Attorney Roles in Promoting Better Outcomes for Crossover Youth

By Madeline Stern

Amelia* is a 15-year-old young woman involved in the child welfare system. Two years ago, Amelia disclosed to her teacher that she was being abused at home, which prompted a referral to Child Protective Services (CPS). Upon investigation, CPS learned that Amelia’s mother had significant substance use issues, her boyfriend was physically abusing Amelia, and Amelia was essentially serving as the primary caretaker of her two younger siblings.

In response, Amelia and her siblings were removed from their home. While her siblings were placed in a foster home, Amelia was placed in a group home due to her age — a decision that left her distraught. While at the group home, Amelia struck a staff member who forcibly grabbed a phone from her, refusing contact with her siblings. Amelia was charged with assault and placed in detention. This resulted in Amelia becoming a crossover youth — a young person who has experienced maltreatment and engaged in behaviors that lead to involvement in the delinquency system.1 Crossover youth are identified as dually-involved when they are known to both the child welfare and juvenile justice systems.


* The details of the case presented are an amalgam of real crossover cases. However, the name provided is fictitious.
Given the powerful roles attorneys play in the child welfare and juvenile justice systems, it is especially important that they understand the issues faced by crossover youth and the complexity of their needs. This article provides an overview of the characteristics of crossover youth, including factors that affect crossover between systems, and how attorneys can impact youth’s involvement with the juvenile justice and child welfare systems.

Background and Demographics

Crossover youth who are dually-involved are commonly identified by the “pathway” they take — from child welfare to juvenile justice or vice versa. For example, a youth who has taken the child welfare pathway is first involved with the child welfare system and subsequently becomes involved with the juvenile justice system. Regardless of pathway, these youth present certain characteristics and correlations related to their life and system experiences.

Race, Sexuality and Gender Identity, and Systems Involvement

Although crossover youth are unique as individuals, the population is generally reflective of particular demographics. For instance, crossover youth are more likely to be African-American, female, and typically encounter the justice system earlier than their non-child welfare involved peers. Nationally, African-American youth represent 15% of the youth population but constitute 25% percent of child welfare investigations, 30% of substantiated investigations, and 36% of placement cases (Herz and Ryan 2008; Font, Berger, and Slack 2012). Additionally, African-American youth are 2.3 times as likely to be arrested for any offense and over four times as likely to be committed to secure juvenile justice placements compared to their white counterparts. African-American youth also represent 54% of the population that travels the child welfare pathway.

Youth identifying as lesbian, gay, bisexual, questioning (LGBQ) and/or gender nonconforming and transgender (GNCT) are also overrepresented among crossover youth. LGBQ/GNCT youth who are involved with the juvenile justice system and later enter the child welfare system are over three times as likely to be removed from their homes and over five times as likely to be placed in congregate or foster care than their straight, gender-conforming counterparts. These rates are exacerbated for girls of color who are part of a sexual minority.

Child welfare-involved youth experience a greater risk of delinquency due to placement and school instability, lack of positive development opportunities (i.e., purposeful engagement activities that help youth develop pro-social skills and relationships with others such as the arts, sports, community service, religion/spirituality, etc.), and lack of consistent contact with...
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positive adults.9 Once involved in the juvenile justice system, crossover youth are more likely than their single-system counterparts to be detained pre-adjudication, charged, and adjudicated to placement rather than to probation supervision.10 Furthermore, crossover youth are placed on diversion at lower rates than their non-child welfare involved counterparts.11

Behavioral Health

Crossover youth are more likely to have parents with histories of mental health issues, substance use, domestic violence, and/or criminal behavior or to have experienced these issues themselves.12 According to one study on crossover youth, nearly 40% of the sample experienced comorbid mental health and substance use challenges, roughly 28% had mental health challenges, and about 15% had a substance use disorder.13 Although systems-involved youth have higher mental health needs than their non-systems involved peers, they are significantly underserved.14 This is even more true for racial and ethnic minorities: African-American and Hispanic youth receive mental health services at about half the rate of their non–Hispanic white counterparts.15

Education

Crossover youth commonly experience academic difficulties, require special education services (though they do not consistently receive these services), and have mental or behavioral health challenges that impact school performance.16 These factors place these students at an academic disadvantage even before considering common challenges faced by the population like placement and school mobility. School mobility results in academic inconsistencies and difficulty with developing and maintaining prosocial relationships, which contributes to a decreased likelihood of completing school.17 Other proven contributors to lower graduation rates include disability and mental health challenges,18 trauma exposure,19 child welfare system involvement,20 and low school engagement21 — all of which are characteristic of crossover youth.

11 Id.
13 Denise Herz et al., “Los Angeles County Juvenile Probation Outcomes Study” (Advancement Project, April 2015).
19 S. S. Covington, “Trauma: A Reoccurring Theme in Girls’ Lives.”
21 Griffiths et al., “The Relations of Adolescent Student Engagement with Troubling and High-Risk Behaviors.”
The following recommendations are offered to support attorneys in becoming effective partners in the multi-system work required to meet the needs of crossover youth. These recommendations reflect the best practices that are the foundation of the Crossover Youth Practice Model (CYPM) and are informed by interviews with attorneys who utilize the CYPM in their jurisdictions across the country. Attorneys can implement three key practices to better serve crossover youth:

1. Increase interagency awareness of crossover youth and encourage investment in meeting their needs
2. Engage family in diversion decisions
3. Reframe thinking and expectations on performance measurement

Interagency Awareness and Investment
Attorneys should work with their partners to increase interagency and cross-system awareness of crossover youth and the challenges they face. Various stakeholders play important roles in improving outcomes for crossover youth, including attorneys, judges, juvenile justice staff, child welfare workers, educators, behavioral health clinicians, law enforcement, and other personnel from child- and family-serving agencies. Attorneys can galvanize this group of partners to create a better understanding of how each organization and the community as a whole impact youths’ experiences and their likelihood of crossing over. In convening this group, topics of discussion might include:

- What national research and local data indicates about crossover youth and their needs
- How crossover youth encounter each agency or organization
- How agencies currently coordinate with one another to serve crossover youth
- How partners might establish a common goal or vision for better serving crossover youth
- How to create collaborative multi-system case management and service delivery processes

In engaging this group of stakeholders, attorneys can fortify connections across the systems that interact with crossover youth. The prevalence and impact of system crossover is not common knowledge. Participating in cross-system discussions and seminars about these challenges as well as the best practices to overcome them will improve understanding and
communication and reduce ambiguity around systems operations. This is the first step to fostering investment in reducing crossover and improving outcomes for dual system youth.

**Engaging Family in Diversion Decisions**

Diversion programs* operated by prosecutors’ offices can greatly improve outcomes for crossover youth. All attorneys, including those who represent children, parents, and the government, are encouraged to advocate for these opportunities on behalf of youth, if consistent with their clients’ interests and goals. In offering these services, prosecutors should initiate meaningful connections with youth and families early in the process. A first step is for prosecutors to notify the attorneys representing the youth and family of their intent to offer diversion, ensuring these representatives have opportunities to consult with their clients before sharing information and consenting to program participation. Prosecutors and other attorneys should also work closely with the assigned child welfare caseworker because they may have valuable information about the family and may be able to provide context for the youth’s behavior. Further, the caseworker may be able to help bridge interactions between the family and the justice system. If the social worker cannot serve in this role, the attorney should look for other members of the community to do so (e.g., a peer mentor).

Maintaining open, strength-based communication may help mitigate the distrust many families feel when attorneys only communicate in the context of their child being prosecuted, in trouble, or when a problem arises. By communicating with families more frequently, attorneys assisting with diversion may change their own perspectives on their roles and better understand how families experience the system. This level of communication across parties may also help to identify supports the youth needs to successfully complete a diversion program (e.g., transportation).

**Reframing Thoughts and Expectations on Performance Measurement**

Attorneys come to their positions with a variety of backgrounds and perspectives. It is important for an attorney serving in delinquency or dependency court to examine and potentially reframe their thinking around their role in meeting the unique needs and circumstances of each child and family. This sort of adjustment is best understood as “thought reframing.”23 For instance, if an attorney thinks, “How can I perform to the best of my ability on this case?” the follow-up question should be, “By what measure am I assessing my performance?” This is an opportunity for attorneys to create their own framework for why their work matters. The answer to how to measure performance will vary across individuals, but at the core of each response should be an intent to advocate for youth and families in a way that furthers their goals and promotes positive outcomes.

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23 Based on interviews with prosecutors from CYPM jurisdictions, 2020.

* Diversion programs are interventions that are used to direct juveniles away from formal processing in the juvenile justice system.
Adjusting thinking on performance measurement can be challenging but worthwhile. Thoughts such as, “My performance is measured by the number of cases I win” may be substituted with, “How can I work with others to help this youth in crisis?” It takes time to replace automatic associations learned in school and society, but the objective is to attain a teamwork perspective where attorneys understand the importance of partnering with their stakeholders, youth, and families to achieve a unified goal. There is a need for creativity and adaptability within the role of an attorney in the juvenile justice and child welfare systems.

**Conclusion**

Awareness of crossover youth — who they are, the challenges they face, and their prevalence within government systems — is the first step attorneys should take to better serve both this population and their families. Attorneys should help to determine the support crossover youth and families need to be successful by collaborating directly with them as well as other stakeholders involved with their case (e.g., social workers, other attorneys). Advancing interagency collaboration, committing to understanding the pathways to crossover, advocating for its reduction (e.g., through diversionary services), and employing thought reframing tactics are all avenues that can lead to improved experiences among systems-involved youth. Although these strategies are challenging and demand a significant level of commitment, these efforts may lead to better outcomes for crossover youth.

**ABOUT THE AUTHOR:**

Madeline Stern joined the Georgetown Center for Juvenile Justice Reform (CJJR) as a Research Assistant in September 2019. She works closely with the Crossover Youth Practice Model team at the CJJR. Currently a rising second-year master’s student at the McCourt School of Public Policy, her policy interests lie in racial justice, LGBTQ+ rights, and poverty mitigation. Madeline graduated from Wellesley College in 2017 with a BA in Economics and Mathematics.
YOUTH PERSPECTIVE

How a Few Words from My Attorney Made a Difference

by Cristal Ramirez, MS

My name is Cristal and I am a former foster youth from Bakersfield, CA. I spent a total of about eleven years in the Kern County foster care system. I lived in many homes (26 foster homes and one group home), attended many schools (11 in 5th grade alone) and had many social workers. But I had the same attorney for most of my time in care — for which I am grateful.

I remember being nervous every time I went to court when I was younger, and those nerves got stronger as I got older. The one good thing about those court visits is that each time before we saw the judge, I stepped into a room with my attorney where he took the time to assure me that I was going to be okay, see how I was doing and ask me for my opinion. I told him I really loved school, and he encouraged me to continue doing well and never shot down my dreams. I knew I wanted to go to San Diego State University (SDSU) since the summer before 6th grade — and I told my attorney that. He didn’t tell me about the statistics or try to discourage this goal; instead, he was all for it. He told me how smart he thought I was — and I believed him! From then on, no matter how many times I moved, school remained something I felt I had control over — and that I could do well.

I think it’s important to watch what you say to any youth, especially when you are working with foster youth. I came across many social workers when I was younger that reminded me of the statistics and how “impossible” it was to go after what I wanted.

ABOUT THE AUTHOR:

Cristal Ramirez, MS is a graduate from San Diego State University. She has her bachelor’s degree in Interdisciplinary Studies in Three Departments (Psychology, Sociology, and Counseling & Social Change) with a minor in Cultural Proficiency (May 2018). In 2020, Cristal finished a master’s program in Multicultural Counseling with an emphasis in Social Justice Education through the Community-Based Block program at SDSU. Cristal has currently and previously held several positions working with foster youth. She hopes to continue to use her personal and professional experience to advocate for foster youth and help make policy changes to improve the way professionals interact and work with youth and families in the foster care system.

NACC is pleased to announce that Cristal is our new Youth Coordinator!
They told me that I should lower my expectations because it is harder for foster youth. I agree that it is more challenging for foster youth to “make it” and foster youth have to jump through so many more hoops compared to non-foster youth to succeed; but that isn’t a reason for foster youth to think they can’t or shouldn’t pursue their dreams. Having social workers that thought I couldn’t make it made me want to prove them wrong. Having an attorney and other people simply tell me I could do whatever I set my mind to not only made me want to go further but it gave me the encouragement I needed to believe in myself.

It was my senior year of high school, and I was beginning to apply to colleges and of course, SDSU was one of the schools I applied to. I had conversations with my Independent Living Program (ILP) worker who liked to constantly “reel me in” because I had high hopes of getting into SDSU and attending. She encouraged me to attend the community college in Bakersfield instead (even though there was a four-year university in Bakersfield that I could have attended at the very least). She talked to me about how expensive going to college was, but she also failed to mention how much financial support is available for foster youth. She ended the meeting saying that I needed to apply to schools in Bakersfield “just in case” and that we would revisit this topic once I heard back from the other schools I applied to. I didn’t want to stay in Bakersfield, and I left that meeting feeling like that was supposed to be my only option. I felt pretty annoyed and a little defeated, but that went away when I started getting my acceptance letters from schools outside of Bakersfield.

Then the most important acceptance letter came from SDSU; I got in! I had made it that far and was contacted by the Guardian Scholars program at SDSU. Guardian Scholars is a program that offers not only financial, but emotional and social support to former foster youth throughout the duration of their time at SDSU. Everything was falling into place. Except my ILP worker still didn’t think it was a good idea and told me, very bluntly, that I would still not be able to attend school there because I was seventeen and would be until November of that year. She told me I was not allowed to leave the county until I was eighteen because I was a ward of the court. What?! I had worked so hard. Again, I left defeated and feeling confused, but I let her know, point blank, that I would find a way. I was stubborn in her eyes, but I’d like to think that I was just determined. Although I had had great interactions with my attorney, outside of court visits, I didn’t really get to talk to him — and I didn’t know that I could. I wish I would have known sooner that all it would take was talking to him and things would get fixed. That would have saved me a lot of worry and would have made my last couple of months of high school a lot less stressful.

But, the good news is that I did talk to my attorney. I had a plan and I knew exactly what I needed to do to get started at SDSU. I’m honestly not entirely sure what had
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to be done for me to get emancipated, but I know that my attorney made it happen and very quickly. I didn’t get in contact with him until a couple of weeks before I was supposed to head out to San Diego but one week before I left, I could finally breathe because I knew that I was going. Not only did I finish with a bachelor’s degree from San Diego State University in 2018, I also just finished up a master’s degree in Multicultural Counseling. I wish I could let my attorney know how much him telling me I was smart and capable of reaching my dreams stuck with me.

What I think is important for attorneys and anyone who works with foster youth to know when they interact with them, is that words can go a long way. Foster youth don’t need to be reminded of all the statistics that are stacked against them — they know. Foster youth don’t need to be told that it is impossible for them to succeed, because it is not. Foster youth don’t need to feel that they shouldn’t dream big, because they should. Foster youth need to be encouraged and told that they can do it, because they can. Foster youth need to be validated because life can and is harder to navigate when you have to go through systems that aren’t exactly set up for you to “make it,” and they have every reason to be angry about that. Foster youth need to be told that you believe in them and that they are beautiful and smart because more often than not, they’re not coming from homes where they hear those things very often. An attorney’s job is to make sure that the best decisions are being made for foster youth, but there is so much more that can be done that doesn’t involve laws, policies, or paperwork. As an attorney, it is so important to treat every interaction with foster youth as a great opportunity to shed some light onto their life through care and advocacy, and as an attorney you should recognize the positive impact you have the potential to make.
EXECUTIVE DIRECTOR’S MESSAGE

There is no Children’s Justice without Racial Justice

by Kim Dvorchak, JD

We will all remember the spring of 2020. It came in like a lion and just kept roaring — keeping us isolated, hypervigilant, and facing many unanswerable questions. Every time it felt like the news couldn’t get any worse, it did. 100,000 deaths and counting. Children and families experiencing extended separation. Youth aging out of care with no money for food or rent. And, as the consequences of the COVID-19 pandemic were reshaping our world, our country was rocked again, this time by the all-too-familiar videos and reports of Black people murdered by police and self-styled civilian enforcers. America “opened up” to justifiable outrage, pain, and protest for the murders of George Floyd, Ahmaud Arbery, and Breonna Taylor and more.

I sit here and write this as a white woman with white sons, privileged beyond what we could ever fully understand. We do not live in fear. When I took my boys to the hospital for bruises, stitches, and other hallmarks of childhood injuries, I had no concerns I would be questioned or suspected of physical abuse. And when my boys, now 17, go for a run or walk down the street, they have no concern they will be stopped, much less harmed or killed, by the police or anyone else. As a white family striving daily to practice anti-racism, we have to regularly remind ourselves of our privilege and the structural inequities and systemic racism which created it. But this knowledge is not enough; daily practice is necessary to cede power.

Last month, our team at NACC completed race equity training with the Race Matters Institute, a program of JustPartners, Inc. The training came about in the context of implementing NACC’s new strategic plan, which seeks to position NACC for deeper program impact and organizational growth. We saw that if we do not grapple with racial equity, diversity, and inclusion as an organization, NACC will not achieve its core mission. Thanks to the Annie E. Casey Foundation, our staff participated in a timely and powerful series of educational sessions and activities to help us bring a race equity lens to our programmatic work and leadership roles. This summer, our Board of Directors will also participate in this training.

But understanding these tools is not enough; active, ongoing implementation is required to change our practices and programs to advance racial equity, diversity, and belonging at NACC.

Racial bias and institutionalized racism are woven into the fabric of the child welfare system and its history. Scholars remind us foster care began as a white-only institution and became more punitive when Black children and families entered the system, when the government...
started spending more money on adoption and out-of-home care than in-home services and family supports. Have no doubt, this shameful legacy continues today.

Racial disproportionality for Black children in the child welfare system exists at every decision point in the process due to a legacy of individual, institutional, and systemic racism. Black youth are overrepresented in foster care at a rate twice their representation in the U.S. population. Black families and communities are more likely to be surveilled and Black youth are more likely to be removed from their families, placed in congregate care, and charged with crimes. *Due to the arrests of Black youth in foster care, the child welfare system has been identified as a significant source of racial disparities in the juvenile justice system.*

NACC policy calls for the elimination of racial disparities and disproportionality in our child welfare, juvenile justice, and other child-serving systems. Child welfare practitioners must understand the role that race has played and continues to play in policies that separate and incarcerate families and which criminalize the adolescence of Black youth. Change begins at the individual level, addressing implicit bias in our practice through candid reflections on how our perspectives and advocacy are shaped by our own privileges and biases. This work continues at the systemic level, where a structural analysis is necessary to understand how racial inequities are produced and addressed.

NACC does not have all the answers, but we are committed to applying a racial equity impact analysis to our work moving forward. This begins by continuing to train and educate ourselves, updating our communications and hiring practices to reach and support diverse audiences, including a wider range of perspectives in planning and decision-making, and incorporating racial equity in the training and services we provide members, such as upcoming webinars. We hope you will join us in this journey because there can be no children's justice without racial justice. Black Lives Matter.

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**TREATING CHILD MALTREATMENT AS PUBLIC HEALTH ISSUE**

Why Child Maltreatment Should be Viewed as a Public Health Issue, Not an Unsolvable Problem

By Kim Dvorchak and Amy Templeman

Blog published by Within our Reach, Alliance for Strong Families and Communities

Read the blog here.
THE CHANGING FACE OF RESIDENTIAL TREATMENT:

10 Things Child Welfare Attorneys Need to Know About Accreditation

The Family First Prevention Services Act (FFPSA), signed on February 9, 2018, as part of the Bipartisan Budget Act of 2018 (H.R. 1892), aims to radically change the delivery of child welfare services by requiring all states to ensure that congregate care facilities adhere to higher standards. As a result, a reliable benchmark has now been established for attorneys to use in their placement advocacy.

FFPSA mandates, in part, a move away from group homes and typical residential treatment for children who have been removed from their homes by creating a new classification of trauma-informed, out-of-home placement setting: Qualified Residential Treatment Program (QRTP). QRTPs must be licensed by their state and achieve national accreditation to receive Title IV-E funds following the initial two weeks after a child enters their care.

Accreditation ensures that service providers conform to high standards by subjecting them to a rigorous third-party review of their practices and raises the bar above and beyond what it takes to achieve their licenses.

Below are ten key aspects of accreditation for QRTPs that every child welfare attorney should know:

1. QRTPs must be licensed and nationally accredited. The accrediting bodies approved under FFPSA are: CARF International, Council on Accreditation (COA), The Joint Commission, or other accrediting bodies approved by the Department of Health.

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2. Id. at section 50741 (page 190), available at: https://www.congress.gov/115/bills/hr1892/BILLS-115hr1892enr.pdf

ABOUT THE AUTHOR:

Jennifer Flowers, MBA is the founder and CEO of Accreditation Guru, Inc. Jennifer has worked with a variety of organizations in the social services, behavioral health, religious, and education sectors in the areas of accreditation preparation, long-term strategic planning, board of directors’ development, quality improvement program design, and risk management strategies. She is a regular speaker at state and national conferences on the topics of accreditation and the Family First Prevention Services Act. She can be contacted at Jennifer@AccreditationGuru.com.
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and Human Services (HHS).

Additional accrediting bodies to be accepted, they must be recommended by a state(s) to HHS for review and approval.

2 It is not sufficient for a group home or residential treatment provider to be licensed and accredited to qualify as a QRTP. Additionally, a service provider must meet the following requirements (also supported by accreditation standards of each of the approved accrediting bodies):

• Uses a trauma-informed treatment model to address the needs of children with serious emotional or behavioral disorders or disturbances;

• Facilitates outreach and documents family involvement in each child’s treatment plan;

• Provides at least six months’ post-discharge family-based aftercare support; and

• Has registered or licensed nursing staff and other licensed clinical staff on site consistent with the treatment model and available 24/7.

3 Earning national accreditation provides a framework for improving operations, measuring, and reporting on outcomes, recruiting and supporting quality employees, and delivering high-level services. The accreditation process begins with a thorough self-evaluation of an organization’s policies and practices against accreditation standards. Once the organization can implement the standards, the accrediting body conducts an onsite survey. Surveyors observe organizational practices, review appropriate documentation, conduct a facilities review, and interview leadership, staff, and clients/stakeholders. Following completion of the survey, the accrediting body renders a decision and identifies areas requiring improvement. Each accrediting body also requires an annual quality report as part of the organization’s continued conformance with standards for the years between onsite reviews; CARF and The Joint Commission’s accreditations are each for a period of three years, while COA has a four-year accreditation cycle.

4 Each accrediting body develops their own set of accreditation standards. These are best practices that an organization meets and maintains to become and remain accredited. Each body utilizes a development process that includes a multi-stage research, development, and vetting procedure, and includes a diverse set of experts and ongoing feedback from those in the field. This ensures that standards remain rigorous yet practical, reflecting current trends and best practices. Once developed, accreditation standards are reviewed on an annual basis or more often if neces-

3 Two additional accrediting bodies have been approved for QRTPs since the passing of the law: Educational Assessment Guidelines Leading toward Excellence (EAGLE) (http://eagle1.org/) – a faith-based accrediting body – and Teaching-Family Association (https://www.teaching-family.org/)

4 Note, the required nursing and behavioral staff do not need to be direct employees of the QRTP, nor do they need to be onsite 24/7 unless required by the level of care provided.

5 Public Law 115-123, section 50741 (page 191), available at: https://www.congress.gov/115/bills/hr1892/BILLS-115hr1892enr.pdf
sary, to ensure they reflect current best practices and trends in human and social services. Further, accreditation standards address practices that promote sound operations (including governance, financial management, risk management, client rights, training and supervision, safety and security of staff and clients) as well as program administration and the delivery of services. All of these are intended to allow for a more stable organization and to enhance the quality of life of the population(s) served.

Regulators such as funders, insurance providers, contract administrators, and legislative bodies\(^6\) use accreditation as an oversight (or regulatory) tool, setting the bar for quality service delivery.\(^7\) In addition, individuals, families, and attorneys are becoming more familiar with accreditation and increasingly regard the accreditation status of any agency as an important factor when comparing service providers.

Quality assurance and performance improvement are reflected in accreditation standards.\(^8\) For example, COA has Performance and Quality Improvement (PQI) standards that provide a framework for implementation of a sustainable, organization-wide quality improvement system. This PQI system increases the organization’s capacity to make data-informed decisions that support: achievement of positive client outcomes; review of case records/clinical files to evaluate clarity, quality, and completeness of required documents; evaluation of services at all regions and sites, as well as identification of organization-wide and program-specific issues; and monitoring the effectiveness of corrective actions taken and modifying implemented improvements, as needed.\(^9\)

Regarding placement in a QRTP, an independent level-of-care assessment that is age-appropriate (appropriate to a child’s development of social skills) and evidence-based must be completed by a qualified individual assessor\(^10\) within 30 days of placement. The purpose of the assessment is to determine if a QRTP will provide the most effective and appropriate level of care and how such placement is consistent with the short- and long-term goals of the child. If the assessor deems the placement to be inappropriate, the state has an additional 30 days to transition the child.\(^11\)

Furthermore, the court must independently review every placement in a QRTP and approve or disapprove of the placement within 60 days. For children who remain in

\(^6\) [http://www.carf.org/Payers](http://www.carf.org/Payers/)
\(^7\) The Joint Commission ("The Joint Commission’s various accreditation/certification programs are recognized and relied on by many states in the states’ quality oversight activities.") For all states: [https://www.jointcommission.org/accreditation-and-certification/state-recognition/](https://www.jointcommission.org/accreditation-and-certification/state-recognition/)
\(^8\) [http://www.carf.org/Accreditation/QualityStandards/](http://www.carf.org/Accreditation/QualityStandards/)
\(^9\) [https://coanet.org/standard/pqi/](https://coanet.org/standard/pqi/)
\(^10\) Public Law 115-123, section 50742 (page 195), available at: [https://www.congress.gov/115/bills/hr1892/BILLS-115hr1892enr.pdf](https://www.congress.gov/115/bills/hr1892/BILLS-115hr1892enr.pdf)
\(^11\) Id. at section 50742 (page 191), available at: [https://www.congress.gov/115/bills/hr1892/BILLS-115hr1892enr.pdf](https://www.congress.gov/115/bills/hr1892/BILLS-115hr1892enr.pdf)
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- A QRTP, the custodial agency will need to submit evidence during every status review and permanency hearing that justifies the child’s continued placement in the QRTP.  

- Most organizations that have achieved national accreditation will announce this fact on their website. If a child’s attorney wishes to verify whether a specific facility is accredited, this can be found on the accrediting bodies’ websites. Each accreditor has a search function to “find an accredited provider” for those agencies that they have reviewed and approved.

- If a facility is not accredited it might mean that they are currently working on the process and have not yet had their onsite survey or decision to accredit (or not to accredit). However, if an organization has never sought accreditation or, worse, has been denied accreditation, that could be a red flag. While some states have previously mandated or strongly encouraged accreditation for child welfare agencies, under FFPSA all that wish to become QRTPs must be accredited. The accrediting bodies do not make public the names of organizations that have either been denied accreditation or that have dropped out of the accreditation process. If a child’s attorney wishes to research the history of concerns/violations of a service provider, they should reach out to the state licensing body.

- If a child’s attorney learns of a concern or violation while their client is at an accredited facility, they can make a report directly to that accreditor on their website. Look for “Report a Concern” or “Submit Feedback About a Provider.”

One of the fundamental principles of FFPSA is to improve access to high-quality residential treatment when children and youth require such a placement before returning to family-based settings. The accreditation requirement for QRTPs, in addition to the other requirements outlined above, is key to raising the bar above and beyond being licensed by the state.

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Visit NACC’s Title IV-Ε Funding for Legal Representation Resource Hub
Timely Adoptions: An Ignored Issue In Child Welfare

By Judge Leonard Edwards (ret.)

The judge calls the permanency planning hearing to order. Present in court are the adoptive mother without counsel, the social worker, and the county attorney. The judge asks if anyone has any comments on the social worker’s report and recommendation, which is to continue the placement and the adoptive process. The adoptive mother stands and inquires:

*When will the adoption be completed? We’ve been waiting and waiting. Every time the social worker comes out to the house, Jimmy thinks he is going to take him to another home. And I don’t like coming to court.*

The judge turns to the county attorney who replies:

*Mrs. Jones, don’t worry, the social worker is doing her best to complete the adoption process. She has many cases and the process is slow. We do not intend to remove Jimmy from your care.*

So, amid tears from the adoptive mother, the case is continued for another six months.

A juvenile dependency case is not over after parental rights have been terminated. Placement in a permanent home and dismissal of the case is the final goal of both federal and state law. Juvenile court judges are required to monitor this last stage of the dependency process and must make findings that the agency is taking steps to achieve timely permanency for the child. The judge must make reasonable efforts findings at each review after parental rights have been terminated. If the agency is working to complete the adoption, the court will make a “reasonable efforts” finding. If the agency fails to work on completing the adoption process or the process is too slow, the court may make a “no reasonable efforts” finding and the agency will lose federal money for that case.

1 45 C.F.R. §1356.21(b)(2)(i); 42 U.S.C. §675(b)(C) and (F); 45 C.F.R. §1355.20.

ABOUT THE AUTHOR:

Judge Edwards is a retired judge from Santa Clara County, California, where he served for 26 years, primarily in the juvenile court. He now works as a consultant. His writings can be seen on his website: www.judgeleonardedwards.com.
Timely Adoptions from previous page

Judicial oversight of the post-termination efforts by the agency to complete adoptions has been ignored in the appellate case law. Less than one-tenth of 1% of appellate case law addresses this issue.4 Judges, attorneys, and guardians ad litem (GALs) for children do not appear to be taking this aspect of the law seriously.

Commentators have identified the judicial oversight of the adoption process as important for the child and have recommended that judges should determine (1) whether the agency has identified an appropriate strategy to make and finalize a new permanent placement for the child, (2) whether the agency has made a diligent arrangement for the provision of those services, and (3) whether those services have been available on a timely basis.5 The judge, attorneys, and GALs for the child should be aware of the child’s need for permanency, and judges should be prepared to hold the agency accountable for failing to provide timely permanency for the child.6

Some changes should be made. Suggested steps for properly addressing the post-permanency planning hearing are as follows:

First, the attorney/GAL for the child should be present. In some courts the attorney/GAL is relieved once parental rights have been terminated (as in the hypothetical situation above). This is a mistake. The attorney/GAL should remain on the child’s case until a permanent home has been identified and the case dismissed. In the hypothetical situation above, the child’s attorney/GAL would have been able to speak on behalf of the child, object to continuances, explain the trauma the child is suffering, and ask questions of the social worker:

*Are you (the assigned social worker) currently working on the child’s adoption? If not, who is? What stage of the adoption process are we at? Has the home study been completed? Why not? What is the next step you or the child’s adoption worker will take? When will it be completed?*

Second, the child’s attorney/GAL could ask for a short continuance or an interim review not more than thirty days from the hearing, for a report on progress made by the agency. The short continuance has been used in a number of courts around the country to good effect.

Third, if the facts indicate unreasonable delays by the agency, the attorney should ask the court for a finding of “no reasonable efforts.” This finding could be stayed until the next hearing. The fact that the judge is indicating possible consequences if swift action is not taken by the department has the effect of moving the case forward quickly.

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4 Id.
Fourth, everyone in the dependency system needs to understand the adoption process. Only by understanding the step-by-step process can intelligent arguments be put forward in the courtroom. One suggestion is to ask the Social Services Director to provide training to the judges and attorneys.

Fifth, find out how long it takes to complete adoptions in neighboring jurisdictions. If you discover a system that has better results, learn about what they do and see if implementing new procedures can improve practice in your dependency court system.

Some believe that when a child is in a pre-adoptive home, everyone can relax and let the process move forward without much concern for how long it takes. That was the practice in my jurisdiction years ago and over 1,000 cases languished with no dismissal of the case. This is an incorrect and illegal position. Children need permanency as soon as possible. They are the ultimate beneficiaries of a court system that reaches timely permanency. Moreover, each permanent placement that results in a dismissal frees up a case off a social worker’s caseload and results in savings to the department. The above practice tips can keep permanency at the forefront for judges and attorneys and help finalize adoptions quickly and efficiently.

Introducing NACC’s Class of 2020 Summer Interns!

Kelli Galaway, Rising 2L, Washington University School of Law
Jenna Jurado, Rising 2L, HOPE Fellow, University of Miami School of Law
Lauren Martin, Rising 2L, University of Denver Sturm College of Law
Kaylin Ronacher, Rising 2L, University of Denver Sturm College of Law
Karuna Srivastav, Rising 3L, Georgetown University Law Center
Melissa Sumner, Rising 2L, University of Denver Sturm College of Law
Jillian Wolons, Rising Senior, The George Washington University
Kate Zilke, Rising Grad Student, Northwestern University
Stewarding Solutions to Meet the Needs of Children Impacted by Substance Use

By Kimberly Walsh, LSW, MPA

Current data show that more than 8.7 million children nationwide have a parent with a substance use disorder, 1,240,000 have had a parent die due to opioid overdose, 2 and 325,000 children have been removed from their homes due to parental opioid use. 3 The resulting impact of the associated exposure to adverse childhood experiences (ACEs) prevents these children from experiencing the safety and security of family, thus robbing them of their primary source of attachment, bonding, nurturing, and socialization.

In 2018, the U.S. Department of Justice, Office for Victims of Crime (OVC) launched the Enhancing Community Responses to the Opioid Crisis: Serving Our Youngest Crime Victims grant program. This multiyear initiative addresses an urgent gap in identifying and serving children and youth who, because of the opioid crisis and broader substance use, have experienced significant trauma and victimization. Since 2018, grants totaling more than thirty-eight million dollars have funded fifty-nine projects, serving children, youth, and their families in thirty-six states and communities, including several Tribes and Tribal consortiums, across the United States. These projects develop successful outreach and direct service strategies; establish or expand trauma-informed practice; utilize data to inform and guide project evolution; and engage multidisciplinary teams to guide, support, and sustain projects over time.

Together, the fifty-nine projects are innovating to prioritize the needs of children and youth. Centering on education, training, and awareness, projects develop a multi-pronged strategy to elevate local knowledge of professionals and communities with emphasis on trauma-informed care and practice. Projects establish new or expanded comprehensive services to meet the needs of children, youth, families, and caregivers within their communities. These efforts also include developing and cultivating alliances with affiliated professionals, direct services, and multi-disciplinary partners to increase the recognition that everyone has a role to play in changing the trajectory for young people affected by the drug crisis.

Each day, these diverse and multifaceted projects create thoughtful and innovative solutions to identify and serve children and youth. For instance, the Illuminate Colorado 4 OVC Opioid Project has engaged local leadership in four sites hard hit by the opioid crisis to comprehen-

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4 https://www.illuminatecolorado.org/
sively assess the needs of each community. It also established concurrent, trauma-informed Children’s Circle for Drug Endangered Children and Circle of Parents support groups serving children and families affected by substance use and trauma. In Oklahoma, Ohio, West Virginia, and Kentucky, legal service providers collaborate with schools and behavioral health services providers to deliver critical civil legal services for children and nonvictimizing caregivers, including custody, guardianship, housing, and public assistance eligibility support.

In addition, there are positive efforts to support children and their caregivers in Tribal communities across the country. In north central Idaho, on the Nez Perce Reservation, the OVC-funded My Relatives ("inhimiyu"nm) program is taking bold steps to make family-oriented recovery housing available to mothers and their children returning to the community following substance and opioid use disorder treatment. Through this project, the Nez Perce Tribe is building a new source of support from the ground up, enabling families to continue their path of recovery and healing together—an opportunity that had not previously been offered on the Nez Perce Reservation.

JBS International, Inc. (JBS) is the National Training and Technical Assistance (TTA) Provider working cooperatively with OVC to meet the initial and ongoing TTA needs of grantees to implement successful projects over the three-year funding period. With more than thirty years focused on combating the impact of substance use, JBS is creating customized solutions on the ground in all fifty states and territories. JBS identifies what is working and in what environments to ensure information and practices are disseminated effectively to individuals, programs, and providers. To support the OVC-funded projects, JBS has assembled a team of experts focused on trauma, evidence-based practices, advocacy for children, collaborative practice, and community engagement for change. With a broad range of experience, both formal and lived, this team works collectively to create real change for children (and families/caregivers) in their communities. To learn more about JBS, visit https://www.jbsinternational.com/.

If you would like to learn more about the impact of opioid and substance use on children, youth, and families; find the latest information about promising practices; and discover descriptions for the fifty-nine OVC-funded projects, please visit https://www.unitedforyouth.org/. Please watch for upcoming information in The Guardian highlighting various aspects of this work. Contact OVC-TTA@jbsinternational.com if you have questions or would like additional information.

5 https://www.legalaidok.org/
6 https://www.seols.org/
7 http://www.ablelaw.org/
8 https://www.lawv.net/
9 https://lablaw.org/
10 https://justice.ky.gov/Pages/default.aspx
11 https://nezperce.org/
12 The National Association of Counsel for Children partners with JBS to lend its expertise and ongoing support of this important work.
About the Author:

Jane M. Spinak co-founded Columbia Law’s clinics focused on representing families and children. Spinak currently directs the Adolescent Representation Clinic, which represents teenagers and young adults aging out of foster care. From 2001 to 2006, Spinak served as the Law School’s director of clinical education. Spinak specializes in juvenile justice, child advocacy, and family court reform. Before joining the Columbia Law faculty in 1982, Spinak worked as a staff attorney at the Juvenile Rights Division of The Legal Aid Society of New York City. From 1995 to 1998, while on leave from Columbia, Spinak served as attorney-in-charge of the Juvenile Rights Division.
tance of family time — especially during times of crisis — the [Children’s Bureau (CB)] is encouraging creative solutions: figuring out which families may still be able to meet in person (including outdoors); whether there are relatives rather than staff who can facilitate contact; and maximizing the use of technological tools to connect families face-to-face.10

To reinforce the CB’s position on family time, on April 6, 2020, the Commissioner of the CB, Jerry Milner, and his top aide, David Kelly, published a remarkable editorial on family integrity. Any discussion of child welfare during this pandemic period must include an acknowledgement of this editorial. In the forty years that I have practiced and taught in the child welfare realm, I cannot ever remember federal officials declaring unequivocally the importance of protecting the relationship of parents and children who have been separated by child welfare authorities and the destructive impact of even necessary separations.

When children are removed from their parents, even when necessary for their safety, and artificial visiting arrangements are imposed that prevent parents from being parents and children from being children, they become distanced and that can be harmful to parents and children alike. The effects of such distancing shows up in trauma responses, in hopelessness, in destructive behaviors, in increasing needs for clinical interventions, and in repeated cycles of difficulty within families... Further, it is not merely a matter of longing for contact, it is a matter of healthy brain development, maintaining critical bonds, and prevention of trauma that can persist for generations.11

The March 27 CB letter identifies lawyers — or agencies, for parents and for children — as central to ensuring that reasonable efforts to receive services and to maintain contact are enforced. They are expected not only to stay in close contact with their clients but to guarantee that family courts hear and determine cases. While neither parents nor children have a constitutional right to counsel in child protective proceedings,12 many states have statutory mandates for the provision of counsel to both.

In the last two decades, there has been a burgeoning movement to develop high quality institutional parent representation — now called family defense — that has begun to hold family court proceedings to high standards of due process as well as to safeguard the provision of reasonable efforts before, during, and after these proceedings. Many of these offices staff interdisciplinary teams of lawyer, social workers, and parent peer advocates to provide holistic representation. Family defense practitioners, as well as child advocates who are not “child savers” but “family savers”, have mobilized swiftly to follow the CB’s letter. They are challenging blanket court closures or suspensions of hearings, filing emergency writs and motions,

pressuring for increased virtual access to courts, and demanding statewide adherence to the CB’s letter.\textsuperscript{13}

This pressure has begun to have significant results: New York City Family Court has recently increased the number of virtual courtrooms available for essential and emergency matters and has increased the availability of reviewing on submission orders to show cause requesting emergency relief and stipulations.\textsuperscript{14} The California Judicial Council approved on April 7, 2020, new rules that certain dependency court proceedings must be held on their normal time-line to ensure the safety of children, including hearings on removals of children from their families; medical and medication-use requests; some motions to reunify families or terminate parental rights; and requests by former foster youth to re-enter care. Decisions about in-person family time must be made on a case-by-case basis, not by blanket order.\textsuperscript{15}


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Call for Papers for Columbia Law School’s 2021 Race and Law Symposium

On March 26, 2021, the Columbia Journal of Race and Law will host a symposium, Strengthened Bonds: Abolishing the Child Welfare System and Re-Envisioning Child Well-Being. The symposium honors the 20th anniversary of Shattered Bonds: The Color of Child Welfare by Dorothy Roberts and is co-chaired by Nancy Polikoff (American University) and Jane Spinak (Columbia). Professor Roberts will deliver the keynote address.

Since the publication of Shattered Bonds at the beginning of this century, reform efforts have focused on making the current child welfare system work better without fundamentally challenging its existence. This symposium is an opportunity to critique this limited reform approach and consider radical change to re-imagine how society cares for and protects children while honoring their bonds to their families and communities. The prison abolition movement has produced a robust body of scholarship. Strengthened Bonds seeks to generate equally insightful, imaginative, and important scholarship in support of abolishing the child welfare system and creating a radically new approach to child well-being.

The complete call for papers and instructions for submission of abstracts is on the Journal website: https://journals.library.columbia.edu/index.php/cjrl/announcement/view/317.
READER PANEL

Advocacy Tips during COVID-19

Reader Panel Question: The COVID-19 pandemic has emphasized the need for creativity, innovation, and zeal in child welfare advocacy. How have you shifted, and continued to shift, your advocacy due to restrictions resulting from the COVID-19 pandemic? And what specific tips would you offer to practitioners as restrictions are slowly lifted?

Kathryn Newell: As an education attorney, I am paying attention to equity issues regarding remote learning. Low-income/homeless students, English-language learners, and students with disabilities may need significantly more support than they are currently receiving.

Buffy Okuma: As an agency attorney, I have to consider not only the various aspects of child welfare law, but also protection of employees, the children in the custody of the agency, and the foster parents with whom the agency places a child. Visitation has been a significant issue. As a governmental agency, we had to pay attention to abiding by lawful orders from the Governor and the County authorities. In looking at different families on a case-by-case basis, it is important for the analysis to be consistent in determining what kind of visitation is appropriate.

Tsinena Bruno-Thompson: Prior to COVID-19 restrictions, telephone or virtual meetings with child clients was the least desirable method of communicating. We have learned that the older children ages 7 and up are quite comfortable having a conversation and sharing what is going on in their lives virtually. We are also learning that teens are quite comfortable coming to court virtually and have stated that they would prefer it. The more that children have participation in the court process, the more they feel heard and less like everyone else is making decisions for them. As restrictions are lifted, we will continue to move for children to have more participation in court proceedings virtually regardless of whether a hearing that is appropriate for child participation is being conducted live. A practice tip would be to specifically go over virtual hearing etiquette before virtual hearings with youth.

Judge Aurora Martinez Jones: As a presiding child welfare judge in Texas, we moved to remote hearings during the COVID-19 pandemic quite quickly. One of the ways we have conducted some remote hearings is through submission (i.e. email and written arguments). I have thoroughly enjoyed the shift in advocacy to receiving more written arguments. At the trial court level we work tirelessly on oral advocacy but I have had the pleasure of reading some eloquently written arguments that are effective and efficient in advocating for the needs of children and families. I hope, as things shift back eventually, that we do not lose the beautiful art of articulately written arguments in child welfare cases.

JOIN THE PANEL! Guardian readers are invited to join our Reader Panel. You’ll receive an email 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 and Amicus Updates

**POLICY NEWS:**

**Action Alert: Tell Congress to Support Additional CIP Funding!**

NACC is calling for Congress to include $30 million in supplemental funding for child welfare courts in any forthcoming COVID-19 relief legislation. In many places, court-involved children and families have been hard hit by the pandemic, which has backlogged cases and postponed critical judicial oversight. This emergency funding would help mitigate the impact of court shutdowns, technology shortages, and reduced staffing. Particular investments are needed to support the transition to virtual court platforms and provide training for judges, attorneys, and caseworkers about how to handle these hearings while ensuring due process, accountability for all parties, and informed decision-making. NACC members: please add your voice to the call for support! More information available here.

**Civil Gideon Resolution Reaches U.S. House of Representatives**

On May 8, 2020, Massachusetts Congressman Joe Kennedy III and 14 co-sponsors introduced a resolution supporting a guaranteed right to legal counsel in civil proceedings involving housing, health care, family integrity, and other basic human needs. The proposal would extend the right to counsel in criminal proceedings (originally recognized in *Gideon v. Wainwright*) to other civil matters, where legal representation is critical and necessary, regardless of ability to pay. NACC Executive Director Kim Dvorchak was quoted in the release regarding right to counsel for children in dependency cases: “From the moment a child is placed in foster care, everything is at stake — their home, school, relationships with parents and siblings, community, and future... Ensuring the right to counsel in the child welfare system can make all the difference navigating this complex system and — as research shows — achieving the best possible outcomes. Due process and fundamental fairness demand nothing less.”

**NACC Urges Congress to Include Needs of Children, Families in COVID-19 Response**

In response to the pandemic, NACC has joined several coalitions calling upon the federal government to target COVID-19 response funding toward the services that prevent child maltreatment and serve youth already in the system. Specifically, NACC advocated for an
increase to the Social Services Block Grant, urged targeted support for older youth, promoted non-discrimination protections and requested comprehensive child welfare funding investments. It is crucial that Congress provide critical supports to families facing stress and disruptions resulting from the pandemic by equipping the child welfare systems with the requisite tools to handle the crisis. Please consider contacting your congressional delegation to explain the urgent needs at stake.

**NACC & Partners Demand Congressional Action to Protect Older Youth in Foster Care**

NACC joined FosterClub and other partners to call upon Congressional leaders to act immediately to protect older youth impacted by the COVID-19 pandemic. Requested relief includes increases and flexibilities to the John H. Chafee Foster Care Program, a temporary moratorium on discharges from the foster care system for youth between 18 and 21 years old, and financing to assist youth until age 22 using federal Title IV-E dollars. Read more here.

**NACC Joins Call Urging Congress to Support Workforce and Economic Assistance for Opportunity Youth**

Led by the Reconnecting Youth Campaign, NACC joined in a request for attention and support for Opportunity Youth, youth of color, and youth experiencing poverty during the public health crisis. Opportunity Youth are defined as those between age 16 and 24 years old who are not employed or in school. The request details needed support critical for workforce training programs, mental health services, and public benefits navigation to ensure eligible young people can access unemployment benefits, SNAP benefits and economic stimulus payments. Read more here.

**NACC Testifies Before Vermont Legislature on Importance of Family Time**

In April, NACC testified before the Vermont House Committee on Human Services regarding the importance of family time during the pandemic for youth in the child welfare system. NACC Legal Director Allison Green urged the Committee and stakeholders to consider a multidisciplinary, case-by-case approach to evaluating whether in-person family time may still be safe and appropriate for certain families. Read more 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.
AMICUS UPDATES:

NACC Files Amicus Brief Supporting Right to Counsel in Nevada

On March 20, NACC filed an amicus brief in the Supreme Court of Nevada supporting right to counsel for young people in dependency proceedings. The case involved an older youth who was denied the opportunity to opt-in to extended foster care through his attorney because his autism rendered him non-verbal. Citing due process and statutory grounds, NACC argued against the lower court’s decision to dismiss the request made through counsel. Read more here.

Court Grants Request for TRO in Flores Case

NACC is one of several amici in *Flores v. Barr*, a class action matter involving protections for the approximately 5,000 minors detained by Immigrant and Customs Enforcement and the Office of Refugee Resettlement. In April, the court granted a nationwide temporary restraining order requiring that the Trump administration to “make every effort to promptly and safely release” from custody thousands of class members due to the COVID-19 pandemic. Advocates expect the ruling will help slow down the spread of the virus among detained children and staff.

NACC is Now Accepting Nominations for Promoting Excellence Awards

The National Association of Counsel for Children honors the champions among us who raise the bar and set the standard for excellence in children’s legal advocacy. NACC’s Promoting Excellence Awards are presented annually to individuals and institutions making significant contributions to the rights and well-being of children through excellence in legal representation.

NACC is now accepting nominations for awards in the following categories:

- **Outstanding Legal Advocate**
- **Outstanding New Lawyer**
- **Outstanding Children’s Law Office**

Click here for award criteria and instructions, and submit your nominations using the online form. Deadline is July 1, 2020.
Membership Matters

Introducing Organizational Memberships

NACC's newly updated organizational membership program is designed to bolster the national NACC community by engaging child welfare offices and agencies from small teams to large agencies. An organizational membership provides Bronze-level membership benefits and discounts to your entire office, law firm, or agency. When your office joins NACC as an organizational member, all staff can enjoy access to member benefits and resources including monthly webinars, monthly newsletters, the quarterly Guardian, discounts on CWLS certification applications, training, conference, and more!

Learn more and enroll your organization now!

Upcoming Member Webinars

Advocacy for Youth in Congregate Care during COVID-19
This webinar is part of NACC’s ongoing series of responsive training measures to support attorney practice in the COVID-19 pandemic. The session is open to members AND non-members.
Thursday, June 25, 2020 | 3:00-4:30 PM ET
See page 35 for details.

Children and Families at a Crossroads: Client-Centered Cross-Practice Representation of Undocumented Children
Tuesday, June 30, 2020 | 2:00-3:30 PM ET
See page 36 for details.

NACC State-Based Listservs in Florida, California, and Oklahoma!

NACC has recently launched state-based listservs in Florida, California, and Oklahoma. This is a supplement to our national listserv. If you are a Florida, California or Oklahoma child practitioner who would like to join your respective state list, please email Allison.Green@NACCchildlaw.org.

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.
Welcoming NACC’s Second Cohort of State Coordinators!

The National Association of Counsel for Children’s State Coordinator Program leads expanded outreach and localized support efforts to a growing network of child welfare attorneys.

NACC established its first 10 coordinator positions in 2019 in the following states: Alaska, California, Colorado, Iowa, Louisiana, Missouri, Montana, New York, Oklahoma, and Washington. In 2020 NACC’s second cohort was added in the following states: Alabama, Connecticut, Florida, Georgia, Indiana, Mississippi, Nebraska, Nevada, Ohio, Tennessee, Texas, and Vermont.

NACC will receive applications each year to select an additional 10 coordinators from other states and districts, moving to fulfill our 50-state strategy over the next five years. This is a critical time to build community and support practitioners and we are grateful for this volunteer network. See NACC’s State Coordinator Position Description for more information.
Thank you to our Platinum Lifetime, Gold, and Silver Members!

**PLATINUM LIFETIME**
- Candace Barr
- Donald Bross
- Irma Carrera
- Amanda Donnelly
- Leonard Edwards
- Amanda Engen
- Donna Furth
- Gerard Glynn
- Charles Masner
- Kathleen McCaffrey
- Henry Plum
- Allison Schmidt
- Janet Sherwood
- Yve Solbrekken
- Cynthia Spencer
- John Stuemky
- Smith Williams

**GOLD**
- Rosemary Armstrong
- Nadine Bailey
- Kathryn Banks
- Petra Benavides Schwartz
- Larry Bossier
- Bruce Boyer
- James Cargill
- John Ciccolella
- Robert Clark
- Lily Colby
- Jonathan Conant
- Jami Crews
- Robert Fellmeth
- Marlee Galvez
- Denise Glasgow
- Nicole Goodson
- Joseph Gunn
- Josh Gupt-Kagan
- Kimberly Jordan
- Lenore Knudtson
- Angela Kohel
- Greta Locklear
- Candice Novak
- Angela Orkin
- Marshall Pahl
- Lindsey Parlin
- Melissa Paul-Franklyn
- Thailund Porter-Green
- Karla Roisum
- David Romero
- Sarah Chase Rosario
- Lisa Rutland
- Lisa Schneider
- Bob Schwartz
- Dwayne Simpson
- Tim Stevens
- Julia TenEyck
- Tsinena Thompson
- Judy Waksberg
- Jacqueline Williams
- Christopher Wu

**SILVER**
- Jill Abrahamson
- Robert Ackley
- Tyrone Afrasan Adams
- Sylvia Andrew
- Brandon Baker
- Kathleen Baker
- Pardis Bakhshi
- Debra Barriger
- Anna Brown
- Baylee Butler
- Tjuana Byrd
- Chris Calvert
- Anne Cardea
- Angela Cobb
- Tiffani Collins
- Katie Conner
- Tiffany Crouch Bartlett
- Nita Day
- Teal de la Garza
- Judith del Cuadro-Zimmerman
- Adaugo Duru
- David Dykas
- Mary Evans-Battle
- Lydia Fields
- Shenesia Fitts
- Emmarie Foerster
- Nicole Forelli
- MaryBeth Forwood
- Karen Freedman
- Sherrie Friedman
- Sarah Frost
- Darice Good
- Chelcie Griffith
- Emma Haddix
- Carey Haley Wong
- Meredith Hamsher
- Alesia Hansen
- Richard Highsmith
- Hollie Hinton
- Denise Hippiach
- Nicholas Hite
- Lorne Hobbs
- DeAnna Horne
- Bob Huddleston
- Karen Hunt
- Denise Hyde
- Lisa Johnson
- Paula Kaldis
- David Katner
- Alycia Kersey
- Nicole Kilburg
- LaShanda Lennon
- Natalee Levine
- Kimber Marshall
- Amber Martinez
- Sarah McElhinney
- Michelle McGrath
- Molly McIlvaine
- Margie McWilliams
- Robert Melton
- Debbie Morawski
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- Jane Okrasinski
- Nadine Orrell
- Julie Pennington
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- Devonna Ponthieu
- Suzanne Queen
- Jenny Rose
- Mahna Salter
- Bonnie Saltzman
- Kelli Sather
- April Shy
- Cheryl Smith
- L Alys Summerton
- Sandra Swanson
- Heather Tager
- Belinda Taylor
- Allyson Thomas
- Laura Underwood
- Priscilla Upshaw
- Laura Van Zandt
- Charles Vaughn
- Oma Velasco-Rodriguez
- Kathryn Walsh
- Nicole Williams
Child Welfare Law Specialist Certification

Congratulations to Our Newest Child Welfare Law Specialists!

Larisa Reithmeier-McKenna, JD, CWLS
Riverside County Counsel’s Office
RIVERSIDE, CA

Jennifer Stone, JD, CWLS
Schilling, Winn & Stone, PC
LARAMIE, WY

Angela Torres, JD, CWLS
Children’s Law Center of California
MONTEREY PARK, CA

CWLS Eligible for Deep Discount on NACC’s Red Book Training Course

As an added CWLS benefit, NACC is now offering registration for the online Red Book Training Course at a 50% discount for CWLS only. Whether you have been practicing for decades or just a few years, it’s important to brush up on the fundamentals every so often — and stay on top of your CLEs (accredited in Colorado for 8 hours total including 1 ethics credit).

The summer course runs from June 3rd to July 15th and registration is available until July 14th. (Missed a session? No problem — you can always catch up on the recordings at your leisure.) View the syllabus and schedule here.

The registration fee is $200 for NACC members and $275 for nonmembers, but all CWLS can now register for $100. Registration includes access to all the session recordings until December 31st. Register here! (Make sure you are logged into your profile in order to get the CWLS discount.)

For more information, please see the Training section of this issue.

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).
Join us Online

The 43rd National Child Welfare Law Conference will be online! Our commitment to providing high-quality continuing legal education programs and networking events to strengthen and support child welfare legal practitioners nationwide remains strong during these critical times. Join us from the safety of your own home or office.

Conference Schedule and Session Agenda

NACC has scheduled a week-long program of sessions, social activities, and more! See the next page for this year’s outstanding line-up valuable sessions and expert faculty. We are grateful to faculty for sharing their knowledge and expertise online with the NACC community in August.

Visit our Conference page frequently for more information and updates.

Registration is open now!

Early Registration is open now through the end of July 2020. Register today to secure your space and save. $275 for CWLS, $300 for NACC Members, $375 for Nonmembers.
All times are Eastern Daylight

**Sunday, Aug 23, 2020**

**PRECONFERENCE : TIME TBD**
Children’s Law Office Convening

**Monday, Aug 24, 2020**

**WELCOME : 11:00 – 11:10 AM ET**

**PLENARY 1 : 11:15 AM – 12:45 PM ET**
“We Are Sending More Foster Kids to Prison Than College” – A Call to Action to Disrupt Bad Outcomes for Older Youth in Foster Care

**BREAKOUT 1 : 1:15 – 2:30 PM ET**
When Attorneys Should Object to the Overuse of Psychiatric Medication in Foster Children

**BREAKOUT 2 : 3:00 – 4:15 PM ET**
FFPSA Passed: The Real Work to Radically Reform our Nation’s Child Welfare Systems is just Beginning

**BREAKOUT 3 : 4:45 – 6:00 PM ET**
Indian Child Welfare Act: Lessons from the Last Frontier

**WELCOME RECEPTION : 6:15 – 7:30 PM ET**

**Tuesday, Aug 25, 2020**

**BREAKOUT 4 : 11:00 AM – 12:15 PM ET**
Making the Agency’s Witness Your Own: Cross-Examining the Case Worker

**BREAKOUT 5 : 12:45 – 2:00 PM ET**
How Parent and Child Attorneys Can Collaborate to Advocate for Survivors of CSEC

**Wednesday, Aug 26, 2020**

**BREAKOUT 6 : 2:30 – 3:45 PM ET**
Termination of Parental Rights and Adoption: Brave Conversations on Parental Loss and Effective Holistic Advocacy

**BREAKOUT 7 : 4:15 – 5:30 PM ET**
How Civil Legal Services can Lift Youth and Young Adults out of Homelessness

**BREAKOUT 8 : 11:00 AM – 12:15 PM ET**
Making Least Restrictive a Reality: Tools to Challenge Congregate Care Placements

**BREAKOUT 9 : 12:45 – 2:00 PM ET**
Preparing Communities and Child Welfare Professionals ahead of a Workplace Raid

**PLENARY 2 : 2:30 – 4:00 PM ET**
Litigating Race: A Discussion on using Legal Tools and Resources to Combat Implicit Racial Bias in Child Welfare and Juvenile Proceedings

**BREAKOUT 10 : 4:30 – 5:45 PM ET**
A Multidisciplinary Toolbox for Serving 0-5 Year Olds

**BREAKOUT 11 : 11:00 AM – 12:15 PM ET**
Representing Parents with Disabilities and their Families: Strategies and Solutions for Effective Advocacy

**Thursday, Aug 27, 2020**

**BREAKOUT 12 : 12:45 – 2:00 PM ET**
Brain Essentials: Merging Science with Advocacy to Give Children, Youth and Families “What They Need,” instead of “What We’ve Got.”

**BREAKOUT 13 : 3:45 – 5:00 PM ET**
From Our Perspective: Youth & Alumni Priorities on Reforming the Child Welfare System

**BREAKOUT 14 : 5:30 – 6:45 PM ET**
Confidentiality and Information Sharing in Child Welfare Cases: The Good, Bad, and Outstanding Questions

**Friday, Aug 28, 2020**

**BREAKOUT 15 : 11:00 AM – 12:15 PM ET**
Advocating for Transgender Youth in Care: A Case Study

**BREAKOUT 16 : 12:45 – 2:00 PM ET**
“A Walk in My Shoes” – A Parent’s Perspective and Engaging Parents when they are in Crisis

**PLENARY 3 : 2:30 – 4:00 PM ET**
Compassion: The Key Ingredient in all Efforts to Reunify Children with Families in the Child Welfare System

**BREAKOUT 17 : 4:30 – 5:45 PM ET**
You Can’t Pour from an Empty Cup: Helping Yourself to Help Your Clients

**CLOSING & AWARDS : 6:00 – 7:00 PM ET**
Training

NACC’s Online Red Book Training Course
Summer Session Has Started!

NACC’s online Red Book Training Course is designed to assist you in preparing for the Child Welfare Law Specialist (CWLS) examination and serves as an excellent review of core dependency competency areas. 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 — includes access to electronic Red Book and course recordings through December 31.


This course is accredited for 8 hours of CLE in Colorado, including 1 hour of ethics credit. CLE approval in at least one MCLE state can streamline an attorney’s CLE application in another state. The course is accredited in two formats — for those who plan to participate live each session and for those who intend to watch the recordings. Please check with the CLE authority in your jurisdiction with regard to specific online and on-demand learning requirements or limitations. Certificates of attendance and accompanying documentation will be made available to participants after the course concludes.

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.

Upcoming Webinars:

Advocacy for Youth in Congregate Care during COVID-19

Thursday, June 25, 2020 | 3:00-4:30 PM ET

This webinar is part of NACC’s ongoing series of responsive training measures to support attorney practice in the COVID-19 pandemic. The session is open to members AND non-members.

Federal and state law, as well as social science research, support the least-restrictive, most family-like placement for youth in the child welfare and juvenile justice systems. Despite that, many youth, particularly older youth, in both systems continued to be placed in congregate care at alarming rates. The risks and concerns of congregate care placement are heightened during the COVID-19 pandemic. Attorneys play a key role in advocating to get and keep their clients out of congregate care during the COVID-19 pandemic. Join attorneys from around the
country to learn why congregate care placement is particularly risky during the pandemic, and what attorneys can do to zealously advocate for their clients that are placed in or may be placed in congregate care. Participants will walk away with best practices and advocacy tips that are applicable during the COVID-19 pandemic and beyond.

**Presenters:**
- Jennifer Rodriguez, JD, Executive Director, Youth Law Center
- Jennifer Pokempner, JD, Senior Attorney, Juvenile Law Center
- Tom Welshonce, JD, Supervisor, KidsVoice

*Accredited for 2 hours of CLE in Colorado. CLE approval in at least one state can streamline an attorney’s CLE application in another state. Check with your jurisdiction for details on simplified CLE applications and online/on-demand learning requirements.*

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**Children and Families at a Crossroads: Client-Centered Cross-Practice Representation of Undocumented Children**

**Tuesday, June 30, 2020 | 2:00-3:30 PM ET**

This webinar will focus on the intersection of child welfare and immigration law practice, and highlight how holistic teams of attorneys, social workers, paralegals and investigative staff can collaborate to address all relevant aspects of young clients’ lives, both inside the courtroom and out, and represent the child as a whole. Participants will learn best practices for identifying systemic barriers and legal concerns of immigrant youth in the child welfare and juvenile justice systems; dynamic client interviewing techniques that enhance issue-spotting and promote age-appropriate and culturally sensitive dialogue and interactions; and how to identify cross-advocacy issues such as education and housing. The presenters will also share immigration law updates and explain immigration categories, status, and law practice considerations for family court proceedings, including Special Immigrant Juvenile Status (SIJS) hearings.

**Presenters:**
- Melissa Paul-Franklyn, JD, Assistant Attorney-in-Charge, Legal Aid Society - Juvenile Rights Practice
- Cristina “Tina” Romero, JD, Staff Attorney, Legal Aid Society – Immigration Law Unit
- Jadera Ramirez-Garcia, JD, MSW, Staff Attorney, Legal Aid Society – Immigration Law Unit
- Jordyne James, LMSW, Forensic Social Worker, Legal Aid Society - Juvenile Rights Practice

*Accredited for 2 hours of CLE in Colorado. CLE approval in at least one state can streamline an attorney’s CLE application in another state. Check with your jurisdiction for details on simplified CLE applications and online/on-demand learning requirements.*
Past Webinars Available to NACC Members

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The National Association of Counsel for Children is dedicated to advancing the rights, well-being, and opportunities of children impacted by the child welfare system through high-quality legal representation.

# Promoting Excellence
# Building Community
# Advancing Justice

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