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Counsel for Children
**40th NATIONAL
CHILD WELFARE,
JUVENILE, AND
FAMILY LAW
CONFERENCE**

August 10-12, 2017

**PRE-CONFERENCE TRAINING:
August 9, 2017**

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See ya in **NOLA**

August 10-12, 2017

PRE-CONFERENCE TRAINING: August 9, 2017

National Association of Counsel for Children **40th NATIONAL CHILD WELFARE, JUVENILE, AND FAMILY LAW CONFERENCE**

The top leaders in child welfare, juvenile justice, and family law are coming to New Orleans. Legal advocacy for children, youth, and families is a very specialized area of the law. Join the experts as they share tools you can use in your practice.

The Conference

More than 40 years of experience has gone into developing this premiere three-day training, during which we will give you the most current information and progressive tools to advocate for your clients.

Due to the multidisciplinary nature of this work, we are bringing in professionals from the fields of medicine, mental health, social work, probation, law enforcement, education, and more, to both attend our conference and also serve as faculty.

We know you have dedicated at least some of your practice to the representation of children and youth, parents, or the state in juvenile dependency, delinquency, or family law cases. This conference is the opportunity to come together with your fellow advocates to network and receive the most progressive resources available.



The Hotel

We are pleased to have our conference at **The Roosevelt New Orleans**, a Waldorf Astoria hotel. Located in the heart of downtown New Orleans, the Roosevelt is steps away from the French Quarter, shops at Canal Place and the mighty Mississippi River.

Room rate : \$179 per night

Reservations:

ONLINE: Via PassKey

BY PHONE: 800-925-3673

Please refer to the National Association of Counsel for Children Law Conference for your exclusive rate.

Each of the deluxe room types are also available as ADA-compliant accessible rooms.

The Roosevelt New Orleans

130 Roosevelt Way
New Orleans, LA 70112



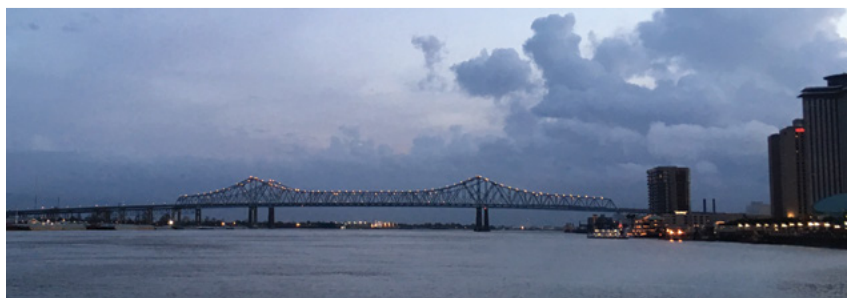
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If you represent an organization committed to making this country a better place for children, youth, and families, the NACC invites you to join us as a conference sponsor or exhibitor. Sponsoring or exhibiting at our conference is a great way to support the NACC and enhance your organization or company's visibility. More information can be found at NACCchildlaw.org or by contacting Conference@NACCchildlaw.org.



The NACC

Founded in 1977, the National Association of Counsel for Children is a 501(c)(3) non-profit child advocacy and professional membership organization dedicated to enhancing the well-being of America's children and families. In today's world millions of children are the subjects of judicial proceedings each year. They are involved in the court system as victims of abuse and neglect, as juvenile offenders, as subjects of custody, visitation and adoption proceedings, and as participants in civil damages litigation. The NACC works to improve the lives of children and families by ensuring that these proceedings produce justice.

Our Mission is:

- **Strengthening the Delivery of Legal Services:** The NACC works to ensure that children and families are provided well resourced, high-quality legal advocates when their rights are at stake.
- **Enhancing the Quality of Legal Services Affecting Children:** The NACC implements best practices by providing certification, training, education, and technical assistance to promote specialized, high-quality legal advocacy.
- **Improving Courts and Agencies:** The NACC promotes systemic improvement in our child and family serving agencies, institutions, and court systems.
- **Advancing the Rights and Interests of Children and Families:** The NACC promotes a safe and nurturing childhood through legal and policy advocacy for the rights and interests of children and families.

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Continuing Legal Education Credits

NACC conferences are typically approved by the continuing education agencies in most jurisdictions and disciplines. A link to uniform certificates of attendance will be emailed after the conference to all attendees. CLE credit has been requested in Louisiana, Colorado, and California.

Pre-Conference Red Book Training

Louisiana	General: 6.5	Ethics: 1.0
Colorado	General: 6.5	Ethics: 1.0
California	General: 6.5	Ethics: 1.0

3-Day Conference

Louisiana	General: 15.5	Ethics: 9.0
Colorado	General: 15.5	Ethics: 9.0
California	General: 16.75	Ethics: 1.5
	Elimination of Bias: 6.0	





Program Aug 9-12, 2017

Pre-Conference: Wednesday, Aug 9

9:00am – 4:30pm

Red Book Training, 3rd Edition PARTIAL ETHICS CREDIT

Brooke Silverthorn, JD, CWLS,
NACC Interim Executive Director

The course will follow the 3rd Edition of *Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases*, AKA the *Red Book*. (Duquette, Haralambie & Sankaran, 2016). This course covers the major dependency practice competency areas and prepares attendees for the NACC Child Welfare Attorney Certification Exam.

\$250 SEPARATE REGISTRATION REQUIRED. FEE INCLUDES LUNCH AND A COPY OF THE 3RD EDITION OF THE RED BOOK.

5:00pm – 6:30pm

CWLS Private Reception

Child Welfare Law Specialists and applicants are invited to join us for an evening reception. Come get to know one another before the conference ramps up.

Conference: Thursday, Aug 10

8:30am – 8:45am

Welcome

HD Kirkpatrick, PhD, NACC Board President

8:45am – 10:00am

Opening Plenary : Justice Plus: The Case for High Quality Legal Representation for All Parties in Child Welfare Proceedings

This session will draw upon the most compelling research demonstrating the value of legal representation for all parties to a well-functioning child welfare system. Many view quality legal representation as a fundamental justice issue. Parties are entitled to competent legal representation. Yet, not everyone gets the same level of representation. The presentation will provide interactive opportunities for participants to reflect on the current practice in their courts, assess

practice from a procedural justice viewpoint, and strategize ways they may be able to apply best practices in their own jurisdictions.

David P. Kelly, JD, MA

Administration on Children, Youth and Families,
Children's Bureau, Washington, DC

Alicia Summers, PhD

Capacity Building Center for Courts, Reno, NV

10:00am – 10:30am : **Coffee Break**

10:30am – Noon

Breakout Session A

A1 Increasing Protective Factors for Youth through Nationally-Recognized Evidence/Researched-Based Gender Responsive Programs

Girls Circle is the first evidence-based program for girls proven to reduce delinquency. It leverages girls' strengths in seeking connections, promotes protective factors, and reduces risks associated with female adolescent experiences. The model helps girls build healthy relationships, receive positive peer support, and increases girls' critical thinking skills which lead to increases in self-efficacy, school engagement, and decreases in alcohol and self-harming behaviors. The Council for Boys and Young Men® targets harmful masculinity beliefs that have been strongly associated with risk behaviors for boys. The model and approach aims to prevent and reduce violence, increase boys' attachment to school, and restore relationships impacted by violence, aggression, and bullying. Judges across the U.S. are recommending and/or mandating juveniles into these programs both in judicial and community settings based on their effectiveness. Both models are utilized in virtually all sectors of care, and have been successfully used to support multi-system integration when targeted at public and private sector agencies in the juvenile justice, child welfare, judiciary, behavioral health, education and other systems that serve youth. This workshop will inform attendees of the restorative and responsive strategies applied in these models to enhance and/or compliment other programming with effective intervention/prevention strategies to promote advocacy and support for youth in any system of care.

Victoria Mahand, MSW

Giovanna Taormina, BS

A2 Hidden Registries: Child Abuse Registries and Avoiding the Consequences

Most states have child abuse registries maintained by child protective services. Previously found unconstitutional as written in the state of Georgia, a new registry was passed and put into effect on July 1, 2016. After a child protective services investigator determines, by a preponderance of the evidence, that a parent or caretaker has abused or neglected a child, their name is placed on the registry. The parent/caretaker then has 10 days after receiving a notice letter to appeal placement on the registry. Implementation of the new law has brought many questions and concerns to the child welfare world in Georgia, including questions about due process and representation of children placed on the registry. In this session, we will provide an overview of child abuse registry laws across the country and the effect placement on the registry may have in dependency, criminal and other matters. We will then discuss best practices in representing parent/caretakers and children in registry appeals. Finally, we will discuss model legislation and balancing the protection of individual rights with preventing child abuse and neglect.

Emma Hetherington, JD

Diana Rugh Johnson, JD, CWLS

A3 Race and Child Welfare: Current Trends, Critical Discussions & Effective Strategies

This session will explore current trends and critical issues in race and child welfare, including: racial bias in child welfare; the disproportionalities and disparities that minority parents experience at each critical stage of child welfare proceedings, including post-termination and reinstating parental rights; the intersection of child abuse/foster care, human trafficking, and race; how changes in government administration and Department of Health and Human Services funding and programs will affect minorities; and a new model of "culturally compassionate" parent representation.

Tanya Asim Cooper, JD, CWLS, LLM, MA
Stephanie Smith Ledesma, JD, CWLS, MA
LaShanda Taylor Adams, JD

A4 The Complementary Roles of CASA Volunteers and Children's Counsel

This session is designed to provide an overview of the complementary roles of Court Appointed Special Advocates (CASA)/ guardian ad litem (GAL) volunteers and children's counsel in child abuse and neglect proceedings. Children's counsel provides legal representation throughout the often long and complex court process. Appointed and empowered directly by the courts, CASA/GAL volunteers advocate for a child's best interest by providing critical information to judges about the child's needs and well-being and helping the judge make the most well informed decision. CASA/GAL volunteers are community advocates who get involved because they want to give their personal time and resources to strengthen their community and ensure that every child is safe, has a permanent, loving home and the opportunity to thrive. CASA/GAL volunteers engage in a wide range of activities to support court processes and also provide a consistent adult and support person for children. They are not intended as a substitute or a replacement for children's attorneys or child welfare professionals. CASA/GAL volunteers are essential partners in the court process and in most instances, the specially trained advocate has more time to spend with the child than the child welfare professional or child's attorney, and therefore can provide additional information so that the court can make the best decision for that child. CASA volunteers are essential partners in the court process. They are instrumental in permanency planning, including reunification with a child's birth parents, or on-going contact with family members. The ideal is to have every child have both an attorney, to represent the child's legal interests and a CASA/GAL volunteer, to represent the child's best interests both working to assure a safe, permanent home.

Diane Nunn, JD
Patricia Bresee, JD
Kathleen Richey, JD
Sally Wilson Erny

A5 Reducing Reliance on Non-Family Settings: A New Set of Resources and Strategies

Children and youth too often are placed in non-family settings (group homes, shelters, congregate care, therapeutic residential centers) rather than with families as they enter the foster care system - and many remain for indeterminate periods of time. There has been a growing focus on reducing reliance on these restrictive non-family settings and in response the National Center for State Courts in close consultation with NACC, ABA, NCJFCJ and CASA have created a comprehensive toolkit for judges and attorneys. This session focuses on this new toolkit to assist attorneys with understanding the underlying science for placements in non-family settings and tools and strategies for in court representation and out of court advocacy efforts.

Tracey Feild, MPP

A6 Acting as an Agent of Change

Child and family advocates, regardless of assigned role in the courtroom, are well-positioned to offer their expertise to assist child-serving systems to transform and to insist on a shared agenda among policymakers. Pragmatic solutions are found in the blending of practice realities and policy ideals, and in this way, attorneys for parents and children, policy advocates, social workers and others can act individually and collectively as powerful catalysts for change. To be effective, child and family advocates must be knowledgeable about the cycle of public policy development and skilled at engaging with policymaking processes, at the local, state, and federal levels. Such knowledge and facility is the basis for effective multidisciplinary collaboration, strategic alignment and a clear vision for improvement. Operating within policymaking frameworks will support advocates to persist in efforts to create meaningful and lasting change, ask tough questions, and lead by example, all through a public participation model. This workshop will introduce participants to the multi-stage cycle of the public policy process, and its disciplined approach to issue development, selection and execution of advocacy strategy, implementation, and evaluation and monitoring. Through discussion and examples based on reforms enacted and implemented in Georgia in the past three years, participants will consider the role of legal and non-legal advocates as actors with the potential to institute and sustain reforms that benefit children and families.

Melissa Carter, JD

Noon – 1:45pm

Lunch on Your Own or Lunch & Learn : A New Way Forward: Strategies and Solutions for a More Diverse Child Welfare Attorney Workforce

Over the past year, parent, child, and agency attorneys from across the country have engaged in critical questions: Why, in 2017, is the workforce of child and parent attorneys still so unrepresentative of the diversity of the families we serve? What can we do? How can we come together to move beyond awareness to create real change? This collaborative session will ask for your participation in answering these questions, and offer the opportunity to join an ongoing, national effort to tackle this essential challenge.

Sheri Freemont, JD
Casey Family Programs, Denver, CO
Carlyn Hicks, JD, MBA
Mission First Legal Aid Office,
Mississippi College School of Law, Jackson, MS
Adrian Smith, JD, MSW
Youth Rights & Justice, Attorneys at Law, Portland, OR

\$50 SEPARATE REGISTRATION REQUIRED.

2:00pm – 3:30pm

Breakout Session B

B1 Should Children be Allowed to Waive Counsel In Delinquency Proceedings?

ETHICS CREDIT

As we celebrate the 50th anniversary of *in re Gault*, less than a handful of states prohibit children from waiving counsel in delinquency proceedings. Why is that? We propose a conversation w advocates to explore the legal, psychological and policy reasons behind the reluctance to proscribe waiver — and in support of prescribing waiver. Too often, this has been a hushed conversation in the hallways; we

want to have an open conversation about how we can simultaneously protect children's autonomy without sacrificing legal representation.

Marsha Levick, JD
Robert Schwartz, JD

B2 From the Margins to the Center: A Healing-Informed Approach to Supporting Girls of Color Involved in Public Systems

Too many young women and girls of color are hindered by the negative effects of gender and racial discrimination, personal and community violence and involvement in child welfare, juvenile justice and other intervening public systems. They are over-penalized by systems that under-protect them, and they are further marginalized by a prevailing narrative that does not support them as community assets and future leaders. This session will challenge participants to prioritize efforts focused on advancing equity for this population; and will be framed around two topics: **A.** Fight for Our Girls: Tashira Halyard will explore the current research focused on the challenges to well-being experienced by system-involved girls of color. **B.** Martha L. Raimon will share the Center for the Study of Social Policy's Youth Thrive Framework. In 2011 the Center for the Study of Social Policy's (CSSP) reviewed the most recent research on resilience, positive youth development neuroscience and trauma to examine how all youth, and specifically youth involved in public system such as child welfare and juvenile justice, can be supported in ways that advance healthy development. Participants will gain deeper insight into the policies and practices that operate as barriers to success for girls of color involved in public systems. The Youth Thrive Framework will be presented as a theoretical framework that can promote the necessary healing and well-being for this population.

Martha Raimon, JD
Tashira Halyard, JD

B3 How Thinking About an Appeal Can Help You Try Your Case

In this presentation, two experienced trial attorneys currently on a rotation with our appeals unit and an appellate attorney will present the essential aspects of preserving a record for appeal in all types of child protective cases. The presentation will be a combination of discussion, role-playing, and questions and answer. Preserving the record for an appeal is an essential part of successfully trying a case. If you lose the case at trial, preservation of the record may result in a reversal on appeal. Although some appellate courts may exercise interest of justice jurisdiction, the failure to preserve issues for appeal may result in the waiver of legitimate appellate issues or simply a refusal of the appellate court to grant a reversal. Being familiar with the ways to preserve a record on appeal is therefore vital to ensuring that all potential issues are considered by an appellate court. Our experience has shown us that trial attorneys who are conscious of the issues involved in preserving a record for appeal are often more successful in the trial court as well. The effort to ensure that issues are properly preserved for appeal by raising the correct objections, making the proper motions, and ensuring that the client's theory of the case is made clear to the trial court is likely have an effect on the trial court's perception of the case as well.

Sara Reisberg, JD, CWLS
Marianne Allegro, JD
Riti Singh, JD

B4 Developing a Trauma-Informed Juvenile Justice System: Changing Paradigms through New Research

This session will present new research on the juvenile justice population that demands a trauma informed legal approach. The data from a new study completed by the Children's Trauma Assessment Center provides quantitative data that indicates the majority of JJ youth experience complex trauma which significantly affects their functioning in society. Additionally, the qualitative data from judges, referees/

magistrates, and probation officers articulates the tension between being the "hammer" that demands a punitive legal approach versus "holding hands" to support trauma recovery through court ordered trauma screening, trauma assessment, and evidence based trauma treatment. Recommendations for court personnel to implement a trauma informed approach that utilizes the new data will be detailed.

Frank Vandervort, JD
Mark Sloane, DO
Jim Henry, PhD, MSW

B5 Advocating for the International Child

The mobility of the global community means an increasing number of children and families in the child protection system may straddle international borders and need help with immigration or citizenship issues. With a working knowledge of the laws and options, attorneys, social workers, advocates and judges can avoid pitfalls that undermine child safety and delay permanency. This session will focus on: assessing a child's citizenship and immigration status; options including Special Immigrant Juvenile Status (SIJS), Violence Against Women Act relief (VAWA), U visas and political asylum, as well as the Child Citizenship Act and naturalization; consular notification requirements; family reunification and placements with a parent overseas; and the interplay between immigration enforcement and child protective services.

Pamela Kemp, JD
Susannah Volpe, JD

B6 Systemic Improvement: Getting the Community, the Court, and Child Welfare to Visit the Data — A Study on How Collaboration and Trial Advocacy Can Impact Policy Outcomes and Accountability

In 2010, 52,891 children in the United States were adopted from the child welfare system. While there are no federal standards for data collection to track if an adoption fails, attorneys for children (AFC), child welfare, the courts, education and the community programs working with children often see cases, and have children before them again in need of permanency who have returned to foster care, are subjects of new abuse/neglect, custody/guardianship, voluntary placements, surrenders, domestic violence, status offense, or delinquency cases. However, no entity has been looking at the data about these children and why permanency has alluded them. The Children's Law Center New York explored this phenomena and conducted a six month case study to evaluate broken adoptions — when children return to family court on custody, guardianship and order of protection cases. In addition, CLCNY collaborated with a number of organizations to build a coalition to address this critical issue resulting in the development of a national symposium, publication of an online journal, and changes not only in case work but the development of new legislation. This panel will share the development of the coalition, suggest approaches to build a reflective component in a client practice, and discuss how trial advocacy and data collection can be used to affect policy outcomes and accountability with all the stakeholders working with children returning to Family Court.

Dawn Post, JD
Dana Dohn, JD
Karen Simmons, JD

3:30pm – 4:00pm : Break

4:00pm – 5:30pm

Plenary I : Navigating the Interstate Compact on the Placement of Children

The mechanism by which children utilize their out-of-state resources is the Interstate Compact on the Placement of Children (ICPC), a law that has proven challenging to navigate at best. The complexity

of the ICPC not only causes inordinate placement delays for child welfare clients, it also causes enormous frustration for practitioners. Get an in-depth explanation of the ICPC and how it works, insight regarding when the ICPC is actually applicable, litigation and practical strategies, both at the trial and appellate levels, for navigating the complicated law, and tips for speeding up the ICPC process.

Melissa Friedman, JD

The Legal Aid Society, New York, NY

Don Hodgdon, JD, CWLS

Attorney at Law, New London, CT

Abraham Sisson, JD

Children's Law Center, Washington, DC

Judith Stern, JD

The Legal Aid Society, New York, NY

5:30pm – 6:30pm

Welcome Reception

Join NACC staff, board, conference attendees, and faculty for a New Orleans style welcome with appetizers and drinks.

Conference: Friday, Aug 11

7:15am – 8:15am

Early Morning Session : Alabama's iCan Initiative: Leveraging the Letter of the Law Through Judicial Leadership to Improve Permanency Outcomes

Christopher Church, JD, MS

Chad Coker, JD

Lien Bragg, MSW

8:30am – 10:00am

Plenary II : Understanding Child Welfare Funding in the New Federal Landscape to Better Support Children and Families and to Help Create Systemic Reform

Effective advocacy for children and families depends on being able to access the services, funding and supports the child needs. An understanding of these systems is critical in order to fashion feasible changes to improve the public systems that care for our children and families. Receive an overview of the various benefits available to support children and families, as well as frequently encountered barriers and eligibility rules that often prevent families from accessing services and supports they need and tips to overcoming them.

Angie Schwartz, JD

Alliance for Children's Rights, Sacramento, CA

Brian Blalock, JD

Tipping Point Community, San Francisco, CA

10:00am – 10:30am : Coffee Break

10:30am – Noon

Breakout Session C

c1 Developing Advocacy Strategies and Practice Tools for your LGBTQ Client

ETHICS CREDIT

LGBTQ+ youth are significantly overrepresented in out-of-home care compared to their numbers in the general population. Once in care, they often experience discrimination, mistreatment and lack of appropriate services. A first step in advocating for this population is knowing how your clients identify. But how exactly do you find out? And once you know, what are concrete steps you can take as an attorney to zealously advocate for LGBTQ+ youth? Presenters will use role plays and scenarios to help participants develop practical interviewing skills, motion practice, and courtroom advocacy.

Currey Cook, JD

Shannan Wilbur, JD

c2 Neuroprotective Decision-Making: Improving Your Representation by Detecting and Documenting Toxic Stress in Children and Families

Ms. Jessica Richards, an infant-family and early childhood mental health specialist will briefly review Adverse Childhood Experiences and how they impact brain development, provide insight into the future of trauma and stress detection, and introduce and explain practical tools attorneys and their investigators can use to detect and document toxic stress from their own observations and interactions with people in the child's life. Ms. Janet Sherwood, an expert in child welfare law, will discuss how attorneys for children and families can use this information, what questions to ask when conferring and collaborating with other professionals, explain how to use available tools, and how to present the information to the court.

Jessica Richards, MS, MSW, LCSW

Janet Sherwood, JD, CWLS

c3 Moving Beyond Lassiter: The Need for a Federal Statutory Right to Counsel for Parents in Child Welfare Cases

This session will explore the inadequacies in parent representation and will suggest that advocates need to work together to push for a federal statutory right to counsel. Across the country, disparities in parent representation are pervasive. The United States Supreme Court has repeatedly recognized that a parent's right to direct the care of her child is one of the oldest and most fundamental rights in the Constitution. Yet how that right is safeguarded when the State seeks to strip a parent of that right — either temporarily or permanently — can vary significantly. Over twenty-five years ago, in *Lassiter v. Dep't of Social Services*, the United States Supreme Court refused to find that parents have an absolute right to counsel in termination of parental rights cases, leaving it up to state legislatures and courts to define under what circumstances parents should receive the assistance of counsel. Lassiter's failure to recognize an unconditional right to counsel has led to a lack of uniformity in how courts and legislatures protect the fundamental right to parent. But another potential avenue for redress exists. This session will suggest that the Federal Government must do more and will present an argument that Congress should include, among its already existing conditions to receive federal child welfare funds, a requirement that states provide parents with the assistance of counsel at the first court proceeding in a child welfare case. Additionally, to support the implementation of this requirement, Congress should concomitantly allow states to use federal child welfare funds, distributed under Title IV-E of the Social Security Act, to pay for parent's counsel. Taking these steps would dramatically improve the legal representation that parents receive when their fundamental rights are jeopardized and would create much needed uniformity across the country. An indigent parent's ability to protect a fundamental constitutional right should not vary depending on her misfortune of living in a particular state.

Vivek Sankaran, JD, CWLS

c4 **Building a Better Courtroom: Courtrooms that Work for Families**

Courtrooms are traditionally designed to inspire respect, evoke formality of tradition and sustain the adversarial nature of the legal process. What if we looked at design through the eyes of the family entering the doors of the courtroom instead? What if you were to design a courtroom for a family problem-solving court, how would it differ from a traditional courtroom? How you would support the needs of all of the agencies, treatment providers, case managers, and other treatment court team members. Come to this session for practical examples and an engaging dialogue of how to design a trauma-informed courtroom for problem solving courts centered on the needs of families and children. Don't have a problem solving court? No problem! This session is for anyone wanting to improve the experience and outcomes of those entering the courtroom.

Gail Meinster, JD, CWLS
Brenidy Rice, MPA

c5 **Collaborating with Clients from the Get-Go: Youth Voices Uncensored**

In this interactive panel session, presenters will discuss effective strategies to better engage and communicate with clients. Participants will hear from former foster youth of the importance of incorporating the youth voice during all phases of dependency proceedings and legislative policy implementation impacting youth. Recent national statistics estimate that over one-half of youth in care are persons of color. Presenters will engage participants in a conversation of working with a diverse population, the many different identities youth may hold and the importance of working cross-culturally. Presenters will highlight effective approaches for communicating and supporting youth resulting in positive impact. Topics to be discussed include: • How to prevent one more "failed adult" in a youth's life • Connecting clients to resources (e.g. academic, mentorship, music, sports, etc.) • How do we put forth efforts in ensuring inclusion and accountability of the youth's needs being met? • Using the youth voice in court settings to be more inclusive of their perspectives • How to work as a team to better represent the best interests of foster youth. Participants are encouraged to ask questions and interact with the presenters throughout the presentation. Attendees will also participate in a small group, interactive and reflective exercise.

Deborah Martinez, JD
Zefora Ortiz, BA
Eric Wagoner, AA Candidate

c6 **Lessons Learned from *In re Alexandria P.*: The Importance of Independent Child's Counsel in Placement Decisions, the Importance of Focusing on the Whole Child and the Role of Media in Child Welfare**

This session will present and discuss the important lessons learned through the highly publicized two California Court of Appeal published cases regarding the placement of a single child in Los Angeles County foster system. In the two cases, *In re Alexandria P.* (2014) 228 Cal. App.4th 1322 ("Alexandra I") and *In re Alexandria P.* (2016) 1 Cal.App.5th 331 ("Alexandra II") the media attention focused almost exclusively on the controversy around the Indian Child Welfare Act, these cases teach important lessons on the role of independent child's counsel, the challenging role of foster parents in the dependency system, the importance of culture and family history, and the role of the media and social media in the Dependency Court system. The presentation will briefly cover the factual background of the case, discuss the ethical responsibilities of child's counsel to perform independent investigation regarding placements decisions for a child, the quandary of foster parents to love a child like their own versus the temporary nature of foster care, and importance of looking at what constitutes best interest when discussing a long term placement for a child.

Jennifer McCartney, JD
Leslie Starr Heimov, JD, CWLS

12:15pm – 1:45pm

Annual Luncheon : Child Sex Trafficking and the Child Welfare Response: A Path to Agency Accountability

The intersection of child sex trafficking and our country's struggling web of child welfare systems is an urgent issue that demands heightened attention and, ultimately, accountability of state intervention systems. States have risen to this challenge with varying methods and degrees of success, with some states employing innovative approaches to placement and services for trafficked children while others lag behind. It is critical that as this issue continues to evolve, child welfare systems are held accountable for the way they care for and protect these children.

Elizabeth Pitman Gretter, JD
Children's Rights, New York, NY
Christine Raino, JD
Shared Hope International, Washington, DC

2:00pm – 3:30pm

Breakout Session D

D1 Learning from the Experts: Experiences of LGBTQ Youth in Care ETHICS CREDIT

Current uncertainty regarding rights for LGBTQ youth at the federal level puts some recent advances towards safety and equity for LGBTQ and gender diverse youth in out-of-home care in question. Hearing from LGBTQ and gender diverse youth in out-of-home care and learning from their experiences is critical to ensure child advocates continue to be change agents in individual cases and systemically. LGBTQ youth remain dramatically over-represented in care compared to their non-LGBTQ peers and, in spite of clear professional standards that they should be affirmed and supported, experience significantly worse outcomes. Advocates from Children's Rights, The Center for the Study of Social Policy, and Lambda Legal will moderate a panel of LGBTQ and gender diverse youth who have had experiences, both good and bad, in out-of-home care in order to provide concrete advocacy strategies to eliminating case-by-case injustices and achieving systemic reform. As an additional advocacy tool, presenters will share results from a report summarizing protections for LGBTQ youth under federal and state law and tips from providers who have affirmed transgender and gender nonconforming youth in their programs.

Currey Cook, JD
Christina Remlin, JD

D2 Five Years Post *Emoni*: Challenging the Application of the Interstate Compact on the Placement of Children to Birth Parents

The Interstate Compact on the Placement of Children (ICPC) is a statutory agreement between all fifty states and the District of Columbia. The ICPC governs the interstate placement of children in foster care or preliminary to adoption. However, contrary to the plain language of the law, most state courts and state social service agencies also apply the ICPC to interstate placements with birth parents in neglect cases. As a result, abused and neglected children who have a fit parent living in another state sometimes have their stay in foster care extended for months, pending outcome of the Compact's lengthy bureaucratic process. And if ICPC approval is ultimately denied, the parent and child may be without any recourse to challenge that decision. This session will focus on ways attorneys can challenge the erroneous application of the ICPC to parental placements at both the trial and appellate levels. Past and current appellate challenges to this application of the ICPC will be presented

as case studies. Presenters will also discuss common difficulties and counterarguments advocates face when challenging application of the ICPC to parents. This breakout session is intended to serve as a supplement to the separate presentation proposed by Ms. Friedman and Judith Stern, which covers the operation of the ICPC generally.

Don Hodgdon, JD, CWLS
Melissa Friedman, JD
Abraham Sisson, JD

D3 Restorative Justice: Helping our Children Remain in School and Avoid Criminal Prosecution

As scientists continue to study brain development in adolescents, there is a growing national unease with zero tolerance principles. Some advocates have gone so far as to assert that the nation has criminalized adolescent behavior. The effects of zero tolerance are felt in our schools and in our juvenile justice systems. They affect all children, but fall especially hard on children in the child welfare system. Florida is in the vanguard of a national trend providing consequences for a child's bad actions without resorting to school suspension, expulsion or arrest. Florida's Supreme Court has partnered with school districts to utilize the principle of restorative justice in a pilot project. This is possible because its legislature created a pre-arrest diversionary program to limit youth who commit non-serious misdemeanors from coming into the juvenile justice system. This presentation will explore the principles of restorative justice and demonstrate how these principles can be applied in our schools, to lower the rates of school drop out, as well as to explore the use of these principles in juvenile justice and in the child welfare system.

Deborah Schroth, JD, LLM

D4 The Federal Framework: What Every Child Welfare Practitioner Should Know

An important component of high quality legal representation includes an ability to use federal law to advocate on behalf of your client. This session will provide an overview of relevant statutory, Constitutional and U.S. Supreme Court case law that every attorney practicing in dependency cases should be familiar with in order to effectively advocate for the agency, a parent or child. Additionally, participants will gain insight on constructive ways to incorporate knowledge about federal law into their practice.

Renia Robinette, JD, CWLS
Janet Bledsoe, JD, CWLS, LLM

D5 Fostering Quality Postsecondary Education: Policy and Practical Tools

This session will explore the issue of private for-profit postsecondary institutions. In recent years, several of these institutions have collapsed, including some of the largest for-profit educational institutions in the country (Corinthian Colleges and ITT Tech). These collapses have had catastrophic implications for students left with enormous student debt, which is not dischargeable in bankruptcy, and no education to show for it. Investigations by Attorneys General around the country and federal agencies have revealed that these institutions target vulnerable populations. Foster youth are highly at risk to become targets of the high pressure sales tactics utilized by these institutions. The session will give an overview of current law, policy, and regulations, given recent developments and the results the 2016 elections. Presenters will discuss the importance of state driven regulation and engage participants in a discussion about safeguards available for students in their states and how to best access and utilize those safeguards for their clients. The session will provide participants with information about how to access and utilize a website CAI has developed that provides state by state information about laws in place to govern private postsecondary educational institutions. Presenters will provide elements for model state statutes and discuss the model elements successfully enacted in California and lessons learned. Finally, presenters will provide an interactive presentation on practical tools available

to students, their attorneys, and others working with students to explore college options. Specifically, presenters will demonstrate the website www.fosteringqualityeducation.com and discuss how the website can be utilized to educate students and help them make informed decisions about postsecondary education and avoid the pitfalls of low quality private postsecondary educational institutions.

Melanie Delgado, JD
Christina Riehl, JD
Robert Fellmeth, JD

D6 Raising the Age of Juvenile Court Jurisdiction vs. Transfer to Adult Criminal Court

In 2016, Louisiana raised its age of juvenile jurisdiction by legislation. As policy makers, system stakeholders, and advocates tackle the issues of implementation, many areas of reform come into question. These include youth transferred to adult criminal justice systems, pre-trial confinement, post-trial placement, services for transitional age youth, and more. This presentation will highlight the findings from the study that was the catalyst for the change in juvenile jurisdiction and recognized with a national award for best legislated study. Participants will then engage in a discussion of the implementation of such a policy change, the challenges, the unintended consequences, and what other states are doing to address the opportunities and challenges posed by youthful offenders.

Stephen Phillippi, PhD

3:30pm – 4:00pm : Break

4:00pm – 5:30pm

Breakout Session E

E1 Identifying and Responding to Pediatric Dental Abuse and Neglect

ETHICS CREDIT

Lawyers lacking professional training in identifying signs of pediatric dental abuse or neglect require exposure to physical indicators, and dental professionals working with pediatric patients must understand their legal and ethical duties to report such instances of abuse and neglect. Reviewing the professional definitions of abuse and neglect, and understanding the failure of dental professionals to actively report such cases will culminate with slides of cases and then a discussion of possible remedial action including the use of statewide registry systems. To help legal professionals make the effort to identify clients suffering from dental abuse or neglect, dynamics which may lead to easier methods of evidentiary proof in court hearings when compared to other forms of child abuse or neglect. This will also include a discussion of attorney ethics as it relates to the topic.

David Katner, JD
Suzanne Fournier, DDS

E2 Within Our Reach: One Year After the Report on Reducing Child Fatalities, Where are We and What Can Practitioners Do to Help?

In this session, attendees will learn about the Commission to End Child Abuse and Neglect Fatalities and will be briefed on steps the Commission recommended to achieve the end of child abuse and neglect fatalities. Attendees will learn about promising practices since release of the Commission's Report entitled Within Our Reach. Attendees will also participate in an exercise that will lead them to actionable steps they can take to reduce fatalities due to child abuse or neglect in their home jurisdictions.

Christina Riehl, JD
Amy Harfeld, JD

E3 **Child and Family Well-Being Through Civil Rights Compliance**

Federal civil rights laws protect children and families from unlawful discrimination in the administration of child welfare programs, activities and services. This workshop will provide an overview of these protections through discussion of HHS and DOJ enforcement activities and explore opportunities to ensure maximum compliance with Federal civil rights laws in child welfare agencies and state court systems. Background: In 2015, the U.S. Department of Health and Human Services Office for Civil Rights (HHS), and the U.S. Department of Justice Civil Rights Division (DOJ) entered into a collaborative partnership to assist child welfare agencies and state court systems in meeting their responsibilities to promote the well-being of children and families while ensuring civil rights compliance. In August 2015, HHS and DOJ issued guidance clarifying child welfare entities legal obligations to not discriminate on the basis of disability under Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. In October 2016, the collaborative issued guidance clarifying obligations to not discriminate on the basis of race, color, and national origin under Title VI of the Civil Rights Act of 1964.

Kevonne Small, JD, PhD
Dylan Nicole de Kervor, JD, MSW
Carla Carter, JD

E4 **Dual Status Court: Taming the Two-Headed Dragons of the Juvenile Justice System**

Indianapolis has designed and implemented a dual status court for children that are dually involved in the delinquency and the dependency and neglect systems. This has challenged service providers, stakeholders and all party participants to cooperate in a manner previously unknown to them. In this session, we shall present a brief history of how we got to where we are. Starting with the enactment of dual status legislation; working with the Robert F. Kennedy National Resource Center; countless meetings and process mapping; individual county pilot projects and the construction of the court process. The primary goals of this initiative is to improve the outcomes for youth by establishing a collaborative approach involving both the Department of Child services and probation. There were 5 counties that developed a pilot project consistent with their resources. While Indianapolis worked with a national consultant to develop a dual status process. The Indiana legislation defined and distinguished between 'dually identifies youth' 'dually involved youth' and dually adjudicated youth'. The process envisions a lead agency after a judicial determination and approval. A Dual Status Team can be assigned for further evaluation and assessment for services. We fully understand the differences between the raw language of the legislation of how things work in practice. Our session hopes to bridge the gap between theory and reality by discussing the framework for success and injecting real (simulated) cases to heighten everyone's understanding.

Geoffrey Gaither, JD
Rachel Roman-Lagunas, JD
Catina Anderson, MSW
Shannon O'Toole, JD

E5 **What Every Children's Lawyer Should Know about Advocating for Homeless Youth**

Geared toward child welfare, juvenile justice and education lawyers, this program will address the legal issues that arise for homeless youth to assist advocates in working to prevent homelessness for their clients (who are at tremendous risk of transitioning into homelessness) as well as identifying and addressing the legal needs of their clients who do become homeless. Panelists will share information about the American Bar Association's Homeless Youth Legal Network

which is a resource created to increase and strengthen legal services for youth and young adults experiencing homelessness.

Casey Trupin, JD
Brian Blalock, JD
Serena Holthe, JD

E6 **Strategies and Services in Cases of Sibling on Sibling Sex Abuse**

Using hypotheticals and lecture, this session will provide comprehensive and detailed instruction on how advocates should approach these highly sensitive, emotional and frequently disturbing cases. Issues involving client representation, generational abuse, parental involvement, and potential permanent breakup of the family will be discussed, as well as tactics and prescriptions for successful reunification of the family.

Meghan Grim, JD
Jacqueline Phillips, JD

Conference: Saturday, Aug 12

8:30am – 10:00am

Breakout Session F

F1 Judges and Advocacy ETHICS CREDIT

Judges in dependency and TPR cases often see themselves as the protectors of children. Yet the child welfare legal system is just that: a legal system. In any legal system, judges are primarily the protectors, not of any party appearing before them, but of the integrity of the system. Judges accomplish this by adhering to statutes and legal precedent, and by holding the parties to the evidentiary rules and standards established for them. Judges in child welfare cases must be willing to accept outcomes they might not wish, if those outcomes are in fact demanded by the law. In support of this thesis, the session will explore appellate cases from several states. These are cases the judges have lived with, in many cases, for years, and a persuasive argument can be made that part of the problem on appeal is that judges are often substituting their subjective judgement for outcomes demanded by the evidence, or lack thereof. The whole issue highlights the importance of making a full and complete record of each hearing, and for judges to make clear findings of fact and conclusions of law on the record rather than just announcing an outcome and then getting that outcome into an order. When judges begin to see themselves primarily as protectors of the integrity of the child welfare legal system, children will (arguably) be better protected because results will be more stable even when appealed.

Jerry Bruce, JD, MA

F2 Fostering Sibling Connections: Legal, Policy, and Practice Strategies to Support Siblings in Foster Care

This session will explore the legal, policy, and practice landscape relating to the rights of siblings in foster care. The session will begin with an overview of the literature demonstrating the importance of the sibling connection to positive outcomes for foster youth and achieving permanence. It will then explore the federal and state laws and cases that address the rights of siblings to placement and visitation while in foster care, as well as to post-adoption contact. Finally, it will explore positive practice developments that have demonstrated success in supporting sibling bonds and opportunities for practice improvement. As part of the panel, this session will also have a former foster youth who can relay personal experience and provide youth voice. We have reached out to a youth-run organization and there are interested youth with relevant experiences,

but we need to figure out whether there are scholarships available to help defray the travel costs from California. We are hopeful that we will be able to access funding for these travel expenses, and would appreciate any guidance should this abstract be selected.

Leecia Welch, JD
Anna Johnson, MPP
Lily Colby, JD

F3 From Criminals to Victims: Los Angeles' Evolving Response to Commercially Sexually Exploited Children

Over the last five years, California has passed legislation and financed local initiatives that support commercially sexually exploited children as victims, not criminals. Los Angeles continues to be at the forefront of this movement, piloting its own unique strategies and cutting-edge models for meeting victims' needs. This session will describe how the statewide system reform efforts and innovative local practices together have contributed to a comprehensive and holistic response to CSE victims in Los Angeles. It will highlight California's groundbreaking CSEC survivor Advisory Board tasked with shaping state policy. It will also explore Los Angeles' (1) specialized courts as well as new protocols created to (2) identify and serve CSEC in juvenile hall that may have fallen through the cracks and (3) support victim witnesses when testifying against their traffickers. These recent policy changes and practices will be brought to life through hypotheticals, case studies, discussion with an Advisory Board Member, and an interactive Q&A.

Elizabeth Laferriere, MPP
Leslie Heimov, JD, CWLS
Allison Newcombe, JD

F4 Quality Matters: Examining the Relationship between Hearing Quality and Case Outcomes in Dependency Cases

This interactive session allows participants to learn more about the relationship between the quality of dependency hearings and case outcomes and provides practical tools to assess and improve current practice in child abuse and neglect cases. Court hearings are one opportunity for attorneys, judges, and social workers to engage the family in the process, discuss important case details, and help ensure timely permanency for families. However, the quality of these hearings and the roles of professionals within them has rarely been studied in a meaningful way. This session provides an overview of the research findings and lessons learned from five years of examining the relationship between practice and outcomes in New York state, through the Court Improvement Program. The session will walk participants through findings, provide a framework for assessing current practice, and include opportunities to identify low-cost strategies to enhance current practice.

Alicia Summers, PhD
Christine Kiesel, JD

F5 The Art of Persuasion: Using Effective Communication for Systemic Change

Does your agency need more funding to operate effectively? Do you need legislators to make substantive changes to the laws in your state? Are you negotiating with another agency to change their internal policies? Success in these situations (and many more) requires excellent communication skills. Although legal advocacy is a type of persuasive communication, it does not always serve us well outside the courtroom. The presenters have identified key communications skills needed to advocate effectively to improve the systems that serve children. Participants will learn how to tailor their message to reach different audiences, and how to effectively

deliver the message. By the end of the session, participants will have a simple framework they can use to prepare for any meeting.

Angela Orkin, JD
Gerard Glynn, JD, LLM, MS

F6 Strategies for Achieving Timely Permanency

This session will be an overview of the Foster Children's Project (FCP) structure to achieve timely permanency for its child clients. We will discuss strategies for holistic representation and the attorney-client relationship. Components of the session will also include Steps for Success.

John Walsh, JD
Sarah Cohen, JD

10:00am – 10:30am : Break

10:30am – Noon

Closing Plenary : Morals and Pop Culture: An Examination of Ethical Dilemmas

ETHICS CREDIT

Juvenile attorneys face a variety of common ethical dilemmas. Join us for an interactive session that explores the ethical issues that arise when representing juveniles in dependency and delinquency cases. We will use media clips to illustrate ethics issues and provide resources and tools that you can take back to your practice in your jurisdiction.

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Office of the Legal Advocate, Phoenix, AZ
Madeline Vera, JD
Office of the Legal Advocate, Phoenix, AZ
Amanda Stolee, JD
Office of the Legal Advocate, Phoenix, AZ



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