Interagency Planning Meetings for Youth with Disabilities

THE ISSUE:
Youth with Disabilities are Overrepresented in Congregate Care

A significant percentage of the foster youth who spend long periods of time in congregate care have some type of disability or special health care need. Some of these youth remain in congregate care because they are wrongly presumed to be unable to thrive in a family-based setting. Others require significant care coordination to ensure community-based services are in place, which can delay step-downs, especially when there are too few family-based placement options available for youth with complex health needs. Still other youth languish in group placements without anyone asking the question of whether they are ready for a step-down. Virtually all of these youth would do better in families, even those with significant physical or developmental impairments, yet too often they remain in congregate care for months or years on end. By making a focused effort to reduce barriers to youth with disabilities being placed and served in the community and with family, we increase the odds that they will successfully transition to adulthood.

THE INTERVENTION:
Interagency Planning Meetings

As part of an overall effort to improve outcomes for youth with disabilities in Philadelphia’s child welfare system, Juvenile Law Center partnered with the local child welfare agency and behavioral health managed care agency to host monthly planning meetings for individual youth with disabilities. At each meeting, an interagency team came together to address barriers to a successful transition to adulthood for the youth. The majority of the youth we worked with were either in congregate care placements or had spent significant time in them previously, and returning the youth to a family-based or community environment was often a key objective of the meeting. These meetings sought to reduce reliance on congregate care by:

ABOUT THE AUTHOR:
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Karen joined Juvenile Law Center in October 2014 as a Skadden Fellow, and her work focuses on developing legal strategies to improve outcomes for older youth with disabilities as they transition out of the child welfare and juvenile justice systems. Before coming to Juvenile Law Center, Karen served as a law clerk to the Honorable Kent A. Jordan of the Third Circuit Court of Appeals and to the Honorable Eduardo C. Robreno of the United States District Court for the Eastern District of Pennsylvania. Karen graduated from Vanderbilt University Law School in 2012, and she has her undergraduate degree from the University of Georgia.

FOR MORE INFORMATION:
Please contact Karen U. Lindell at Juvenile Law Center for more information on interagency planning meetings and services for youth with disabilities.

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Providing a forum for questioning whether a youth needed to remain in an institutional placement. In many cases, just asking the question was a vital first step to reexamining the appropriateness of a placement.

Identifying barriers to family-based placements by thinking holistically about the youth’s needs, including education and employment issues, behavioral health challenges, and the need for supportive adults and mentors; and

Bringing multiple city agencies together to address those barriers, identify possible supports, and provide the care coordination needed to get services in place.

**OUR MODEL:**

**Key Components of Effective Planning Meetings**

Through Juvenile Law Center’s decade of experience facilitating these planning meetings, we have identified several key components to effective planning meetings:

- **Bring the right people and systems together.** By including the youth and all the key members of her team (child advocate, caseworkers, psychiatrists, supportive adults, etc.), as well as high level personnel from all the relevant agencies (including the child welfare agency, school district, behavioral health, intellectual disability services, and advocacy organizations), you can ensure that the youth’s needs are fully understood and appropriate services in both the child and adult-serving systems are identified.

- **Gather information ahead of the meeting.** We tried to get all relevant information about the youth’s situation in advance, so that the conversation during the meeting could focus on next steps. We asked team members to share the youth’s IEP, recent evaluations, case plan, transition plan, and any other relevant information.

- **Discuss all aspects of the youth’s situation.** It’s easy to focus just on placement or housing when that is the most pressing issue, but there are often less obvious problems that might affect the success of a family-based placement. We made sure that each meeting covered employment, education, health, and supportive connections, in addition to placement/housing.

- **Put together a detailed action plan.** After each meeting, we wrote an “action plan” to connect the youth with the services and supports needed for a successful transition out of the child welfare system and into the community. The plan included a summary of the meeting, the contact information for each of the team members, and a list of concrete action items to be completed after the meeting. Each action item had a specific team member assigned to it, and a date by which it needed to be completed.

**Additional Resources**

Here are some additional resources to help foster youth with disabilities prepare for adulthood:


- **Imagine Different... Achieve Different! A Workbook for Facilitators** (PEAL Center and EveryChild, Inc. 2013), [http://www.imaginedifferent.org/](http://www.imaginedifferent.org/).

Membership Matters

by Sara Whalen, NACC Membership Director

Featured Member

Karen Langsley, JD, CWLS

Originally from California, Karen is one of the first 11 attorneys to be certified in Texas as a Child Welfare Law Specialist. Currently Vice-Chair of the Texas State Bar Committee on Child Abuse and Neglect, she had worked for several years to bring the NACC certification to Texas and was thrilled when NACC’s annual conference occurred in Austin. She is extremely proud to have served as a court-appointed family attorney for several Child Welfare “cluster courts” throughout Central Texas from 2004 until this year, when she relocated to the Denver area. Completely committed to improving all family law courts for children—whether they are in government or private custody cases—Karen has advocated both through testifying at legislative committees and through writing and teaching CLEs and trial skills trainings. As part of her goal to raise the proficiency level of attorneys who represent children, Karen has served as the Course Director for the Child Welfare Track of the Texas Bar CLE Advanced Family Law conference since 2012. She was recognized in 2013 by the Travis County Women Lawyers with its Pathfinders Award, and by the Texas State Bar LGBT Law Section in 2016 with its Judge Norman W. Black award. Karen is happy to have the opportunity to work more directly with NACC in her recent move, and honored to be supported in her effort by the superb law firm of Gutterman Griffiths, PC, where she is of counsel. Karen and her wife, Jill, are the proud parents of Zach (University of Denver, 2014) and Kim (University of Arkansas, 2016).

Profile Update Reminder

If you haven’t recently done so, please check your NACC membership profile and update it with your latest information and preferences. Both NACC members and website visitors search our directory looking for experts and networking opportunities.

Need Help?

Forgot your username or password? It happens! Contact us at Membership@NACCchildlaw.org and we can assist you personally.

Thank you to all our members, for your continued support of NACC!
As the Pendulum Swings: Child Welfare Roles and Specialization Over the Years

My pediatrician father always talked about the swinging pendulum. After 40 years I see some interesting twists in our child welfare system. In 1976, we, the lawyers, had no particular expertise in child welfare. The CPS workers were the experts. Most in my jurisdiction had MSW degrees, life experience, children, and common sense. They were actual social workers. The lawyers were mostly young, passing through, and just trying to get some case and trial experience. We didn’t stay in the field long enough to know the medium- and long-term consequences of our interventions. We saw a bad situation, advocated the removal of the child to a safe foster home, and felt we had done a good thing. We thought we were heroes.

As some of us stayed in the field longer, we saw the ramifications of our interventions. We saw kids cut off from everything and everyone that mattered. We saw parents frustrated, removed from ongoing involvement in their children’s lives, and for some, resolved to just giving up and moving on to have other children, who may then be removed and placed in the system. We saw older kids placed in group homes, where their acts of frustration and rage, such as breaking things, were reported to the police, and they entered the juvenile justice system. We saw kids aging out of foster care with few, if any, resources of any kind. Most returned to the families from whom they had been removed, many became homeless, and many went to jail. Our smug satisfaction at being do-gooders wasn’t so satisfying anymore.

Over the past 40 years a lot has changed. Federal laws and funding, trauma-informed best practices, seemingly endless budget cuts, poverty-related neglect and abuse, rampant substance abuse, dismantling of mental health services… I could go on with all the challenges, good and bad.

I remember sitting at an NACC board meeting discussing whether we could create a specialization in child welfare law. We could build it, but would anybody come? I am a certified specialist in family law, which gives me some credibility and ability to charge more for my services, obtained mostly by paying clients. But child welfare lawyers were only rarely privately retained. We either worked as agency attorneys, in public defenders offices, had court contracts, or were expected to practice our “specialty” entirely or functionally pro bono. HHS gave us a grant, and we created a specialty, which gives me some credibility and ability to charge more for my services, obtained mostly by paying clients. But child welfare lawyers were only rarely privately retained. We either worked as agency attorneys, in public defenders offices, had court contracts, or were expected to practice our “specialty” entirely or functionally pro bono. HHS gave us a grant, and we created a specialty, endorsed by the ABA, hoping that someone would apply. I was hired to write “the Red Book”, which was ultimately a much better conceived multi-author work, and create a training curriculum. The NACC hoped that people beyond the 3 pilot states would pay to get a certification, which didn’t necessarily have any ability to help us attract clients who would pay for our expertise.

To my surprise, pride, and joy, people did come, and state AOCs were willing to put some money behind the program to facilitate attorneys becoming certified child welfare law specialists. I now have had clients hire me because I had the CWLS credential. Juvenile judges have come to see the benefits of having trained, experienced child welfare lawyers, who can help make the system more responsive and achieve better outcomes in individual cases. Don Duquette’s QIC program has shown that we can make a positive difference when we know what we’re doing. Professor Jean Koh Peters has challenged us with an aspirational model that should make...
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us all think very hard about what we are doing. The ABA Standards and Model Act have shown us that we need to be real lawyers, who do what all lawyers do and then some. The “Red Book” has gotten bigger and better in each of its three editions. We have turned attention on those whom Professor Marty Guggenheim has called “legal orphans” and have given greater focus to youth involvement and empowerment in reforming our state child welfare systems.

But I started out by talking about my father’s swinging pendulum, and I return to my own pendulum. I am distressed to see that in the 40 years of my experience, the reverse has occurred with CPS workers, now mostly caseworkers, not social workers. Many are in their 20s, as I was as a young lawyer, have no children, no relevant life experience, not enough education and training in the field. As I lacked wisdom in the 1970s, many of these caseworkers lack wisdom now. And wisdom is what is most assuredly needed, especially as caseloads have exploded and resources have shrunk. It is no wonder that people who did not pursue a specific education because their heart was in child welfare don’t stay long in a job that doesn’t pay well and makes unreasonable time, emotional, and financial demands on them.

When I started out, the CPS workers were the experts, and the lawyers were only transient participants in the child welfare field. Now it is the CPS workers who often are the transient participants and the lawyers who are the experts who obtained the training because their hearts were in it. So it is up to us—the lawyers who represent the children, the parents, and the agencies, and the CWLS judges—to use our expertise in individual cases and systemically to improve the outcomes for children and families. We have state and federal laws that can help us. We have trauma-informed best practices and evidence-based services. We know more about what works and what doesn’t. We know more about the damage done to children from improvident removals.

It has been said that budgets are moral documents. In this election season, we need to use our expertise and our voices to bring to our state legislative candidates the seldom discussed issue of our child welfare system, including the need for adequate funding, for home-based resources, for well-trained and well-paid CPS workers who have reasonable caseloads and available resources. How about creating a scorecard to see where our candidates stand on these issues? “Family values” are always a topic in an election year. Let’s use 2016 to focus not only on the national election, but also on what our state and local officials can and should do for the families and children we serve.
of recognizing children’s constitutional rights to independent legal counsel in dependency matters.\(^4\)

The brief first argues that a child’s physical liberty interests are always at stake in dependency proceedings.\(^5\) Individual physical liberty interests are fundamental in our constitutional system, and it is well established that children share these interests. It then follows that children have an interest in avoiding the state’s unnecessary intrusion on their physical liberty.\(^6\) Dependency proceedings directly impact the child’s physical liberty because the state may involuntarily remove a child from her home and place her without her consent.\(^7\) The brief points out that national policy makers, as well as courts, recognize that children’s physical liberty interests are impacted by dependency proceedings.\(^8\) Of the numerous well-recognized risks to children in such proceedings, the brief highlights maltreatment, institutionalization, and involuntary medication to illustrate the important physical liberty interests of children in state custody.\(^9\)

The brief maintains that the child’s liberty interests are at stake with every change in custodial circumstances. The Washington Supreme Court has explicitly acknowledged that a child’s physical 

\(^4\) Id. at 7.
\(^5\) Id. at 3.
\(^6\) In re Dependency of MSR, 174 Wn. 2d 1, 16 (2012) (en banc) (hereinafter MSR).
\(^7\) Ingraham v. Wright, 430 U.S. 651 (1977) (holding that potential restraint of child’s physical liberty entitled him to due process protections).
\(^8\) Brief of Amicus Curiae, supra at 5.
\(^9\) Id. at 6.

In support of Appellant’s argument, the brief argues that the Federal and state Constitutions mandate counsel for youth in dependency proceedings. The brief focuses on the actual and substantial risks that these proceedings pose to a child’s physical liberty, as well as national scholarship and trends in favor

1. Brief of Amicus Curiae National Association of Counsel for Children, In the Dependency of S.K.P. before the Court of Appeals of the State of Washington.\(^1\) The brief argues that in order to ensure fair and effective dependency proceedings, children should be provided counsel who can advocate on their behalf with both loyalty and confidentiality.\(^2\) The brief further urges the court to consider that without the assistance of counsel, children’s legal rights cannot be fully protected. Ultimately, the brief seeks to ensure enforcement of a child’s right to counsel.\(^3\)

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10. MSR, 174 Wn.2d at 16.
11. Id. at 22–23.
12. Brief of Amicus Curiae, supra at 11.
13. Vitek v. Jones, 445 U.S. 480 (1980) (holding that the involuntary transfer of state prisoner to mental hospital implicates a liberty interest, and those with diminished capacity have “a greater need for assistance [of counsel] in exercising their rights; Gagnon v. Scarpelli, 411 U.S. 778 (1973)(same with regard to revocation of probation); Morrissey v. Brewer, 408 U.S. 471 (1972)(providing that revocation of parole impacts liberty interests); see also Minn. v. Austin, 545 U.S. 209, 224 (2005) (recognizing that assignment to SuperMax prison, with attendant loss of parole eligibility and with only annual status review, constitutes an ‘atypical and significant hardship that impacts prisoner’s liberty interests’).
custodial situation in which a child is living, and may only do so in particular circumstances. The brief advocates that the Court should recognize that a child in a dependency proceeding has at least the same fundamental liberty interest as a convicted felon facing involuntary changes to his state custody.

Secondly, the brief argues that independent legal counsel is necessary to help guard against potential harm and to protect children’s interests in dependency proceedings. National experts agree that children in dependency matters require legal counsel. The brief refers to the fact that dependency proceedings are complex legal processes that may involve expert medical testimony, implicate numerous laws, and require an understanding of service delivery systems. In Washington, the state relies on counsel to represent its interests and parents have also been determined to be in need of counsel in these proceedings. This means the child is the only party without a complete statutory right to counsel. According to the brief, this leaves “the most vulnerable” party “powerless and voiceless” in the courtroom.

The brief also points out that the majority of states require independent legal representation in order for children’s interests to be adequately represented in dependency proceedings. Further, the United States Supreme Court has long recognized that children need counsel to effectively navigate complex legal proceedings and at least thirty-one states and Washington D.C. provide an automatic right to legal counsel for children in dependency cases. The State of Washington has the same duties to its children that other states have and the Court should consider national trends when deciding the issue in this case.

In re the Dependency of S.K.P. involves the issue of whether a child has a right to counsel in dependency and neglect proceedings. The NACC, along with several other Amici, filed an amicus curiae brief before the Court of Appeals of the State of Washington, arguing that in order to ensure fair and effective dependency proceedings, children should be provided counsel who can advocate on their behalf. The brief urges the Court to hold that all dependency proceedings directly impact every child’s liberty interests and that these interests require the appointment of legal counsel in all cases.

15. (citing Taylor ex rel Walker v. Ledbetter, 818 F.2d 791, 797 (11th Cir. 1987) (en banc)) (a child involuntarily placed in a foster home is in a situation so analogous to a prisoner in a penal institution and a child confined in a mental health facility that the foster child may bring a 1965 action for violation of fourteenth amendment).
16. Id.
17. Id.
19. In re Myricks’ Welfare, 85 Wn.2d 252, 255 (1975) (en banc); see also RCW § 13.34.090 (codifying this requirement).
20. Brief of Amicus Curiae, supra at 14 (citing In re Parentage of L.B., 155 Wn.2d at 712 n.29).
21. Id. at 14. (quoting In re Parentage of L.B., 155 Wn.2d at 712 n.29).
22. Id. at 18.
23. In re Gault, 387 U.S. at 38 n.65 (given that even “[t]he most informal and well-intentioned of judicial proceedings are technical; few adults without legal training can influence or even understand them; certainly children cannot.” (holding - children have a due process right to counsel in delinquency proceedings)
24. These include Alabama; Arkansas; Colorado; Connecticut; Georgia; Iowa; Kansas; Kentucky; Louisiana; Maryland; Massachusetts; Michigan; Mississippi; Missouri; Nebraska; New Jersey; New Mexico; New York; North Carolina; Ohio; Oklahoma; Pennsylvania; Rhode Island; South Dakota; Tennessee; Texas; Utah; Vermont; Virginia; West Virginia; and Wyoming. The District of Columbia also requires representation for children in dependency proceedings.
25. Brief of Amicus Curiae, supra at 19.
26. Id.
What the #HACK?

by D. Andrew Yost, JD, MA
Senior Staff Attorney

This year at the NACC Conference we tried something new. We treated the conference as a laboratory space to innovate new solutions to old problems. We banned PowerPoint, selected cutting-edge presenters, and encouraged facilitators to try new things and engage their peers in fresh, creative ways. We hosted our first hackathon.

What’s a hackathon? Glad you asked. A hackathon is the tech industry’s model for solving complex problems that seem to plague a system. Basically, you get a bunch of subject matter experts, end-users, and tech developers in one room, close the door, give them a day or two, and see what they come up with. You can hack a piece of software or program. You can hack a computer or a server. You can hack just about anything. At the NACC Conference we invited groups to work on thorny problems in child welfare.

One group prototyped an app to promote quality legal representation for children by allowing youth to rate and review attorneys and hire them from a pool of dependency lawyers in their jurisdiction – all from their phone. Another group developed a bench card to ensure judges hear children first before any other party gets to speak. A third group designed a pre-loaded phone with apps that bring together all in one place a youth’s case and important documents like medical records, court information, professional contacts, and even life goals. This is exciting stuff.

So what next? The NACC is committed to moving these projects forward through partnerships with the Children’s Bureau and Baker & McKenzie. There’s still work to be done but we’re off and running. Stay tuned for more hackathons. Several child welfare organizations are hip to the model and see what it can do. Hackathons can’t solve everything. They’re not designed to. But they are a great tool for tackling discreet problems that have been lurking around for quite a while. The NACC is onboard and believes these kinds of innovative practices might hold the key to sustainable change. These are exciting times.

Thanks to all who joined us in Philadelphia!

We hadn’t been to Philly since 1992 when we had just 204 attendees (including faculty). We nearly tripled that number this year! We continue to grow and become stronger because you return year after year. We have a great program that introduces new (or new to NACC) practitioners to an active membership, certified attorneys, and the resources they need most to be on top of their game.

A few conference close out items:

- CLE certificates can be found here and here.
- Pre-approved certificates for CA, CO, FL, and PA.
- Uniform certificate for all other jurisdictions. Submit the certificate with the conference program to obtain credit for your attendance.
- Evaluation — tell us how we did and what could make an even better conference for you in New Orleans.
- Conference Handouts are also available.

Early Registration for New Orleans (August 2017) is now open with a special discount for those that attended Philadelphia! Abstracts will open October 1.

Thank you again and...
NACC Mission
As a multidisciplinary membership organization, we work to strengthen legal advocacy for children and families by:

- Ensuring that children and families are provided with well resourced, high quality legal advocates when their rights are at stake
- Implementing best practices by providing certification, training, education, and technical assistance to promote specialized high quality legal advocacy
- Advancing systemic improvement in child-serving agencies, institutions and court systems
- Promoting a safe and nurturing childhood through legal and policy advocacy for the rights and interests of children and families