Appeal or How Thinking About an Appeal Can Help You Try Your Case**
     - Areas covered will include: purpose of the preservation rule; theory of the case; objections; offers of proof; legal sufficiency; ensuring the record is complete.
     - **Targeted Audience:** Children’s Attorneys
     - **Audience Experience Level:** All

4. **Children’s Law Office Program**
   - **Rebooting, Rebuilding, and Reinvigorating a Child Law Office**
     - A child law office can effectuate meaningful and long-lasting reform and improve advocacy for child clients by utilizing all the legal, legislative and policy tools available. Learn how to maximize the impact and leverage the resources of your child law office all while boosting staff morale, even in tough economic times.
     - **Targeted Audience:** Children’s Attorneys
     - **Audience Experience Level:** All

### Breakout Session F  Thursday 9:00-10:15am

1. **Abuse & Neglect**
   - **Social Work Practice from the Inside: What Every Parent’s Attorney Should Know**
     - A discussion of the failure of some social workers to follow protocols to the detriment of parents. An inside look at social worker practices that unfairly impact parents.
     - **Targeted Audience:** Parent’s Attorneys
     - **Audience Experience Level:** 1-5 / limited child welfare experience

2. **Juvenile Justice**
   - **"But I Saw it On TV": Keeping Forensic Guesswork Out of the Courtroom**
     - Trial skills for attacking forensic science and expert witnesses in the courtroom both orally and on written motion. Specifically addressing ballistics, fingerprints, arson investigation, chemical testing, medical experts, and crime scene investigation.
     - **Targeted Audience:** Children’s Attorneys
     - **Audience Experience Level:** 1-5 / limited child welfare experience

3. **Policy**
   - **Building a Bridge from Foster Care to Financial Self Sufficiency**
     - Several barriers to financial self sufficiency remain in place for older foster youth who are transitioning out of care. Experts in this area, including former foster youth, will teach attorneys what they need to know about these barriers, how to help their clients avoid or overcome them, and will present innovative ideas for broader advocacy.
     - **Targeted Audience:** Children’s Attorneys
     - **Audience Experience Level:** All

4. **Children’s Law Office Program**
   - **What Our Work Does to Us - Managing Secondary Trauma**
     - The workshop will present qualitative and quantitative data of Secondary Trauma Stress that affects employees of an interdisciplinary children’s law office. Our goals are to develop an awareness of professional boundaries, create an internal sense of balance and recommend systemic ways of addressing STS in the workplace.
     - **Targeted Audience:** Children’s Attorneys
     - **Audience Experience Level:** All

5. **All**
   - **Youth in Foster Care and Psychotropic Medications: Strategies to Improve Health Outcomes**
     - Psychotropic drugs are given to 25% - 45% of youth in foster care. Advocates will learn the risks and benefits of drugs and other treatments and how to advocate for a child’s mental health needs. Attendees will learn systemic approaches that improve mental health and permanency outcomes and will see examples of successful court and system changes.
     - **Targeted Audience:** Children’s Attorneys
     - **Audience Experience Level:** All
### Conference Registration

**Regular Registration** online, or postmarked before July 29, 2011
- NACC Member: $395
- Non-Member: $495

**Procrastinator Registration** online, or postmarked after July 29, 2011
- NACC Member: $445
- Non-Member: $545

Note: Due to printing deadlines, you must register by July 29th to be guaranteed printed conference materials (e.g. Conference Manual and Program).

### Optional Add-Ons

**Monday, August 29, 2011**
- **Red Book Training** (includes coffee, lunch, and Red Book Second Ed.; see page 4)
  - I will attend: $250.00
- **Eliminating Bias** (includes coffee and lunch; see page 4)
  - I will attend: $175.00

**Tuesday, August 30, 2011**
- **Lunch Session: Greene v. Camreta** (includes lunch; see page 5)
  - I will attend: $35.00
  - I will bring ___ guests: $35 each

**Wednesday, August 31, 2011**
- **Annual Luncheon** (includes lunch; see page 7)
  - I will attend: $35.00
  - I will bring ___ guests: $35 each

- **Off-Site Activity: San Diego Tour** (includes dinner; see page 8)
  - I will attend: $50.00
  - I will bring ___ guests: $50.00 each

**Thursday, September 1, 2011**
- **NACC Bus: Hotel to Airport** (see page 2)
  - 1st Choice: 10:00pm: ___ people: $30 each
  - 2nd Choice: 2:00pm: ___ people: $30 each
  - 3rd Choice: 3:00pm: ___ people: $30 each

**Total Amount Enclosed or to be Charged** $
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Dependency / Termination of Reunification Efforts — Developmental Delays


SUMMARY BY NACC LEGAL INTERN ELLEN PEPPER, JD CANDIDATE, UNIVERSITY OF COLORADO LAW SCHOOL

Due to allegations of malnutrition, four children under the age of four were placed in the legal custody of the Department of Family and Children Services (DFCS). After one year of placement, DFCS filed motions to extend custody and to terminate reunification efforts.

At the hearing on the motions, the case manager described the children’s medical problems, which included frequent chest infections, pneumonia infections, feeding tubes that were required for two children who suffered from developmental delays and could not swallow, and a brain shunt that required monitoring.

Despite the children’s health concerns, the case manager testified that the parents had sufficient housing, were employed, and had completed parenting classes. However, because the case manager felt the parents had not progressed to a point where they were able to understand the children’s medical needs, the manager opposed unsupervised visits. A second DFCS representative testified that, from her observations of the parents, they were unable to care for the children because of the children’s many special needs. Additionally, the foster mother testified that the parents missed the children’s medical appointments and had trouble with the children’s medication.

The trial court also considered four psychological reports, two for each parent.

The first two psychological evaluations were completed approximately one year before the hearing on the motion for reunification. The first two reports indicated that the intelligence evaluation showed that neither parent presented as mentally deficient. Specifically, the report stated that the parents lacked the “resources or education to care for these special needs children.”

The additional two psychological evaluations were conducted shortly before the hearing and included IQ testing. Both parents’ IQ scores were found to be low, but the reports cautioned that many of the items discussed in the test are unknown to the Spanish culture to which the parents belonged.

After hearing the testimony and considering the four evaluations, the trial court found that “the parents have a medically verifiable deficiency of their mental health such as to render them incapable of providing adequately for the physical needs of the children.” As a result, the trial court granted DFCS’s motion to extend custody and DFCS’s motion to terminate reunification efforts. The parents appealed.

The Georgia Court of Appeals found that although evidence existed indicating that the parents lacked resources to care for the children, such evidence did not establish a medically verifiable deficiency of the parents’ mental health that would render them unable to provide adequately for the physical needs of their children. Further, the court noted that the psychological evaluator acknowledged that the test questions were biased against the non-English speaking parents.

The appellate court held that the trial court’s error likely influenced the court’s decision to terminate reunification efforts, and therefore vacated and remanded the case.
Delinquency / Ineffective Representation


SUMMARY by NACC LEGAL INTERN ELLEN PEPPER, JD CANDIDATE, UNIVERSITY OF COLORADO LAW SCHOOL

When Edward was 10 years old, his mother abandoned him while his father was in prison. Two years later, Edward was declared a ward of the court after committing three misdemeanors: vandalism, battery on school property, and theft. Edward was placed on probation and was permitted to live with his aunt. A year later, Edward ran away and was later apprehended and detained in the Mendocino County Juvenile Hall. After being detained in Juvenile Hall for six months, he was released and placed again with his aunt.

Shortly after Edward's second placement with his aunt, he was charged with attempt to commit a lewd or lascivious act with a child under the age of 14 and a charge that "he annoyed or molested a minor." Edward was 17 at the time of these charges. His aunt's daughter, who was 10 years old, accused Edward of awakening her at night and asking her to perform sexual acts. She then stated she refused to do so, and Edward left her room.

Edward at all times before and during the hearing denied the alleged molestation and threat. During his testimony, Edward stated he was trying to turn his life around and was participating in classes and sports at school. He stated he had gone to bed right after his aunt left and did not awake until he was abruptly awoken by the police officer.

After a two hour hearing, Edward was found guilty. The court's finding hinged on the testimony of the victim, who the judge found to be credible and truthful.

A few months later, Edward's newly appointed counsel moved for a new jurisdictional hearing, stating that Edward had not received effective assistance of counsel during the first hearing. Edward's former counsel from the public defender's office filed a declaration in support of a new hearing stating: (1) he needed more time to investigate possibly exculpatory evidence but mistakenly believed he could only request a seven-day continuance, (2) he had an "excessive caseload" which made it impossible to review and litigate each case properly, (3) he needed to conduct his own investigation because the public defender's office had no investigator, but because of his excessive caseload that was "all but impossible," (4) he had wanted to request an evaluation of Edward's mental condition, but the public defender's office would not pay for the evaluation, and (5) he did not request a polygraph test for the same reason and feared he would lose his job if he requested funding for the test. Later, Edward took a polygraph test with new counsel and passed on all questions regarding his charges.

The lower court denied Edward's request for a new hearing, holding that the victim's testimony was clear-cut. The California Court of Appeals reviewed the case, stating that both the Sixth Amendment and Article 1, Section 15, of the California Constitution give a criminal defendant the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668, 684-687 (1984). There is a two-part test to determine if counsel's assistance was effective. The defendant must first show that counsel's assistance "fell below an objective standard of reasonableness... under prevailing professional norms." Id. at 688. If counsel's assistance is found to be below the objective standard of reasonableness, the defendant must then show he was prejudiced by counsel's ineffective assistance.

The California Court of Appeals reversed the trial court's judgment, holding that Edward's former counsel's performance was ineffective. The court determined that counsel's assistance fell below an objective standard of reasonableness for various reasons. His counsel failed to investigate possibly exculpatory evidence regarding the credibility of the victim. His former counsel did not possess legal knowledge reasonably expected from a bar member when he incorrectly believed he could only have a seven-day continuance when in fact he could have a longer continuance. He knew his excessive caseload would not allow him to competently represent his client, yet he failed to request substitution of counsel.

The California Court of Appeals held that counsel's ineffective assistance was prejudicial because there were no eyewitnesses or physical evidence. The judgment consequently depended on the credibility of the defendant and the victim, which counsel had a chance to investigate but did not do so thoroughly. Further, his former counsel failed to bring in evidence that Edward did not fit the "typical personality or...
historical profile for juvenile sex offenders.” This information was discovered after Edward underwent a mental evaluation requested by his new counsel. Therefore, the court reversed the judgment and remanded for a new hearing.

Delinquency / Cruel and Unusual Punishment

North Carolina Court of Appeals Holds that a Sentence of 32 to 40 Years for 16-Year-Old Not Cruel and Unusual Punishment. State v. Pettigrew, 693 S.E.2d 698 (N.C. Ct. App. 2010)

SUMMARY BY NACC LEGAL INTERN ELLEN PEPPER, JD CANDIDATE, UNIVERSITY OF COLORADO LAW SCHOOL

The Eighth Amendment of the United States Constitution states that “[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” Pettigrew, 16 years old at the time of his offense, appealed his sentence of 32 to 40 years imprisonment, alleging his sentence violated the Eighth Amendment’s prohibition against cruel and unusual punishment because of his age.

K.P., Pettigrew’s younger brother, testified at trial that when K.P. was five-years-old and Pettigrew was eleven-years-old, Pettigrew started sexually abusing him. K.P. testified that the sexual abuse continued for five years.

After Pettigrew was found guilty of two counts of first degree sexual offense, he was sentenced to 32 to 40 years imprisonment. Pettigrew appealed on three grounds, alleging that: (1) there was insufficient evidence to support his conviction because the State had no evidence regarding the time frame of the abuse stated in the bill of particulars; (2) the superior court lacked jurisdiction over the proceeding because the time frame alleged in the indictment included a time prior to his sixteenth birthday; and (3) his sentence violated the Constitution’s prohibition on cruel and unusual punishments.

In response to Pettigrew’s first argument, the North Carolina Court of Appeals quoted the North Carolina General Statutes § 15A-924(a)(4) which states that “[e]rror as to a date or its omission is not ground for dismissal of the charges or for reversal of a conviction if time was not of the essence with respect to the charge and the error or omission did not mislead the defendant to his prejudice.” The court further noted that in cases that involve allegations of child sex abuse “temporal specificity requirements are further diminished.” State v. Everett, 399 S.E.2d 305, 306 (1991). The court then held that the evidence sufficiently established that Pettigrew sexually abused K.P.

Pettigrew further alleged that the superior court lacked jurisdiction over the proceeding because the time frame included a time prior to his sixteenth birthday. In North Carolina, a juvenile is subject to prosecution as an adult in superior court if he commits a criminal offense on or after his sixteenth birthday. NC. Gen. State. § 7B-1604 (2009).

Pettigrew turned 16 on January 23, 2001. The State’s indictment stated that he committed the charged offenses “on or about” February 1, 2001 through November 20, 2001. Because the indictment stated “on or about,” Pettigrew alleged the indictment could encompass acts before his sixteenth birthday. The North Carolina Court of Appeals rejected this argument, stating there was substantial evidence that Pettigrew committed the charged offense within the time frame given in the indictment and that during this time frame Pettigrew was 16.

Pettigrew’s final argument was that his sentence of 32 to 40 years of imprisonment
violated the Constitution’s prohibition against cruel and unusual punishment because of his age when he committed the offenses. Pettigrew asked the court to consider this argument with the Supreme Court’s decision of Roper v. Simmons in mind. 543 U.S. 551 (2005). The Court in Roper held that the death penalty for juvenile offenders was unconstitutional because of the unique characteristics of juvenile offenders, such as their capacity for change and their diminished culpability.

The North Carolina Appeals Court distinguished Roper, stating that while Roper held that the death penalty for juvenile offenders is unconstitutional it did not rule on whether life imprisonment or a long term of imprisonment was unconstitutional for juveniles. The court then discussed State v. Green, in which the North Carolina Supreme Court held that life imprisonment for a 13 year old sex offender did not violate the Constitution’s prohibitions against cruel and unusual punishment. 502 S.E.2d 819 (1998).

The court held that in light of Green, where the court did not consider life imprisonment to be “grossly disproportionate,” Pettigrew’s sentence of 32 to 40 years imprisonment did not violate the Constitution’s prohibition against cruel and unusual punishment.

Dependency / Foster Parent’s Negligence

Third Circuit Holds Private Foster Care Agency Not Liable for Foster Father’s Negligence, I.H. ex rel. Litz v. County of Lehigh, 610 F.3d 797 (3rd Cir. 2010).

SUMMARY BY NACC LEGAL INTERN ANNA REINERT, JD CANDIDATE, UNIVERSITY OF DENVER STURM COLLEGE OF LAW

I.H., biological parent to T.N. and foster parent to I.H., drifted into oncoming traffic and hit another car while he was looking in the rearview mirror after I.H. bit T.N. T.N. was killed and I.H. was paralyzed. A court later found that Norton’s negligence was the cause of the accident.

Lehigh County had placed I.H. with the Nortons with the assistance of the Lutheran Home (the Home), a private foster care agency in Pennsylvania. I.H. sued Norton, the Home, and the County in federal district court for the injuries he suffered in the accident.

Under the Home’s service contract with the County, it is responsible for aiding foster care placements and related supervision. Prior to placing I.H., the Home entered into a placement agreement with the Nortons and gave the Nortons a handbook. The documents outlined the regulations and the Norton’s responsibilities and requirements.

A jury awarded I.H. more than $28 million for Norton’s negligence. However, with regard to the liability of the Home and the County, the court granted the defendants’ motions for Partial Summary Judgment, on the basis that the requirements established in the documents were derived from state regulations and the documents did not establish a “master-servant” relationship. I.H. appealed the district court’s decision regarding the liability of the Home.

On appeal, the Third Circuit questioned whether a private foster care agency can be vicariously liable for a foster parent’s act of ordinary negligence. Pennsylvania law requires a “master-servant” relationship to establish vicarious liability. The Court noted that a “master-servant” relationship exists when the master has the authority to control the day-to-day work of the servant; it is not sufficient to simply control the results of the work.

I.H. argued that the service contract and the Home’s past supervision of the Nortons established that the Home had a duty to exert any level of control necessary to ensure I.H.’s safety. For a period of four years, the Home had periodically provided active supervision of I.H.’s care due to complaints about the Nortons’ parenting methods. The Home counseled the Nortons regarding proper disciplinary methods, and at the direction of the County and I.H.’s court-appointed guardian, increased the frequency of in-home visits, and provided additional training to the Nortons.

To determine the Home’s liability, the Court looked at the service contract, the placement agreement, the handbook, and the Home’s relationship with the Nortons. The Court reviewed the service contract and Pennsylvania law and concluded that although foster care agencies have significant control over foster parents, they do not have the authority to supervise and control the day-to-day care that foster parents provide. As such, the service contract alone could not establish a “master-servant” relationship.
With respect to the placement agreement and handbook, the Court similarly noted that although these documents gave the Home broad authority to control several pieces of I.H.’s care, they ultimately only provided general guidance for care and also incorporated portions of the service contract and state regulations. In sum, these documents focused on the results the Nortons were to achieve, not the day-to-day decisions the Nortons were expected to make.

The Court noted a goal of Pennsylvania’s foster care system is to place children in a home that “replicates as closely as possible the traditional family settings in which children are cared for and raised.” To establish this environment, foster parents must generally have the same level of control over foster children as they would over biological children. Thus, the Nortons had broad authority to meet the goals established for I.H. by the Home in the manner they found appropriate, and to treat I.H. as their biological child with respect to aspects of I.H.’s life that were not covered in the placement agreement or handbook. As such, the Home and the Nortons did not have a “master-servant” relationship, and the Home was not vicariously liable for Notron’s negligence.

Adoption / Same-Sex


SUMMARY BY NACC LEGAL INTERN ANNA REINERT, JD CANDIDATE, UNIVERSITY OF DENVER STURM COLLEGE OF LAW

In 2004, the Department of Children and Families (Department) removed four year old X.X.G. and four month old N.R.G. from their home based on allegations of abandonment and neglect. The Department placed the children with F.G., a licensed foster care provider who had successfully fostered seven other children. According to the supervising court, F.G. was an “exceptional” parent and the children thrived in his care. In 2006, at the request of the Department, the court terminated the parental rights of the children’s biological parents. F.G. applied to adopt X.X.G. and N.R.G. Despite a successful evaluation of both F.G. and his home, the Department denied F.G.’s application because of F.G.’s homosexuality.

The Department stated that its only reason for denying F.G.’s application was that Florida law expressly prohibits homosexuals from adopting. In response, F.G. petitioned the circuit court to allow him to adopt the children, and to find that the Florida law violates his rights of equal protection, privacy and due process. Independent counsel for the children also argued that the children’s right to equal protection and due process had been violated. After dismissing the privacy claim, the circuit court held the law unconstitutional under Florida’s equal protection clause and granted F.G.’s petition for adoption.

On appeal, the Department argued to the District Court of Appeal of Florida that the circuit court had erred in finding the law unconstitutional because there is a rational basis for classifying homosexual individuals differently with respect to adoption. Based on the agreement of the trial court and the parties that the case does not involve a suspect class or a fundamental right, the district court reviewed the case under the rational basis test. Under this test, the Court stated that it would be required to uphold the statute if a rational relationship exists between the classification and a legitimate government interest.

The district court began by reviewing the requirements of the Florida adoption law. It noted that a court will grant an adoption if that court determines — based on several sources of information about the home and the petitioner — that the adoption is in the best interest of the child. A court must conduct an individual, case-by-case evaluation for any person applying to adopt, unless that person is homosexual. Unlike applicants whom a court has previously determined have abused or neglected a child, or those with a criminal history, applicants who are homosexual are categorically excluded from adopting.

The Court next moved to the basis for the classification in the Florida law. It noted that a court will grant an adoption if that court determines — based on several sources of information about the home and the petitioner — that the adoption is in the best interest of the child. A court must conduct an individual, case-by-case evaluation for any person applying to adopt, unless that person is homosexual. Unlike applicants whom a court has previously determined have abused or neglected a child, or those with a criminal history, applicants who are homosexual are categorically excluded from adopting.

The Court next moved to the basis for the classification in the Florida law. In this case, neither party argued that heterosexual or homosexual people are better suited to serve as parents. Rather, the Department asserted that the classification was rational because children raised in a heterosexual home have better role models and
Dependency / Foster Parents’ Testimony


SUMMARY BY NACC LEGAL INTERN ELLEN PEPPER, JD CANDIDATE, UNIVERSITY OF COLORADO LAW SCHOOL

While G.M. was living with his foster family, he allegedly injured a schoolmate on the playground when he pushed her into a pole. G.M.’s schoolmate filed suit against the department of social services, as legal guardian of G.M., stating she needed to determine through discovery whether the department knew or should have known that G.M. had violent tendencies. Part of the discovery included a deposition and subpoena duces tecum of G.M.’s foster father, Abreu.

Abreu filed a motion to quash the subpoena duces tecum and requested a protective order from the deposition, alleging the General Statutes (Rev. 2005) § 17a-28 prohibited him from testifying to any matter having to do with G.M. The counsel for the defendant stated that they were not seeking to depose a social worker and obtain records from the department, as prohibited by § 17a-28, but rather that they were seeking to depose the foster father and obtain his separate records which they countered was not prohibited by the statute.

The court held that “[t]he plain language of the subject statute provides that a record means information created or obtained in connection with the department’s child protection activities or activities related to a child while in the care or custody of the department.” The court therefore gave a broad interpretation and held that G.M.’s foster father could not testify or produce documents which related to his foster child. The court granted the motion to quash the subpoena but allowed the deposition to go forward to obtain information that did not violate § 17a-28.

The deposition went forward, but the foster father declined to answer many questions, on the grounds that his answers would have wrongfully disclosed protected information, therefore violating § 17a-28. Opposing counsel filed a motion for sanctions to compel the foster father to answer the disputed questions. The court ruled that the disputed questions of whether Abreu was the foster parent of G.M. and his observations and opinions of G.M. did not come under the protection of § 17a-28(b). The court stated it could not locate any statute that prohibited a foster parent from disclosing that they are in fact a foster parent and that a foster parent’s observations are not confidential under the statute. The court ordered the foster father to answer the disputed questions.

The foster father appealed this order to testify, alleging that answering the disputed questions would violate § 17a-28. The Appellate Court of Connecticut agreed with the appellant foster father, finding a foster parent cannot be compelled to testify regarding his relationship with the foster child or his observations of the foster child.

The Appellate Court stated that when interpreting a statute, the goal is to determine the intent of the legislature. The Supreme Court of Connecticut has articulated that § 17a-28 “constitutes a broad legislative declaration of confidentiality.” The objective of § 17a-28 is
to protect a foster child from possible embarrassment and emotional distress from being disclosed as a ward of the state.

The Appellate Court of Connecticut held that these answers would disclose G.M. as a ward of the state and in so doing would violate the main objective of § 17a-28 to keep the child’s status as a foster child confidential to avoid potential emotional harm.

The court then noted that § 17a-28 contains specific exceptions and that there was no exception concerning observations and personal opinions of a foster parent. When there are express exceptions to a statute, the court will presume the legislature did not intend for there to be other undefined exceptions.

Additionally, the department’s policy manual states that “[f]oster parents are part of the child’s treatment team” and in Hunte v. Blumenthal the Supreme Court of Connecticut articulated that foster parents are employees of the state. 680 A.2d 1231 (1996). The plain language of § 17a-28 and the definition of the term “records” encompasses any personal opinions and observation by the foster parent of the foster child because such information was necessarily obtained “in connection with the department’s child protection activities.”

**Oral Arguments Camreta v. Greene**

On March 1, 2011, the U.S. Supreme Court heard oral arguments on Camreta v. Greene, a case examining the issue of when children can be interviewed about alleged sex abuse without a warrant or parental consent. The justices expressed confusion and frustration over threshold procedural issues, and seemed confused whether they should tackle the larger, politically and ideologically loaded dispute before them.

The dispute stems from a federal appeals court ruling in 2010 in favor of an Oregon mother after she protested the interrogation on sex abuse allegations of her daughters in school prior to CPS obtaining a warrant or parental consent. That court said that an in-school interrogation of one of the daughter involving a sheriff’s deputy and a social worker was unconstitutional. But in a strange twist indicating conflicting sentiments on the case, the appeals court also ruled that the county employees who conducted the interview could not be held personally liable for any damages.

Much of the discussion today centered on whether there was even an ongoing case or controversy on which to rule, as the parents’ attorney indicated she is no longer challenging the immunity issue. Chief Justice John Roberts went so far as to ask the lawyer for the family “Why are you here?” The young woman who was the subject of the case is now over 18, and has moved out of state, eliminating the possibility that the situation will repeat itself.

Another point of confusion among the justices was whose 4th Amendment rights were at issue— the parents’ or the children’s. The court seemed to understand the significant implications of determining whether children deserve the same protections as adults in the child welfare investigation context.

Oregon Attorney General John Kroger argued the special nature of sex abuse cases, “there are very few ways to investigate properly child abuse without speaking to the only witness that’s typically available in the case, and that is the child.” Justice Sonia Sotomayor seemed to agree, challenging opposing counsel’s assertion that absent a warrant or a parent present, only an “exigent” circumstance would allow police to initiate the private questioning of a child, remarking, “They don’t know if there’s exigent circumstances until they ask the question” of whether abuse occurred.

The justices seemed well versed in the various issues brought to their attention in the dozens of amicus curiae briefs submitted on both sides of the case. One brief that got significant attention and was featured as the Brief of the Week in the National Law Journal was written by NACC member the Children’s Advocacy Institute.

The justices must now determine how to rule on a case that has brought up equal parts procedural confusion and great substantive weight. This is the first child welfare case to come before the Court in nearly twenty years, and their ruling will have widespread implications for many thousands of workers and families. The court may decide to vacate the entire case and order the lower courts to rehear it, or they could try to resolve either the immunity issue or the Fourth Amendment issue, or both. It seems unlikely that they would reach the substantive issues in the case, and in fact many advocates are hoping that they do not, but only time will tell.
The NACC Amicus Curiae Program promotes the legal interests of children and families through the filing of amicus curiae (friend of the court) briefs in state and federal appellate courts. The NACC files its own briefs and participates as co-amici in cases of particular importance to the development of child welfare and juvenile law. In recent years, the NACC has filed briefs in numerous state appellate courts, federal courts of appeal and The Supreme Court of the United States. To submit a request for the NACC to participate as Amicus Curiae in a case, visit www.NACCchildlaw.org and click the “Amicus Curiae” tab.


The National Association of Counsel for Children, and signatories Rocky Mountain Children’s Law Center and the University of Colorado Law School’s Juvenile and Family Law Program, filed an amicus curiae brief in People v. Gabriesheski before the Colorado Supreme Court.

The issue before the court was whether the Colorado Court of Appeals erred in concluding that conversations between a child and her guardian ad litem in a dependency and neglect case are confidential communications protected by attorney-client privilege. The brief supports the Colorado Court of Appeals opinion, which held that the child is a client of the Guardian ad Litem (“GAL”) and that professional and ethical duties of confidentiality and privilege apply. The trial court and the court of appeals held that in representing a child, a GAL also represents the child’s best interests.

The brief argues that the child is the client of the GAL, and thus the child client is owed the lawyer’s professional and ethical responsibilities including confidentiality and privilege.

Further, the brief argues that a GAL acts as both advocate and guardian, employing all her legal skill to advance the child’s interests zealously and expeditiously while exercising a higher degree of objectivity than in a traditional client-directed relationship.

The court of appeals’ holding gave full effect to the public policy in Colorado of providing high quality legal representation to children involved in dependency and neglect proceedings. Along with competency, confidentiality and privilege are cornerstones of high quality legal representation.

Confidentiality and privilege enrich the GAL-child relationship by providing children a unique and open line of communication that encourages them to speak freely and frankly. Confidentiality likewise aids and guides the GAL in fulfilling her duty to investigate and develop the case fully. The brief asserts that this is all the more significant in dependency cases where the compelling interests of the state, children, and parents are uniquely complex, at times divergent, and always at stake.

Oral Argument was heard on September 28, 2010. Jeff Koy, Director of Litigation at The Rocky Mountain Children’s Law Center, presented the argument on behalf of the NACC.

The case is pending. Amicus curiae brief available at: www.NACCchildlaw.org.

The National Association of Counsel for Children, and signatories Rocky Mountain Children’s Law Center and the Colorado Office of the Child’s Representative, filed an amicus curiae brief in Sidman v. Sidman, before the Colorado Supreme Court. The brief was authored by Donna Furth, JD, on behalf of the NACC and its signatories.

In 2001, the biological parents of a 19 month old boy relinquished their roles as day-to-day caregivers for many years. In 2002, the biological parents consented to the permanent appointment of a third party to exercise their parental duties. A few years later, parents filed a Motion to Terminate the Guardianship. The district court found that it would be traumatic to return the child to parents. At the time of hearing in August 2007, the child, age seven, had been in the guardians’ care for six years, and looked to the guardians as his psychological parents.

The parents contend that they had a fundamental right to consent to the guardianship in 2002 (with which amici agree) and an equally fundamental right to terminate the guardianship years later, without a showing that doing so is in the best interests of the child. They contend that the burden is on the guardians to show that terminating the guardianship is not in the best interests of the child. The guardians argued that it was the parents’ burden to show that termination of the guardianship was in the child’s best interests.

The district court magistrate, district court judge, and court of appeals agreed with the guardians; hence, the parents sought review in Colorado Supreme Court. The NACC amicus curiae brief urges the court to affirm the judgment of the court of appeals.

Oral Argument was heard on September 30, 2010. Betsy Fordyce, attorney at The Rocky Mountain Children’s Law Center, presented the argument on behalf of the NACC.

The Colorado Supreme Court held that the burden is on the guardians to show by a preponderance of the evidence that terminating the guardianship is not in the best interests of the child.


In re D.R. & A.R. (Supreme Court of the State of Washington No. 84132-2).

The National Association of Counsel for Children signed on to an amicus curiae brief in the case In re D.R. & A.R. before the Washington State Supreme Court.

In this case, the trial court terminated Mother’s parental rights with regard to her two children, D.R. and A.R. Neither child had an attorney in the dependency proceedings or in the termination hearing. Mother appealed.

Under Washington law, children involved in dependency proceedings are provided a volunteer GAL or CASA. Children age 12 or older may request counsel and the court may appoint legal counsel to represent the child’s wishes and interests. Children may also receive legal counsel if the court or the GAL / CASA determines that the child should be independently represented by counsel.

Amici’s position is that Washington State’s procedures for appointing counsel for children in dependency and termination proceedings violates the due process rights of foster children. Further, amici argue that because dependent children possess a constitutional due process right to counsel, denial of counsel amounts to structural error and require that the order terminating parental rights to be reversed as a matter of law. The appellate court refused to hear the constitutional issue. Therefore, Columbia Legal Services filed a petition for review in the Washington State Supreme Court.

The Washington Supreme Court dismissed the
appeal, concluding that review was improvidently granted because there is no aggrieved party.

Counsel for the children are drafting a motion for reconsideration, arguing that Washington state’s substantial public interest doctrine allows the WA Supreme Court to review when constitutional issues like this one evade review and have substantial public implications.

**In re Joshua Moore, In re David Moore (Michigan Court of Appeals).**

The NACC filed an *amicus curiae* brief in the case of *In re Joshua Moore, In re David Moore*, before the Michigan Court of Appeals. Attorneys at Honigman Miller Schwartz and Cohn LLP in Detroit authored the brief on our behalf.

The trial court obtained jurisdiction over the children based solely on a plea entered into by a non-custodial father who had not seen the children in two years. The mother, who vehemently challenged the allegations in the petition, was denied the right to have a trial and was instead ordered to engage in a service plan, based on the father’s plea, which included parenting classes, drug treatment, a psychological evaluation and individual therapy. This appeal is a challenge to the pervasive practice in Michigan of assuming jurisdiction of children based solely on a plea by a non-custodial parent.

The Michigan Court of Appeals did not grant Ms. Moore an adjudication hearing. Amicus filed an application for leave to appeal to the Michigan Supreme Court.

The case is pending.

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**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.
Fee Waivers are Still Available!
Application Deadline Extended to July 31, 2011

Best of luck to the attorneys and judges from California, Colorado, Connecticut, District of Columbia, Georgia, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Tennessee, Texas, and Utah who sat for the exam this Spring. New Child Welfare Law Specialists will be announced in July and honored at the NACC Conference in San Diego, California.

QIC-ChildRep Fee Waiver

Starting in January 2011, the U.S. Children’s Bureau's National Quality Improvement Center on the Representation of Children in the Child Welfare System (QIC-ChildRep) is providing a waiver for one-half of the $600 Certification Fees. The waiver will be applied to the $300 Application Fee on a first-come first-served basis to the first 200 applications submitted to the NACC. Attorneys who receive the QIC ChildRep Waiver will be responsible for the $300 Examination Fee. To be eligible for the Waiver attorneys must submit with their application a commitment to sit for the exam if eligible.

Contact the NACC to obtain the Certification Standards and an application or visit naccchildlaw.org/?page=Certification for additional information.

2011 Target States
The NACC is applying to open certification in Alabama, Arizona, and Minnesota. We anticipate accepting applications as early as January 2012.

Interested in Bringing Certification to Your State?
Please contact Daniel Trujillo, Certification Administrator, at Trujillo.Daniel@tchden.org or 303-864-5359.
Federal Policy Update

Since the previous Guardian update, a new Congress has begun (which means all legislation that was not enacted during the prior Congress expires). While the Senate leadership — full Chamber and Committees — is very similar to leadership in the prior Congress, the House leadership has switched from Democrat-controlled to Republican-controlled, including new Speaker Boehner (R,OH) and new Republican Committee Chairmen.

Also, since the last update, Congress has continued passing a series of “Continuing Resolutions” for FY2011 (the fiscal year which began Oct. 1, 2010). In the meantime, the budget and appropriations process for FY2012 (which will begin Oct. 1, 2011) is expected to begin shortly.

FY 2011 and 2012 Budget and Appropriations

In early February 2010, President Obama submitted his FY2011 budget proposal, which included continued funding for most current programs that benefit court-involved children and families, although there were some proposed funding reductions, most notably in the juvenile justice and delinquency prevention area.

Last year, Congress began action on the FY2011 appropriations bills that include the programs that most directly affect court-involved children and families: the Labor/Health and Human Services/Education appropriations bill, and the Commerce/Justice/Science appropriations bill. Both bills were “marked up” in the House Subcommittees and the Senate full Appropriations Committee. The most notable changes from current levels were in the early care and education programs in the Labor/HHS/Ed appropriations bill: the House Subcommittee bill increased Child Care funding by $700 million over FY2010 and Head Start funding by $866 million above 2010; the Senate Committee bill increased Child Care funding by $1 billion and Head Start funding by $990 million, and also included a new $300 million Early Learning Challenge Fund to provide competitive grants to states to raise the quality of early childhood education programs.

However, the new House leadership advanced to House passage an FY2011 omnibus spending bill that would have made deep cuts in a number of federal programs, including slashing $1 billion from the Head Start program. The Senate has refused to pass a spending bill with cuts that deep, so deadlock has ensued.

In early February 2011, President Obama submitted his FY2012 budget proposal, which was similar to the prior FY2011 proposed budget for most programs affecting court-involved children and families. Congress will soon begin the budget/appropriations process for FY2012.

Health Care Reform

On January 19th, the House of Representatives voted 245-189 to pass H.R. 2, legislation to repeal health care reform. Since the Senate is not expected to pass the bill, and the President would be sure to veto it if it passed the Senate, the action is largely symbolic.

Other Legislation

Congress has not yet advanced any other significant legislation affecting court-involved children, youth and families. ■
Federal Policy Advocacy

by Amy C. Harfeld, JD

In 2010, NACC formulated a plan to expand its national policy presence in D.C. in order to broaden the organization's reputation, create a more visible presence on the national scene, and extend its role as a national systems change agent. NACC is uniquely situated to be a unique voice for change on the national forefront of child advocacy. The members of the NACC create a multidisciplinary constituency of on-the-ground child advocates that can’t be ignored. Extending the powerful influence of this network helps to advance the many issues that members are fighting for in their practices every day. The same group of “inside the beltway” power brokers tend to appear at various coalition meetings, congressional briefings, demonstrations, and fundraisers. I am working to establish NACC as a regular presence and force around the table. Following are some of the highlights of my advocacy for NACC in Washington, D.C. last year.

**Representation of NACC in National Coalitions**

In 2010 NACC has either joined or expanded its role in various national coalitions and membership organizations. Among these are:

- National Child Abuse Coalition
- Child Welfare & Mental Health Coalition
- National Foster Care Coalition
- Voices for America’s Children
- Children’s Leadership Council
- Children’s Rights Litigation Committee, ABA Section of Litigation
- Coalition on Human Needs
  Through its role in these coalitions, NACC has contributed meaningfully towards establishing advocacy priorities. This participation has allowed NACC to communicate the experiences and concerns of members around the country and ensure that voices of the children represented by members are considered in discussions on policy positions. NACC has opted to sign on to many letters regarding pertinent legislation and policy matters, and has obtained support on behalf of their own policy projects.

**Representation of NACC at National Summits/Meetings**

NACC has expanded its role and presence with a large array of fellow advocates and policy makers by its participation in the following national conferences, meetings, and summits. Each event offers an opportunity to inform more people of the important role that NACC is playing in the field and reinforce its position among strategic players in the field

- ABA Summit on Transition Age Foster Youth
- Voices for America’s Children Child Welfare Best Practices Institute
- ABA Annual Meeting: Child’s Right to Counsel Panel
- Senate Caucus on Foster Youth
- Voices for America’s Children National Forum
- ABA Forum on Education, Truancy and Dropout in America
- Canadian Child and Youth Advocates Conference on Legal Representation for Children and Youth

**Policy Initiatives**

**Federal Legislative Advocacy for Foster Children**

NACC has worked with several congressional offices and other advocacy organizations to advance federal legislation to better protect the financial security of foster children and establish financial mechanisms to facilitate their transition out of care. In September 2010, Representative Pete Stark and Representative Jim Langevin introduced HR 6192, The Foster Children Self-Support Act and HR 6193, The Foster Children Financial Security Act. NACC played an important role in this legislation’s introduction and will continue to work in 2011 to ensure that the bills are reintroduced in the 112th Congress and have the best possible chance of being passed. Several of the organizations and coalitions that NACC works with have agreed to support these bills and help advocate for their passage.

**The Child Abuse Prevention and Treatment Act (CAPTA) Reauthorization**

NACC worked with the Senate Health Education Labor and Pension (HELP) committee, partners and coalitions to advocate for the reauthorization of CAPTA, and to urge amendments to improve outcomes for maltreated children.
children. This reauthorization took place in a bitterly contentious environment and advocates’ voices were instrumental in the reauthorization process. NACC supported an amendment to change the current requirement that children in dependency cases receive only a GAL who may or may not be an attorney. The amendment would have required that the child’s representative be an attorney in all cases, and communicate the child’s position to the court. This amendment was not adopted due to persistent concerns regarding the cost and effectiveness of having attorneys rather than GAL’s in these cases.

Another proposed amendment to strengthen state reporting of child fatalities and near-fatalities was not adopted into the statute but was included in committee report language that will inform regulations and require states to provide more consistent and detailed information on child fatalities from abuse and neglect.

**Interstate Compact on the Placement of Children (ICPC) Reform**

The ICPC is a contract among member states and U.S. territories authorizing them to work together to ensure that children who are placed across state lines for foster care or adoption receive adequate protection and support services. The ICPC establishes procedures for the placement of children and fixes responsibility for agencies and individuals involved in placing children. Too often, the ICPC serves as a barrier instead of an assistive tool to placement or reunification. NACC is collaborating with a number of other advocates, organizations and coalitions to promote effective reform of the ICPC through policy guidelines, model legislation, litigation, and possibly a Congressional briefing on the issue. Advocates are determined to make the ICPC more efficient, less cumbersome, and more successful in carrying out its mandate.

**Fostering Connections to Success Act Implementation**

In 2010, the U.S. Department of Health and Human Services Administration for Children and Families was charged with issuing regulations on the landmark 2008 Fostering Success to Success and Increasing Adoptions Act. It was critical that language governing implementation of this law fully support optimal outcomes for transition age foster youth. NACC worked within coalitions and directly with the Commissioner of ACF to urge that the statute be given the most flexible possible reading and interpretation to maximize the number of youth that may benefit from it. This included advocacy to ensure that funds made available to youth from 18-21 be made available not only to those youth who remain “in care” (are still legally children in foster care) but also to youth in broader categories of supervision. This advocacy was largely successful and program rules were issued in 2010 which provide broad and flexible definitions that include a very wide swath of youth in programs to assist in their transition out of care.

**Child’s Right to Counsel in Dependency Proceedings**

NACC has worked closely with the ABA Children’s Rights Litigation Committee as well as other partners to advance passage of the ABA Model Act on the Representation of Abused and Neglected Children. Work was done to promote the Presidential Showcase on Right to Counsel for Children at the August 2010 ABA Annual Meeting. Continued advocacy will be done to ensure passage of this important Model Act.

**Fighting 2011-2012 Budget Cuts with Coalition on Human Needs**

Between the President’s just-released budget and a Congress determined to address deficit reduction and spending, children face imminent and cuts in critical programs. The House Appropriations Committee has released the cuts it will make to finish out the remaining seven months of this fiscal year. It proposes to cut $100 billion below the President’s FY 2011 budget proposal, of which $81 billion is cut from domestic and international programs. There are $65.5 billion in cuts to domestic and international spending and a net $3.4 billion in cuts to military construction, homeland security, and veterans affairs. Just a few of the children’s programs that will lose all or close to all of their regular FY 2011 appropriations:

- YouthBuild
- Family Planning (Title X)
- Teen Pregnancy Prevention Discretionary Grants
- Mentoring Children of Prisoners
- High School Graduation Initiative
- Federal Supplemental Educational Opportunity Grants
- LEAP program (for low-income college students)

NACC is working with the Coalition on Human Needs new SAVE for All campaign. This is a collective effort of over 600 organizations to fight these draconian cuts and preserve funding for critical programs for children and other vulnerable populations.
The Guardian is Green! In consideration of the environmental impact of printing and distributing The Guardian as a printed newsletter, we’ve made the decision to distribute exclusively in PDF format. In addition to environmental benefits, this affords a richer reading experience, including clickable links for additional content, convenient navigation tabs at the bottom of each page, and the opportunity for future additional interactive content. We encourage feedback regarding both content and structure/format, and how the new Guardian may best serve you. Please submit comments to: advocate@NACCchildlaw.org. We encourage you to consider the environment before printing this document.

- National Law Journal Picks the Child Advocacy Institute’s Amicus Curiae brief in Camreta v. Green as “Brief of the Week.” Congratulations to Chair of the NACC Board of Directors, Bob Fellmeth! For more information, visit: http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202482856562&sreturn=1&hxlogin=1.
- ICPC Reform. R.F. v. Dep’t of Children & Families, 50 So. 3d 1243 (Fla. Dist. Ct. App. 4th Dist. 2011). A Florida appellate court found that the best interests of the child trumped strict compliance with ICPC. In the case, a 17 year old child remained with an uncle in NY after a temporary visit which technically violated the ICPC and the Florida authorities demanded his immediate return even though all parties agreed that he was flourishing in the home. The trial court ordered him to return back to Florida but stayed its order pending appeal. On appeal, the court of appeals found that the teenager could remain with his uncle because the placement was clearly in his best interests. More info at: http://www.4dca.org/opinions/Jan%202011/01-26-11/4D10-4104.op.pdf.
- NACC 2011 Outstanding Legal Advocacy Award. Nominations for the 2011 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: advocate@NACCchildlaw.org, or NACC Awards, 13123 E. 16th Ave., B390, Aurora, CO 80045. The application form is available at: http://www.naccchildlaw.org/?page=OutLegalAdvocAward. Submission Deadline: July 1, 2011.
- NACC 2011 Stephen M. Cahn Outstanding Young Lawyer Award. The NACC is accepting nominations for the Stephen M. Cahn Outstanding Young Lawyer Award, awarded to a young lawyer who has been in practice for five years or less and who has made a significant contribution to the well being of children through legal representation or other advocacy efforts. Nominees’ accomplishments may include work in child welfare, juvenile justice, private custody and adoption or policy advocacy. The award will be presented at the NACC National Conference and the recipient will be awarded free conference registration, a stipend of $1000 and an additional $500 for travel related expenses to the NACC Conference. The application form is available at: http://www.naccchildlaw.org/?page=Awards. Submission Deadline: July 1, 2011.
- National News: The Guardian, 13123 East 16th Avenue, B390, Aurora, CO 80045 Fax: 303-864-5351 • advocate@NACCchildlaw.org
• 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 on a variety of children’s law issues. To join, send an email to: advocate@NACCchildlaw.org, and request to be added.

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Publications

Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases (2nd ed.)
This important book presents the body of knowledge that defines child welfare law as a unique and specialized field. Over the past several decades, a national model for child welfare practice has emerged, and in 2004 the American Bar Association designated child welfare law as a formal legal specialty. This book will serve the reader as a practice reference, a training manual, and a certification exam study guide.

In this second edition the authors have added ten new chapters and made extensive updates and revisions to the first edition.

New and Expanded Topics Include:
• Indian Child Welfare Act
• Investigative interviewing of the child
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• The practice of child welfare casework
• Child safety
• Representing parents
• Federal due process
• Education goals for children in foster care
• Transition of youth from foster care to adulthood
• Plus many more!

To learn more and/or order the book, please visit: www.bradfordpublishing.com.

Note: NACC members are entitled to a 20% discount, (enter the code NACC in the shopping cart when you checkout).

Tattoos on the Heart: The Power of Boundless Compassion, by Fr. Greg Boyle.
How do you fight despair and learn to meet the world with a loving heart? How do you overcome shame? Stay faithful in spite of failure? No matter where people live or what their circumstances may be, everyone needs boundless, restorative love. Gorgeous and uplifting, Tattoos on the Heart amply demonstrates the impact unconditional love can have on your life.

All Alone in the World: Children of the Incarcerated, by Nell Bernstein.
In this “moving condemnation of the U.S. penal system and its effect on families” (Parents’ Press), award-winning journalist Nell Bernstein takes an intimate look at parents and children — over two million of them — torn apart by our current incarceration policies. Described as “meticulously reported and sensitively written” by Salon, the book is “brimming with compelling case studies... and recommendations for change” (Orlando Sentinel); Our Weekly Los Angeles calls it “a must-read for lawmakers as well as for lawbreakers.”
Publications

*Born for Love: Why Empathy Is Essential — and Endangered*
by Bruce Perry and Maia Szalavitz.
Available at www.harpercollins.com.

The book guides readers as they navigate the complex child welfare system and plan interventions and treatment. It is written from the perspective of a judge (Judge Cindy S. Lederman, Circuit Judge—11th Judicial Circuit, Miami), a psychologist (Joy D. Osofsky, Ph.D., Professor of Pediatrics and Psychiatry, LSU Health Sciences Center), and an early intervention expert (Lynne Katz, Ed.D., Director, Linda Ray Intervention Center, Miami). Available at: www.brookespublishing.com.

*Daycare and Delinquency*

*Adult Children of Parental Alienation Syndrome: Breaking the Ties that Bind*

*Dvd — Psychotropic Medications:* *The Medicated Child,* produced by FRONTLINE (2008). With over four million children now on behavior modifying medications, some starting as young as two years old, FRONTLINE continues its investigation into the controversial practice of medicating kids. Are the drugs safe? How young can you detect mental illness in a child? Is medication really the answer? As the debate grows more intense, FRONTLINE investigates the risks and benefits of prescription drugs for troubled children.


Thank You

The National Association of Counsel for Children thanks the following donors and members for their contribution to the NACC, and to children and families.

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American Bar Association Section on Family Law

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Thank you.