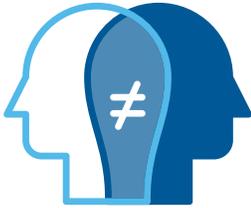


The Guardian

The Guardian is a quarterly law journal published by the National Association of Counsel for Children exclusively for its members.



PART 2

This article is the second in a three-part series for *The Guardian*: “The Weaponization of Whiteness in Child Welfare”, featuring *Guardian* contributor MJ (Maleeka Jihad) and various experts in child welfare as co-contributors. Find the first article in the Fall 2022 issue and look for the final installment in 2023.

THE WEAPONIZATION OF WHITENESS IN CHILD WELFARE

Parallels Between Child Welfare Parenting Time and Prison Visitation

by MJ (Maleeka Jihad), Shayna Koran and Sonja Ulrich, DSW, MSW

“Any system built to actually protect children should in NO WAY look the same as a system purposely built to punish adults.” — Joyce McMillan¹

Visit Time vs. Parenting Time

“Looking back on both experiences, I have had more time with my dad in prison than I had with my children when the department of human services had custody of them.” — Shayna Koran

In child welfare court-involved cases, following the removal of children from their families, parents and/or caregivers are generally subjected to participating in supervised visitation as a way to see and spend time with their children. Historically, the purpose of visits between children in foster care and their families has been to maintain the parent-child connection when separated. Visitation for children and families is a formalized process, controlled by

¹ Joyce McMillan, <https://jmacforfamilies.org>.

IN THIS ISSUE:

The Weaponization of Whiteness in Child Welfare: Part 2: Parallels Between Child Welfare Parenting Time and Prison Visitation • **1**

Learning from Lived Expertise: Top 10 Ways to Cultivate a Culture of Engagement in the Courtroom • **12**

Executive Director's Message: A Tribute to Team NACC • **14**

Measuring Therapeutic Outcomes for Survivors of CSEC • **17**

Family-Based Alternative Sentencing Programs: A Hidden Gem in Preventing Child Welfare Issues • **22**

Case Digests • **25**

Next Generation News: THE Student Section of The Guardian: Police Use of Force on Children: How it Bleeds into their Schools • **27**

Collaboration is Crucial to Advance Racial Equity in Child Welfare • **32**

NACC's Inaugural Race Equity Virtual Training Series • **36**

Reader Panel: Appellate Practice in Child Welfare Cases • **37**

NACC Policy News and Amicus Updates • **40**

Membership Matters • **42**

Child Welfare Law Specialist Certification • **47**

2022 Conference: Final Month to Purchase ConferenceToGo • **48**

2023 Conference: Save the Dates & Call for Abstracts • **48**

NACC Extends a Special Thanks to Our 2022 Conference Sponsors and Exhibitors • **49**

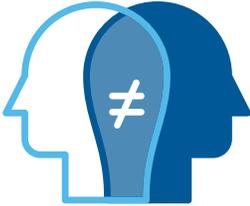
Training • **50**

NACC Welcomes Jonathan Green! • **54**

Honoring NACC's 45th Anniversary with a Charitable Contribution • **55**

NACC Boards and Staff • **56**

► **Weaponization of Whiteness** from previous page



the system and the worker assigned to the case, and is intended to provide oversight to families whom the child welfare agency deems unsafe.

Public child welfare systems across the nation refer to parent-child time as different things, each having the authority to define the family contact program for their service area. Over the past several years, jurisdictions have recognized the need to change the perspective of visitation, shifting from the term “visits,” which has been used more commonly with settings such as prisons or treatment facilities, to “parenting time” or “family time.”² Multiple driving factors exist for this shift, including the recognition of the importance of parent-child time in promoting quicker reunifications while ensuring the time together is more natural and promotes connectedness and strong relations within the family that has been separated.

Making a policy shift enforced by law: *In Washington State, family time has been recognized as critical to strengthening and preserving the family bond and achieving successful reunification. To ground this change, the state passed a law requiring the first contact between parents and children to be within the first seventy-two hours after a child is removed. Additionally, family time is required to be changed to unsupervised at thirty days unless the worker can provide evidence that removing a visit monitor would create a safety threat.*³

The shift in recognizing the importance of parent-child time has been a much-welcomed policy change that still needs more work and effort to actually shift the practice on the front lines of child welfare and to ensure families have a different experience. The current system still does not recognize the families’ unique cultural, ethnic, or tradition-based parenting. The system does not recognize the value of cross-cultural differences in parenting and promotes the parenting standards and beliefs of those who are in the position to pass judgment (caseworkers and visit monitors). Parenting practices and beliefs are strongly related to the attitudes, beliefs, traditions, and values of the cultural or ethnic group to which the family belongs.

*The American Psychological Association (APA) defines parenting practices as the shared goals of ensuring children’s health and safety, preparing children for life as productive adults, and transmitting cultural values. Researchers have described different human parenting styles — ways in which parents interact with their children — with most classifications varying on the dimensions of emotional warmth and control.*⁴

Cultural Respect: White-Centered Parenting

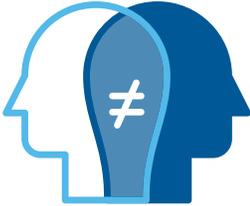
White centering is putting the cultural norms, values, behaviors, beliefs, and feelings of white people (individualism) above any other culture of people. White-centered parenting is the psychological construction of creating and supporting healthy development of children through the lens of white cultural standards. The examination of white-centered parenting is the “normal” way of parenting within the social constructs of child welfare.

2 U.S. Department of Health and Human Services, Administration for Children and Families. *Family time and visitation for children and youth in out-of-home care*. Information Memorandum ACYF-CB-IM-20-02 (2020). Available at: <https://www.acf.hhs.gov/cb/policy-guidance/im-20-02>.

3 Washington State Department of Children, Youth, & Families. *HB 1194 Impacts on Family Time Visitation*. (2021). Available at: <https://www.dcyf.wa.gov/news/hb-1194-impacts-family-time-visitation>.

4 American Psychological Association. *APA Dictionary of Psychology* (2nd ed. 2015).

► **Weaponization of Whiteness** from previous page



Eliminating the inclusiveness and cultural respect for other (non-white-American) parenting styles, including the attitudes, beliefs, and behaviors towards children in care, is harmful to system-involved families, as it confirms structural biases within family visitations. It also confirms the false narrative that people of color are unable to parent their own children.

The analysis of attitudes, treatment, and behaviors of parent-child relationships through the lens of curiosity and humility is the culturally respectful way to interrupt differential parenting styles.

The American Sociological Association also published a 2002 study that indicates African American parents favor the disciplinarian or authoritarian approach to parenting. The study states that Black parents may be harsher on their children in an attempt to prepare them for a world that is filled with discrimination and societal biases that do not favor people of color.⁵

One example of how parents of Black children often face discrimination during supervised visitation time has been the task of styling the children's hair. This has been mischaracterized as not properly "spending" time with their children, but rather "wasting" time and causing discomfort to the children. Associate professor of Sociocultural Psychology at Tulane University, Dr. Marva L. Lewis, who created and founded the Center for Natural Connections (CNC), studied the connectedness of Black mothers and children and their relationship with hair. She discussed within her studies that hair care time facilitates some core parenting behaviors that lead to more secure attachments: positive verbal interaction, loving physical touch, and responsive listening.⁶

While system-involved Black families can be penalized for spending time during visits on hair styling, Indigenous children in foster care are disrespected by receiving (unauthorized) haircuts from their foster families. Not cutting the hair of Indigenous children (placed in foster care) without parental permission and court approval is standard. However, this policy is often misunderstood or not followed. The reason for the authorization of haircuts for Native children is the relationship many Indigenous tribes have with their hair. Hair symbolizes their association with their family and their tribe. The meaning behind a Native American's hair symbolizes strong cultural identity that promotes self-esteem, self-respect, a sense of belonging, and a healthy sense of pride.⁷

Implications of Poverty

Children enter foster care for a variety of reasons, of which poverty was found to be an underlying factor in the majority of cases. Neglect, inclusive of poverty-related concerns, constitutes the reason that the majority of children are removed from their families. There is no federal definition of poverty, leaving states to define it for themselves. Poverty can be defined as an inability to provide housing/shelter, food/nutrition, and clothing for chil-

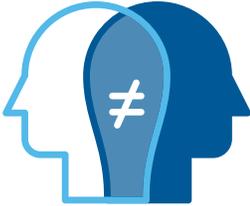
WHITE SUPREMACY CULTURE: A form of racism centered upon the belief that white people are superior to people of other racial backgrounds and that whites should politically, economically, and socially dominate non-whites. – National Educational Association

5 King, T. "Parenting in the Black Community: Why Raising Children is Difficult for us." *Atlanta Black Star*. (July 2015). Available at: <https://atlantablackstar.com/2015/07/14/psychology-parenting-exploring-new-ideas-black-motherhood-fatherhood/>.

6 Lewis, M. L. "Hair combing interactions: A new paradigm for research with African-American mothers." *American Journal of Orthopsychiatry*, 69(4), 504–514. (1999).

7 Sister Sky. *The Significance of Hair in Native American Culture*. (January 2019). Available at: <https://sistersky.com/blogs/sister-sky/the-significance-of-hair-in-native-american-culture>.

► **Weaponization of Whiteness** from previous page



CASE EXAMPLE: Excerpt from a Visitation Monitor's Notes: "She brought two choices for lunch, some baby bell cheese, and popcorn for later. She brought movies today. She brought several types of candy and snacks, high in sugar today. The squeeze juices (fruit punch flavored) the gummy bears and Hi-Chews and starbursts, Cheetos."

dren.⁸ In 2020, out of children who were confirmed by child welfare agencies to be victims of maltreatment, 76% were found to have been neglected.⁹ Physical or sexual abuse occurred in only 25% of cases.¹⁰ To further complicate the issue, and recognizing the existence of disproportionality, in 2019, 63% of Black children in care were removed from their home for neglect, and 18.2% of Black children in care were removed from their homes due to physical or sexual abuse.¹¹

*Food insecurity impacts 1 in 8 households with children. One in 6 (16.1 percent or 11.6 million) children lived in poverty in 2020, an increase from 14.4 (or 1.1 million children) from 2019.*¹²

Unfortunately, due to financial instability experienced by families in poverty, fresh and healthier food options may be less attainable. Poverty leads to financial constraints that in turn lead to the consumption of cheap, high-energy staple foods, primarily carbohydrates and fats, rather than nutritionally dense food.¹³ Many parents and or caregivers involved in the child welfare system may not have access to more affordable nutritious foods to provide to their families due to where they live, which is known as food deserts. Approximately 23.5 million people are living in what is considered to be a food desert, and more than half of them are considered "low-income" areas.¹⁴

*Families that earn less than 200% of the federal poverty line (\$43,920 for a family of three in 2021) make up nearly 85% of families investigated for child abuse or neglect.*¹⁵

Parents are instructed to bring healthy food and no sugar to visits and are often characterized poorly for failure to do so. However, the perception of what is considered healthy is determined by the observer of the visits. Parents and caregivers should not be penalized during parenting time for lacking the resources to provide nutritious snacks and meals for their children. Failure to provide the types of food expected by the visitation rules is not a reflection of a parent's lack of care, but a reflection on a parent's lack of economic capacity, and as such, should be recognized as a systemic barrier to meeting visitation expectations.

Influence of Perception & Bias

Individual caseworkers approach their role with families differently. Although they may respond to the same policy and practice requirements, caseworkers bring their own prac-

8 Duva, J. & Metzger, S. "Addressing poverty as a major risk factor in child neglect: Promising policy and practice." *American Humane*, 25(1), 63-74.

9 Annie E. Casey Foundation. "Children who are confirmed by child protective services as victims of maltreatment by maltreatment type in the United States." Available at: <https://datacenter.kidscount.org/data/bar/9906-children-who-are-confirmed-by-child-protective-services-as-victims-of-maltreatment-by-maltreatment-type?loc=1&loct=1#1/any/false/574/3885,3886,3887,3888,3889,3890/19241>.

10 *Id.*

11 Children's Rights. "Ending The Unjust, Unnecessary And Devastating Removal Of Black Children From Their Families." Available at: <https://www.childrensrights.org/wp-content/uploads/2021/05/CR-2021-Fighting-Racism-in-Child-Welfare-Advocacy-Paper-Summary-1.pdf>.

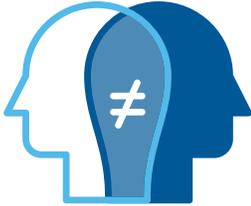
12 Food Research & Action Center. "Data & Statistics on Hunger." *Hunger & Poverty in America*. (2021). <https://frac.org/hunger-poverty-america>.

13 Siddiqui, F., Salam, R., Lassi, Z. & Das, J. "The intertwined relationship between malnutrition and poverty." *Frontiers in Public Health*. (2020). Available at: <https://www.frontiersin.org/articles/10.3389/fpubh.2020.00453/full>.

14 United States Department of Agriculture Economic Research Service. "Access to Affordable and Nutritious Food - Measuring and Understanding Food Deserts and Their Consequences: Report to Congress." (June 2009). Available at: <https://www.ers.usda.gov/publications/pub-details/?pubid=42729>.

15 Chapin Hall. "Child and Family Well-being System: Economic & Concrete Supports as a Core Component." (April 2022). Available at: <https://www.chapinhall.org/wp-content/uploads/Economic-Supports-deck.pdf>.

► **Weaponization of Whiteness** from previous page



CASE EXAMPLE: Excerpt from a Visitation Monitor's Notes: "The father said, "Come here, I'm going to change you! Quickly." The father laid the [child] on the sofa and handed the diaper to her...[the child] squirmed and kicked her feet while laughing. The father said, "There's no more time! We need to go!" The child screamed and hit her father. He grabbed her wrists and pushed them down to [the child's] sides saying, "Listen, I'm not playing!" in a loud voice. The father talked to her in a loud voice in Spanish. He finally caught her and laid her down and put the diaper on and then told her in a very stern voice, "Put your socks and shoes on." Due to unsafe behaviors from the father, this VS removed the children from the visit and found the security guard. The security guard let this VS and the children into the back office area. This VS waited in the office with the children, and case supervisors until the father left."

tice values to work. In addition, the caseworker brings their personal, individual, and unique characteristics, beliefs, and perceptions to the workplace. Part of a caseworkers' professional identification includes a connection to their personal life and the social circles they are engaged in.

Personal factors of the caseworker, including their history of abuse and neglect, their beliefs, temperament, how they interpret information, and the level of empathy they have for their clients all influence their decision-making process.¹⁶ Researchers found that the personal practice beliefs of the caseworkers regarding whether or not to keep families together or remove children to ensure their safety, were the most influential factors in the decision-making process.¹⁷ As visitation and family time are seen as a critical component to reunification, the same decision-making process and factors can also influence a caseworker's decisions on family time or visitation for families on their caseload.

The role of most visitation monitors is to ensure the safety of the child while providing an opportunity for parent-child interactions. The visitation monitor is responsible for accurately documenting what is seen and heard during the visit. While the specific requirements for the position of visitation monitor varies between public child welfare systems, the one consistent factor is the lack of education and training regarding the issues facing many of these families in crisis. Yet, despite the limited life, education and training experience, the visitation monitors can be some of the most influential parties in the family case, influencing the ultimate decision of the caseworker to either support or deny family reunification. Through their documentation, visitation supervisors paint an image of the parent and child for the department and ultimately for the decision-makers at the judicial level.

Visits are often stopped due to allegations of the child demonstrating outbursts or behavior problems following the visit with their family. When this occurs, the knee-jerk response is to associate the visits with the bad behavior of the child and move to further restrict visitation between the parent and child. Rather, research recommends that caseworkers assess the issues deeply and try to understand the parent-child relationship, which often demonstrates that what is needed in the case is not to further restrict visitation, but rather to expand it.¹⁸

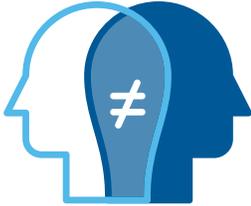
Providers and participants in court matters involving children and families need to truly consider when they assess the "best interests of the children" whether that argument is skewed by the personal perspective of the assigned worker, caregivers, or providers in the case, including the visitation monitor. Courts and other parties in the case see the visit supervisor as an "expert" although they may not be trained to assess parenting. The decisions made about visits, by people with limited life and educational experiences, ultimately influence the final decisions and recommendations made for a family in resolving their child welfare case.

¹⁶ Delgado, P., Pinto, V. S., & Carvalho, J. M. S. "Attitudes and decision-making in the child protection system: A comparison of students and professionals." *Criminology & Social Integration Journal*, 25(2), 2-14. (2017). Available at: <https://doi.org/10.31299/ksi.25.2.1>.

¹⁷ Ulrich, S. "The Perceptions and Practices of Child Welfare Caseworkers and Decision-Making Related to Reunification." [Doctoral dissertation, Walden University]. (2022)

¹⁸ McWey, L., Acock, A., & Porter, B. "The impact of continued contact with biological parents upon the mental health of children in foster care." *Children and Youth Services Review*, 32, 1338-1345. (2010).

► **Weaponization of Whiteness** from previous page



CASE EXAMPLE: Case Example - Excerpt from a Visitation Monitor’s Notes: “When this VS picked up the children at the caregiver’s home, the caregiver told this VS that both of the children have been acting out and exhibiting behaviors leading up to the visit. [Child 1] ran into a room and locked himself inside. [Child 2] cried, and was kicking and screaming when the caregiver put her in the car seat to go to visit, and she cried on the way to the visit. When this VS put [Child 1] in the car to get into the car seat, he jumped out of the seat and attempted to go to the front seat.”

Levels of Visitation Supervision

When parents and children are separated by the child welfare system, the action of removal itself is often combined with an automatic assumption of safety threat, therefore requiring the highest level of supervision for family time. It is as if once a parent and child become policed by the child welfare agency, rules are applied, that are not always needed, to ensure the safety of the child. Even though most children enter out-of-home care following allegations of neglect, once you enter through the doors of the child welfare system, each parent and child are treated the same, with the visitation and family time being required to be supervised, most often in an office environment.

Assumptions and perceptions about a parents’ involvement in the child welfare system can influence workers and providers to assume a parent is incapable of parenting, and therefore automatically requiring supervised visits. While safety is the first consideration when developing a plan for visitation, it is critical to understand that not every situation, and not every parent and child, needs to be supervised.

Treating every case and every situation with an assumption that there are safety threats present is an area where public child welfare systems can significantly improve in responding to the needs of children and families. Through proper safety assessments and identification of existing safety threats, and factoring in protective factors that mitigate the threats, child welfare systems are well-equipped to provide families with the level of supervision needed based on the reasons the child was removed from the home. Too often systems confuse elements of risk and safety when they are not interchangeable. Risk refers to the likelihood of future abuse or neglect and is seen on a continuum of high risk to low risk. Safety refers to immediate or impending danger or threats of serious harm. Safety is assessed at different points in the case and does not exist on a continuum. If it is determined that a safety threat exists, caseworkers should assess and identify protective factors, to determine if the safety threat can be mitigated and supervision not required.¹⁹

Through an appropriate assessment of true safety threats, extended family or other informal support systems can support parent/child contact for families that need less (or no) supervision. Efforts should always be made to support families to have the most optimal family time possible, in the most comfortable environment possible, and in a manner that allows for the family to have a natural interaction with one another. In order to achieve these goals, plans for family contact must be made with the family and be designed to support the parent-child attachment and bond, while supporting the parent to participate in any needed services.

RISK VS. SAFETY		
Likelihood	vs.	Imminent
Potential	vs.	Observable
Historical Actions	vs.	Current Actions

¹⁹ See generally American Bar Association. *Child Safety: A Guide for Judges and Attorneys*. (2009). Available at: <https://www.americanbar.org/products/inv/book/215601/>.

► **Weaponization of Whiteness** from previous page



Visitation or family time plans should be reviewed on a regular basis and assessed for risk and safety to the children, always with the lens of decreasing oversight to allow parents and children to be in the most natural environment possible without supervision. Changes in visits should never be based on a reward or punishment for parental participation and compliance with case plans. Visits are the child’s right and need to always be seen through the lens of the child when developing plans, considering changes, and making shifts to the plans. The level and frequency of family time should be reflective of the families’ progress toward achieving the established goals for reunification.

Frequency of Visits

Parents are responsible to work around the schedules of everyone else to ensure they get any time with their children. Visitation rules created by the department require unrealistic expectations of parents, under the guise of positively supporting parents. They are not consistent with how families would actually relate in their own homes. Some jurisdictions use a standard set of hours that is automatic for every family working with the child welfare system. This results in plans that are driven off of the public child welfare systems’ need based on resources, rather than the needs of the family to support reunification.

RISK FACTORS

- Drugs and Substance Abuse
- Domestic Violence
- Lack of Understanding of Child Development
- Parenting Stress
- Conflict/Unstable Housing

PROTECTIVE FACTORS

- Knowledge of Parenting and of Child and Youth Development
- Parental Resilience
- Social Connections
- Concrete Supports for Parents
- Social and Emotional Connections of Children

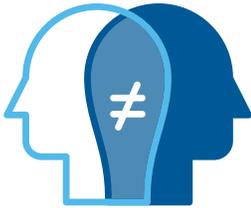


Family time in the child’s natural setting should be encouraged. For example, supporting parents to attend school functions, medical appointments, and extracurricular activities can be healthy for the child and encourage natural connections and interactions for the family. Foster parents, while maybe well- intentioned, tend to have a voice in such decisions, deterring the public child welfare system from supporting parental attendance at school settings. Depending on the situation, some parents are not allowed to see their child outside of the regularly scheduled visitation time.

Frequent visits are strongly connected to increased permanency and well-being for children.²⁰ However, nationally, public child welfare systems are inconsistent in how they approach minimum levels of contact for parents and children. Ultimately, many recommendations on how much time is provided for families is driven by the caseworker assigned to work with the family, within the limits of the policy in their jurisdiction. With such different recommendations and levels of guidance across the nation, children and families can experience very different scenarios depending on their geographical situation. For example, historically some states have had a minimum standard of contact of one time per week, other states the minimum is monthly. Considering these two differences, the one state that would only provide weekly visits would lead to 52 visits in one year. The other experience of minimum monthly contact would only leave the family with 12 contacts per year.

²⁰ See ACYF-CB-IM-20-02, *supra* note 2.

► **Weaponization of Whiteness** from previous page



These significant differences in policy also contribute to the differences in well-being for children and families and ultimately impact permanency outcomes.

The rules for visitation for families in the child welfare system can be more stringent than rules for visitation with people who are incarcerated.

Reasons used for restricting visiting opportunities for families:

Lack of available supervision monitors

Lack of community agencies/providers

Foster parents' schedules

Court approval required

Behavior of the child before, during, or after visits

Parents not complying with service requirements

Parents are not "safe"

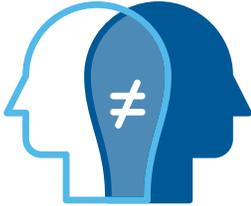
Child Welfare Visitation Rules ²¹	Prison/Incarceration Visitation Rules
Level of visitations are determined by the assigned caseworker.	Level of visitation determined by prison policy
Visits are only for the immediate family the child was removed from. Extended family members are often not allowed to participate in visitation.	Visitors can include immediate family, extended family, and professionals during visit times.
Caseworker approves letters, messages, or photos brought to the visit before giving them to the child.	Mail is viewed and screened by prison personnel prior to giving it to the inmates.
Confirmation of attendance at visits is required by a certain time or the visits are automatically canceled.	When visiting an inmate, people need to work with the prison to schedule the visit.
Use of cell phones is discouraged and, in many jurisdictions, not allowed. Parents are discouraged from making or receiving calls or texts during the visit.	Cell phones are not allowed during visits with inmates and personal items must be secured prior to entering the visitation area.
If visitation rules are broken, the visit will be interrupted or terminated by the visit supervisor.	If an individual does not follow the rules, the visit may be terminated, and visitation privileges may be suspended by prison administration.
No visits during holidays or government closures.	All institutions have visiting hours on Saturdays, Sundays, and holidays; and most have them at other times during the week.

Recommendations for parent-child contact should be individualized based on the needs of the family. As such, the average number of visits and time must be connected to the age of the child and the time needed to promote and maintain bonding and attachment.²² By thinking differently about who needs supervision and who does not, systems can support families more effectively, promote positive relationships, and put the resources and supervision where it is most needed – on the small number of higher risk cases. Re-evaluating how supervision requirements are assessed for family time has the potential to also free time for caseworkers who are monitoring visits themselves due to limited resources.

²¹ Both sets of rules are intended to be illustrative and not inclusive or exclusive of all visitation rules in child welfare and prison settings.

²² Smariga, M. "Visitation with infants and toddlers in foster care: What judges and attorneys need to know." *ABA Center on Children and the Law*. (2007). Available at: https://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/parentrepresentation/policy_brief2.authcheckdam.pdf.

► **Weaponization of Whiteness** from previous page



Harmful Results of Institutionalized Visitation

“Walking into a prison visit is the same thing as walking into supervised parenting time with the department of human service. You are getting the same feelings of humiliation, nervousness, and hopelessness. No matter what direction you turn, something you do or say is being used against you. It is so easy to punish you and take visit time away, but it is nearly impossible to increase and get meaningful parenting time. (e.g., when has a parent been allowed to throw a birthday party and invite the collective community and family the child had before removal).” – Shayna Koran

A lack of transparency leads to a lack of trust, not only in the visitation process, but with all professionals and providers. Visitation policy prevents caregivers from discussing factors of the case with the children, leading to increased anxiety about the families’ future outcome. Without the opportunity to process the traumatic events that occurred at the time of the family separation, children may internalize that they are the reason why they were taken from their caregivers. Children are not permitted to share or express their concerns or fears to their parents during the visit about whether or not they feel safe in their placement.

In addition, visitation environments are often unnatural and sterile, and parents often experience anxiety during the visits due to the heightened level of scrutiny in their actions. This dynamic leads to abnormal and non-authentic relationship interactions between the parents and children. Lack of flexibility, as it relates to visit locations, normalizes the idea that the family needs continued surveillance. And when visit schedules change or visits are suspended, often children are not made aware as to the reasons why, increasing anxiety and mistrust.

“Though I missed my parents deeply and was excited to see them on our visit days, I had anxiety at the thought of sitting in the room and being watched as though the parents, who I love and adored, were perpetrators. I hated the way the building looked, I hated the smell of the building, I hated the old and dirty toys that were given for us to entertain ourselves and I hated how our family was judged for how we loved each other.” — MJ

Recommendations for Supporting Positive Family Time

“Remember that the point of the child welfare system is not to create parents that are perfect, but to support parents to care for their children safely. Families are worth preserving using support and assistance, not power and control.” — Sonja Ulrich

- Recognize and enforce a child’s fundamental right to visit with their parents.
- Ensure staff have respect for the families’ culture as it relates to the time they spend together (i.e., staff members to match the culture of the family, including language when possible)
- Caseworkers, GALs, and other key professionals working with the family should attend parenting time regularly, spreading out observation time to not be intrusive to the family.



*Biases
elevated
with power,
privilege,
and
influence
is racism.
Check
your bias.*

► **Weaponization of Whiteness** from previous page

- Accurately assess safety and risk for every family, including the assessment of protective factors that can be used to mitigate any existing safety or risk concerns.
- Recognize your role and power in supporting a family to reach the goal of reunification.
- Become familiar with the agency's visitation rules and requirements and obtain a copy of any visitation handbooks, policies, requirements, and rules.
- Advocate for parenting time to include opportunities for participation in the child's day-to-day schedule, including appointments and extracurricular activities.
- Encourage placement caregivers to promote opportunities for parents and children to spend time together.
- Ensure transparency with the family about any observations that will be reported. All key professionals and the parents should receive copies of the visitation reports in a timely manner.

Opportunities to Reflect:

Visit Supervisors

- What are the qualifications of the visitation supervisor?
- Does the visitation supervisor possess the knowledge, skills, and experience required to support the family?
- How does the visitation supervisor adjust to the cultural needs of the family?
- How does the visit supervisor support the engagement and communication between the parents and placement caregivers?

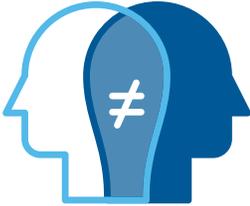
Creating Quality Parenting Time

- Is the parenting time able to be held in the family home?
- Is there another family member or close friend that would provide space in their home for parenting time or another location to create the least restrictive environment?
- Is the space for the family clean, quiet, and respectful of the family's privacy?
- Does the space include comfortable seating and a clean area to play (i.e., toys/activities that encourage parent-child interaction, snacks, water, changing table, etc.)?
- Is parenting time scheduled on a day and at a time that meets the family's scheduling needs around their work and other responsibilities, permitting travel time if needed?
- Is the frequency of parenting time able to be increased?

Addressing Systemic Racism in the Family Regulation System

- What are you doing as a professional to decrease injustices that families endure by being system-involved?
- How are you removing structural barriers to family reunification?

► **Weaponization of Whiteness** from previous page



- What steps have you taken to challenge the existing belief system and misconceptions about families involved in the system?

Addressing Individual Assumptions and Biases

- How do you define “good” parenting?
- Are you a parent?
- Where did you develop your “style” of parenting?
- How would you describe your parents’ “style” of parenting?
- What books and or guides helped you develop your “parenting” skills?
- How do you separate your own value-driven perspective from decisions made in the case?
- How do you respectfully engage with the family? ■

ABOUT THE AUTHORS:



MJ (Maleeka Jihad) is the Director of the MJ Consulting and the nonprofit MJCF: Coalition, an agency focused on dismantling systemic racism in the family policing (child welfare) system through education, advocacy, and policy reform. MJ recently took on the new role as Director of the Family Justice Programs at the Colorado Office of Respondent Parents’ Counsel (ORPC) where she provides trainings and consultations to professionals as it relates to race, culture, and community within dependency and neglect court cases.



Shayna Koran is a parent advocate at the Colorado Office of Respondent Parents’ Counsel (ORPC) and a resource advocate at the Office of the Alternate Defense Counsel (ADC). She is a full-time college student working towards her bachelor’s degree in human service with a minor in addiction studies. Shayna is married with three kids and lives in Rifle, Colorado.



Sonja Ulrich, DSW, MSW is a social worker with more than thirty years of child welfare experience. Her work history includes national training and technical assistance, system change initiatives, direct practice, and forensic social work. She has provided assessments and opinions on the practice standards in child welfare cases, risk and safety assessments, active and reasonable efforts, ICWA, and overcoming barriers to denied home studies to support permanency. Her recent research examined the decision-making process of caseworkers around reunification and the impact of their perception in the decision-making process. The findings demonstrated significant bias present in the decision-making process surrounding reunification and placement with relatives.



Kayla Powell is a member of the NACCLR, a national child welfare consultant, and an employee of Iowa's Department of Human Rights. Through these roles, Kayla leverages her nine years of lived child welfare experience and nine years of professional experience to create the communities all youth deserve.

LEARNING FROM LIVED EXPERTISE:

Top 10 Ways to Cultivate a Culture of Engagement in the Courtroom

by Kayla Powell

I attended a statewide meeting several months ago where a student attorney shared, “while each judge had a different way of doing things in their courtroom, they all had the same outcome.” I really struggled with this comment, especially as I reflected on my own experiences growing up in the foster care system from ages two to eighteen. What still resonates for me today are the adults who took time with me by consistently showing up for meetings, responding timely to my questions, asking me curious questions to get to know me as a human and not just a case file, and just simply caring about me.

In our work, it is far more important that we focus on **how** we do things as opposed to **what** we do. We all hold professional roles, whether it be an attorney, a judge, a social worker, or some other advocate for youth. These roles are important, and just as important is how we're showing up to these roles. Are we building transformational relationships rooted in empathy and trust? Are we taking time with those we're serving? Are we intentionally cultivating cultures of engagement, so youth can be heard and “best interest” can be achieved?

Cultivating a culture of engagement in the courtroom is the responsibility of adult professionals, not of youth. Below are ten ways we all can cultivate a culture of engagement in the courtroom:

- 1 Practice transformational relationships.** Relationships are built when we share space and time with others. Relationships are maintained when bidirectional humanity, empathy, and trust is exchanged. Relationships are critical to engagement, critical to equity, and critical to “best interest” determinations. Often in child welfare work, we default to transactional relationships that are rooted in efficiency. Taking time with those you serve to truly understand them and so they can understand you, authentically partnering with them to create the outcomes they want for themselves, and empowering and championing their voice throughout the legal process are ways to practice transformational relationships.
- 2 Prepare youth for court.** Attorneys should physically meet with youth before the day of their court hearing to listen to their wants and concerns, review the purpose of the hearing, the decisions that may be made, opportunities for youth to engage during the hearing, pros and cons of what may happen, what youth want to happen, and answer any questions youth may have. Preparing youth for court also includes arranging reliable transportation (coordinating with the child welfare agency, helping procure bus/Uber/Lyft stipends, etc.) and helping youth acquire clothing that they feel best represents themselves.
- 3 Break the ice.** Start a hearing with easy questions, such as “what’s the best meal you’ve had all week?”, “what’s the best thing that’s happened to you all week?”, “what are you watching on TV right now?” These types of questions humanize the space and in turn can make youth more comfortable to speak up during the rest of the hearing.

► **Top 10** from previous page

- 4** **Ask youth how they would like to be addressed.** Before and during court, all professionals should directly ask youth what name they prefer to go by, how to pronounce their name, and what pronouns they use. A youth's attorney should affirm and advocate for their client when others are not appropriately addressing them.
- 5** **Use a warm or neutral tone of voice.** When I attended my court hearings, my judge was cold, and it was intimidating. I still remember that about him today. Like adults, youth do not like to be lectured or scolded, especially by someone we don't feel has a relationship with us. Remember that how we say things is just as important as what we're saying. Dr. Dan Siegal once said, "the most powerful tool a human holds is their tone of voice."
- 6** **Create space for youth to speak up.** During hearings, simply asking "do you have anything to add?" or "what do you think?" are ways to create and invite youth to participate in their own hearings. Youth should also know they can write and pass notes to their attorney during hearings to either have their attorney share something for them or to let their attorney know they would like to say something.
- 7** **Empower youth to end their hearings.** This requires challenging the status quo as power is often demonstrated by who starts a conversation and who ends it. Inviting and empowering youth to end the hearing by sharing their reflections or their truth is a great way to remind everyone, including youth, that they are central to the case and that they matter.
- 8** **Provide multiple ways for youth to interact with their judge.** Speaking during a court hearing can be intimidating and youth may not feel comfortable sharing things or asking for what they need. Youth should know they can write their judge (and be provided with postage-paid envelopes to do so) and that they can request a 1:1 with their attorney present.
- 9** **Breakdown the legal process.** Acronyms, legal jargon, and fancy titles can easily overwhelm youth and prevent them from understanding what's happening. I was advised by my GAL that the most important thing for me to know about court was to refer to my judge as "Your Honor." This was incredibly overwhelming. When my judge asked me questions, I couldn't even process them because I was so focused on appropriately responding with "Your Honor." I genuinely believed I would be punished if I didn't. I also never understood any of the hearings I attended. I was so confused that I didn't even know what questions to ask.
- 10** **Debrief with youth after court.** After court, youth's legal representative should visit with them about what happened during court, why it happened, what's going to happen between this court hearing and the next court hearing, answer each question the youth has, and ask the youth what they thought went well and what didn't. For example, when walking out of court, my attorney would say "keep doing what you're doing, and I'll see you here again in three months." This was not at all helpful. I didn't know what just happened in that court hearing, what I should be doing for the next three months or what everyone else would be doing for the next three months to get me out of my group home. The uncertainty left me feeling hopeless. My attorney was supposed to be bold and to make sure I was safe (including emotionally), healthy and well, but I felt like we were just going through the motions.

This list is not exhaustive, and you may already be doing some of them. I challenge each of you, regardless of your role, to identify more ways to cultivate the culture necessary for youth to be seen and heard. It's up to all of us to intentionally focus on how we do things to create the communities and futures youth deserve. ■

EXECUTIVE DIRECTOR'S MESSAGE

Winter 2022

A Tribute to Team NACC



Kim Dvorchak
Executive Director

2022 marked my fifth anniversary as Executive Director of the National Association of Counsel for Children. I could not be prouder of our team and their persistent, intentional focus on supporting the child welfare legal community and the children, parents, and families you serve. Your practice is their purpose.

NACC's strategic plan recentered NACC's core programs to Promote Excellence, Build Community, and Advance Justice, and expanded NACC's budget and staff, both of which tripled in five years. This expansion was necessary to meet the needs of our still emerging and underserved legal field, as demonstrated by the high demand for NACC's training programs, webinars, online resources, and technical assistance. The launch of the Counsel for Kids campaign was a landmark development to fully, and finally, achieve access to counsel for children and youth, and the 4th Edition of Child Welfare Law and Practice (the "Red Book") will similarly drive practice forward with renewed vigor and continue to redefine zealous advocacy.

In 2023, NACC will launch a new website, database, and member resource library. Alongside the 4th Edition Red Book, there will be a new CWLS exam and Red Book Training. NACC will also launch a Race Equity Training Series, Training on Representing Infants and Toddlers, and the Second Edition Children's Law Office Guidebook. We can't wait to share these developments with you!

Every day, Team NACC is working to make your practice a little easier, better informed, and recognized as a legal specialty. These efforts are enhanced by partnerships with the NACC Board, National Advisory Council on Children's Legal Representation, State Coordinators, Emeritus Board, Red Book editors and contributors, Guardian contributors, training and policy consultants, national and state organizational partners, and numerous webinar and conference faculty.

In this season of gratitude, I want to give a special tribute to the NACC staff, without whom none of this would be possible. Please join me in thanking them for their many contributions to the NACC community.

JUSTIN BLACK, Communications Assistant

Justin joined NACC in 2020 to share his expertise and talents in digital marketing, honed during his leadership of Redefining Normal. Justin keeps NACC up-to-date on social media and produces great video and graphic content — and he's a new father, congratulations to Justin and Alexis Black! Thank you, Justin!

GINGER BURTON, Certification Administrator and Technical Writer

Ginger joined NACC in 2016 to help support CWLS Certification. Ginger quickly became an indispensable engine behind the scenes, keeping CWLS Certification current, managing applications

► **Executive Director's Message** from previous page

and recertifications, and administering CLE for NACC's training programs. Ginger is incredibly meticulous and lends a valuable editing eye across many NACC programs. Thank you, Ginger!

EMILY DUFOUR, Membership Coordinator

Emily joined NACC in 2021, bringing years of expertise in association management. Emily keeps the NACC member experience as her guide star and has contributed to the growth and development of organizational memberships and NACC's State Coordinator program. Emily is the friendly face you can count on when you email Membership@NACCchildlaw.org. Thank you, Emily!

LEYDA GARCIA-GREENAWALT, MSW, National Law School Student Organizer

Leyda joined NACC in 2022 as the inaugural student organizer. Diving right in, she developed [NACC on Campus](#) and is helping build a website [Student Hub](#), add *Next Generation News* in *The Guardian*, and expand student chapters to build the pipeline to child welfare careers — all part-time while going to law school. Thank you, Leyda!

ALLISON GREEN, JD, CWLS, Legal Director

Allison joined NACC in 2019 and has been instrumental in the development and growth of NACC's technical assistance, policy advocacy, and amicus curiae programs. Allison effectively translates her vast expertise on Title IV-E funding, Family First, and other topics to coach and train the legal community. Allison also serves on the Leadership Team and manages NACC's policy and communications departments. Thank you, Allison!

JONATHAN GREEN, JD, Director of Finance and Operations

Jonathan joined NACC this October and is probably the only Director of Finance and Operations who also was a Bergstrom Child Welfare Legal Fellow in law school! The perfect combination of finance and law for NACC, Jonathan serves on the Leadership Team and will help ensure the strength of NACC's organizational and fiscal infrastructure. Thank you, Jonathan!

CHRISTINA LEWIS, JD, CWLS, Staff Attorney

Christina joined NACC in 2021 at a pivotal moment in the growth of NACC's training programs. Christina is an invaluable partner in the development of NACC's custom training programs and helps ensure the quality of NACC's member webinar series, case law updates, training presentations, and *The Guardian*. Thank you, Christina!

EVAN MOLINARI, Communications Manager

Evan joined NACC in 2021 to develop NACC's first full-time communications role and lead strategic communications for the Counsel for Kids campaign. Evan quickly took the helm, developed two RFPs for NACC's strategic communications and website, and is now leading the development of our new website while keeping all of NACC's strategic communications and marketing on track. Thank you, Evan!

► **Executive Director's Message** from previous page

KRISTEN PISANI-JACQUES, JD, CWLS, Training Director

Kristen joined NACC in February of 2020, just before the pandemic upended training programs. Despite these obstacles, Kristen led the substantial growth of NACC's training programs, including the launch of [custom state trainings](#), [QIC-ChildRep trainings](#), and a [new race equity training series](#). Kristen serves on the Leadership Team and manages NACC's training and certification departments. Thank you, Kristen!

CRISTAL RAMIREZ, MS, Youth Engagement Manager

Cristal joined NACC in 2020 as Youth Coordinator and now Youth Engagement Manager, developing and launching NACC's constituent engagement programs and National Advisory Council on Children's Legal Representation. Cristal also contributes her professional and lived experience to national initiatives, presentations, such as this new Tip Sheet on [engaging youth in their casework](#). Thank you, Cristal!

DANIEL TRUJILLO, Director of Certification, Sales, and Technology

Daniel is the longest-serving team member with 19 years at NACC! He has served in virtually every role in the office, perhaps most significantly, the development and launch of CWLS Certification. Daniel also supports the growth of NACC's tech platforms, CWLS certifications, and ensures NACC's trainings and conference sessions are run on time with full participant access. Thank you, Daniel!

NATALECE WASHINGTON, JD, CWLS, Policy Counsel

Natalece joined Team NACC in 2021 and masterfully developed and launched technical assistance for the [Counsel for Kids](#) campaign, which includes fact sheets, webinars, convenings, and — coming soon — a major policy paper. Natalece also chairs the staff social committee and ensures every birthday and work anniversary is recognized. Thank you, Natalece!

SARA WILLIS, MA, Business and Conference Manager

Sara joined Team NACC in 2008 and has ushered in the growth of NACC's national conference and office with excellent organizational skills. Sara manages a detailed conference work-plan and keeps her eye on the attendee experience and customer service. Sara also fosters community in the Denver office with holiday surprises and treats. Thank you, Sara!

We are NACC. Together we are Promoting Excellence, Building Community, Advancing Justice. ■



Visit NACC's Title IV- ϵ Funding for Legal Representation Resource Hub



Measuring Therapeutic Outcomes for Survivors of CSEC

by Emma Hetherington, JD, CWLS

Maya¹

I first met Maya when she had just turned sixteen years old. After being arrested for shoplifting, she was placed in the care of the state child welfare agency when no one picked her up from the youth detention center. This was the second time Maya had been placed in foster care. The first time, Maya was seen as a “victim.” She and her siblings had suffered physical and emotional abuse. Their mother abandoned them and failed to complete the court-ordered case plan. However, despite her childhood trauma, Maya’s story was viewed as a success. She was young, clearly not at fault, and the system worked by helping her achieve the ultimate outcome and data point that indicates a win: achieving permanency — in her case, through relative guardianship. Numbers don’t lie, right? But the system didn’t work, and the data points proclaiming “success” didn’t fix the underlying reasons for dependency.

If you only read the documents, you would think Maya’s entry into foster care the second time around was of her own doing. She engaged in so many “risky behaviors” that no one in her family wanted her anymore. Her grandmother refused to pick her up from detention and even her mother refused to have her back home. Words used to describe her included “manipulative,” “difficult,” and “defiant.” But pieces of paper and words alone, much like singular data points, only tell you one thing, and that one thing fails to capture the type of “permanency” we all strive to help children find. The kind of permanency that fixes the problem so that the abuse and neglect doesn’t happen again. The kind of permanency that not only results in a loving, stable, and permanent home that every child deserves, but also heals the child and their family so that the child is in a better place than when they came into care. And even if we didn’t fix the problem, we built scaffolding to hold up the family as they continue the healing process.

But Maya was back, and that scaffolding had crumbled. So, as a “trauma-informed” lawyer, you start to peel back the layers to find out what went wrong and how to help Maya achieve permanency. And what you find is multifaceted, layered, and complex. You discover that the relative with whom Maya “achieved permanency” was also physically abusive and had been

¹ The child’s name and other identifying facts have been changed to protect confidentiality.



ABOUT THE AUTHOR:

Emma Hetherington, JD, CWLS is a Clinical Associate Professor at the University of Georgia School of Law and the Director of the Wilbanks Child Endangerment and Sexual Exploitation Clinic. For more information, see <https://cease.law.uga.edu/>.

► **Therapeutic Outcomes** from previous page



since Maya was a toddler. Maya had been passed from relative to relative her entire childhood. In sixteen short years, Maya had survived countless instances of abuse and neglect from multiple adults in her family, as well as from other adults that she had met along the way. She had a chronic, life-threatening medical condition that had gone untreated and unmet educational needs. So, Maya figured out how to survive on her own. She toughened up and shut down emotionally. If she couldn't get the care, food, education, and love she needed at home, she'd figure out how to get it herself. When she shoplifted, she stole food. When she needed a place to stay, she'd find someone willing to let her have a bed to sleep in. Those "manipulative," "defiant," and "risky" behaviors were trauma responses.

When the police arrested Maya, they found her and another teenage girl at a hotel and suspected that they were victims of the commercial and sexual exploitation of children (CSEC). Due to Maya's age, and because she exhibited behaviors that the adults around her didn't like or understand, she was blamed for her own victimization and complex trauma. As a result, she was arrested and placed in detention while she awaited yet another foster care placement.

So, what happened, and how did we get here? How did the data fail to warn us that Maya and her family weren't healed and that we hadn't helped them achieve true permanency? *What did we miss?*

The short answer is: The data didn't show us anything we really needed to know. The data that we typically rely on to determine success in a dependency case can't predict whether a child and their family is "healed" or "better off" because of the child welfare system's intervention, or whether the child is now less likely to return to the system. The data only showed us that Maya went to live with a relative who, at one point in time, said they would love and protect her and provide a permanent home until she was at least eighteen years old. But typical data measuring permanency outcomes aren't enough. What the data didn't show was whether the system actually succeeded in addressing the underlying reasons for dependency such that Maya could achieve true permanency and therapeutic healing. If the typical data points aren't enough, then what should we be measuring? What we need to capture through data are therapeutic outcomes that show, or at least better demonstrate, that we have in fact assisted in a family's healing process such that the child doesn't end up back in the system and worse off than the first time we saw them.

CSEC and Foster Care

Measuring therapeutic outcomes for all children in care may better predict successful permanency in dependency cases, and this is especially true for survivors of CSEC. Although there is not conclusive evidence that foster care increases the likelihood of trafficking victimization, or vice versa, a strong correlation exists.² Victims of CSEC and children in foster care share

² Emma Hetherington & Brian Atkinson, Child Trafficking, in *Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases* (Josh Gupta-Kagan, et al., eds., National Association of Counsel for Children, 4th ed., forthcoming 2023).

► **Therapeutic Outcomes** from previous page



common risk factors, including poverty, lack of social support, discrimination, and bias.³ Discrimination and bias likely play a large role in CSEC victimization, as well as the system's failure to acknowledge and therapeutically respond to children who have been trafficked. Just as we see a disproportional number of Black and Brown children in the foster care system, we similarly see disproportionality in CSEC victimization, particularly with Black girls, American Indian children, and children who identify as LGBTQ.⁴ Discrimination and bias also create major barriers to identifying victimization, thus leading victims to be met with punishment and detention rather than therapeutically-driven responses and services.⁵

If the system shifts its focus from measuring the achievement of permanency in the shortest amount of time possible to measuring therapeutic outcomes, the system will not only be able to better measure success, but will also provide the motivation needed to achieve holistic, therapeutic, and trauma-informed outcomes. With this shift, fewer children like Maya may become perpetual victims of abuse, neglect, and antitherapeutic systems responses.

Defining Therapeutic Outcomes

Perhaps the most challenging part of measuring therapeutic outcomes is defining therapeutic outcomes. Traditional dependency outcome measures focus on whether a child achieves permanency, the amount of time a child is in foster care, and the number of placements a child has while in care. However, traditional outcome measures do not measure whether the trauma the child experienced has been reduced or whether the system provided the family with adequate supports to maintain permanency.

Looking to other legal systems and theories that seek to better understand a litigant's experience as they travel through the legal process and how that system affects the participants within it can help to define therapeutic outcomes. Under the theory of therapeutic jurisprudence, the law, legal procedures, and actors within the legal system — such as judges, attorneys, and child welfare agency workers — can serve as “therapeutic agents” that either have therapeutic or antitherapeutic effects on litigants.⁶ Literature on therapeutic jurisprudence initially emerged under the context of mental health treatment courts, but has since expanded into other areas of law and legal proceedings.⁷ The theoretical framework of therapeutic jurisprudence shares many similarities with concepts of trauma-informed courts and

3 Rachel Swaner et al. *Youth Involvement in the Sex Trade: A National Study*. Ctr. for Ct. Innovation (Mar. 2016). Available at: <https://www.ojp.gov/pdffiles1/ojdp/grants/249952.pdf>; Mary Finn et al. *Evaluation of the Demonstration Project to Address Commercial Sexual Exploitation of Children in Atlanta-Fulton County*. U.S. Dep't Justice (March 31, 2009); Charles Hounmenou & Caitlin O'Grady, *A Review and Critique of the U.S. Responses to the Commercial Sexual Exploitation of Children*. 98 *Child Youth Servs. Rev.* 188 (2019); Stephanie Gies et al. *Safe Harbor Laws: Changing the Legal Response to Minors Involved in Commercial Sex*. Nat'l Crim Just. Reference Serv (2018). Available at: <https://www.ojp.gov/pdffiles1/ojdp/grants/253146.pdf>; The Advocates for Human Rights. *Labor Trafficking Protocol Guidelines: Identifying and Responding to Victims of Labor Trafficking 24 Years Old and Under*. Advocates for Hum. Rts. (Jan. 31, 2019). Available at: <https://www.theadvocatesforhumanrights.org/res/byid/7494>.

4 See Swaner et al., *supra* note 3; Duren Banks & Tracey Kycckelhahn. *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*. U.S. DEPT JUSTICE (Apr. 2011). Available at: <https://bjs.ojp.gov/content/pub/pdf/cshti0810.pdf>; Meredith Bailey & Jennifer Wade, *Human Trafficking in Georgia: A Survey of Law Enforcement*, Ga Bureau Investigation (2004), <https://gbi.georgia.gov/document/document-0/download>.

5 Inst. Of Med. & Nat'l Rsch. Council. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States* 77-141 (Ellen Wright Clayton et al. eds., 2013); Gies et al., *supra* note 3; Banks & Kycckelhahn, *supra* note 4.

6 David B. Wexler, *An Introduction to Therapeutic Jurisprudence*, in *Essays in Therapeutic Jurisprudence* 17, 19 (David B. Wexler & Bruce J. Winick eds., 1991).

7 *Id.*

► **Therapeutic Outcomes** from previous page



lawyering. For example, therapeutic jurisprudence encourages interdisciplinary approaches to the practice of law, participant empowerment, and the resistance of retraumatization.⁸

The concept of therapeutic jurisprudence has value in dependency practice. Juvenile courts are the original treatment courts, where instead of seeking to punish participants, rehabilitation and restorative justice are the main focus.⁹ Attorneys representing children in dependency proceedings have a unique opportunity to increase the likelihood of therapeutic outcomes for children and their families. As actors within the dependency system, what we do, what we say, how we interact with clients, and how we advocate in and out of court directly influences our clients' experiences while in the foster care system.

For survivors of CSEC, their attorneys play a powerful role in their healing trajectory. By understanding and implementing trauma-informed principles, an attorney can act as an agent of positive therapeutic outcomes for child-clients. From what services for which an attorney advocates, to what language and terminology an attorney uses to refer to their client, to whether and how an attorney gives their client a voice in a proceeding, a child-survivor's attorney can heavily influence not only how others view their client, but also how their client experiences the dependency process.

We now better understand how the removal of children from families of origin and entry into the foster care system exacerbates the complex trauma that children have most likely already experienced.¹⁰ With this knowledge, we must look towards trauma-informed approaches to define the outcomes we seek.

A program, organization, or system that is trauma-informed realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system; and responds by fully integrating knowledge about trauma into policies, procedures, and practices, and seeks to actively resist re-traumatization.¹¹

SAMHSA sets forth six core principles of a trauma-informed approach: 1) safety; 2) trustworthiness and transparency; 3) peer support; 4) collaboration and mutuality; 5) empowerment, voice, and choice; and 6) cultural, historical, and gender issues.¹² These principles should serve as guide stones to identify desired outcomes. Measuring the success of interventions under each principle may help us better understand to what extent we *realize* how trauma affects

8 *Id.*

9 Emma Hetherington et al. *CSEC Treatment Courts: An Opportunity for Positive, Trauma-Informed, and Therapeutic Systems Responses in Family and Juvenile Courts*. 43 Mitchell Hamline L.J. Pub. Pol'y & Prac. 200 (2022). Available at: <https://open.mitchellhamline.edu/policypractice/vol43/iss2/7>.

10 Brittany A. Beyerlein and Elin Bloch. *Need for Trauma-Informed Care Within the Foster Care System*. 93 Child Welfare 3, 7-22 (2014). Available at: <https://www.jstor.org/stable/10.2307/48623435> (defining "complex trauma" as "a history of chronic interpersonal caregiver-related traumas consisting of at least two of the of the interpersonal trauma types (i.e., physical abuse, sexual abuse, emotional abuse, domestic violence, and neglect).").

11 SAMHSA's Trauma and Justice Strategic Initiative. *SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach*. Substance Abuse & Mental Health Servs. Admin. (July 2014). Available at: https://ncsacw.samhsa.gov/userfiles/files/SAMHSA_Trauma.pdf (emphasis added).

12 *Id.*

► **Therapeutic Outcomes** from previous page



each child in care; *recognize* that a child's behaviors are trauma responses; *respond* in a way that avoids blame and instead meets the child's unique needs; and *resist* retraumatization of child-survivors.

For example, one of the primary goals in the child welfare legal system is to ensure the safety of children, whether they are in their parents' care or under the care of the state. Under a trauma-informed approach, safety is not just about what the attorney, judge, caseworker, or service provider perceives as safety, but whether the child actually *feels* safe. Using this principle of felt-safety, one therapeutic outcome that could be measured is whether a child feels physically and psychologically safe. The concept of felt-safety is illustrative of an important principle in therapeutic jurisprudence and trauma-informed practice: successful outcomes should be defined by children and families who are primarily affected by and experiencing the dependency system, not by system actors.

Measuring Therapeutic Outcomes

The next step is to figure out how to measure therapeutic outcomes in order to determine whether interventions and advocacy actually led to success. Measuring therapeutic outcomes is not as simple as checking a box indicating case closure and or permanency achievement. And this is where lawyers have to admit our shortcomings and seek the expertise of those who understand how to conduct evaluation studies.

In my work, I have turned to [Dr. Allison Dunnigan, MSW, Ph.D.](#), Assistant Professor and Title IV-E Program Director at the University of Georgia School of Social Work. Dr. Dunnigan researches the impact of the child welfare system on children and families and whether certain policies and practices can lead to therapeutically-driven, long-term permanency. Dr. Dunnigan and I are working to design a mixed-methods study to define and measure therapeutic outcomes for survivors of CSEC in the foster care system. Our plan is to collect data from three main sources: 1) interviews and surveys with survivors of CSEC currently or formerly in foster care; 2) interviews and surveys with actors within the dependency system, such as attorneys, judges, and caseworkers; and 3) administrative data, such as socio-demographic information and permanency plan goals.

We do not yet know whether therapeutic outcomes are a better measure of successful permanency. We do know, anecdotally and based on the data that we do have, that what we are doing now isn't working and something needs to change, whether it be a shift in our actions, attitudes, or practices. As Dr. Dunnigan and I dive headfirst into our endeavor, I'll leave you with this: *“Do the best you can until you*

know better. Then when you know better, do better.” – MAYA ANGELOU ■



Family-Based Alternative Sentencing Programs: A Hidden Gem in Preventing Child Welfare Issues

by Carson Glenn Taylor

Child welfare lawyers are often overworked as they carry large caseloads due to the number of children and parents they must represent (more than 390,000 children were in foster care at the end of FY 2021).¹ Approximately six percent of the children who entered the foster system in FY 2021 did so, in whole or in part, due to parental incarceration.² Although a small percent of children in the system, the average stay in foster care for a child of an incarcerated parent in Oregon, for example, is thirteen months longer than the statewide average stay.³ Local governments can and should apply for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Family-Based Alternative Sentencing Program (FBASP) grant to vastly reduce the length of time children stay in foster care, decrease the likelihood of parental recidivism,⁴ and reduce the likelihood of future incarceration of the child.⁵

What are FBASPs:

FBASPs are local or regional programs that can be federally funded through the OJJDP's annual FBASP grant.⁶ They are run by local governments or non-profits that partner with local criminal courts to provide a sentencing alternative for defendants convicted of nonviolent crimes which do not have a minimum sentence.⁷ These alternatives (e.g., house arrest and community service served under government supervision) allow convicted parents of minor children to keep their family together while they participate in therapeutic rehabilitation.⁸

1 U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. *The AFCARS Report*, June 28, 2022, <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcars-report-29.pdf>.

2 *Id.*

3 Oregon Department of Human Services. *Family Sentencing Alternative Pilot Program Report to the Senate and House Committees on Judiciary*, January 1, 2021, https://www.oregonlegislature.gov/citizen_engagement/Reports/Joint%20Family%20Sentencing%20Alternative%20Pilot%20Project%20Report%201_1_2021.pdf.

4 *Id.*

5 Eric Martin. *Hidden Consequences: The Impact of Incarceration on Dependent Children*, Nat'l. Inst. Just. J. 278, 2 (March 2017), <https://www.ojp.gov/pdffiles1/nij/250349.pdf>.

6 Office of Juvenile Justice and Delinquency Prevention. *OJJDP FY 2022 Family-Based Alternative Sentencing Program*, <https://ojjdp.ojp.gov/funding/opportunities/o-ojdp-2022-171258>.

7 Finding Alternatives to Mass Incarceration: Lives Improved by Ending Separation Act of 2021, S. 2477, 117th Cong. §3 (2021).

8 OJJDP, *supra* note 5.



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► **Hidden Gem** from previous page



Typically, FBASPs must develop tools or resources for the families to strengthen relationships, community ties, and economic opportunities.⁹ These goals are met through the combination of supervision, skill classes, therapy, and general education for defendant parents eligible for FBASPs.¹⁰ To be awarded the grant, new and existing programs must keep data and quantify results to show that these programs achieve the deliverables requested.¹¹

Why FBASPs:

FBASPs are frequently unavailable because of lack of funding.¹² Applying for the FBASP grant will make FBASPs a more viable option for nonviolent defendants.¹³ By providing alternative sentencing for parents, children in the child welfare system may be reunified with their parents and exit the system faster.¹⁴ Timely reunifications allow child welfare lawyers to be less strained by a high caseload of long-lasting cases.¹⁵ A large number of children are in the child welfare system, at least in part, because of parental incarceration.¹⁶

Reunification was the permanency plan goal for 201,297 of the 391,098 children in foster care at the end of FY2021.¹⁷ (214,971 children exited the system that year after having spent an average of 21.9 months in care.¹⁸) When children are removed from the home due to a parent's incarceration for a nonviolent offense, the State must make reasonable efforts to reunify.¹⁹ A cost effective solution to preventing children of incarcerated parents from entering foster care is to prevent incarceration.

Since FBASPs are relatively new, there is very little federal data on the effectiveness of these programs.²⁰ However, states that have piloted or implemented alternative sentencing programs, such as Oregon and Washington, have reported positive results for the children of parents participating in FBASPs.²¹ In Oregon in 2020, the average stay in foster care was 21 months, on par with the national average of 21 months.²² The average stay for a child of an incarcerated parent was 35.5 months.²³ In comparison, the average foster care stay for children whose parents participated in the FBASP dropped significantly to just 23.5 months, only two months longer than the statewide average.²⁴ If child welfare

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² The Imprint. *Congressional Democrats Push Alternative Sentencing for Parents*, August 9, 2021, <https://imprintnews.org/youth-services-insider/congressional-democrats-push-alternative-sentencing-for-parents/57645>.

¹³ OJJDP, *supra* note 5.

¹⁴ Oregon Department of Human Services, *supra* note 3.

¹⁵ Child Welfare Information Gateway. *Supporting Successful Reunifications*, U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, October 2017, https://www.childwelfare.gov/pubPDFs/supporting_reunification.pdf.

¹⁶ The AFCARS Report, *supra* note 1.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Child Welfare Information Gateway, *Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children*, U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau (2020), <https://www.childwelfare.gov/pubPDFs/reunify.pdf>.

²⁰ Office of Juvenile Justice and Delinquency Prevention. *OJJDP FY 2021 Family-Based Alternative Sentencing Program*, <https://ojjdp.ojp.gov/funding/opportunities/o-ojdp-2021-111002> (FY 2021 was first year this grant was made available).

²¹ Oregon Department of Human Services, *supra* note 3; Criminal Sentencing Task Force. *Washington State Parenting Sentencing Alternative*, July 2021, https://s3.wp.wsu.edu/uploads/sites/2180/2022/03/Parenting-Sentencing-Alternative-2021-7_28.pdf.

²² Oregon Department of Human Services, *supra* note 3 at 5.

²³ *Id.*

²⁴ *Id.*

► **Hidden Gem** from previous page



lawyers worked with local prosecutors to implement a FBASP in their jurisdiction, they could drastically reduce the time children spent in care.

Not only do FBASPs help parents avoid incarceration, they can also help prevent their children from becoming incarcerated.²⁵ Of the nearly 2,300,000 incarcerated Americans, 50 to 75% report having a child under 18.²⁶ Nearly 11% of children in America have been affected by parental incarceration and are far more likely to become incarcerated themselves, at a rate nearly six times higher than children whose parents are not incarcerated.²⁷

Why are children of incarcerated parents more likely to become incarcerated in the future? First, youth antisocial behavior (as a result of Adverse Childhood Experiences (ACEs)) is strongly interconnected with other negative experiences thereby decreasing the child's ability to cope with other issues that revolve around parental incarceration.²⁸ Second, children with incarcerated parents must subsist on familial income 22% lower than before incarceration and income 15% lower while the parent is re-entering society.²⁹ Children whose parents are allowed to participate in FBASPs may not be subjected to these negative outcomes. Supporting FBASPs allows for children to avoid the added trauma of familial separation through implementation of trauma-informed practices.

How to implement FBASPs:

Although FBASPs can be started at any time, local agencies, such as district attorney's offices, must apply for the OJJDP FBASP grant. In FY 2022, the OJJDP anticipated providing six \$750,000 grants to six awardees, yet only distributed awards to three applicants, two of which were district attorney's offices, and one was a health clinic.³⁰ Despite a lengthy application, the vast majority of the review focused on the design of a program and the district's capability to successfully implement its goals.³¹ Focusing on strengthening these sections will make an application far more likely to be successful.

Conclusion:

By informing a local district attorney's office of the availability of the OJJDP FBASP grant, a child welfare attorney can drastically improve the lives and outcomes of the children they represent. FBASPs reduce the number of children placed in foster care due to parental incarceration thereby reducing the overall number of children in foster care, help children avoid negative health outcomes associated with a high ACEs score, and reduce the likelihood that both parents and their children become incarcerated. Suggesting a local government apply for the OJJDP FBASP grant is one of the simplest ways to lower a child welfare attorney's workload and better the lives of the children they represent. ■

²⁵ Eric Martin. *Supra* note 5.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ OJJDP, *supra* note 6.

³¹ *Id.*



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Case Digests

In response to member feedback, select issues of the Guardian will feature summaries of key federal and state appellate cases, pertinent to child welfare, that were issued in the last year. These digests are not a substitute for a practitioner's responsibility to conduct independent case research and analysis; where possible, we have provided links to the cases to assist you in doing so. If you have a case from your jurisdiction you think would be a relevant addition to the Guardian Case Digest, please email the case cite and details to Christina.Lewis@NACCchildlaw.org.

Hudson v. State (In re K. H.), 507 P.3d 647 (Okla. 2021) (admitting evidence of parents' pending criminal charges during TPR jury trial)

Cody Hudson and his wife (hereinafter “the father and the mother”) were arrested for physically abusing the father’s son. The state filed for immediate termination of the parents’ rights to their four children “due to heinous and shocking physical abuse” to the children’s half-sibling. The father entered a no contest stipulation to the allegations, and the children were adjudicated deprived as to the father. A jury trial commenced in which the state entered evidence of the parents’ pending criminal charges (testimony elicited from the parents regarding the charges and their arrest and admission of the criminal information into evidence). After the state’s case-in-chief, the trial court adjudicated the children deprived as to the mother. The jury found that there was clear and convincing evidence to support termination. The parents appealed, arguing that they were denied a fair trial when the trial court admitted evidence of the pending criminal charges.

The Oklahoma Supreme Court found that evidence of the pending criminal charges was not relevant to whether the “child has been adjudicated deprived”; whether the “parent abused the child or a sibling of the child”; or whether the “abuse was heinous and shocking”; therefore, this evidence was inadmissible. Moreover, the Oklahoma Supreme Court ruled that admission of this evidence “was inherently prejudicial, prevented [the parents] from receiving a fair trial, and constitute[d] reversible error.” Lastly, the Oklahoma Supreme Court held that “it was reversible error to give [Jury] Instruction No. 8, which also referred to the same criminal charges.” Judgment terminating parental rights was **reversed**; case **remanded** for new trial.

JR v. State (In re MA), 2022 WY 29 (Wyo. 2022) (Department’s failure to provide reasonable efforts to reunify)

An incident occurred when the mother, who lived in South Dakota, was visiting her children at their father’s house in Wyoming. Neglect petitions were filed against both parents, but an amended petition dismissed the allegations against the mother. Although the children were adjudicated neglected by their father, the court ordered that their mother complete certain requirements, and the department gave her a case plan. The mother did not complete the case plan, and the department recommended changing the permanency goal to adoption and requested that it be relieved from making further reunification efforts. After a permanency hearing, the juvenile court



► **Case Digests** from previous page

changed the goal, found that the department made reasonable efforts to reunify, and relieved it of its duty to provide additional efforts. The mother appealed.

At the outset, the Wyoming Supreme Court stated that the department's efforts must be "accessible, available and appropriate" and "tailored to the distinct circumstances of each case... Thus, to demonstrate that its efforts were reasonable, the Department must make clear the reasons that necessitated the out of home placement in the first place, and then show how its efforts were directed at remedying those reasons." The Wyoming Supreme Court noted that the department never explained why the children had to be removed from the mother's home in South Dakota. It found that the Department did not assist the mother with obtaining counseling, enrolling in parenting classes, getting a substance abuse evaluation, or maintaining telephone service; it simply provided the mother with a list of providers in South Dakota and periodically reminded her to complete these tasks. Nor did the Department tailor its efforts to the mother's "unique circumstances", which included considering how her mental health issues affected her ability to complete her case plan. Lastly, the Wyoming Supreme Court held that the Department did not help the mother remedy any issues she encountered with visiting her children in Wyoming or assist her with maintaining a safe, suitable home. Thus, the Wyoming Supreme Court **reversed and remanded with instructions** to the juvenile court to order the Department to make further reasonable efforts to reunify.

[Thompson v. Clark et al., 142 S.Ct. 1332 \(2022\) \(malicious prosecution claim does not require affirmative indication of innocence\)](#)

Police and EMTs arrived at Thompson's apartment to investigate complaint that Thompson had sexually abused his child. Thompson denied entry without a warrant, which the police ignored. Although Thompson was arrested and charged with obstructing governmental administration and resisting arrest, the charges were later dismissed before trial without any explanation given. Thompson filed suit under 42 U.S.C. §1983, alleging several constitutional violations, including a Fourth Amendment claim for malicious prosecution. The district court dismissed the malicious prosecution claim, finding that Thompson did not prove that his case ended in a way that affirmatively indicated his innocence. The U.S. Court of Appeals for the Second Circuit (Second Circuit) affirmed on appeal.

The United States Supreme Court (Supreme Court) stated that "a Fourth Amendment claim under §1983 for malicious prosecution requires the plaintiff to show a favorable termination of the underlying criminal case against him." After examining the American tort-law consensus as of 1871, the Supreme Court held that a Fourth Amendment claim for malicious prosecution does not require that the plaintiff prove that his prosecution ended with an affirmative indication of innocence. The prosecutor or the court do not need to explain why the prosecution was dismissed. "A plaintiff need only show that the criminal prosecution ended without a conviction", which according to the Supreme Court, Thompson proved. Accordingly, the judgment of the Second Circuit was **reversed**, and the case was **remanded**. ■

NEXT GEN NEWS

Next Generation News: THE Student Section of *The Guardian*

NACC is excited to create and hold this space in *The Guardian* for students to share their work and ideas with other professionals in the field of child welfare. Students can also submit their research, write a brief op-ed or policy analysis, share and review child welfare-related books and movies, and give advice to future generations of law students.

Police Use of Force on Children: How it Bleeds into their Schools

BY CASEY MCGOWAN

I. Introduction

Historically, police have used excessive force to achieve their desired outcome or compliance with their orders. Use of excessive police force was common practice during the Civil Rights movement—including the use of excessive force on children.¹ For example, during the Children’s Crusade (also known as the Children’s March), on May 2nd and 3rd, 1963, over a thousand students “skipped school to march and gather at Sixth Street Baptist Church” in Birmingham, Alabama.² After the children gathered at Sixth Street Baptist Church, they began marching to downtown Birmingham where they were met by police who arrested the children and put them in paddy wagons and school buses to take them to jail.³ The Commissioner of Public Safety in Birmingham, Theophilus Eugene “Bull” Connor, gave orders to police officers and firefighters to use “force” to stop the demonstration.⁴ As a result, the police turned fire hoses on the children, beat them with clubs, and released police dogs on them.⁵ In the 1990s, the term “super predator”



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1 See, e.g., Graham, K. A. “These Philly Schoolkids marched against injustice 50 years ago, and police responded with nightsticks. Today, they inspire a new generation.” *Philadelphia Inquirer*. (November 17, 2017). Available at <https://www.inquirer.com/philly/education/philly-schools-1967-walkout-racial-injustice-police-riot-20171117.html>.

2 National Museum of African American History and Culture. “The Children’s Crusade.” (March 15, 2017). Available at: <https://nmaahc.si.edu/explore/stories/childrens-crusade>.

3 *Id.*

4 *Id.*

5 *Id.*



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► **Next Generation News** from previous page

NEXT GEN NEWS

gained traction and became the justification for the use of excessive force on youth, in particular African American youth.⁶

Police and minors have had increased encounters in recent years.⁷ A 2013 study found that youth stopped by police are likely to offend in the future.⁸ Police training on how to interact with minors is so new that there are not enough officers receiving the training.⁹ Today, cases like Tamir Rice,¹⁰ Adam Toledo,¹¹ and Ma'Khia Bryant¹² demonstrate that the police still use excessive force on children, but these encounters are not just limited to highly publicized cases.

In the wake of the Uvalde, Texas shooting at an elementary school, there is a growing concern among students that police presence in their school will increase. In recent years school hallways have become heavily policed, and schools are becoming a microcosm of the criminal legal system.

II. Police Presence in Schools

Many school systems have contracts with their local police department, which leads to officers working as security officers or school resource officers, without receiving proper training on how to deal with children. Increasing the police presence in schools increases the risk of police using excessive force on minors, due to police officers' lack of training. Based on the available data, twelve states have legislation regarding officers' conduct when acting as a school resource officer and require school resource officers to receive training to prepare them to work in schools.¹³ But, fewer states actually provide training that focuses "on dealing with children differently than adults."¹⁴

In recent years, there has been media coverage of the consequences of school hallways being policed. For example, in 2015, a Louisville Metro Police Department school resource officer pushed a student and put him in a choke-

6 The Campaign for the Fair Sentencing of Youth. "The Origins of the Superpredator." (May 2021). Available at: <https://cfsy.org/wp-content/uploads/Superpredator-Origins-CFSY.pdf>; see also Bogert, C. & Hancock, L. "Superpredator: The media myth that demonized a generation of black youth." The Marshall Project. (November 20, 2020). Available at: <https://www.themarshallproject.org/2020/11/20/superpredator-the-media-myth-that-demonized-a-generation-of-black-youth>.

7 Childress, S. "Why Some Officers Are Policing Kids Differently." Frontline: PBS. (June 10, 2016). Available at: <https://www.pbs.org/wgbh/frontline/article/why-some-officers-are-policing-kids-differently/#:~:text=Sometimes%20that's%20because%20kids%20are,previously%20arrested%20a%20loved%20one>.

8 Wiley, S., & Esbensen, F.-A. (2013). The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification? *Crime & Delinquency*, 62(3), 283-307.

9 See Childress, *supra* note 7.

10 *Review of Deadly Force Incident: Tamir Rice - Cuyahoga County, Ohio*. Available at: http://prosecutor.cuyahogacounty.us/pdf_prosecutor/en-US/Tamir%20Rice%20Investigation/Crawford-Review%20of%20Deadly%20Force-Tamir%20Rice.pdf.

11 Foxx, K. "No charges for officers in fatal shootings of Adam Toledo, Anthony Alvarez." NBC Chicago. (March 15, 2022). Available at: <https://www.nbcchicago.com/news/local/chicago-politics/no-charges-for-officers-in-fatal-shootings-of-adam-toledo-anthony-alvarez/2783566/>.

12 Williams, K., Healy, J., & Wright, W. "A horrendous tragedy: The chaotic moments before a police shooting in Columbus." *The New York Times*. (April 21, 2021). Available at: <https://www.nytimes.com/2021/04/21/us/columbus-police-shooting-bryant.html>.

13 See Childress, *supra* note 7.

14 *Id.*

► **Next Generation News** from previous page

NEXT GEN NEWS

hold until he passed out.¹⁵ And in 2016, in Philadelphia, a young Black man was thrown to the ground and placed in a chokehold because he went to the bathroom without a bathroom pass.¹⁶ Lastly, in January 2021, a Black teenager in Florida was “body-slammed and knocked unconscious by a school resource officer” for allegedly refusing to follow the school’s rule.¹⁷

III. Use of Excessive Force at School: An Example

In 2022, a specific incident regarding police use of force on a child gained national attention. Major news outlets covered the story of how a school officer kneeled on a twelve-year-old girl’s neck, while trials and sentencing in the George Floyd case were pending. On March 4, 2022, at Lincoln Middle School in Kenosha, Wisconsin, a twelve-year-old girl got into a fight with another girl.¹⁸ Based on the surveillance video, in an attempt to break the fight up, a school security guard, Shawn Guetschow, who was an off-duty police officer, threw the young girl on the ground and proceeded to kneel on her neck.¹⁹

Drew DeVinney, the attorney for the girl in the video, stated that “Guetschow held her face against the floor, he positioned himself behind her, lifted his right leg, and pressed his knee down into the back of her neck.”²⁰ According to DeVinney, the young girl told Guetschow she couldn’t breathe, but Guetschow kept his knee on her neck.²¹

Jerrel Perez, the girl’s father, is asking for criminal charges to be brought against Guetschow for using a restraint method that is banned under the Wisconsin law.²² The law clearly bans the use of chokeholds except in life-threatening situations or in self-defense and defines them as “the intentional and prolonged application of excessive force to the throat, windpipe, or carotid arteries that prevents or hinders breathing or blood flow, reduces the intake of air, or reduces

15 Coghill, E. “Former school resource officer accused of placing teen in chokehold indicted.” WLKY. (April 22, 2015). Available at: <https://www.wlky.com/article/former-school-resource-officer-accused-of-placing-teen-in-chokehold-indicted/3757485>; see also Riley, J. “Ex-LMPD school resource officer in chokehold case sues to get job back.” WDRB News. (February 20), 2019. Available at: https://www.wdrb.com/in-depth/ex-lmpd-school-resource-officer-in-chokehold-case-sues-to/article_f39e27ae-3545-11e9-a792-5bbdeb87ee2.html.

16 Farr, S. (2016, May 11). *Student accuses school police officer of assault*. Philadelphia Inquirer. Retrieved July 3, 2022, from https://www.inquirer.com/philly/news/20160512_Student_accuses_school_police_officer_of_assault.html.

17 NBCUniversal News Group. “Video shows Florida School Resource Officer slamming student to the ground.” (January 27, 2021). Available at: <https://www.nbcnews.com/video/video-shows-florida-school-resource-officer-slaming-student-to-the-ground-100115525859>.

18 YouTube. “Off-Duty Cop Kneels On 12-Year Old’s Neck To Break Up A Fight.” (March 21, 2022). Available at: <https://www.youtube.com/watch?v=QVbDvhB-hMg>.

19 *Id.*

20 *Id.*

21 *Id.*

22 Jimenez, O., Razek, R., Boyette, C., Alvarado, C., & Jaeger, K. “Off-duty officer resigns from school district role after being seen on video putting his knee on the neck of a 12-year-old to break up a fight.” CNN. (March 17, 2022). Available at: <https://www.cnn.com/2022/03/16/us/kenosha-officer-kneel-girl-neck/index.html>.

► **Next Generation News** from previous page

NEXT GEN NEWS

blood flow to the head.”²³ The police stated that criminal charges are being pursued against the twelve-year old for disorderly conduct.²⁴

The actions taken by Guetschow seem especially excessive when considering the age of the child. The facts do not state the girl had an object in her hand or was aggressive toward the officer. The officer could have separated the girls during the fight and placed them in different rooms. However, throwing one girl on the ground and kneeling on her neck does not seem warranted in light of the underlying facts.

IV. Recommendations

Schools and professionals working with children should minimize or eliminate the use of excessive force on children and implement safeguards and policies to deal with the physical and psychological impact of the use of excessive force used on children by police officers in school settings.

Schools should create policies which prohibit police officers from using excessive force on children, only allow them to use a minimal amount of force to restrain the child if it is necessary, and clearly define limited situations when even minimal use of force would be considered necessary. If the school has a full-time security guard, off-duty police officer, or another law enforcement officer, then it should also staff a full-time, licensed social worker. Licensed social workers should accompany police officers to the incidents.

Parents, teachers, school administrators, and police officers serving the school and community should have monthly meetings as part of PTA or PTO meetings to discuss concerns, how to deal with police using physical force at a school, and how to ensure student safety. Schools should set up disciplinary hearings for officers when police force is used on children. Officers should need to explain why they used force, how it was justified under school policy and the law, and whether they could have deescalated the incident without the use of force. If the force used by the officer violated school policy or the law, then disciplinary actions need to be taken to ensure that the officer’s conduct will not happen again.

Trainings for attorneys, parents, school personnel, and police officers should be led by social workers or someone with appropriate training on how to deal with the impact of police using excessive force on children. In the training, participants should learn (1) communication skills so they are prepared for conflicts

²³ *Wisconsin Legislature: 2021 Wisconsin Act 48*. (2021, June 23). Wisconsin Legislative Documents. Retrieved July 3, 2022, from <https://docs.legis.wisconsin.gov/2021/related/acts/48>.

²⁴ See Jimenez, *supra* note 22.

► **Next Generation News** from previous page

NEXT GEN NEWS

or conversations that arise between peer-to-peer, educator-to-parent, educator-to-student, student-to-police, etc.; (2) awareness of the situation and the needs of the child so they are able to respond appropriately and can approach these incidents without the use of excessive force; and (3) how to understand the trauma and impact that police using excessive force has on a child. Children who are victims of police use of excessive force should receive counseling by a qualified professional.

If an attorney is working or dealing with a child who has had police use excessive force on them, they should be patient, understand that there is long-lasting trauma, and shift their work to be child-focused. Shifting to a child-focused approach would be similar to a “victim-centered approach” in which the “focus [is] on the needs and concerns of [the child] to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.”²⁵

V. Conclusion

While school hallways are already heavily policed, in the wake of the mass shooting at the elementary school in Uvalde, Texas, there is a growing fear of increased police presence in school, especially among children of color.²⁶ If schools decide to contract with their local police department or hire an off-duty police officer, they need to provide them with training on how to deal with children and what techniques to use to minimize the risk of harming the child. Due to the lack of proper police training on how to interact with children, the responsibility also falls on the schools, parents, social workers, and attorneys to ensure the child’s safety. By over-policing hallways and not providing proper training, the use of excessive force by police officers on children within school will likely continue. ■

²⁵ OVC TTAC: Office for Victims of Crime Training & Technical Assistance Center. “Human trafficking task force e-guide.” Available at: <https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/#::-:text=Key%20Term%3A%20The%20Victim%20Centered,services%20in%20a%20nonjudgmental%20manner>.

²⁶ Alfonseca, K. “Some students of color fear more police in schools following Uvalde shooting.” ABC News. (June 7, 2022). Available at: <https://abcnews.go.com/US/students-color-fear-police-schools-ualde-shooting/story?id=85114534>.



Collaboration is Crucial to Advance Racial Equity in Child Welfare

by Shanelle Dupree

*“If you want to go fast, go alone.
If you want to go far, go together..” – AFRICAN PROVERB*

There is extreme wisdom in this proverb, and many industries have discovered the value in collaborative effort. I spent time teaching health policy and the law. In the health policy world, there is a concept called “health in all policies,” meaning health is created by a multitude of factors and policies in sectors other than health. These include the foods we eat, where we live, the media we watch, and the laws enacted.¹

The goal of better health outcomes is simple, but the process to get there is complicated, at times divisive, and often met with resistance. That is why defining the problem, having the correct players at the table, asking thoughtful questions, and developing a nuanced plan of implementation is imperative to addressing the complex problems of health policy.

In the same way better health outcomes are not the sole responsibility of the medical community, better racial equity outcomes for children are not the sole responsibility of child welfare. Better outcomes will require better collaboration, and racial inequity in child welfare is deserving of focused attention and resources.

Racial Inequity in Foster Care

Entering the ecosystem of foster care is a traumatizing experience. Every time a child is separated from their family, the effect occurs instantly. The decision to alter families and communities should only occur with the utmost thoughtfulness and be rooted in the unbiased application of the law.

The pervasive trend across the nation is that children of color enter the child welfare system at a disproportionately higher rate than white children. Specifically, African American and Native American children are consistently overrepresented in the child welfare system. African American children are 14% of the child population but account for 23% of children in foster care.² One

1 See Center for Disease Control and Prevention. “Health in All Policies.” Available at: <https://www.cdc.gov/policy/hiap/index.html>.

2 See U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau. “The AFCARS Report.” Available at: <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport28.pdf>; KidsCount. “Child Population by Race.” Available at: <https://datacenter.kidscount.org/data/tables/103-child-population-by-race-and-ethnicity#detailed/1/any/false/2048,574,1729,37,871,870,573,869,36,868/68,69,67,12,70,66,71,72/423,424>.

ABOUT THE AUTHOR:



Shanelle Dupree practiced law for a decade representing children and parents in child welfare cases. She currently manages resources and staffing for 450 employees as the Kansas City Regional Director at the Kansas Department for Children and Families. Shanelle has connected the social and legal systems by hosting dozens of social-service themed CLEs. She has ushered in statewide courageous conversations and actions about racial equality. Shanelle is a wife, bible study teacher, adjunct law professor, and mama of four.



Pursuing Racial Equity in Kansas
Child Welfare: A Collaborative Effort

► **Advance Racial Equity** from previous page

study found 4.9% of white children will experience foster care placement before their eighteenth birthday compared to 15.4% of Native American children and 11% of African American children.³

When African American and Native American children and families become involved in the child welfare system, they experience worse outcomes compared to white children and families.⁴ They have less placement stability, lower rates of permanency, remain in the system longer, and their mental and physical health needs are poorly addressed.⁵ There is no single cause as the primary contributor for this trend across the nation; instead, there are many causes.

Poverty and Race

In 1934, the New Deal successfully created a middle class of Americans by introducing the concept of affordable home ownership through government-backed housing loans. However, the Federal Housing Authority (FHA) divided cities into green (good businesses and areas), blue (still desirable, and expected to remain stable areas), yellow (definitely declining and usually close to red areas), and red (undesirable locations where foreign-born, Blacks, and poor whites lived) zones. Not only were the “red zones” unable to secure a home loan, FHA lenders only subsidized developers to build in white areas.⁶ This is one of the factors that negatively impacted families of color’s ability to accumulate wealth for decades.⁷

Poverty and race in America are inextricably connected through systematic racism. The topic of wealth, poverty, and racism cannot be held in isolation.

Poverty, Neglect, and Abuse Confusion

There is a national conversation occurring about poverty, neglect, and abuse. Families below the poverty line are twenty-two times more likely to be involved with the child protection system than families with incomes slightly above the line.⁸

A report titled, “If I Wasn’t Poor, I Wouldn’t Be Unfit” by the Human Rights Watch organization outlines the worries of confusing poverty, neglect, and abuse. The report focuses on removals of children and termination of parental rights in four states: California, New York, Oklahoma, and West Virginia.

The report finds that child welfare systems too often respond to circumstances of poverty with punishment. Parents too often face charges of neglect and see their children removed from their care instead of receiving support to keep families together. Black and Indigenous families disproportionately face neglect charges and removals. In fact, federal and state data show racial and ethnic disparities exist at every stage of involvement, with particular harm to Black families. As a result, many parents, advocates, and experts describe the system not as one primarily of child protection, but as family “regulation” and “policing.”⁹

In 2018, Rep. Gwen Moore (D-WI) introduced the “Family Poverty Is Not Child Neglect Act” to end widespread child protection agency practices of separating families due to poverty.¹⁰

3 Minoff, Elisa. “Entangled Roots: The Role of Race in Policies that Separate Families.” Center for the Study of Social Policy, October 2018. See <https://cssp.org/resource/entangled-roots>. For an analysis of the overrepresentation of African American children specifically, see U.S. Government Accounting Office. “African American Children in Foster Care: Additional HHS Assistance Needed to Help States Reduce the Proportion in Care.” July 2007. Available at: <https://www.gao.gov/new.items/d07816.pdf>.

4 See Minoff, *supra* note 3.

5 See *id.*

6 Nelson, Robert K., Winling, LaDale, Marciano, Richard, Connolly, Nathan, et al.. “Mapping Inequality.” *American Panorama*, ed. Robert K. Nelson and Edward L. Ayers. Available at: <https://dsl.richmond.edu/panorama/redlining/#loc=5/39.1/-94.58&text=intro>.

7 Coates, Ta-Nehisi. “The Case for Reparations.” (June 2014). Available at: <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

8 Guggenheim, Martin and Sankaran, Vivek. “Representing Parents in Child Welfare Cases,” American Bar Association, 2015.

9 Human Rights Watch. “If I Wasn’t Poor, I Wouldn’t Be Unfit.” (November 17, 2022). Available at: <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare>.

10 See H.R.6233 — 115th Congress (2017-2018). Available at: <https://www.congress.gov/bills/115th-congress/house-bill/6233?r=2&s=1>.

► **Advance Racial Equity** from previous page



*Pursuing Racial Equity in Kansas
Child Welfare: A Collaborative Effort*

PBS News Hour covered the epidemic of children becoming “legal orphans” due to parental rights being terminated for various reasons, including neglect.¹¹ The article highlighted Rep. Karen Bass’s (D-CA) introduction of “21st Century Children and Families Act” to extend the amount of time families have to reunify with their children and to extend nondiscrimination protections for children and families.¹² Additionally, in a podcast interview Diane Redleaf explained how difficult it is for defense attorneys to defend against neglect claims because neglect allegations are amorphous, vague, and ill-defined.¹³ In a second edition excerpt from the “Family Integrity & Justice Quarterly,” Redleaf further stated that, “parents do have a legal obligation to take care of their children,” however, “neglect laws go further and blame the parent for fundamentally failing their child, often without clarity about the specific duty of care the parent breached.”¹⁴

The Kansas Racial Equity Collaborative (REC)

Lasting change requires the alteration of processes and systems, and true collaboration from people outside of the child welfare system. Kansas child welfare is engaged in this hard work through a joint effort called the Kansas Racial Equity Collaborative.

More than 2,000 Kansans from legal, social, education, medical, law enforcement, academia, faith, and community-based organizations attended this statewide learning journey founded by the Kansas Department for Children and Families, CarePortal, and the University of Kansas School of Social Welfare.

The REC invited national experts in child welfare to speak in a series of virtual lectures launched on September 29, 2021. Each lecture topic strategically built upon the next, and the information is available on demand at the dedicated [Kansas Racial Equity Collaborative website](#), meaning anyone can access the information and join the learning journey.¹⁵

The target audience of the lectures were the mandated reporters of abuse and the professions involved in the child welfare pipeline, including medical professionals, educators, social workers, therapists, judges, prosecutors, guardians ad litem, and parents’ attorneys.

The first lecture, “Understanding the Historical Context of Structural Racism and Current Day Implications: How We Got Here and a Better Path Forward,” featured keynote speakers Samantha Mellerson and Michael Finley of the Hayward Burns Institute. The learning lecture was grounded in history and began a collaborative conversation of not blaming but rather developing an understanding of the longstanding structural inequities families experience and laying the foundation for the learning journey.

The second lecture, “Addressing Racial Inequities in Child Welfare: View from Early Childhood Education,” highlighted the work of Dr. Iheoma U. Iruka and continued the journey in understanding ongoing disparities through examination of early childhood data. Dr. Iruka challenged participants to embrace a collective accountability around racial disparities and disproportionalities in child welfare and drew the connection to disparities that begin in early education.

In the third lecture, “Debunking Myths Around Racial Inequities in Child Welfare,” a panel of experts — Deidre Ann Calcoate, Dr. Alan Dettlaff, and Ruby White Starr — provided ways for

11 PBS News Hour. “1 in 100 kids lose legal ties to their parents by the time they turn 18. This new bill aims to help.” (January 3, 2022). Available at: <https://www.pbs.org/newshour/nation/1-in-100-kids-lose-legal-ties-to-their-parents-by-the-time-they-turn-18-this-new-bill-aims-to-help>.

12 See H.R.5856 — 117th Congress (2021-2022). Available at: [https://www.congress.gov/bills/117th-congress/house-bill/5856/actions?rs=1&r=11](https://www.congress.gov/bills/117/congress-house-bill/5856/actions?rs=1&r=11).

13 The Imprint Weekly Podcast. Kelly, John (Host). “Narrowing Neglect in The Law with Diane Redleaf.” (June 26, 2022). Available at: <https://open.spotify.com/episode/1AvxOjNV8OA4K6boc21bf?si=ZLJdAASIS-W37617qwGCRg>.

14 Redleaf, Diane. “The Challenge of Changing America’s Amorphous, Limitless Neglect Laws.” (May 16, 2022). Available at: <https://imprintnews.org/opinion/challenge-changing-americas-amorphous-limitless-neglect-laws/65055>.

15 For a review of the Kansas REC recordings and information, see Kansas Racial Equity Collaborative. “Pursuing Racial Equity in Kansas Child Welfare: A Collaborative Effort.” Available at: <https://www.careportal.org/kansas-racial-equity/>.



Pursuing Racial Equity in Kansas
Child Welfare: A Collaborative Effort

► **Advance Racial Equity** from previous page

rethinking common misconceptions that contribute to the racial inequities in the child welfare system. The panelists guided viewers through debunking the concept of colorblindness, the devaluing of parents, and the dangerous mindset of “saving children.”

The fourth and final lecture, “Forward Movement: Shifting from Control of to Support for Black and Brown Families,” featured speakers Kristen Weber, Maleeka “MJ” Jihad, Minister Nina Shaw-Woody, and Joni Hiatt. Each panelist drew upon their personal experiences — including working within the child welfare system, working with communities to improve the child welfare system, supporting a loved one in the child welfare system, and being a child in the child welfare system — to clearly outline support for Black and Brown families. The panelists urged participants to engage and partner with Black and Brown families in pursuit of racial equity in child welfare.

The REC also developed a listserv and sent newsletters with updates and information every three weeks, hosted “Courageous Conversations,” highlighted local work happening to advance racial equity, and hosted an in-person symposium at the University of Kansas on April 15, 2022.

Throughout the learning journey, this question was posed to the participants: “From where you sit, how can you impact racial equity?”

Conclusion

These are only the beginning steps for advancing racial equity in child welfare nationwide. We have discovered during the Kansas REC learning journey that everyone can do something to impact racial equity in child welfare. Kansas is not alone in its racial disproportionality problem. Every state is struggling to address this problem because inequity, racism, and discriminatory policies affect us all.

Mandated reporters must clearly understand the definitions of abuse and neglect no matter the skin color or socioeconomic status of the family. Federal law must clearly distinguish poverty, neglect, and abuse. Caseworkers must provide services for all families. Service providers must engage effectively with families and embrace cultural practices. Medical professionals must use clear and unambiguous drug testing policies. Agencies must make every reasonable effort to place a child entering the foster care system with relatives and kin the child already knows. The legal system must treat families with dignity and treat them equitably. And foster families must authentically engage with birth families and speak up if they see a family or child being held to a different standard.

Courageous collaboration with participants in the child welfare continuum and partners is imperative to addressing the complex problem of the disproportionate numbers of children of color in the child welfare system. Kansas child welfare professionals are courageously on the journey and recognize it will take all of us collectively to make an impact. ■



Visit NACC's COVID-19 Resource Hub

During this pandemic, NACC is collecting and sharing resources to keep our community informed and prepared to safeguard the rights and well-being of young people.





NACC's Inaugural Race Equity Virtual Training Series

MARCH 1 – 3, 2023

Register NOW for NACC's Inaugural Race Equity Virtual Training Series. This 6-webinar virtual series (90 minutes each) will occur March 1–3, 2023. The goals of this virtual training series are to:

- Connect bold and progressive ideas, concepts, and theories around race and racism to practical and concrete skills and takeaways that can be incorporated into daily practice, in and outside of court.
- Deliver concrete tips to check for and interrupt individual, attorney, judicial, and systemic bias, practice through a culturally humble and antiracist lens, and improve outcomes for youth, parents, and families who are disproportionately impacted by systems involvement.
- Advance and continue the conversation around race and racism in child welfare.

Training series sessions are designed for a national audience, to expand attendees' understanding of race equity, antiracism, and racial justice, to provide practical tools and resources to support legal advocacy, and to share information and strategies for systems improvement. Webinars are applicable to attorneys who represent children, parents, agencies, and kinship caregivers, as well as multidisciplinary professionals working in child welfare.

The webinar series is **\$175 for NACC members and groups, \$200 for non-members. For group registration, contact Daniel Trujillo at Daniel.Trujillo@NACCchildlaw.org**. All registered attendees will receive access to live sessions and recordings of six webinars (9 hours of content) through December 2023. NACC will be seeking CLE accreditation in Colorado for this series and is willing to work with other states, CIPs, and organizations seeking CLE accreditation.

Session schedule to be released soon! ■

REGISTER NOW! 

NACC Non-Discrimination Policy:

It is the policy of the National Association of Counsel for Children not to discriminate against any individual or group on the basis of race, culture, ethnicity, national origin, religion or religious beliefs, physical or mental disability or handicap, sex, sexual orientation, gender identity or gender expression, or age. NACC embraces diversity among its Board, staff, members, and volunteers.



NACC RACE EQUITY HUB

The child welfare system often perpetuates racism, bias, poverty, and the trauma of family separation against children and families of color. NACC encourages advocates and practitioners to resist these injustices by demonstrating cultural humility, pursuing antiracist practices, confronting personal privilege and bias, utilizing a race equity lens when making decisions, and promoting diversity and inclusion. NACC's Race Equity hub is regularly updated with resources to support anti-racist practice.



READER PANEL

Appellate Practice in Child Welfare Cases

Drafting appellate briefs and motions in child welfare cases requires specialized legal knowledge, a unique skill set, and practice and experience. Participating in appellate matters can be challenging and daunting, especially when it is not a regular part of your practice!

Share with our readers some practical tips for successful appellate practice — include deciding when to appeal, brief drafting, oral arguments, or appellate strategy.

David J. Lansner, JD
Lansner & Kubitschek | New York, New York

Appellate work in child welfare is no different from anything else. All you need is knowledge, experience, and hard work. Some practical tips: read the statute and court rules; meet with an experienced appellate attorney to find out how to handle the practical details and how to approach the brief; look at other briefs that have been filed; have an experienced attorney review your brief; have a high school student review your brief to see if it is easy to understand; watch oral arguments. As to when to appeal, your client makes that decision, subject to your determination that an appeal is not frivolous.

Timothy Michaels-Johnson, JD
Executive Director, Tulsa Lawyers for Children | [NACC State Coordinator for Oklahoma](#)

Sometimes the simplest things can be missed in the course of appellate work. Take time to write out the appellate timelines for your case to ensure compliance and avoid time-consuming responses to motions to dismiss for failure to comply.

Kellie Johnson, JD, CWLS
Deputy General Counsel, Mental Health Advocacy Service | Baton Rouge, Louisiana

Louisiana is a client-directed state, so I make sure to consult with my client about their legal right to appeal, especially in circumstances where they tell me that the Court's ruling is contrary to their wishes or I believe that they need a more in-depth discussion about the Court's ruling and the appeals process. It is best for them to know their options and the reality of the process. For brief writing, I follow the old adage KISS — let's say Keep It Simple and Straightforward.

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 Kristen.Pisani-Jacques@NACCchildlaw.org letting us know you are interested in joining the panel.

► **Reader Panel** from previous page



It is best to make your arguments clear and concise, both as appellant and appellee. It is also important to note that, if and when a client changes their mind after an appeal is filed, you can withdraw your appeal or you proceed and move forward. It is always best to preserve their right to appeal, but every once in a while someone changes their mind. I had clients in the past change their mind, and that is ok. It is best to withdraw and make the most use of your time and not to clog the court's dockets either. You will appreciate that in the future if it happens and you are on the other side!

Anna Ulrich, JD
Appellate and Affirmative Litigation Strategies Attorney
Colorado Office of the Child's Representative

For effective and efficient appellate advocacy, I first suggest that practitioners create their own "brief bank" — meaning that the attorney creates some system for accessing previously-drafted text by topic. Many of the arguments on appeal are only slight variations on standard arguments. Being able to easily access previously-drafted text on the topic will save time and allow the practitioner to focus on the more novel and significant cases and arguments. Regardless, it is imperative that practitioners always double-check that the law cited in a prior brief is still good law and that it applies to the particular facts and arguments being made in the appeal at hand. But starting with something that was already drafted often helped me get over the "writer's block" that can come with this work — even if it needed significant modification in the editing process.

Erica LeMon, JD
Director of Advocacy for Children's Rights, Maryland Legal Aid Bureau
NACC State Coordinator for Maryland

Appellate rules are very specific. It is crucial to refer to the rules before and during the appellate process. This can make or break your appeal.

Mary A. Triick
Assistant Attorney General, Office of the Attorney General of Iowa

Ellen R. Ramsey-Kacena
Assistant Attorney General, Office of the Attorney General of Iowa
NACC State Coordinator for Iowa

Appellate practice is in many ways very different from trial court practice, and this can make it seem intimidating to those new to the process. However, in reality appellate practice is quite formulaic and heavily rules-based. So, with a little investment of time, trial attorneys can competently and zealously represent their clients in this forum as well. When getting started, consider these tips:

- Appellate rules are both comprehensive and very specific as to things such as deadlines, form, and content. A failure to follow these rules can result in substantial consequences, including dismissal of your appeal. As such, it is critical that attorneys new to the process read the rules in their entirety. Further, we would suggest attorneys review the appellate rules each time they handle an appeal. This will allow you to avoid many of the most common and most easily remedied errors, such as failing to comply with basic requirements like page/word limits, font size, spacing, page numbers, and attachments.

► **Reader Panel** from previous page



- Know whether the appeal is from a final order (and usually as of right) or is interlocutory in nature (and therefore discretionary). This may require some legal research into the case law of your jurisdiction, but it is an important thing to know as it affects the manner in which the appellate rules are applied to your case.
- In drafting your brief:
 - Remember that the appellate judges will have no background knowledge about your case. You are introducing them to this child/family for the first time and your summary of the facts needs to be written from this perspective. It can be helpful to find someone in your office less familiar with the facts to read your finished brief to see how understandable it is from this perspective.
 - Know whether your brief is confidential or a publicly accessible court record. If your brief is not confidential, you will need to avoid disclosing any confidential information, like a child's full name (or even a unique first name) and date of birth. Also, keep an eye out for the disclosure of non-confidential information that could be used to determine confidential information. For example, if you disclose that your case involves twin children from a specific small community with unique initials, that may be as good as telling everyone the full names of the children.
 - You are generally going to be confined to the evidence presented and the arguments made on the record below. If you didn't argue it below and on the record, then error is likely not preserved. Likewise, if the evidence was presented off the record or after the notice of appeal was filed, it cannot generally be used upon appeal.
 - Articulate a clear standard and then utilize it in making your argument. This will both make your writing clearer and focus your argument on the facts and circumstances which are dispositive to the outcome of the case.
 - Although there is an obvious need to persuade, it is very important not to overreach with your facts or your law. You want to be seen as a reliable source that can be counted upon by the court to provide a full picture of all the relevant facts and law. The same strategic considerations that call for broaching difficult subjects on direct examination rather than waiting for cross examination apply to appeals.
- Oral arguments are simply conversations with the appellate judges.
 - The judges have likely read your brief recently. So, it is not generally necessary to begin with an extensive overview of the facts. You have limited time; use that time to explain to the judges how you win under the law as applicable to the facts.
 - Be prepared for both a cold and a hot bench. Know the things you wish to say if no one asks you any questions. But also, be ready to talk about all the issues involved in your case so you can shift focus to those in which the court expresses interest through their questioning. If you are not the first attorney to speak, do not be afraid to begin by answering questions asked of the prior attorney rather than with your prepared opening.
 - Moot! Reviewing documents and practicing prepared arguments by yourself is certainly necessary. But even the most seasoned appellate attorneys find value in practice through the offering of contemporaneous answers to other's questions about their cases. ■

NACC Policy News and Amicus Updates



FEDERAL POLICY UPDATES

Legal Representation for Children and Parents through CAPTA

As we approach the end of the 117th Congress, NACC continues to fight for guaranteed legal representation for children and parents in any reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA). Thank you to the hundreds of organizations and individuals that joined our [national sign-on letter](#) to support this overdue reform.

Congressional leaders are now considering end-of-year legislative packages. We need to remind them that [counsel for kids](#) and parents is critical! Call and message your [Senators](#) and [Representatives](#) to let them know:

- Children and parents require access to legal representation in child protection court cases;
- The status quo language cannot stand;
- Any CAPTA reauthorization must guarantee legal representation for children and parents or provide a pathway towards guaranteed counsel.

For more information on CAPTA and the need to provide the right to counsel for children and parents, please see NACC's Child Abuse Treatment and Prevention Act [webpage](#).

NACC Urges Federal Government to Support Wellbeing, Opportunity for Young People

NACC signed on to a [letter asking President Biden](#) to declare a national emergency in children's mental health. Separately, NACC urged Congress to [reduce visa barriers for young people with Special Immigrant Juvenile Status](#), [stop the use of restraints](#) in classrooms, and improve [access to driver's licenses](#) for young people experiencing foster care.

NACC Supports Federal Legislation for Youth and Families

NACC advocated for legislation to [enhance the Court Improvement Program](#), expand resources for homeless youth and to [help prevent human trafficking](#), and protect the [rights of same-sex and interracial couples](#).

NACC also joined partners in the Transition Aged Youth Coalition to support efforts to [increase funding](#) and [resources available for youth](#) and families through Title IV-B of the Social Security Act, and [reform the Chafee program](#) to help young people successfully transfer out of foster care.



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► [Policy News and Amicus Updates](#) from previous page



COUNSEL FOR KIDS UPDATES

Indiana Independent Study Committee

NACC Policy Counsel Natalece Washington presented on the national landscape of Counsel for Kids before the Independent Study Committee convened by Indiana State Senator Jon Ford on September 9 in Indianapolis.

Florida Dependency Summit

Counsel for Kids partnered with Foster Fairness as exhibitors at the annual Florida Children and Families Summit in Orlando August 31–September 2. The Summit brought together thousands of child welfare professionals, foster families, advocates, and community organizations with a shared vision of improving the lives of children and families involved in the child protection system.



AMICUS UPDATES

On November 9, the Supreme Court heard oral argument in the case of [Haaland v. Brackeen](#) regarding the constitutionality of the Indian Child Welfare Act. A decision is expected in June 2023. ■



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 NACC to participate as amicus curiae in a case you are working on, please download and complete [NACC's Amicus Curiae Request Form](#).



Emily Dufour
Membership Coordinator
Emily.Dufour@NACCchildlaw.org

Update Your
Member Profile



Would you like to share something with the NACC Membership? *Send it to us!*

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

Membership Matters

Members! Renew or Upgrade Your Membership Before Rates Increase in January

To save money on next year's membership, you can renew your membership now at 2022 pricing and add an additional 12 months to your renewal.

Hello, we hope this season brings long overdue time off with family and friends, for fun, rest, reflection, and rejuvenation.

There will be an increase in membership rates starting in January 2023. NACC has kept its membership rates low and flat for over a decade. As required by NACC bylaws, a 25% increase has been approved by the Executive Committee, as well as the Finance Committee, of the NACC Board of Directors. View the table on the next page to see individual and organizational member rates for 2023.

In recent years, NACC has invested substantial resources to improve member benefits - developing a monthly member webinar series, improving and expanding *The Guardian*, building a Conference Resource Library, moving to a new listserv platform, and now we are building a new website and member portal. NACC also offers member discounts on all NACC products and events, including conferences. And we know from our recent member survey you would like to see even MORE resources — more tools, more trainings, and better-archived material — we're already working on it!

Although we are raising membership rates, we want to support you as best as we can. NACC will continue to offer 25% off membership during our spring sale every April, and during our organizational sale every February. The cost of membership dues for individuals can be paid monthly or over four installments. NACC is also introducing an early-career-level membership rate in 2023.

Whether or not you extend your membership early, all NACC members get a discount on the NEW 4th Edition Red Book. Through the end of the year, NACC members get 20% off 4th Edition pricing, and CWLS get 25% off 4th Edition pricing. [Click here](#) for more information on Red Book 4.

For any questions or difficulties renewing your membership, please reach out to Membership@NACCchildlaw.org.



► **Membership Matters** from previous page

NACC Membership Rates		
Membership Type	2022 Rates	2023 Rates
Bronze : Early Career (0–2 years)	—	\$ 75 - NEW!
Bronze : Regular	\$ 100	\$ 125
Silver	\$ 200	\$ 250
Gold	\$ 300	\$ 375
Sapphire	\$ 450	\$ 525
Platinum	\$ 2,500	\$ 2,500
Small Organization (up to 10 users)	\$ 500	\$ 625
Medium Organization (11–25 users)	\$ 1,250	\$ 1,600
Medium-Large Organization (26–50 users)	\$ 2,500	\$ 3,125
Large Organization (51–99 users)	\$ 5,000	\$ 6,250
Extra-Large Organization (100+ users)	\$ 8,000	\$ 10,000

NACC 4th Edition Red Book Pricing		
Membership Type	2022 Pre-Orders	2023 Pricing
Child Welfare Law Specialist	\$ 111.75	\$ 140
Bronze Member	\$ 119.20	\$ 149
Silver Member	Included in Membership	Included in Membership
Gold Member	Included in Membership	Included in Membership
Sapphire Member	Included in Membership	Included in Membership
Non-Member	\$ 159.20	\$ 199

NACC Introduces Student Hub and Student Chapter Guidebook

Students play an important role in generating campus involvement with NACC to explore careers and advance the rights and opportunities of children, youth, and parents in the child welfare system. We know that student engagement is a critical building block for the future of our specialized profession, and we are eager to support student involvement in child welfare issues. NACC announces our new student hub — here, you can find resources and opportunities for students to get involved with NACC:

- Sign up for a free student membership
- Start an NACC chapter at your school
- Join the Student Group on LinkedIn
- ...and more!





► **Membership Matters** from previous page

Profile Update

Personal and Professional Information: In conjunction with our [2019–2023 Strategic Plan](#), one of NACC’s goals is to support our growing membership, with a specific focus on increasing diversity. As a member, you can help us by simply completing your member profile with your personal and professional information. [Log in to the website and edit your member profile](#) to give us a better picture of our current membership demographics and how we can improve diversity and inclusion through member benefits, trainings, and more. Additionally, make sure your mailing address is updated — you never know when NACC will send you something!

Monthly Member Webinars: Did you know you can auto-enroll in all of NACC’s monthly webinars? To auto-enroll, login at www.NACCchildlaw.org and go to Edit Profile [here](#). Under *Additional Information*, select *Yes* or *No* under *Auto Enroll in Monthly Webinars* and click *Save Changes*. NACC will then automatically enroll you in all member webinars. For those who do not indicate *Yes* or *No*, we will enroll you in monthly programs automatically. Please edit your profile and select *No* if you do not want this enabled.

NACC National and State Listservs: Your Gateway to our Child Welfare Community

The NACC Member Listserv is a forum to seek advice from other members, share important child welfare news, promote current reform efforts, and engage in meaningful dialogue. Join the discussion! Subscribe to NACC’s national listserv by emailing nacc+subscribe@groups.io. If you are a child welfare practitioner who would like to join your respective state listserv, please email Membership@NACCchildlaw.org.

NACC Member Resource Page

To better serve your practice, NACC is continuously updating our Member Resources webpages. When was the last time you took a look? Check out the monthly member webinar page for all of NACC’s recorded webinars, our Race Equity and COVID-19 hubs (updated regularly), member badges and certificates, prior issues of *The Advocate* and *The Guardian*, and Amicus Request forms. ■



► **Membership Matters** from previous page

Thank you to our Platinum Lifetime and Sapphire Members!

PLATINUM LIFETIME

Candace Barr	Idalis Edgren	Seth Goldstein	Janet Sherwood
Catherine Begaye	Leonard Edwards	Yali Lincroft	Yve Solbrekken
Donald Bross	John D. "Jay" Elliott	Charles Masner	Cynthia Spencer
Irma Carrera	Amanda Engen	Kathleen McCaffrey	John Stuemky
John Ciccolella	Donna Furth	Henry Plum	Smith Williams
Amanda Donnelly	Gerard Glynn	Allison Schmidt	Christopher Wu

Consider Elevating Your Support with a Platinum Lifetime Membership

When you [join or 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](#).

SAPPHIRE

Kathryn Banks	Lorne Hobbs	Lisa Wolford
Kyle E. Epps III	Ivy Mayberry	

Honor NACC's 45th Anniversary with a Sapphire Membership

For \$450 you'll receive a Gold Membership and make a \$150 donation to [Counsel for Kids](#). Membership includes a [Red Book](#), six-month membership gift, and we'll also send you [Children's Justice](#).



► *Membership Matters* from previous page

Thank you to our Gold and Silver Members!

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Congratulations to our newest Child Welfare Law Specialists!



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 Director of Certification, Sales, and Technology
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Ginger Burton
 Certification Administrator & Technical Writer
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A Few End-of-Year Reminders

CWLS Get Deep Discount on 4th Edition Red Book if Pre-Ordered by December 31st!

<i>Estimated delivery in January 2023</i>	2022 Pre-Orders	2023 Pricing
CWLS	\$ 111.75	\$ 140.00
Member	\$ 119.20	\$ 149.00
Non-Member	\$ 159.20	\$ 199.00

Remember, when you're up for recertification (every 5 years), you can order a complimentary copy of the 4th edition after you submit your recertification application.

CWLS Not Affected by 2023 NACC Membership Rate Increase — CWLS Fees Remain the Same

Annual NACC membership dues will be increasing in 2023 from \$100 to \$125 for a regular Bronze-level membership. This does not affect CWLS fees. CWLS annual report fees (\$120) and recertification fees (\$300) will remain the same in 2023. As long as you're in good standing as a CWLS, you receive complimentary NACC membership. It pays to be a CWLS!

Prospective CWLS Applicants: Start Your Application by December 31st to Maintain Exam Options

Did you take the Red Book Training Course in 2022 based on the 3rd Edition Red Book? Interested in taking the corresponding 3rd Edition CWLS exam? You must start your CWLS application on or before 12/31/2022 in order to have the option of taking the 3rd Edition CWLS exam in 2023. New applicants with start dates in 2023 will only be eligible to take the 4th Edition exam. See our Applicant Resources webpage and Exam Details webpage for more information and to start your application. ■



Final Month to Purchase ConferenceToGo

Even if you missed NACC's 2022 Child Welfare Law Conference, you can still learn from the online presenters on your schedule with [ConferenceToGo](#)!

ConferenceToGo gives you access to our app, NACC Conference, and all session recordings and materials from the 2022 Online Conference. As a ConferenceToGo registrant, you can watch and listen to recordings at your leisure, download conference materials, and connect with your colleagues.

You can access the recordings and materials on your computer, tablet, or smartphone; in your office, home, or on the go! [See recorded conference session descriptions here.](#)

REGISTER NOW!



Save the dates...

2023 DUAL CONFERENCE



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Aug 10-12, 2023

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AUG 9

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Minneapolis
1300 Nicollet Mall
Minneapolis, MN



ONLINE CONFERENCE

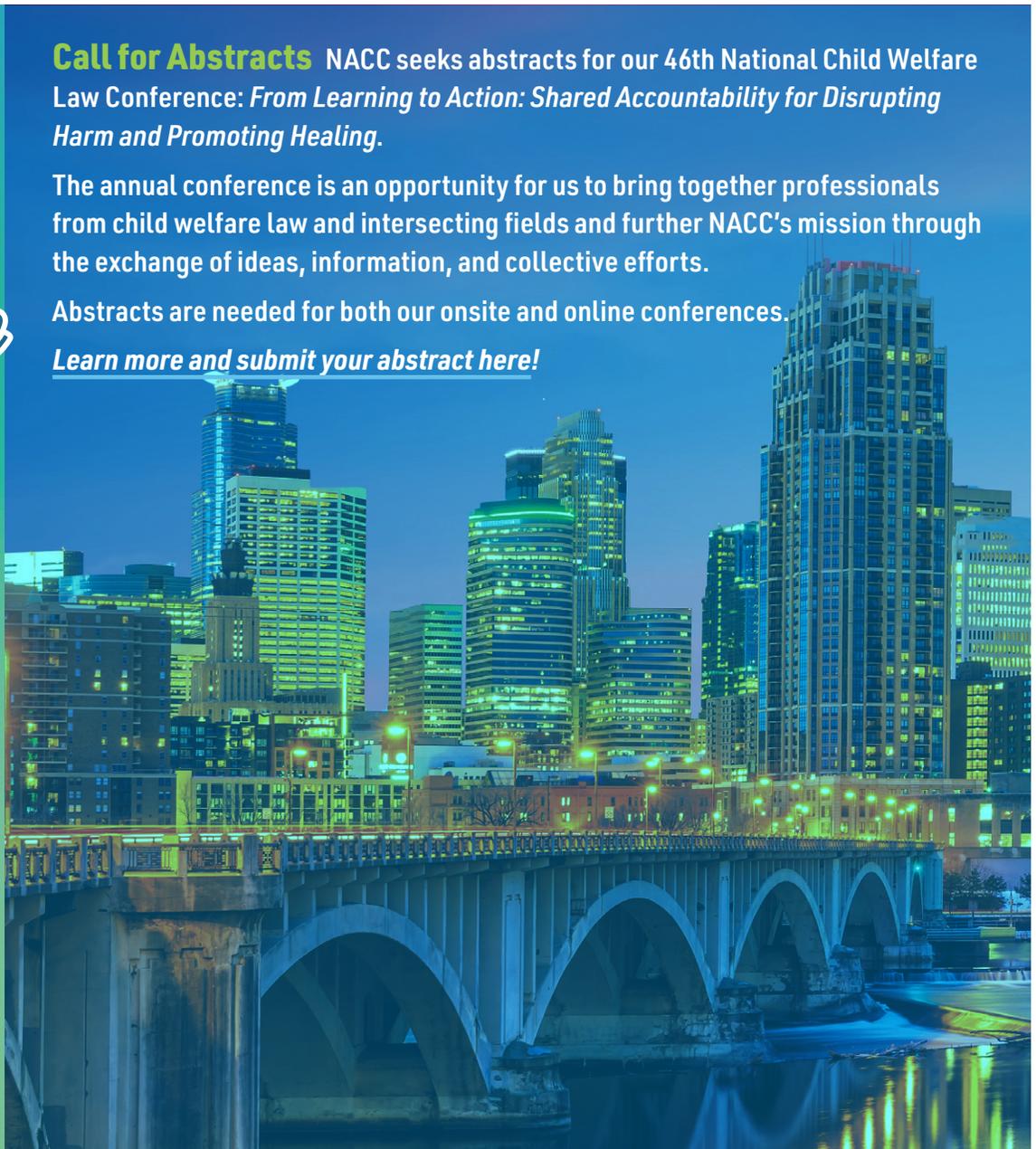
Sep 20-22, 2023

Call for Abstracts NACC seeks abstracts for our 46th National Child Welfare Law Conference: *From Learning to Action: Shared Accountability for Disrupting Harm and Promoting Healing.*

The annual conference is an opportunity for us to bring together professionals from child welfare law and intersecting fields and further NACC's mission through the exchange of ideas, information, and collective efforts.

Abstracts are needed for both our onsite and online conferences.

[Learn more and submit your abstract here!](#)



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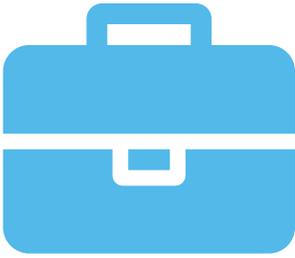


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Training

Announcing NACC's Online Red Book Training Course 2023 Dates!



Kristen Pisani-Jacques,
JD, CWLS
Training Director
Kristen.Pisani-Jacques@NACCchildlaw.org

In 2023, you will have three chances to attend NACC's signature online Red Book Training Course! The 2023 course will include new and revised material, based on the newly released 4th Edition of *Child Welfare Law and Practice: Representing Children, Parents, and Agencies in Neglect, Abuse, and Dependency Cases*. The Red Book Training Course is an exciting opportunity for practitioners to brush up on their knowledge of federal child welfare law and learn tips to enhance their representation of children, parents, or the agency. The course covers major dependency practice competency areas and includes exam preparation strategies and tools for those intending to become certified Child Welfare Law Specialists.

All sessions are on Tuesdays and start at 3:00PM MT

Spring Session: March 14 – May 2

Summer Session: June 6 – July 25

Fall Session: September 12 – October 31

Presenter: Betsy Fordyce, JD, CWLS,

Executive Director, Rocky Mountain Children's Law Center

Registration includes access to live sessions, recordings, the electronic Red Book, and the RBTC workbook. **Save the dates now — and stay tuned for the new syllabus and registration info coming in 2023!**

DISCOUNTS FOR PRESALES THROUGH 2022

Order now and save!

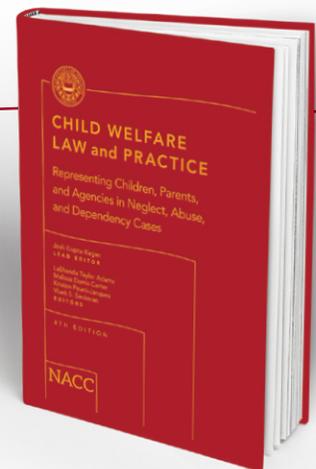
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To remain up to date with ordering information, limited time offers and Red Book 4th edition seminars and training courses:

FOLLOW NACC     



► [Training](#) from previous page



NACC member webinars are FREE for NACC Members when logged in with your member ID to register. Each webinar is \$45 for non-members. Non-member webinar registrants will receive access to a 90-day trial NACC membership.

Save the Dates for NACC's 2023 Member Webinars

January: NACC's Child Welfare Law Year in Review: 2022

[CLICK FOR INFO](#) 

January 26, 2023 | 2:00–3:30PM ET / 12:00–1:30PM MT

NACC's fourth annual Child Welfare Law Year in Review recaps need-to-know updates from 2022, including key Supreme Court decisions and pending cases, selected state case law, federal data and guidance, ABA Resolutions, and more. Join NACC as we reflect on child welfare victories, updates, and lessons from 2022 and look ahead to what 2023 may bring.

Presenters:

Christina Lewis, JD, CWLS, NACC Staff Attorney

Kristen Pisani-Jacques, JD, CWLS, NACC Training Director

February: Algorithms in Child Welfare and Juvenile Justice

February 15, 2023 | 2:00–3:30PM ET / 12:00–1:30PM MT

Algorithms and predictive models are increasingly used in the child welfare and juvenile systems, yet most of them are not seen by courts, and attorneys and court personnel may struggle to understand how they work. This webinar will demystify the use of algorithms and help practitioners understand the ways the algorithms themselves can be biased based on race and income and can be misused. Algorithms are powerful tools, but they are not infallible, and courts have an ethical duty to understand how these tools might impact vulnerable children. Participants will learn why, how, and where these algorithmic models affect outcomes for children and families for both good and ill and their possible future use.

The presenter, Matthew Trail, is conducting a survey for attorneys, law students, and judges in child welfare practice to learn how they would make decisions if given an algorithmic predictive model risk score and asks that attendees [take the survey prior to the webinar](#), so that the results can be discussed.

Presenter:

Matthew Trail, JD, Max Planck Institute for Research on Collective Goods

Both webinars are pending for 2 hours of CLE in Colorado (50-minute hour). 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.

► **Training** from previous page



Interested in Presenting at an NACC Member Webinar?

NACC is accepting submissions for its 2023 monthly member webinars. NACC's monthly member webinars help us to Promote Excellence in the child welfare field by providing quality and comprehensive trainings to attorneys, judges, and other stakeholders who work with children and families. Such ongoing training enables NACC to support our members and ensure that all children, parents, and families in the child welfare system receive high-quality legal representation.

Throughout its training offerings, NACC seeks increase the diversity of presenters and presentation topics. NACC is committed to highlighting and elevating the voices of those individuals most impacted by the child welfare and delinquency systems, including youth, parents, and kin with lived expertise and those disproportionately impacted by systems involvement, particularly Black and Indigenous families.

Webinar submissions will be reviewed on a rolling basis. If your webinar is selected, NACC staff will contact you to discuss your submission further. If you have any questions, please contact Kristen Pisani-Jacques, NACC's Training Director: Kristen.Pisani-Jacques@NACCchildlaw.org.

Check out [NACC's Webinar Presenter Guide](#) for information about preferred webinar topics, webinar design, presentation tips, and more. [Submit your webinar proposal here!](#) ■

Megan Louise Furth Youth Empowerment Fund

The Megan Louise Furth Youth Empowerment Fund was created by former NACC Board Member Donna Wickham Furth to honor the life of her daughter Megan Louise Furth, a remarkable young woman who died in July 2003 at the age of 31. The NACC Megan Louise Furth Youth Empowerment Fund was created to help promote the concept that children and youth are valuable persons and citizens with inherent legal and human rights. The Fund supports youth engagement and youth voice across NACC's programs.

Donate online : *Megan Louise Further Youth Empowerment Fund*



► [Training](#) from previous page

Past Webinars Available to NACC Members

* THESE WEBINARS ARE OPEN TO MEMBERS AND NON-MEMBERS

Accredited
for CLE in
Colorado

[Click here to access all webinars and CLE documents](#)

<p>Integrating Evaluations in Practice: Lessons Learned from Representing Survivors of CSEC within a Treatment Court Model Presenters: Kasandra Dodd, MSW, LICSW, LCSW • Dr. Allison Dunnigan, MSW, PhD • Emma Hetherington, JD, CWLS</p>	
<p>Authentic Family Engagement to Achieve Optimum Outcomes Using a Family-Centered Approach Presenter: Kimberly-Ann Coe, BSW</p>	
<p>The Importance of Family Preservation for Black Children in the Foster Care System Presenters: April Dinwoodie • Vivian Drayton, LSW • Dr. James Freeman, PhD, LCSW Leora Neal, LCSW • J. Toni Oliver, MSW • Amina Saunders, MSW</p>	
<p>Engaging, Supporting, and Advocating for Incarcerated Parents & Their Children Presenters: Stacey Allen-Chavez • Cameron E. Buhl, JD • D'Adre Cunningham, JD • Richard Pittman, JD, CWLS</p>	
<p>ICWA: Busting Myths & Building Allyship Presenters: Kimberly Cluff, JD • Kathryn (Kate) E. Fort, JD • The Honorable Kathleen A. Quigley • Sheldon Spotted Elk, JD</p>	
<p>Self-Care is NOT Selfish: Creative Tools for Transforming Compassion Fatigue, Secondary Trauma, and Burnout Presenters: Kay Glidden, MS • Beth Reynolds Lewis, BS</p>	
<p>Legal Assistance to Kinship Caregivers Presenters: Sarah B. Hedden, JD, MSW • Gabrielle Markle, JD • Heather Radzikowski, BA</p>	
<p>Racial Disparities in the Child Welfare-to-Prison Pipeline Presenters: Julie McConnell, JD – Fallon Speaker, JD</p>	
<p>Congregate Care and Civil Rights Presenters: Richard Goemann, JD, LLM • Beth Kurtz, JD</p>	
<p>Child Welfare Law Year in Review Presenters: Allison Green, JD, CWLS • Christina Lewis, JD • Kristen Pisani-Jacques, JD, CWLS</p>	
<p>Drug Testing in Child Welfare Cases: Understanding the Chemistry, Methodology, and Legal Implications Presenters: Jerry Bruce, JD • Darice Good, JD, CWLS • Diana Rugh Johnson, JD, CWLS</p>	
<p>COVID-19-Related Challenges & Barriers to Reunification in Dependency Court Presenters: Ashley Chase, JD, CWLS • Hon. Aurora Martinez Jones, CWLS • Ellen Ramsey-Kacena, JD, CWLS</p>	
<p>The Interstate Compact on the Placement of Children (ICPC): An Essential Tool to Providing Permanency Presenters: Robyn Kane, JD, MSW • Lynn Pavalon, JD</p>	
<p>Breaking Stigma and Changing the Narrative: Strategies for Supporting Expectant and Parenting Youth in Foster Care Presenters: TyAsia Nicholson • Lisa Mishraky-Javier, LMSW • Sando Zou-Capuzzi</p>	
<p>Adolescent Brain Science: What is it, and How Can it be Effectively Used to Advocate for and Engage Youth Presenters: Cristal Ramirez, MS • Ashley Ratliff, JD, MSW</p>	
<p>Call to Action for Attorneys: Urgent Advocacy to Harness the Consolidated Appropriations Act for Older Youth* Presenters: Aubrey Edwards-Luce, JD, MSW • Zoe Jones-Walton • Tom Welshonce, JD • Gillian Ruddy Wilcox, JD</p>	



NACC Welcomes Jonathan Green!

NACC's New Director of Finance and Operations



Jonathan Green
joined Team NACC as
Director of Finance
and Operations
Based in Connecticut

Jonathan Green, JD, joined Team NACC in October 2022. He is a member of the senior management team and provides leadership and accountability in the areas of finance, operations, and human resources. A key aspect of his work is to support the organization's continued growth and sustainability. As a member of the senior management team, Jonathan is involved in strategic planning, program evaluation, and professional development initiatives.

Jonathan has years of experience managing complex nonprofits with national and international reach. Before joining NACC, Jonathan served as vice president and director of finance and operations for the Yale-China Association at Yale University. He was a member of the executive team and worked to ensure the success of a wide programmatic portfolio in the areas of health, education, arts, and public service. Prior to Yale-China, Jonathan served as an associate director of Kidsave. There he oversaw the fiscal and administrative functions for offices in Washington, D.C., Los Angeles, Moscow, and Bogotá. Before his work at Kidsave, Jonathan served as a divisional accountant at Vanderbilt University School of Medicine and as a financial and legal compliance auditor for the State of Tennessee.

Jonathan holds a degree in accounting from the University of Memphis and a degree in law from Northeastern University. He studied as a Bergstrom Child Welfare Law Fellow at the University of Michigan Law School.

In his free time, Jonathan enjoys building LEGO sets, studying World War II history, and hiking wooded trails. He has served on several boards, including as treasurer and secretary of the Memphis Crisis Center and as a founding officer and treasurer of the Family and Youth Initiative in Washington, D.C.

We're excited to have Jonathan on Team NACC!



Honoring NACC's 45th Anniversary with a Charitable Contribution

In 2022, the National Association of Counsel for Children celebrated its 45th Anniversary as a nonprofit organization, expanded the Counsel for Kids campaign, and published landmark resources for the field. In the coming year NACC will launch a new website, two brand-new trainings, and a new CLWS exam, Red Book Training and online Training Course. Please see [NACC's 2022 Impact Report](#) for more information.

In the last five years NACC tripled its budget and staff, strengthening the organization's infrastructure and deepening our impact. **Will you help us maintain our momentum and impact?**

This year we are fortunate to receive a \$10,000 donation from a board member. **Can you help match their gift with a donation today?**

There are many ways to give to support NACC this season:*

- Make a cash gift on [NACC's website](#), or donate through Charity Navigator, Candid, Venmo (@NACCchildlaw)
- Contribute through donor advised funds, such as Fidelity or Vanguard
- Make a gift from your IRA. If you are over age 70½, and you have an IRA, you can authorize your plan administrator to transfer funds and the amount you transfer will not be added to your taxable income, and it will count towards your minimum required distributions.
- Make a contribution of securities (maximum contribution of 30% of your adjusted gross income)

You may also consider arranging a future gift to help secure NACC's future impact by providing a charitable bequest for a specific amount or a percentage of one's estate, naming NACC as a beneficiary of all or a portion of remaining assets in a retirement plan or life insurance, or through a gift of property, including real estate.

As stated by our founder, Don Bross: *Members of the National Association of Counsel for Children demonstrate daily their belief in good beginnings for children, even though children can't demand our assistance. Each action we take is an effort to support a better future, beginning with our clients. Another 'small' step of committing funds to the long-term mission of the NACC, especially by individuals not richly compensated financially for serving their clients, is a uniquely important personal endorsement of the mission we all share through the NACC.*

We are NACC. Together we are Promoting Excellence, Building Community, and Advancing Justice.

Thank you for your partnership and for considering NACC for a charitable contribution this season.

Thank you!

*Please see a professional to provide financial and tax advice specific to your circumstances.



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COLORADO FRIENDS & FAMILY

Now you can donate your old car to NACC! NACC is a participating nonprofit with [Driven to Donate](#), which helps Colorado nonprofits accept vehicle donations.

[Driven to Donate](#) does all the work for you — all you have to do is [sign up online](#) or call 303-296-9020. You get a tax-deductible contribution for 100% of the net proceeds and [Driven to Donate](#) sends 50% to NACC.

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The Guardian is an NACC publication.
Kristen Pisani-Jacques, Editor

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TOGETHER WE ARE NACC

NACC advances children's and parents' rights by supporting a diverse, inclusive community of child welfare lawyers to provide zealous legal representation and by advocating for equitable, anti-racist solutions co-designed by people with lived experience.

Promoting Excellence # Building Community # Advancing Justice

NACC Non-Discrimination Policy: It is the policy of the National Association of Counsel for Children not to discriminate against any individual or group on the basis of race, culture, ethnicity, national origin, religion or religious beliefs, physical or mental disability or handicap, sex, sexual orientation, gender identity or gender expression, or age. NACC embraces diversity among its Board, staff, members, and volunteers.