REIMAGINING JUSTICE FOR OUR CHILDREN

Deprivation of Liberty of Children is Deprivation of Childhood

by Elizabeth Clarke, Founder and President, Juvenile Justice Initiative of Illinois

Over 120 years ago, the United States reimagined justice for children by creating the world’s first court for children — removing children from adult criminal courts and prisons and giving them services and a second chance. The court included a delinquent side for children in conflict with the law, and a child welfare side for children experiencing abuse and neglect.

The legal innovation of a separate court to give children protections and services was rapidly copied across the world.

Thirty years ago, the U.S. participated in a global effort to draft a convention of basic human rights for children. On November 20, 1989, the United Nations unanimously adopted the Convention on the Rights of the Child (CRC) — and today every UN nation except the United States has ratified the CRC. The U.S. did sign the CRC in 1995.

On October 8th of this year, the United Nations received a report from the world’s first global study of deprivation of liberty of children. As the report explains, this is the first scientific attempt to examine the magnitude of deprivation of liberty of children globally. The study looked at the numbers of children in custodial settings, as well as children in non-custodial settings such as migration-related detention and children in institutions. Research on the use and impact of deprivation of liberty of children was reviewed, and data was collected from every region of the world. The preparation of the study included regional consultations — a North American consultation was held in New York City in October of 2018 — and included the views and experiences of children and adolescents.

The report from the Global Study begins by noting that the ‘right to personal liberty is one of the oldest and See Reimagining Justice on page 2

most important human rights” and concludes that “Deprivation of Liberty of Children is Deprivation of Childhood.” As the report notes:

"Since children are in their formative years, when deprivation of liberty may have highly detrimental effects on their physical and mental health, their further development and their life, States [nations] are required to apply non-custodial solutions when dealing with children."

The report goes on to explain that the principle of “measure of last resort” applies to children in institutions through child welfare systems as well to children detained due to conflict with the law. It observes that the detention of children for purely migration-related reasons must always be prohibited.

The report specifically examines the conditions of children who are institutionalized in the child welfare system, pointing to research that:

[C]learly indicates that children should not be institutionalized to receive care, protection, education, rehabilitation or treatment, as it cannot substitute for the benefits of growing up in the family or in a family-type setting within the community.

The report includes recommendations to ensure basic protections for children at risk of deprivation of liberty — one of the recommendations is to establish a minimum age of prosecution no lower than fourteen. Another recommendation urges nations to address the root causes of deprivation of liberty of children by investing resources to reduce inequalities and to support families, empowering them to “foster the physical, mental, spiritual, moral and social development of their children, including children with disabilities”.

While the magnitude of the issue is staggering — data indicated that a minimum of between 1.3 and 1.5 million children are deprived of liberty globally each year — there has been some progress. For example, the report concludes that one of the most positive worldwide innovations in protections for children has been the US innovation of a separate rehabilitative-focused court for children.

The U.S. was a world leader 120 years ago, and an active participant in the drafting of the CRC. As a world leader, today we must examine our system of justice for children to ensure we are providing and honoring children’s rights in a way that is at least consistent with the global consensus on basic human rights in the CRC.

Our U.S. systems — which includes 50+ separate juvenile justice systems — fall short of the global consensus on basic human rights for children in conflict with the law in two areas:

- **First, we prosecute and detain young children** in violation of the global consensus that there should be a reasonable minimum age of prosecution that should be no lower than age fourteen — and it is worth noting that Commentary to the CRC states that fourteen is the most common minimum age of prosecution internationally.

- **Second, we prosecute children under the age of 18 in the adult court.** This is a glaring violation of the basic requirement that all children under the age of 18 be tried in a separate children’s court. It is particularly glaring since the U.S. was the original creator of the separate children’s court.

On October 24, 2019, Cook County — home of the world’s first juvenile court — passed Resolution No. 19-5830, which supports a review of the jurisdiction’s policies and practices in light of the Convention on the Rights of the Child and the recommendations in the Global Study on Deprivation of Children. This re-examination is timely and critical across all our states.

**ABOUT THE AUTHOR:**

Elizabeth “Betsy” Clarke, J.D., is the founder and president of the Juvenile Justice Initiative (JJI), a non-profit civil advocacy organization dedicated to ensuring human rights for all children and young adults in conflict with the law. JJI has raised the age of juvenile court from 17 to 18, ended automatic adult prosecution for 15 year olds, required lawyers during interrogation for children under the age of 15, ended detention of children under the age of 13 in Cook County, reduced incarceration by two-thirds and closed three juvenile prisons.

In addition to JJI, Clarke co-founded the Midwest Juvenile Defender Center, and the North American Juvenile Justice Network, and was a founding member of the National Juvenile Justice Network. She is a frequent speaker and author, including *Disrupting Injustice: Fifty Years Post Miranda and Gault: A Call to Action to Re-Examine the Rights of Children in Conflict with the Law*, 62 S.D.L.Rev. 608 (Issue 3, 2017).

Prior to the Juvenile Justice Initiative, Clarke served as attorney and policy advocate in both the Office of the Cook County Public Defender and the Office of the State Appellate Defender.
For children in conflict with the law, we must ensure the most basic and universally recognized protections of a reasonable minimum age of prosecution, and we must extend the protection of juvenile court to all children under the age of 18. For children under the jurisdiction of child welfare systems, we must ensure that removal from home is a last resort while also supporting and empowering families to foster positive development of their children. The report stresses that in all cases the views of children should be “heard and taken into account”. Where deprivation of liberty is “unavoidable” it must be for the shortest appropriate period of time, in conditions which are child-friendly, safe and with essential reintroduction services including education, nutrition, family contact, healthcare and vocational training.

The report urges us all to do better by all our children. It is time for the U.S. to once again reimagine justice for children.

NACC was founded on August 4, 1977, by a handful of lawyers who wanted to make sure the attorneys representing children in court had the training and education needed to take on this awesome responsibility.

NACC advances the rights and opportunities of children in the child welfare system by ensuring they have the right to effective assistance of counsel. We provide programs and resources that improve the quality of representation for children, parents and agencies; and we advocate for policies that advance children’s rights, including the right to counsel, and help attract and retain talent in the profession of children’s legal advocacy.

Through our work to improve high-quality legal representation:

1. The child welfare court system is more likely to be fair and equitable, and protect children’s well-being, rights, and opportunities
2. Children can have equitable access to services and supports
3. Children can be in loving, permanent families and exit the child welfare system as appropriate when their needs have been met
4. Children and youth can be supported in ways that keep them from “crossing over” to juvenile and criminal justice systems

This year NACC successfully launched our 2019–2023 Strategic Plan, which includes:

- Members-Only Webinars
- Expanded Content in The Guardian
- Children’s Law Office Convening
- State Coordinator Program
- Advocacy to advance Title IV-E funding for legal representation and CAPTA reauthorization with children’s right to counsel

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This Should Never Have Happened

My name is Brigitte — I’m a former foster youth from Florida and currently a third-year law student. I wrote this article in response to a memo written by Alan Abramowitz, the Executive Director of Florida’s Guardian ad Litem program. In his memo, Mr. Abramowitz responds to concerns about the state’s GAL program model and critiques other state models that provide direct legal representation to all foster youth. His reasoning presupposes that a child’s expressed wishes will be the controlling factor in a court’s rulings. He claims this will put foster youth at risk because, as he states, “most children want to return to their abuser.” Stereotypes such as this are widely rejected by experts, and the federal government is advising all child welfare agencies to identify and challenge similar biases that exist within the system. His statement contradicts extensive research showing foster youth expression and choice is paramount.

His comments also do not reflect my traumatic experience in the child welfare system, which was characterized by constant instability, inappropriate housing placements, and a lack of transparency. These circumstances had a devastating effect on my mental health, rendering me particularly vulnerable to the psychological manipulation of a sex trafficker. I felt compelled to share my story and shed light on the reality experienced by many foster youth, who slip through the cracks and find themselves in America’s grim sex trafficking underworld.

The events leading up this part of my life could have been avoided if I were appointed a high-quality attorney. Unfortunately, I was never appointed an attorney to advocate for my expressed wishes, nor did I meet the guardian ad litem required by law to represent my best interest.

My Story

When I was 12 years old, my family began experiencing a series of tragedies and mental health challenges. As with many families who experience this kind of adversity, the result was a downward spiral of events. I was 15 years old and a sophomore in high school when I entered Florida’s foster care system.

I remember the day clearly. My sister and I were called out of class and told that I was being placed in foster care. I had to leave with the two child welfare officials standing before us. My sister was not placed in foster care. I had to leave with the two child welfare officials standing before us. My sister was not placed in foster care because she was 18 years old at the time. We were shocked and emotional. These officials were cold, never addressing me during the car ride or explaining what would happen next.

I spent the first few nights sleeping on a cot at a Safe Place for toddlers. I was transported to and from the high school I attended with the two child welfare officials standing before us. The only opportunity we had to see each other was during school hours. I assumed this was my permanent living arrangement and quickly began feeling stable there. Again, no one told me what would happen next.

I met my case manager for the first time while living at the shelter. I also remember this moment clearly. She informed me that I could no longer live there because the shelter was only intended to house youth for up to 90 days. She gave me two choices: live with a relative or live with a foster family. Contrary to Mr. Abramowitz’s beliefs about giving youth a choice, I informed my case manager that I preferred to live with a foster family. However, she did not honor my wishes. Instead, she returned to...
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Youth Perspective
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my classmate during lunch. I became depressed and quickly gave up on school. My grades were poor, I barely attended class, and was often suspended for fighting.

Finally, after this negative experience with my housing placement, I no longer trusted adults, especially my case manager. I was irritable, anxious, and often had disturbing, graphic nightmares. The symptoms I experienced are consistent with research on the traumatic effect of chronic instability experienced by many foster youth.⁷

At my lowest point, a former classmate introduced me to a man who offered me things the system didn’t. He described himself as a wealthy entrepreneur, partnering with exotic dancers to invest in real estate and start-up companies. He and his partners lived together, and they were looking for an assistant to run errands for their businesses and help maintain their home. In exchange, I could live with them, he would purchase my high school diploma, send me to college and pay my tuition. He explained all of this while we sat by the pool at his large ranch-style home. I was a vulnerable and impressionable teenager. Without hesitation, I dropped out of high school, ran away, and moved in with them. I soon found myself living a life I thought existed only in movies and music videos. I was 17 when he began sex trafficking me. He forced me to live under a false identity and cut all communication with my friends and family. I was listed as a missing person, while living only 30 minutes away from the foster care agency. Florida’s Department of Children and Families (DCF) never found me.

It took me several years to extricate myself from this situation. After leaving, my family and I tended our relationship and they helped me rebuild my life.

What a Lawyer Could Have Changed

Advocating for Appropriate and Stable Housing

“Too often, a child’s placement is based on bed availability, rather than the most appropriate setting.”⁸ Licensed attorneys have powerful tools they can use to challenge a client’s living arrangements. They can file pleadings to ensure a supportive placement is arranged for the child and to oppose placements that will severely disrupt the child’s life. An attorney could have advocated that I be placed in a facility with appropriate bedding, rather than a cot.

An attorney appointed to represent my expressed wishes would have challenged the court’s decision to move me to a relative placement that I knew was not a good fit.⁹ The federal government is urging child welfare professionals to solicit and use the youth’s input when making decisions about their lives.¹⁰ “[Seeking youth input] is a straightforward way to demonstrate respect.”¹¹

Attending Court and Understanding the Process

I had a legal right to attend my court hearings and speak to the judge. Youth need to know that it is

Their right to be involved in the court process.\textsuperscript{12}
I never attended a court hearing because I was never told that I could. An attorney would have advocated for me to participate in the dependency proceedings. This would have felt empowering, and being heard by the court would have given me a sense of control over my life. Foster youth often have little control over when they are removed from a home and where they will be placed next.\textsuperscript{13} Their ability to make everyday decisions is taken away. Youth expression and choice is essential for adolescent brain development.\textsuperscript{14} It promotes self-dignity, critical thinking skills, and independence.\textsuperscript{15}

I would have understood what was happening to me if I were appointed a high-quality attorney. Explaining the dependency process to youth facilitates trust.\textsuperscript{16} Attorneys are experts in the law. They are trained to articulate legal proceedings to laypeople. An attorney would have explained the dependency proceedings to me, which could have dramatically reduced the psychological distress I experienced. Studies show that lack of transparency and “not knowing” the dependency process is a significant source of trauma for foster youth.\textsuperscript{17}

An attorney could have provided me legal advice, something a volunteer can’t do. In many states, attorneys are assigned to a youth entering foster care within 24 hours, and should meet with the child before the initial dependency hearing to explain the process.\textsuperscript{18} There is evidence linking such early appointment of counsel to “improved case planning, expedited permanency, and cost savings to state governments.”\textsuperscript{19}

Finally, a youth’s court engagement is critical.\textsuperscript{20} At minimum, federal law requires that every child in foster care be assigned someone, either an attorney or a volunteer, who has obtained a “first-hand, a clear understanding of the situation and needs of the child.”\textsuperscript{21} That did not happen for me. But more so than relaying a child’s wishes, having their presence in court reminds everyone involved that they are making decisions about a human being. Older youth can be a valuable source of information for the judge. They can explain what is happening at school, in the home, and directly answer questions that are not explained in the case report. The federal Children’s Bureau declared that “family and youth voice” should be “central in child welfare...improvement efforts.”\textsuperscript{22} If dependency laws were created to safeguard the welfare of our children, the children should have an input in decisions that will change the trajectory of their lives.

15. Id.
18. See e.g., D.C. Code § 36-2311 (“a guardian ad litem shall be appointed to represent the child’s best interest within 24 hours (excluding Sundays) of the child having been taken into custody.”)
23. National Working Group on Foster Care and Education, Foster Care and Education: Tools and Resources for Improving the Education Success of Children and Youth in Foster Care. [https://www.nwcfej.org/sites/default/files/NationalEducationBrochure.pdf]
A high-quality attorney would have advocated for my successful transition out of foster care. Florida law requires DCF and its contracted providers to prepare all adolescent foster youth for independent living. This includes utilizing the state’s comprehensive independent living resources. Federal law also requires state welfare agencies to offer services that assist youth transitioning to independent living. Under Title IV-E of the Social Security Act, when a foster youth turns 16, the “courts must determine” which “services are needed to assist the child’s transition from foster care to independence.” This may include assistance with educational and employment training.

**Recommendations**

There is widespread consensus that “children require legal representation in dependency proceedings.” After considering numerous studies on legal representation of foster youth, the federal Children’s Bureau concluded that “the absence of legal representation for any party at any stage of child welfare proceedings is a significant impediment to a well-functioning child welfare system [emphasis added].”

Thirty-seven states (73%) have laws mandating attorney representation of all children in dependency proceedings. The remaining 14 states only offer legal counsel to foster youth on a discretionary basis or establish narrow exceptions, with restrictive procedures, before requiring court appointed representation. These states must amend their laws to broaden the scope of mandated attorney representation for children in dependency. States are responsible for protecting all children in their custody. They should take any steps necessary to ensure safe and appropriate decisions are made for every child. Title IV-E of the Social Security Act was recently amended to permit uncapped, guaranteed funding for states to support the representation of youth in foster care. The federal government is urging all states to take advantage of this opportunity. Legislatures seeking to amend their state’s dependency laws should use these federal funds. State lawmakers can refer to the ABA’s *Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings* as guidance.

**Conclusions**

Sex trafficking in the U.S. disproportionately affects foster youth. For instance, in 2012, Connecticut identified 88 child sex trafficking victims, 86 of whom had a history in the foster care system. The Institute of Medicine and National Research Council reported that “children in foster care should be considered at high risk for... sex trafficking.” Additional research shows that 50% to 80% of sex trafficking victims have some history in the child welfare system. Many were still legally under their state’s care when a trafficker began victimizing them. This is because traffickers exploit the vulnerable conditions of foster youth whose needs are not being met.

A high-quality lawyer could have shielded me from the traumatic events related to my entrance into and time spent in the foster care system. The trauma I experienced from inappropriate housing placements and obscure court decisions had a profound impact on my mental health, causing me to make short-sighted decisions out of self-preservation. I became a predator’s perfect target. Foster youth across the nation are facing similar and far worse circumstances because they lack attorney representation and a chance to be involved in decisions affecting their lives. This basic failure creates a perfect storm of disempowerment, uncertainty, and instability that will cause many of them to fall victim to traffickers like mine.

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30. For a list and description of all 37 state statutes, see, A Child’s Right to Counsel, (First Star Institute & Children’s Advocacy Institute) (2019). (https://docs.westic.com/ugd/2b5205_a4a4399876dd4d0e65d6861e8ba03b.pdf)
31. Alaska (AS § 47.10.010); Arizona (A.R.S. § 8-221); Florida (Fla. Stat. § 39.01305); Hawaii (HRS § 587A-17); Idaho (Idaho Code § 16-1614); Illinois (705 ILCS 405/1-5); Indiana (Burns Ind. Code Ann. § 31-32-4-2); Maine (22 M.R.S. § 4005); Montana (Mont. Code Anno. § 41-3-112); New Hampshire (RSA § 169-C:10); North Dakota (N.D. Cent. Code, § 27-20-26); Oregon (ORS § 419B.195); South Carolina (S.C. Code Ann. § 63-7-1620); Washington (Rev. Code Wash. § 13.34.100).
33. 31. Alaska (AS § 47.10.010); Arizona (A.R.S. § 8-221); Florida (Fla. Stat. § 39.01305); Hawaii (HRS § 587A-17); Idaho (Idaho Code § 16-1614); Illinois (705 ILCS 405/1-5); Indiana (Burns Ind. Code Ann. § 31-32-4-2); Maine (22 M.R.S. § 4005); Montana (Mont. Code Anno. § 41-3-112); New Hampshire (RSA § 169-C:10); North Dakota (N.D. Cent. Code, § 27-20-26); Oregon (ORS § 419B.195); South Carolina (S.C. Code Ann. § 63-7-1620); Washington (Rev. Code Wash. § 13.34.100).
35. 33. 31. Alaska (AS § 47.10.010); Arizona (A.R.S. § 8-221); Florida (Fla. Stat. § 39.01305); Hawaii (HRS § 587A-17); Idaho (Idaho Code § 16-1614); Illinois (705 ILCS 405/1-5); Indiana (Burns Ind. Code Ann. § 31-32-4-2); Maine (22 M.R.S. § 4005); Montana (Mont. Code Anno. § 41-3-112); New Hampshire (RSA § 169-C:10); North Dakota (N.D. Cent. Code, § 27-20-26); Oregon (ORS § 419B.195); South Carolina (S.C. Code Ann. § 63-7-1620); Washington (Rev. Code Wash. § 13.34.100).
The holiday season is upon us (how quickly it comes now alongside the Halloween candy!). The holidays can usher much-needed time off and tender moments with family and friends. The holidays can also add stress to already pressurized lives. For the children and families we serve, we know this can be particularly difficult time, when the Hallmark version of the holidays is anything but the reality of family separation and substitute care.

As child welfare professionals we carry the stress of our own lives and the stress of our clients. Even with the most effective work-life balance, we can’t unknow what we learn, see, and hear in our positions. This work is hard and with so much to do, sometimes lunch with a friend can be the hardest appointment to keep. But as we prepare to turn the calendar page onto another year, it’s a good reminder to take the time to renew and sustain caring and supportive connections to each other. I also encourage you to check out the Reader Panel responses in this issue of the Guardian which identify some great self-care techniques and strategies.

One of the core components of NACC’s strategic plan is building community. As a national membership association, NACC works to build a sense of belonging and support among child welfare professionals. Through our national conference, training events, and listserv, NACC creates space for learning and professional exchange. Our goal is to provide support and connection to the field so your experience and knowledge can help inform others and so that you can develop enduring relationships which will sustain you in your career.

This year, NACC began expanding the infrastructure for community building by launching our State Coordinator program. NACC State Coordinators are member liaisons who volunteered to help lead outreach and engagement efforts in their states. The initial cohort of outstanding practitioner-leaders are already at work finding opportunities to support learning and community at the local level — like Claire Terrebonne of Missouri who invited other child welfare attorneys to her office to watch NACC Member Webinars together. We thought this was an excellent, easy strategy to share and encourage this season.

How about hosting a Holiday NACC Webinar Watch Party at your office? You can host a live event for the upcoming Child Welfare Law Year-in-Review webinar on December 9, or pick another date to screen the recorded video of this or any of the seven other webinars available anytime on NACC’s Member Webinar page. The Child Welfare Law Year-in-Review was a topic recommended by Child Welfare Law Specialists and features Steven Olender, Senior Policy Associate at the Children’s Defense Fund and NACC’s Legal Director, Allison Green. Whether you order pizza, salad, or bring the holiday cookies, it’s a great opportunity to reflect upon the year of child welfare in your state and how you can support each other in 2020.

From the team at NACC, thank you for the work you do every day for children, families, and communities, and our best to you and your loved ones this holiday season.

Take care,
Kim
Representing Very Young Children in Child Welfare Proceedings

by Eva J. Klain, ABA Center on Children and the Law and Jenifer Goldman Fraser, ZERO TO THREE

Recent advances in neuroscience are leading to groundbreaking discoveries about babies’ brains. One striking development is the rapid pace of brain development in the first three years of life. The science of early child development shows the period from birth to three years is critical for promoting children’s health and well-being. Whatever issues bring a very young child into the child welfare system, attorneys representing their interests can profoundly influence their developmental health. Regardless of whether a jurisdiction has a best interest guardian ad litem or client-directed attorney model of representation, attorneys must understand early child development to effectively advocate for the needs and interests of an infant or toddler.

Knowing what factors drive healthy development and put the young child’s development in jeopardy, including the impact of trauma on the child and parent, helps attorneys assess caregiving environments and appropriate services and use the legal process to promote the child’s well-being. This article provides a brief overview of very young children and parents in the child welfare system, developmental considerations in the context of representation, and fundamentals of representation for infants and toddlers in dependency proceedings. It also highlights best practices for high-quality representation that is child-centered, research-informed, permanency-driven, and holistic.2

Social Determinants of Health

Very young children represent a disproportionate segment of children who enter the child welfare system. Forty-nine percent of children who entered care in 2018 were birth through five years of age. Of these, 19% — or one in five — were infants less than one year old.3 These very young children who enter the system are also disproportionately children of color.4 Young children’s entry into the child welfare system is strongly tied to family poverty. Poverty, particularly deep poverty, brings with it the stress of unsafe communities that lack adequate transportation, job opportunities, education, and services. Poor families are also disproportionately families of color, who face the added stress of historic and ongoing discrimination and bias.5 This portrait underscores how social determinants — income, educational opportunities, employment status, access to nutritious food, and housing availability — significantly influence child and parent health and well-being and child welfare system involvement.


4. Id.


Eva Klain is a Senior Attorney and Director of Health Programs at the ABA Center on Children and the Law, where she focuses on the health and developmental needs of children and youth in the child welfare system, trauma-informed legal advocacy, and the quality of legal representation in dependency courts. She is also a liaison with the Children’s Bureau’s Capacity Building Center for Courts and co-chairs the National Child Traumatic Stress Network’s Justice Consortium Attorney Work Group.

Jenifer Goldman Fraser is the Senior Research Analyst and Program Development Specialist for the National Infant-Toddler Court Team Program at ZERO TO THREE. For more than 25 years, her research and programmatic work has focused on enhancing systems and services for at-risk very young children and their families. Jenifer holds a PhD in Developmental Psychology and a Master of Public Health in Maternal and Child Health.
Knowing how social determinants of health affect families with very young children in the child welfare system can inform legal advocacy to support healthy development of infants and toddlers. Much of the recent focus on prevention services, including passage of the Family First Prevention Services Act and the Children’s Bureau’s child welfare policy change allow Title IV-E reimbursement for legal representation of parents and children, show how social determinants can affect a family’s health and well-being. By providing prevention services that address parental substance use disorders or helping families access legal representation related to public benefits or housing assistance, jurisdictions can address circumstances that may lead a family with very young children into the child welfare system.

**Understanding Early Childhood Development in the Context of Representation**

For legal advocacy to be child-centered and research-informed, it is important to understand how trauma affects very young children’s development and early attachment relationships, and the impact of trauma histories on parents’ ability to be nurturing caregivers.

**Early Childhood Development**

A large body of evidence shows healthy development in infants and toddlers occurs in the context of loving, nurturing, and responsive caregiving. The earliest caregiving relationship, referred to as the “attachment relationship,” is the context in which a young child develops a sense of safety and trust that is foundational to all learning and behavior to come. Young children’s emotional development, and their capacity to form close and secure relationships, is anchored in healthy (secure) attachment. Conversely, when the attachment relationship is threatened by maltreatment — when attachment is insecure or disorganized — it can derail children’s overall growth and development. Moreover, when a child is removed by child protective services from the only caregiver he or she has ever known, this disruption in the parent-child attachment relationship — even a relationship that is unhealthy — is extremely stressful and traumatic for the very young child, aggravating the original insult of the maltreatment itself.

**Parents’ Trauma Histories**

Parents themselves experience a child’s removal as traumatic, and this can compound the parent’s own history of trauma and their ability to provide stable, nurturing care. Many parents involved in the child welfare system have histories of trauma exposure, including high rates of abuse and neglect in childhood and adolescence and domestic violence in adulthood. A recent study found 60% of parents of infants and toddlers involved in the child welfare system experienced high levels of adversity, including maltreatment, in their own childhoods and many were also involved in the system as children. This trauma and parents’ sense of shame, guilt, and being judged can affect a parent’s ability to engage with the child welfare agency on a case plan. It can also affect a parent’s ability to nurture and respond to a baby’s needs and their beliefs about child-rearing and discipline.

**Legal Advocacy Strategies**

*Ensuring regular visitation/family time.* Consistent, nurturing caregiving — including regular, frequent opportunities to be with the parent in a supportive setting, if appropriate and safe — is critical to a child’s well-being. Attorneys for very young children can ensure these supports are in place. This includes advocating for children to remain with their parents in safe conditions (i.e., preventing unnecessary removal) or when removal is necessary, advocating for regular, consistent family contact or parenting time (visitation). This contact helps the birth parent maintain their close connection with their child as much as possible and strengthens the parent-child relationship. Visits should be frequent and long enough to promote parent-child attachment, structured in a way that anticipates and reduces stress to children and parents, intentional in preparing the

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6. Family First Prevention Services Act, P.L. No. 113-123.


young child (e.g., providing predictable routines that can be anticipated by parent and child to help support the relationship), and provide mentoring or coaching that guides positive, healing interactions between the child and parent.14

Maintaining attachment relationships in placement decisions. Another significant role for attorneys in supporting the young child’s healthy development is ensuring the child’s primary attachment relationships are considered in placement, avoiding placement changes if possible. If a change is requested, a child’s attorney should examine the child’s needs and circumstances to determine what is best for the child and how to support the child’s need for consistent early relationships. This may mean advocating for the child to remain in the current placement, or recommending additional services to make a placement change unnecessary. Arguments on behalf of a very young child client should be grounded in the science of early childhood development.

Understanding Federal and State Laws and Programs

Attorneys for very young children must understand federal and state laws and programs that apply to their clients. Attorneys should also learn how to access federal entitlement programs that address very young children's physical health and developmental challenges and delays. These provisions are essential for ensuring infants and toddlers receive the screening, case management, intervention, and treatment they need for healthy development.

The Child Abuse Prevention and Treatment Act (CAPTA),15 including its requirements regarding Part C of the Individuals with Disabilities Act (IDEA)16 and the Comprehensive Addiction and Recovery Act (CARA) amendments,17 has provisions that can support the healthy development of very young children. CAPTA requires that states refer children under age three who have a substantiated case of child abuse or neglect for screening for early intervention services funded by Part C of IDEA, a comprehensive system for early intervention referrals and services. Children’s attorneys should ensure the screening is completed and their client receives needed services. If the child is not initially eligible for services, ensure the child is rescreened every six months. Because young children grow and develop so rapidly, their needs are likely to change. Attorneys should also know what services for children aged 0–5 and their families are available in the community, so they are linked to appropriate services and treatment, not just screened.

The CARA amendments to CAPTA mandate that state child protection systems implement policy for identification and safety planning in cases of prenatal substance exposure, referred to as plans of safe care. Plans of safe care are not the same as safety plans in child welfare practice. They ensure the safety and well-being of infants by comprehensively addressing the health needs of the substance-exposed infant and the treatment needs of parents with substance use disorders, including mental health treatment. Importantly, CARA requires developing plans of safe care for infants affected by all substance exposure, not just illegal substances, as required before this change.18

Other federal statutes and programs that support the unique needs of very young children in the child welfare system address:

- **Meeting health care needs.** Medicaid, the Children’s Health Insurance Program (CHIP), Healthy Start, and the Fostering Connections to Success and Increasing Adoptions Act,19 which calls on states to create systems for coordination and continuity of care including strategies to identify and respond to children’s health care needs.
- **Maintaining sibling relationships.** Fostering Connections promotes the importance of sibling relationships, especially when older siblings may have been the de facto caregivers for an infant or toddler. Children’s attorneys can advocate for siblings to be placed together when possible, and when they cannot safely share a foster or adoptive placement, attorneys should advocate for and craft agreements supporting regular sibling visits and contact.

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19. See Maze, supra note 2 at 31.
Very Young Children

Representation Standards and Ethical Responsibilities

Attorneys who represent very young children are bound by the same ethics rules that guide the practice of lawyers in any case — the American Bar Association (ABA) Model Rules of Professional Conduct.20 In addition, the ABA Standards of Practice for Lawyers Who Represent Children in Child Abuse and Neglect Cases are nonbinding guidelines and principles of best practice.21 Children’s attorneys can also seek certification through the National Association of Counsel for Children’s (NACC) Child Welfare Law Specialist (CWLS) process.22

These rules and standards are relevant to representing very young children. The following examples highlight important practices:

- **Conduct an independent investigation by reviewing records and talking to service providers and caregivers, while being mindful of ethical considerations when talking with parents represented by counsel.**23

Very young children do not function independently, but in relationship to others, so the child’s attorney must assess the quality of relationships with parents and caregivers within the confines of ethics rules.24

- **Become familiar with the child’s environment.** Are there developmentally appropriate books and toys available? Does the child have a safe place to sleep, eat, and play? Young children need environments where they can safely explore and interact with others in ways that stimulate and nurture their development.

- **Understand the parent-child relationship.** Do not rely on second-hand information from caregivers, social workers, or relatives, but observe their interaction in person. Even a nonverbal child can share valuable information in how she responds or transitioning during family time may not mean the child does not want to be with her mother; rather,

Child Representation in Safe Babies Court Teams

The ZERO TO THREE National Infant-Toddler Court Program supports the unique developmental needs of infants and toddlers through its Safe Babies Court Team (SBCT) approach, which is designed to promote child well-being and strengthen families through trauma-informed, evidence-based services and practices.25 The approach focuses on system and capacity building, relying on judicial and child welfare partners to foster a climate of collaboration, trust, respect, compassion, and a shared vision for improving outcomes. Practices that promote high-quality representation of very young children are integral to the SBCT approach and contribute to its success, namely:

- Promoting permanency, with an intensive focus on supporting reunification, from the beginning of the case, which is especially important for infants so that permanency is driven by the child’s needs and the parents’ ability to provide a safe, stable home for the child.

- Assessing permanency regularly through monthly family team meetings to guide the child to permanency in a way that preserves healthy attachment and positive relationships.

- Promoting concurrent planning, which can potentially support timely and positive permanent outcomes while reducing children’s overall time in care

- Promoting visitation (parent contact or family time) that is frequent, lasts long enough, is connected to offers daily activities in a home-like setting, allows meaningful parent-child interaction, and includes co-parenting when possible so the parent receives parenting support.

- Frontloading screening, assessment, referrals, and services for the child and parent.


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20. For a detailed study of the ethical implications of representing very young children, see Maze, supra note 2.


23. See Maze, supra note 2 at 18.

24. ABA Model Rule 4.2 prohibits communication about the subject of the representation with a represented party, making it hard for a child’s attorneys to visit a child in the home environment with the parent, unless the attorney has consent from the other lawyer authorizing the communication or is authorized by law or a court order to speak to the represented party.
it may point to the need for more predictable, developmentally-informed routines for family time to help the child transition between the resource parent and parent. It also may provide an opportunity to observe the parent’s behavior — does she soothe the infant or is she dismissive? What type of discipline does she use?

- **Get to know the child client, regardless of age.** While it is essential to form positive working relationships with foster parents and relative caregivers, attorneys should also form a relationship with the child, consistent with the child’s developmental level and with possible trauma responses in mind.

- **Determine whether the child’s capacity to make decisions is diminished.** While it may seem obvious that an infant cannot direct the representation, diminished capacity is a continuum and can change over time, especially during the early childhood years — a nonverbal toddler may become a verbal three-year-old during the length of a case. Much of this analysis will depend on how well an attorney knows the child client. Assessing the child’s capacity to guide advocacy on an issue determines how much weight to give her input and how much outside expertise should be sought in identifying the child’s position.25

- **Determine a very young child’s interests based on objective facts and criteria.** Base assessments of the case and the child’s position on objective facts and information, not personal beliefs or subjective opinions. Assess the interests and needs of this baby, not “what would I do for my own child?” but “what is best for this child in light of her special needs and unique family context?”26

- **Attend and actively participate in all hearings, essential planning meetings, and family team meetings, formal and informal, as ethics rules allow.** Permanency, treatment, and service planning often take place without the child’s advocate. When the attorney is not present, the child’s needs and perspective are not represented.

- **Ensure the child is present at hearings unless the child does not want to attend or a mental health professional confirms attending would be traumatic.** Be mindful of unscheduled hearings that might keep a young child at court for an extended time without regular feedings and naps. Prepare the child using developmentally appropriate language about what will happen and who will be there, anticipating the experience of being in the courtroom may be stressful for the child. Ensure there are plans to soothe and comfort the child if he or she become dysregulated. According to the ABA Standards, “the child’s presence underscores for the judge that the child is a real party in interest in the case… even a child who is too young to sit through a hearing may benefit from seeing the courtroom and meeting, or at least seeing (or being seen by) the judge who will be making the decision.”27

- **Use reasonable efforts findings as an advocacy tool, especially when the permanency goal is reunification.** Two reasonable efforts judicial determinations are required in each case: that reasonable efforts have been made to prevent removal, and later, if the child has been placed outside the home, reasonable efforts have been made to finalize the permanency plan. Robust reasonable efforts advocacy can identify strengths, needs, and resources to reduce unnecessary family separation. They can also decrease child and parent trauma, promote child and parent well-being, and expedite permanency.28

**Conclusion**

High-quality representation of infants and toddlers requires understanding how their developmental health is shaped by their environment and attachments with parents and caregivers. The practices and information in this article can help achieve the best outcomes for very young children in child welfare proceedings. This child-centered, research-informed, and holistic approach can promote permanency, safety, and well-being for the youngest children in the child welfare system.

**One year for a one-year old is a lifetime.**29

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26. See Maze, supra note 2.

27. ABA Standard D-5, supra note 21.


29. Maze, supra note 2 at 37.
Family First Act Gives Nurse-Family Partnership
Opportunity to Change Outcomes for
More Vulnerable Moms & Families

by Teri Weathers, JD, Director of Federal Government Affairs, Nurse-Family Partnership

“Sometimes it just takes one person to believe in you, and that person was my nurse,” said Jessica, former Nurse-Family Partnership mom in the HBO documentary, FOSTER.

When Jessica found out she was pregnant, she was living in transitional housing after having grown up in foster care. She was used to being judged for every decision she made, and thought being referred to a nurse was another assumption she was going to mess up.

However, she soon found trusted support from her nurse Doljai with Nurse-Family Partnership® (NFP) — who provided her with guidance to help her make small changes that led to big differences for her and her son. Doljai boosted her confidence, which helped give her baby a healthy start.

By partnering with a nurse, an expectant mom in poverty is given the support, advice, and expert medical information she needs to have a healthy pregnancy and give her baby a brighter future.

Nurses are continually regarded as the most trusted professional by Gallup. The trusted relationship with a nurse lasts two-and-a-half years and shows first-time moms that they can dream bigger and break cycles of abuse and neglect.

**The Research Behind Nurse-Family Partnership**

This early preventative assistance helps vulnerable, expectant mothers raise healthier children and build more resilient families. NFP is supported by three randomized control trials, considered the “gold standard” of scientific studies. These are the most rigorous research methods for measuring the effectiveness of an intervention and are the same methods required by the U.S. Food and Drug Administration (FDA) for new drugs or medical devices to determine their effectiveness and safety before they are made available to the public. These trials, combined with follow-up research conducted over four decades, all demonstrate that NFP makes a long-term difference in the life of a mother and her child. NFP outcomes include a 48% reduction in child abuse and neglect, reduction in juvenile crime, and increase in the mother’s self-sufficiency.

**Nurse-Family Partnership and the Family First Act**

Recent passage of the Family First Prevention Services Act (FFPSA) provides a groundbreaking opportunity for states to reform their child welfare

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3. Public Law 115-123, the Family First Prevention Services Act.
systems by investing federal Title IV-E funding into evidence-based prevention programs like Nurse-Family Partnership. This summer, Nurse-Family Partnership received the highest rating from the U.S. Department of Health and Human Services’ Title IV-E Prevention Services Clearinghouse—making it eligible for states to apply for Title IV-E Family First Prevention Services Act funding to serve vulnerable families in its state. This high ranking showed NFP’s well-supported outcomes in improving child safety, child cognitive functions and abilities, child health and development, and economic and housing stability.

When a state invests in NFP, they are bringing a proven program—tracked by regular data reporting—to ensure the delivery of the program is consistent and supported to achieve positive outcomes for each family. A Nurse-Family Partnership nurse provides expert medical information about pregnancy and child health that guides an expectant teenager into becoming a confident mom and having a healthy pregnancy and baby. Expectant teen moms, like Jessica, form a trusted relationship with a personal nurse—who is there for them, to encourage them that they can be the best mom they can be, achieve their goals to go back to school, and envision a life of stability, trust, and love for their new family. Over time, participants gain skills around nutrition (for mother and baby), smoking cessation, safe sleep, and bonding.

Referring Clients to Nurse Family Partnership

Nurse-Family Partnership is currently enrolling expectant moms in 41 states. Importantly, NFP is a voluntary program and does not use a court-ordered engagement model. Designed to build self-efficacy, voluntary enrollment promotes trust between the mom and her nurse.

An interested participant must meet income requirements and enroll by the 28th week of pregnancy. The program is free to those who qualify, and participants may stay enrolled as long as they like throughout pregnancy until their child’s second birthday. Fathers, relatives and even close friends are encouraged to join in NFP home visits, with the permission of the mother.

Child welfare practitioners may consider referrals to NFP:

- When working with expectant teenagers who are in foster care, or at risk for entering foster care;
- When working with expectant parents during the pendency of a child welfare case;
- When working with expectant parents who are interested in in-home services to safely prevent removal into foster care.

If you know a woman who is expecting her first child, please consider connecting her with a local NFP program.

If you would like to ensure that Nurse-Family Partnership can serve more vulnerable families throughout the U.S., consider asking your state leaders to include NFP in their Title IV-E State Prevention Plan for Family First. This would allow states to invest in NFP and reach more at-risk families and expectant teens in foster care at a critical moment that could transform the future of their family.

If you are interested in learning more, please contact Teri Weathers, director of federal government affairs at Nurse-Family Partnership, at teri.weathers@nursefamilypartnership.org.

ABOUT THE AUTHOR:

Teri Weathers leads federal policy and government affairs for Nurse-Family Partnership—an evidence-based, community health program that helps transform the lives of vulnerable babies born to at-risk, first-time mothers. Prior to NFP, she served as Counsel for United States Senator Barbara A. Mikulski (MD). Teri received a Bachelor of Arts degree from the University of Maryland, College Park, where she double majored in Political Science and Criminal Justice. She received her Juris Doctorate from Howard University School of Law.
NOVEMBER/DECEMBER READER PANEL QUESTION

Attention to secondary trauma and compassion fatigue is critical for child welfare attorneys. What are some of your tried and true self-care methods to sustain yourself in this rewarding yet challenging field?

COURTNEY LEWIS: I’m a big reader so I often turn to books with hard topics and am inspired by what people before me have done in much harder times. One of my go-to books when I’m talking to colleagues who are showing signs of secondary trauma is The Impossible Will Take A Little While by Paul Rogat Loeb. This book has a collection of writings designed to inspire/rekindle hope during difficult times. I love the title. It’s from the song lyric “The difficult I’ll do right now / The impossible will take a little while” by Billie Holiday.

AMANDA PEARSON: Eat healthy, limit alcohol intake, get adequate exercise, meditate. I found meditation late in my career and wished I had found it sooner. My greatest success in tackling secondary trauma was engaging in joyful activities: playing music, volunteering to do fun things with kids who were not in crisis, like soccer coach or Sunday school teacher; and forest therapy (there is research on the benefit of getting outside).

KATHRYN NEWELL: Always have something on the calendar that you look forward to.

JILL MALAT: Exercise, take all vacation days and stay home when you are sick. It’s OK to take mental health days.

DAVID LANSNER: Collaborating with colleagues on individual cases is very helpful. It gives you a chance to share your anxieties and receive support, as well as improving your representation of your client.

SARA WILLIS: Take a break every day, even if it’s short. Arrange your workspace so it is comfortable, functional, and enjoyable. Identify and incorporate non-trauma professional interest areas into your work. Know your boundaries and set limits (work hours, client needs, colleague requests).

JILL McINERNY: Do not give out your personal cell phone number. Don’t do it. Don’t give it to parents, don’t give it to teenagers. Don’t answer your phone before the work day begins or after it ends. Don’t answer your phone or emails on the weekends. Yes, there will be times when you need to work all weekend through a crisis or through trial prep, but those should be discrete exceptions rather than the rule. Clients should not expect to have access to you 24/7. Hotlines are staffed by an office with multiple employees. You are not a hotline.

RENEE M. RIVERA: While with clients, be 100% present, stay strengths-based and solution-focused to reduce frustration and increase optimism. Patently push away any intrusive thoughts that may interfere with your ability to focus. Recognize your triggers and take breaks as needed. Afterward, be sure to take time to process through writing and/or talking with a supportive person or therapist.

TARA SHEORAN-KHAIMOV: An important foundation for self-care is establishing boundaries. That boundary could be having a hard and fast “no calls/emails after…” time or self-regulating how often you read/respond to messages outside of court hours.

CLAIRE TERREBONNE: We end our monthly staff meetings with kudos and mission moments. Kudos are to recognize and show gratitude to a colleague for a job well done in a specific situation. And mission moments are the success stories we share or notes kids, families, or professionals have shared with us about the impact we’ve made in their lives. Once we get going, sometimes we can’t stop and we all end up looking at our watches like — oh no, we’re going to be late for court!

JOIN THE READER PANEL! Guardian readers are invited to join our Reader Panel. You’ll receive an email each month asking for your responses to questions about child welfare legal practice. Selected responses will be featured in The Guardian. Please send an email to Comms@NACCchildlaw.org letting us know you are interested in joining the panel.
NACC Policy News

NACC Urges Passage of the COURTS Act
Last month, NACC joined several partner organizations to urge Congress to pass the Continuation of Useful Resources to States (COURTS) Act. The legislation would reauthorize critical funding for state child welfare Court Improvement Programs that help support attorney training, certification, and other innovations. See Factsheet here — please share and send from your state!

NACC Supports Home Visiting Legislation
NACC signed on in support of the Home Visiting to Reduce Maternal Mortality and Morbidity Act, which would double Maternal, Infant and Early Childhood Home Visiting Program (MIECHV) funding. Please see the Resource Spotlight article in this issue of The Guardian for more information on one evidence-based home visiting program, Nurse-Family Partnership.

NACC Urges CAPTA Funding
In October, NACC urged House and Senate committee members to continue to work towards reauthorization and increased funding for the Child Abuse Prevention and Treatment Act (CAPTA). This advocacy built upon NACC’s September letter urging Congress to amend CAPTA to explicitly add a right to legal counsel for children in dependency proceedings.

Other Policy News
HHS Proposes Rule allowing LGBTQ discrimination in HHS policies. Click here for more information from the Every Child Deserves a Family Campaign, of which NACC is a partner organization. See sample talking points and other materials, and join the campaign against discrimination!

Family First Transition Act introduced. The bipartisan Family First Transition Act was introduced this week in both the House and the Senate. The proposed legislation would phase in the requirement that 50% of a state’s prevention plan services fall under the “well-supported” category, guarantee insurance to states facing potential financial shortfalls due to expirations of Title IV-E Waiver Projects, and provide one-time funding to states to assist in implementation of the Family First Act. A summary of the bill can be found here.

CONNECT Act was introduced in the House: The Childhood Outcomes Need New Efficient Community Teams, or CONNECT Act, was introduced to give youth who come in contact with both the child welfare and juvenile justice system access to grants designed to better address their needs. A one-pager about this legislation can be found here. The legislative text for H.R. 4911 can be found here. This bill was also introduced in the Senate last May.

Family First Resource: Implementing the Family First Prevention Services Act, a question-and-answer-style resource containing commonly (and not-so-commonly) asked questions about the many important provisions in Family First. Prepared by the Children’s Defense Fund, ChildFocus, American Academy of Pediatrics, Generations United, FosterClub, Juvenile Law Center, and National Indian Child Welfare Association. All are encouraged to access the guide online, where it will be updated regularly, rather than downloading or printing it, to ensure you are using the most up-to-date version.

New AFCARS report. The Children’s Bureau released the 26th annual report from the Adoption and Foster Care Analysis and Reporting System (AFCARS), reflecting estimates of children in the foster care system through September 30, 2018. Read the report here.

Policy Request: If you are working on Title IV-E or another child law advocacy project, and you believe NACC can assist you in achieving your goals, please submit a request using our online form.

Amicus Request: The NACC Amicus Curiae Program promotes the legal interests of children through the filing of amicus curiae (friend of the court) briefs in state and federal appellate courts. We submit our own briefs and participate as co-amici in cases of particular importance to the development of law for children. To submit a request for the NACC to participate as amicus curiae in a case you are working on, please download and complete NACC Amicus Curiae Request Form.

NACC Office Hours: NACC is available to assist members hoping to leverage new federal Title IV-E funding opportunities to support child and parent representation in their states and counties. Contact Allison.Green@NACCchildlaw.org to reserve time to ask questions, request resources, and brainstorm next steps to get things moving in your jurisdiction.
Have you taken advantage of these member benefits?

- NACC recently expanded content in our bi-monthly law journal, *The Guardian*, offering more practice tips, law and policy updates, and articles on resources relevant to your practice.

- In 2019, NACC launched free members-only webinars! You can watch/listen any time to recordings of webinars held to date on our Member Webinar Page:
  - The Intersection of Child Welfare and Civil Rights: A Conversation with the ACLU
  - Family Separation at the Border: Updates from the Front Lines and What You Can Do About It!
  - Children’s Right to Counsel: Statutory Reform, Litigation, Delivery Systems
  - A Courtroom Advocate’s Guide to the Family First Galaxy
  - Title IV-E Funding for Legal Representation
  - Active Efforts and the Indian Child Welfare Act (ICWA)
  - Child Welfare and Poverty

- NACC members receive discounts on NACC’s Child Welfare Law Specialist Certification program.


- NACC members also receive access to NACC’s listserv and community discussions, and a special edition of our monthly newsletter *The Advocate*.

### Upcoming Member Webinar

**Child Welfare Law Year-in-Review**

Monday December 9, 2019 • 1:00-2:30 PM EST

2019 was a busy and exciting year for child welfare law practitioners. Join this webinar to hear about the new statutes, case law, and policy changes that left their mark on the field. This webinar will be foundational for strong advocacy in the year ahead!

**Presenters:**

- **Steven Olender** is a Senior Policy Associate at the Children’s Defense Fund, focusing on child welfare reform and trauma response. Steven co-leads the Child Welfare and Mental Health Coalition. He holds a Master in Public Policy degree from the Kennedy School of Government at Harvard University.

- **Allison Green** is the Legal Director for National Association of Counsel for Children.

### Profile Update Reminder

If you haven’t done so recently, please check your NACC Membership Profile and update it with your latest information and preferences. We have many NACC members and website visitors searching our directory looking for experts and networking opportunities.

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**Forgot your username or password?** It happens! Contact Membership@NACCchildlaw.org for a reset.

**Profile Update Reminder**

If you haven’t done so recently, please check your NACC Membership Profile and update it with your latest information and preferences. We have many NACC members and website visitors searching our directory looking for experts and networking opportunities.
Membership Matters

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Build NACC’s Platform with a Platinum Membership

When you renew your membership at the Platinum level, you receive all NACC member benefits for life! No notices, no renewals, just continued uninterrupted benefits. Lifetime Platinum Memberships cost $2,500 and may qualify in whole or in part as a business deduction or charitable contribution (please see your tax advisor for more information).

Help build NACC’s platform with a Platinum Membership. 2019 is an important year to become a Platinum Member to support the launch of NACC’s 2019–2023 Strategic Plan and accelerate our impact across the country.

THANK YOU to our Gold and Silver Members!

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Missed the CWLS update in mid-September? Want to get caught up on CWLS news, benefits, and resources?

All CWLS should have received a CWLS email update in mid-September reporting out on survey results, steps NACC has taken or will be taking in response to your requests, updates on benefits, and more. If you missed this email, please contact Certification@NACCchildlaw.org so we can send a copy to your current email address.

CWLS Certification is Now Available in Illinois and Maryland!

NACC is now able to offer the CWLS credential to attorneys in these additional states! Take a look at our CWLS Certification page to learn more about the program, review the standards, and request an application. Contact Certification@NACCchildlaw.org with your questions.

2019 CWLS Application Pricing

NACC Members - $375
Non-Members - $500

The application fee includes the exam and a copy of Child Welfare Law and Practice, 3rd Edition (the Red Book).

Schedule Your CWLS Exam

Don’t procrastinate on scheduling your exam! All current applicants have been sent instructions for scheduling your exam and downloading the software. If you have any questions regarding this process, please don’t hesitate to contact us at Certification@NACCchildlaw.org and check out our Exam Details webpage and FAQs.
Join Our Team!

Senior Training Attorney position opening at NACC

The mission of the National Association of Counsel for Children is to advance the rights, well-being, and opportunities of children impacted by the child welfare system through high-quality legal representation. We believe the child welfare system works best when all parties have access to high-quality legal representation. NACC recently launched a new Strategic Plan to accelerate the growth, experience, diversity, and leadership of a national community of children’s lawyers and other child welfare professionals.

The Senior Training Attorney is a key member of our legal team who works to ensure legal professionals have the resources they need to provide excellent representation. This includes providing training, technical assistance, resource materials, consulting, and other outreach engagement strategies.

NACC is based in Denver, Colorado, with legal staff in Washington, DC. Remote applicants in all locations will be considered, with a preference for Denver-based or Washington, DC-based candidates.

Click here for position description and application instructions.

Applications will be accepted on a rolling basis. Applicants are encouraged to apply by December 2, 2019 for a January 2020 start date.

Order your Red Book now!

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Order online: NACCchildlaw.org/RedBook
By phone: 1-888-828-NACC
Via email: Advocate@NACCchildlaw.org

Please inquire about discounts for bulk orders.

NACC Featured on Children’s Law Podcast

NACC was pleased to welcome True North Child Advocates to our 42nd National Conference in Anaheim to interview conference attendees.

Check out the Interview with NACC’s Executive Director, Kim Dvorchak, as well as conversations with NACC Board Members Leslie Starr-Heimov and Currey Cook.

Click the logo below to listen!

Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases, 3rd Edition, more commonly known as the Red Book, is the flagship legal treatise in this field. This fundamental, comprehensive publication is an essential day-to-day resource for attorneys in the practice of child welfare law. In addition to being a crucial practice reference and training manual, it also serves as the foundational source and study guide for the Child Welfare Law Specialist (CWLS) certification exam.
REGISTRATION
Early registration is now open. Register now and take advantage of our discounted rates.

ABSTRACTS ARE OPEN
Abstracts are now open for the 43rd National Child Welfare Law Conference.

Our conference is a unique opportunity for child and family legal and policy professionals from across the country to gather to continue their legal education, exchange new ideas, build skills, and network with colleagues and friends. NACC is grateful for the contributions of our national conference faculty, who provide their time and talent (at their own expense) to produce a high-quality training event which inspires attendees to do their best work for children and families in courtroom and policy advocacy.

The theme of this year’s conference is Cross-Sector Advocacy: examining the intersectionality of the child welfare system with juvenile justice and homeless youth and advancing holistic advocacy for all children, youth, and families.

Visit our conference page to learn more or to submit your abstract. Deadline is February 2, 2020.
NACC Training Program

Child welfare law is perhaps one of the most challenging specialties in the American legal system. In order to be effective advocates, attorneys must develop extensive knowledge and skill in federal and state law, local practice and procedure, as well as countless collateral issues that affect families involved with the child welfare system. But high-quality legal representation requires more than just knowledge and skill — it also requires practice. NACC is dedicated to assisting attorneys in developing their knowledge and skills and putting them into practice through its training program. NACC utilizes an array of training techniques and modalities to attend to different learning styles.

The Red Book Training: Child Welfare Law and Practice

The Red Book Training is NACC’s signature training. It follows NACC’s publication, *Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases*. It provides a general overview of the federal legal framework, the child welfare legal process, roles and duties of legal counsel as well as courtroom advocacy in child welfare court proceedings. The training has been delivered to attorneys and judges across the country and is consistently praised for providing valuable information on a broad array of pertinent topics in child welfare law, in addition to preparing attorneys and judges to take the Child Welfare Law Specialist certification examination. The Red Book Training is available as a one-day, live, in-person training, or online through a series of webinars — see below for more information.

Statewide Training Partnerships

Got a statewide conference? NACC is interested in talking to you about adding or complementing your conference with a one-day live Red Book Training. Contact Training@NACCchildlaw.org for more information.

Spring 2020 Online Red Book Training Course

March 4th, 2020 through April 15, 2020

Registration is now open for NACC’s spring course! The material covered in the course is drawn from *Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases* (3rd Edition “Red Book”). The course consists of seven weekly webinars. Participants can join the course live or watch/listen to recordings for a six-month period.

Upcoming NACC Members-Only Webinar

Child Welfare Law Year-in-Review
Monday, Dec 9, 1:00-2:30pm ET

Presented by:

**Steven Olender**, Senior Policy Associate, Children’s Defense Fund

**Allison Green, JD, CWLS**, NACC Legal Director

2019 was a busy and exciting year for child welfare law practitioners. Join this webinar to hear about the new statutes, case law, and policy changes that left their mark on the field. This webinar will be foundational for strong advocacy in the year ahead!

Applying for Child Welfare Law Specialist certification is not required to take the Red Book Training — but why not take your practice to the next level and obtain this important credential?

To register a group of attorneys from your office, please contact NACC at Training@NACCchildlaw.org. We can also create custom packages to include hard copy Red Books and/or CWLS certification applications.
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