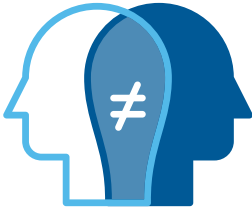


The Guardian

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THE WEAPONIZATION OF WHITENESS IN CHILD WELFARE

The Misdiagnosed and Overmedicated Children in Foster Care

by MJ (Maleeka Jihad)

PART 3

This article is the third 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. You can find the first two articles in the series in the Fall and Winter 2022 issues.

APA's Commitment to Change: Racial Equity Action Plan

In October 2021, the American Psychological Association (APA) issued a formal apology to communities of color for its role in promoting, perpetuating, and failing to challenge racism, racial discrimination, and human hierarchy in the United States. In the apology, APA acknowledged that the organization failed in its role leading the discipline of psychology, was complicit in contributing to systemic inequities, and hurt many through racism, racial discrimination, and denigration of people of color, thereby falling short on its mission to benefit society and improve lives. APA accepted responsibility for and owned the actions and inactions of APA itself, the discipline of psychology, and individual psychologists who stood as leaders for the organization and field.¹

Introduction

There is an understanding among professionals working within the family policing system that most children entering foster care have experienced trauma — either from their home

¹ Read the APA's Race Equity Action plan here: <https://www.apa.org/news/press/releases/2022/08/racial-equity-action-plan>.

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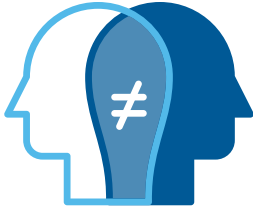
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environment, system involvement (including being removed from their home), or from an out-of-home placement (such as a group home or residential treatment facility). Such children may face the challenges of suffering from a developmental trauma disorder (DTD). DTD is a diagnosis that involves a child encountering multiple complex traumas.² Identified traumas may include abuse, neglect, grief, and/or a traumatic medical experience.

Emotional effects of trauma include:

- Problems concentrating
- Problems with memory
- Social withdrawals
- Fear
- Sadness
- Feeling nervous, jumpy, or on high alert
- Irritability or anger
- Difficulty sleeping
- Intrusive thoughts, flashbacks, or nightmares
- Trouble feeling positive emotions³

Common psychological diagnoses resulting from the effects of trauma may include:

- Post-Traumatic Stress Disorder (PTSD)
- Operational Defiant Disorder/Conduct Disorder (ODD)
- Acute Stress Disorder (ASD)
- Secondhand Trauma
- Reactive Attachment Disorder (RAD)
- Disinhibited Social Engagement Disorder (DESED)
- Adjustment Disorders
- Depression
- Borderline Personality Disorder⁴

RACE-BASED TRAUMATIC STRESS (RBTS):

A theory developed by psychologist Robert T. Carter, which describes the effects on people of color after experiencing acts of racism as consistent with systems of post-traumatic stress disorder.⁵ Racial trauma refers to the mental and emotional injury caused by encounters with racial bias, ethnic discrimination, racism, and hate crimes.⁶

Overuse of Psychotropic Mediations on Children in Foster Care

Psychotropic medications are disproportionately prescribed to children in foster care, compared to children not in care.⁷ It is estimated that 30-52% of children and adolescents in foster care are prescribed psychotropic medication.⁸ In 2021, the American Academy of Pediatrics reported psychotropic medication use is two to twenty-seven times higher

2 Schmid M, Petermann F, Fegert JM. Developmental trauma disorder: pros and cons of including formal criteria in the psychiatric diagnostic systems. *BMC Psychiatry*. 2013 Jan 3;13:3. doi: 10.1186/1471-244X-13-3. PMID: 23286319; PMCID: PMC3541245.

3 Recognize & Rise. "Recognize Emotional Trauma and Find Support." Available at: <https://recognizeandrise.org/emotional-trauma/>.

4 American Psychological Association. "Current Trauma Diagnoses." March 2007. Available at: <https://www.apa.org/monitor/mar07/trauma>.

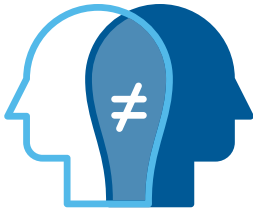
5 Polanco-Roman L, Danies A, Anglin DM. Racial discrimination as race-based trauma, coping strategies, and dissociative symptoms among emerging adults. *Psychol Trauma*. 2016 Sep;8(5):609-17. doi: 10.1037/tra0000125. Epub 2016 Mar 10. PMID: 26963957; PMCID: PMC4982826. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4982826/#R10>.

6 Mental Health of America. "Racial Trauma." Available at: <https://www.mhanational.org/racial-trauma>.

7 Behavioral Health State Court Leadership Brief. "Oversight of Psychotropic Medications Prescribed to Children in Foster Care." September 2022. Available at: https://www.ncsc.org/_data/assets/pdf_file/0022/83803/Oversight-of-Psychotropic-Medications-Prescribed-to-Children-in-Foster-Care.pdf.

8 Park, K., Okpych, N.J. & Courtney, M.E. Psychotropic Medication Use and Perceptions of Medication Effects Among Transition-Age Foster Youth. *Child Adolesc Soc Work J* 36, 583–597 (2019). <https://doi.org/10.1007/s10560-019-00605-y>.

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PSYCHOTROPIC MEDICATIONS (AKA “PSYCH MEDS”) ARE MEDICATIONS USED TO TREAT A PERSON’S THINKING, MOOD, OR BEHAVIOR.

Psychotropic medications (commonly prescribed to children in foster care:

For Attention-Deficit/Hyperactivity Disorder

Concerta
Focalin
Vyvanse
Intuniv
Strattera
Buspar
Xanax

For Depression/Anxiety Disorder

Zoloft
Prozac
Lexapro
Effexor
Wellbutrin

Other Medications

Risperdal
Abilify
Zyprexa¹⁴

among children in foster care as compared to non-foster (Medicaid-insured) children.⁹ “One in every three children in foster care [35%] are on psychotropic medications designed to alter their mental status or mood, a significantly higher percentage than children who are not in foster care within the Medicaid program [8%].”¹⁰

Medication combinations at any age increased the risk of adverse side effects. Youth under the age of ten are substantially at greater risk of adverse drug reactions.¹¹ African American children and youth represent 23% of the foster care population yet comprise only 14% of the child and adolescent population.¹² As part of the foster care population, they are at risk of being given five or more psychotropic drugs at a time, with some younger than five.¹³

Side Effects of Psychotropic Medications (in children and adolescents)

- Breast tissue development (in males)
- Uncontrollable weight gain
- Type II diabetes
- Suicidal ideation
- Uncontrollable muscle spasms
- Brain shrinkage
- Seizures
- High cholesterol
- Kidney and liver damage
- Sudden unexplained death¹⁵

Causes and Reasons for Misdiagnosis and Overmedication

There are many reasons why children are misdiagnosed with psychiatric disorders. The Diagnostic and Statistical Manual (DSM),¹⁶ which is the guidebook for assessing mental health behaviors and treatment recommendations, has often been criticized for not accounting for cultural considerations, as well as its relationship with and influence of the

9 American Academy of Pediatrics. “Children in Foster Care Much More Likely to be Prescribed Psychotropic Medications Compared with Non-Foster Children in Medicaid Program.” October 2021. Available at: <https://www.aap.org/en/news-room/news-releases/aap/2021/children-in-foster-care-much-more-likely-to-be-prescribed-psychotropic-medications-compared-with-non-foster-children-in-medicare-program/>.

10 *Id.*

11 Patient Centered-Outcomes Research Institute. “Ensuring Foster Youth Are Only Prescribed Psychotropic Medication When in Their Best Interest.” July 2019. Available at: <https://www.pcori.org/sites/default/files/2019.07.14-PCORI-research-summary-memo.pdf>.

12 Citizens Commission on Human Rights International. “CCHR Reports 1 Million Decline In US Children On Mind-Altering Drugs.” February 2021. Available at: https://www.cchrint.org/2021/02/09/cchr-reports-1-million-decline-in-us-children-on-mind-altering-drugs/#_edn9.

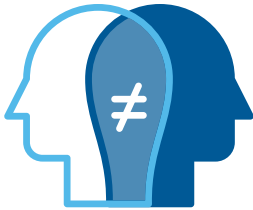
13 *Id.*

14 Medicaid and CHIP Payment and Access Commission. Use of Psychotropic Medications among Medicaid Beneficiaries. June 2016. Available at: <https://www.macpac.gov/wp-content/uploads/2015/06/Use-of-Psychotropic-Medications-among-Medicaid-Beneficiaries.pdf>.

15 Patient Centered-Outcomes Research Institute, *supra*, footnote 11.

16 The DSM is the handbook widely used by clinicians and psychiatrists in the United States to diagnose psychiatric illnesses. Published by the APA, the DSM covers all categories of mental health disorders for both adults and children. It contains descriptions, symptoms, and other criteria necessary for diagnosing mental health disorders. It also contains statistics concerning who is most affected by different types of illnesses, the typical age of onset, the development and course of the disorders, risks and prognostic factors, and other related diagnostic issues. A summary of the DSM is available at <https://www.verywellmind.com/the-diagnostic-and-statistical-manual-dsm-2795758>.

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pharmaceutical industry.¹⁷ Professionals utilize the DSM in every aspect of mental health services, including providing criteria for private and Medicaid insurance billing and reimbursements.

People of color’s justified mistrust in the mental health community is due to racial bias and lack of cultural respect endured from both medical and therapeutic practitioners; the general stigma surrounding mental health; and the high cost of therapy. Though racism is not explicitly identified in the DSM as a contributing factor for the mental health problems people of color experience in the United States, many mental health professionals of color (including social workers, psychologists, and therapists) continue to raise the matter within the psychology and social work disciplines. For example, a 2019 Rutgers University study found that African Americans are more likely to be misdiagnosed with schizophrenia.¹⁸

Drapetomania was a term introduced by Dr. Samuel Cartwright, a Louisiana medical physician that investigated and reported on diseases unique to Black people. Derived from the Greek words for “runaway slave” and “crazy”, he defined drapetomania as a “disease of the mind” that made slaves run away from plantations.¹⁹ In other words, an enslaved Black person’s desire to be free from slavery was a curable mental disorder — suggesting a notion that the only happiness a Black person can achieve is from being a slave.

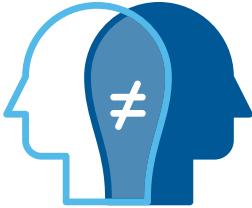
In young African American males, the misdiagnosis of operational defiant disorder (ODD) is disproportionately higher than any other demographic groups.²⁰ This can be attributed to clinicians’ negative stereotypes and perceptions about young black males and a lack of cultural competency.²¹ A misdiagnosis of ODD may not only lead to incorrect treatment, but often ignores and prolongs the correct diagnoses and treatment for depression and/or attention-deficit/hyperactivity disorder (ADHD).²² ODD diagnosis can be particularly stigmatizing with immediate and long-term implications for marginalization; misdiagnosis of ODD can have potentially adverse implications for healthy psychological, emotional, and social development in family and education systems.²³ Tracking educational, judicial, and incarceration data clearly demonstrates that African American males are disproportionately suspended and expelled from school compared to their peers and receive harsher sentences in judicial systems for the same offenses as their counterparts.²⁴ When the diagnosis of a mental disorder is used for purposes other than helping the client, it opens the door to unintended and problematic consequences.²⁵

THERAPISTS BY ETHNICITY PERCENTAGE (IN THE UNITED STATES):

- White (72.6%)
- Asian (11.3%)
- Hispanic or Latino (7.9%)
- Black or African American (4.0%)²⁷

17 Very Well Mind. “Advantages and Disadvantages of the Diagnostic Statistical Manual.” January 2023. Available at: <https://www.verywellmind.com/dsm-friend-or-foe-2671930>.
 18 Science Daily. “African-Americans more likely to be misdiagnosed with schizophrenia, study finds.” March 2019. Available at: <https://www.sciencedaily.com/releases/2019/03/190321130300.htm>.
 19 DeBow’s Review. “Diseases and Peculiarities of the Negro Race.” 1851. Available at: <https://www.pbs.org/wgbh/aia/part4/4h3106t.html>.
 20 Grimmer, et al. “The Process and Implications of Diagnosing Oppositional Defiant Disorder in African American Males.” The Professional Counselor. Volume 6, Issue 2, Pages 147–160. Available at: <https://tpcjournals.nbcc.org/wp-content/uploads/2016/07/Pages147-160-Grimmett.pdf>.
 21 Id.
 22 Id.
 23 Id.
 24 Id.
 25 Id.

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Attention-Deficit/Hyperactivity Disorder (ADHD) is a mental health diagnosis given to those experiencing a deficit in dopamine, norepinephrine, and serotonin neurotransmitters, leading to erratic mood changes and difficulties in focusing attention. From 2003 to 2011, the diagnosis of ADHD in children in the United States increased 42% from 2003 to 2011, resulting in questions about the validity of the diagnosis.²⁶

Barriers to competent therapeutic care for people of color include lack of culturally respectful providers from diverse racial and ethnic backgrounds. Often within the court systems, therapeutic treatment is mandatory, and the client is not permitted to choose the provider they want to work with. This can often lead to not only mistrust of the judicial system, but also lack of trust with the therapeutic provider. Court-ordered service providers often cause the client/patient to be less engaged and cooperative in treatment. Clients fear negative impacts resulting in family separation or family severance within dependency and neglect court cases.

Many White people are socialized to demonstrate non-racist values by not talking about race. However, this approach leaves such clinicians ill-equipped to have conversations about race with their clients of color, and so it is even less likely they will be able engage in productive conversations surrounding traumatic experiences of racism.²⁸

Stories of Impacted People

Nate²⁹

“There is no way to measure the damage of a child’s brain on psychotropic medications”

Case Details/Placement History: Male. Colorado, USA. Entered foster care system in 2002 at age eight. Removed from his parents during a police raid at home. First placement: group home for two months. Second placement: maternal grandmother for six to seven months. Placed in over twenty foster homes placements after parents’ rights were terminated. Final placement was a residential treatment facility. Aged out of system at eighteen years old.

Diagnosis/Medication History: Diagnoses: ADHD, ADD, Depression, Anxiety. First administered psychotropic medication at age nine. Had many different psychiatrists. All children in his foster homes were also on medications, including his younger brother, who was four years old at the time. Medications: Ritalin, Adderall, Strattera, Zoloft, Seroquel, and three others (did not remember the names). Three pills were administered two times per day. Medications caused younger brother to experience uncontrollable leg twitching. Nate did not like the way the medications made him feel. When he refused meds in his foster home, he was held down and forced to take them.

“I do not take any medications. I am even cautious when talking over the counter, Tylenol. I believe the body has ways to heal itself.”

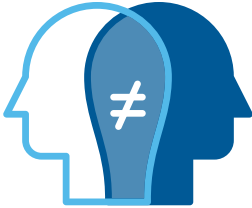
²⁶ Pre-Collegiate Global Health Review. “The Global Misdiagnosis of ADHD and the Devastating Long-Term Effects.” (August 2021). Available at: <https://www.pghr.org/post/the-global-misdiagnosis-of-adhd-and-the-devastating-long-term-effects>.

²⁷ Zippia The Career Expert. “Therapist Demographics and Statistics in the US”. Available at: <https://www.zippia.com/therapist-jobs/demographics/>.

²⁸ Williams, M. T., Metzger, I. W., Leins, C., & DeLapp, C. (2018). Assessing racial trauma within a DSM–5 framework: The UConn Racial/Ethnic Stress & Trauma Survey. *Practice Innovations*, 3(4), 242–260. <http://dx.doi.org/10.1037/prl0000076>.

²⁹ Interview date: 2/7/23.

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Sonia³⁰

“I sincerely believe the reason why my two boys struggled with addiction throughout their adulthood, was due to them being forced to take psychotropic medications while in the foster care system.”

Case Details/Placement History: System involvement began in 2008, when her sons’ (ages eleven and twelve) truancy case developed into juvenile delinquency case due to school suspensions and trespassing charges. One of her sons was placed in residential group home, and the other with his maternal grandmother.

During her visit to the residential group home, her son told her he was placed on psychotropic medications due to behavior. “He just seemed out of it.” Her son later reported he was told by group home staff he would not be allowed to socialize with the other residents if he did not take the prescribed medications. Her son also reported that staff threatened his visitations with his mother would be taken away if he did not cooperate with medication management at the treatment facility. “I was not informed (nor would I have approved) my children to be put on any medications. I wanted them to receive real help. Not to be turned into zombies.” Medications: Zyprexa and Strattera (did not remember the others). Side effects: migraines, visual hallucinations, audio hallucinations, tremors, cold sweats.

“Even as adults, my sons still have lasting side effects from the medications. Including migraines and auditory hallucinations.”

Solutions for Decreasing Misdiagnosis and Overmedication of Children Involved in the Family Policing System

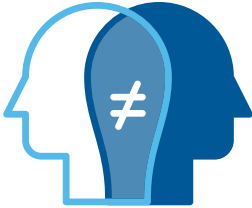
- Advocate for a culturally respectful therapeutic treatment provider
- Ensure the treatment provider is familiar with foster care systemic issues, such as:
 - Race-related trauma
 - Separation trauma
 - Disenfranchised grief
 - Attachment disorders
- Advocate for a service provider from the client’s community
- Verify the (psychological) assessment is culturally adapted

Advocate for culturally appropriate therapeutic mental health providers:

Professionals involved in the family policing system often express dissatisfaction about the lack of culturally competent therapeutic services providers for their clients. In reality, such culturally appropriate treatment providers may exist, but those clinicians may not contract with any governmental agencies (such as the department of human services or child protection services) because of the damage system involvement causes not only to families, but to entire communities (specifically of color). Though a therapist’s agency may not obtain a governmental (service provider) contract, that does not preclude the child’s attorney or guardian ad litem from advocating (in and out of court) to have a service provider that will best meet the client’s mental health and medical needs.

³⁰ Interview date: 2/7/23.

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All therapeutic service providers are held to the moral and ethical standards of practicing within their scope of knowledge and care, including being aware and knowledgeable of the negative impacts of racism a client may endure within the multiple aspects of their lives. Many states have therapists that specifically work with people of color. In the state of Colorado, there is the Therapist of Color Collaborative, an organization that specializes in providing culturally respectful therapists paired with clients. Although this collaboration of therapists does not hold a contract with any governmental agencies, they often will obtain a single/independent contract with children and families that may be involved in dependency and neglect cases, as well as juvenile court-involved cases.³¹

Most importantly, attorneys must continue to question:

- Did the parent provide consent for their child to receive psychotropic medication?
- Do you have access to the *entire* file of the child’s medical history and treatment?
- What is the child’s current mental health diagnosis?
- What medications is the child currently receiving?
- What medications has the child been prescribed in the past?
- What are the possible side effects of the medications?
- What is the length of time the child is expected to receive this medication treatment?
- What are the other treatment options that do not include psychotropic medication? Have those options been considered and/or ruled out? Why/why not?
- What are the signs of “success”? How will we know the medication is working? ■

³¹ For more information on the Therapist of Color Collaborative, visit <https://www.therapistofcolor.com/>.

ABOUT THE AUTHOR:



MJ (Maleeka Jihad) is the Director of MJ Consulting and the nonprofit MJCF: Coalition, an agency focused on dismantling systemic racism in the family policing system through education, advocacy, and policy reform. MJ is the Director of the Family Justice Programs with the Office of Respondent Parents’ Counsel (Denver, Colorado) where she provides national trainings and consultations to professionals as it relates to race, culture, and justice within dependency and neglect court cases and service providers. As an adjunct faculty member with the Graduate School of Social Work at the University of Denver, she teaches on race, privilege, social justice, therapy, leadership, as well as child and family law courses. Alongside her students, MJ is continuing her education by obtaining a PhD in Organizational Development with Social Justice Change specializing in Somatic Leadership Coaching (at Fielding Graduate School). MJ may be reached at mjihadlaw@gmail.com or 720-653-4372.



Louie Gasper is an experienced child welfare consultant, project coordinator/manager, and advocate with a decade of professional experience as well as 10 years of lived experience in the foster care system (including extended foster care). Louie has led and engaged in policy and practice improvement efforts for child welfare agencies, large-scale companies, and non-profits such as NACC, and is a member of NACC's National Advisory Council on Children's Legal Representation.

LEARNING FROM LIVED EXPERTISE:

How Redefining Neglect Can Shift Outcomes for Children, Youth, and Families: Ten Potential Strategies Child Welfare Systems Can Use to Work Toward Equity

by Louie Gasper

Imagine a system where neglect is not confused or conflated with poverty, and considerations of equity, including racism and cultural humility, are thought about for every family throughout the investigation and substantiation process. Josh Gupta-Kagan of Columbia Law School, Jey Rajaraman with Public Knowledge, Family Integrity Justice Works, and I presented on this topic at NACC's Inaugural Race Equity Virtual Training Series. Discussed at this training and in Gupta-Kagan's article, "Confronting Indeterminacy and Bias in Child Protection Law,"¹ are ten strategies that systems, as well as individuals, can use to approach their work with an equity lens and, hopefully, create more equitable outcomes for children, youth, and families.

①

Narrow and Revise Mandated Reporter Training. Efforts calling for statutory changes to narrow the scope of mandatory reporting are important so that less severe incidents do not trigger mandatory reporting (and investigation of child maltreatment). For example, things that may not need to be reported but may be due to bias, such as when a child or youth is seen wearing the same clothes over multiple days, resulting in a perception of a lack of a family's ability to care for their child. It is important to examine and understand the current reporting requirements under the law before making a report or referral. A major component of this starts with practice changes to train mandatory reporters to not use the hotline to get services for families and instead raise awareness of any "warmlines"/helplines, if applicable. Mandated reporter training can also include strategies such as bias checks, development of a diversity, equity, and inclusion module, and aligning updates for any jurisdictions looking to revise their legal statute definitions for neglect. Systems should also train people to become mandated supporters instead of mandated reporters and help them recognize when supportive action should be taken.

②

Revise Registry Systems. Registries can hurt parents' ability to take care of the very children the system is designed to help. Parents should only be placed on registries in certain, specified situations. For example, some states have tiers, so lifetime placements are limited to the most severe cases, and the least severe cases do not lead to placement. Considerations can include if there is the ability to appeal and/or expunge the record, and that non-registry cases still have lifetime consequences for the family. One way to avoid the harms associated with registry placement would be allowing parents to contest the placement on grounds of rehabilitation.

③

Establish Strengthened Reasonable Efforts to Prevent Removal. Anti-poverty supports, including but not limited to housing and childcare, should be included in reasonable efforts. Prevention and pre-petition programs should further their focus on eliminating "poverty reasons" that often result in child welfare system involvement and family separation. The system has more recently welcomed the idea of using funding to keep families together;

¹ Gupta-Kagan, J. *Confronting Indeterminacy and Bias in Child Protection Law*. 33 STAN. L. & POL'Y REV. 217 (2022).

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ensuring families impacted by poverty have access to financial support can often make the difference between continued separation or keeping a family intact. One thought reflection activity that can be done is visualizing the lens of how a wealthier family may handle or be treated in a similar situation, as well as assessing what can be done systematically to ensure that income and wealth are not the only or main factors toward separation.

4

Narrow Neglect Definitions. Lawyers should utilize the poverty defense on a case level for jurisdictions that have it, while other jurisdictions may need to develop poverty defense language on a systemic level through legal statute change, as well as language in communications around neglect that distinctly separate it from poverty. Additionally, certain fact patterns and situations, such as marijuana use and allowing children to engage in “independent childhood activities”, are currently perceived within the system to be connected to neglect without observing the family from a strength-based perspective. Investigation and substantiation for neglect should ideally only occur if there is a high level of harm/risk of harm. Although there can be harms in the home, which should be adequately assessed for risk as well as areas for support, there are also substantial harms that occur from removal, and it is vital to consider all of these factors in the equation.

5

Respect Meaningful Placement Preferences. There are multiple child welfare efforts for family strengthening, such as FFPSA implementation and kinship placement programs, and systems should continually work to support these efforts. When possible and willing, parents should have custody. If this is not possible due to lack of ability to care for the child/youth or lack of willingness, the goal should be placement with kin, including efforts to support family finding, building familial relationship bonds, and offering support and benefits. If the system had vehemently supported and advocated for kinship care and offered financial assistance and support to meet certain housing standards, I would have likely been able to live with my grandma (as I ended up doing years later) instead of aging out of foster care. This may not be possible for all children and youth, but efforts for meaningful placement preferences should be an ongoing effort and not one time. If this is not possible, the system should always strive to place children and youth in foster homes over institutional placements.

6

Revisit Reunification Standards. To reunify, parents must improve the underlying safety issues. Reunification efforts should not judge families beyond that scope and require parents to take additional steps beyond addressing the underlying safety issues. “Stable employment” or “stable housing” serve as barriers to reunification that are not necessarily related to immediate safety. For example, when parents are trying to reunify with their children, they often have to prove themselves instead of the system supporting them and making it easier. I remember a teenager from a children’s shelter who had a mother that loved and cared for him, but due to the fact she was renting a room, he was not permitted to reunify at that moment. Families should be concretely supported in services with intentionality from the system and a mentality that if it wouldn’t justify a removal, it shouldn’t justify a continued separation.

7

Leverage Data and Research Around Disproportionality & Disparity. When observing and developing strategies around addressing race equity it is important to consider existing research on disproportionality and disparity. For example, the study, “Lifetime Prevalence of Investigating Child Maltreatment Among US Children,” found that approximately 53% of Black children and youth experience a CPS investigation by 18 years of age compared to approximately 37% of the general population of children and youth.² Jurisdictional data can help continue to

2 Kim, H. et al. *Lifetime Prevalence of Investigating Child Maltreatment Among US Children*. American Journal of Public Health 107, no. 2 (2017): 274-280.

pinpoint areas of inequity. Often, Native American families face even higher rates of disproportionality, and disparities are experienced systemically, institutionally, and interpersonally for many racial/ethnic groups. Raising the issues of bias and racism in the courtroom and using data to show how those biases play into key decision-making points in the child welfare continuum will help one to become an anti-racist lawyer.

8

Ensure Lived Experience/Lived Expertise Informs Systems and Case-Level Change. Children, youth, parents, and families with lived experience can and should inform any of the aforementioned strategies, whether it is power sharing within case planning or programs such as parent partners, youth advisory boards, or other pathways to authentically weigh in on agency decisions (such as data and research analysis, recommending placement strategies, and involvement in program and policy revisions). Systems-level involvement of people with lived experience not only improves insight into practices and programs prior to implementation but also strengthens relationships and pathways for youth and families to contribute and heal when spaces are authentic. Consider, when possible, engaging people with lived experience who are diverse in backgrounds and perspectives and racially/culturally reflective of the communities that are served.

9

Consider Language Usage through an Equity Lens. The system often uses language and terminology that judge families instead of empowering them. First consider the language your system uses and embraces including system-specific terminology, DEI-related terminology, cross-systems terminology, and behavioral descriptors of children, youth, and families. Then consider the language you use when working with, for, or on behalf of families, and ensure that this language is informed, strengths-based, and promotes equity, inclusion, and belonging. There may also be an opportunity to build shared language on a systemic level, such as getting together a significant group of staff and stakeholders to develop and agree on certain definitions that can be further informed from an equity lens.

10

Assess Policy and Practice with a Reliable Racial Equity Assessment. A Racial Equity Impact Assessment (REIA) is a systematic examination and analysis of how different racial and ethnic groups will likely be affected by a proposed action or decision. REIAs are used to minimize unanticipated adverse consequences in a variety of contexts, including the analysis of proposed policies, institutional practices, programs, plans and budgetary decisions.³ These assessments are often designed to address racism at the institutional and systemic level, but assessment can also occur at the individual level to ask ourselves important questions around biases and the ways we show up. REIAs can be vital tools for preventing institutional racism and for identifying new options to remedy long-standing inequities. REIAs can be used to reduce, eliminate, and prevent racial discrimination and inequities.

*Thank you to **Josh Gupta-Kagan** and **Jey Rajaraman**, who were co-presenters with me at NACC's Inaugural Race Equity Virtual Training Series and contributed heavily to the content in this article. Josh Gupta-Kagan is the director and founder of the Family Defense Clinic at Columbia Law School and the lead editor of the fourth edition of *Child Welfare Law and Practice: Representing Children, Parents, and Agencies in Neglect, Abuse, and Dependency Cases* ("the Red Book"). Jey Rajaraman is a Management Consultant at Family Integrity Justice Works, Public Knowledge and prior to that served as chief counsel of and a supervising attorney at Legal Services of New Jersey's Family Representation Project (FRP). ■*

³ raceforward: THE CENTER FOR RACIAL JUSTICE INNOVATION. "Racial Equity Impact Assessment". Available at: https://www.raceforward.org/sites/default/files/RacialJusticeImpactAssessment_v5.pdf.

EXECUTIVE DIRECTOR'S MESSAGE

Spring 2023

Managing for Change and Transformation



Kim Dvorchak
Executive Director

This is an exciting time at NACC as we launch a brand-new website, logo, and user experience at NACCchildlaw.org. This tech renovation — the first in seven years — includes a new website, customized membership portal, and updated organizational database. I've learned more about technology in this past year than I have in a decade! Thank you to the NACC team — especially Evan Molinari, alongside Sara Willis, Emily Dufour, and Jonathan Green — for your countless hours planning, developing, and launching these new systems.

For many at Team NACC, nearly everything about the way we do our jobs will change. With the excitement of the new and modern also comes some natural uncertainty about how things will work and the burden of a steep learning curve. Like any change, success will depend on how well we implement learning and adapt to changes in our routines. It will require new skills, flexibility, training, and time to develop expertise.

As I reflect on this internal change and change management principles more broadly, I think about the changes we are navigating as practitioners in the child protection legal system. This is a moment of transformation in the child welfare law space, in which we are called to rethink our legal representation norms and routines. For some of us with time-worn habits, it may feel like a steep learning curve to develop new client engagement methods, to raise reasonable efforts and race equity arguments, and to earnestly advocate for family reunification. Change requires a shared vision, training, implementation, and ultimately embedding zealous advocacy in the culture of child welfare law practice.

We know law office leaders are engaged in change management practices every day seeking to meet this moment. As shared in another article, [NACC's recent Children's Law Office Survey results](#) are informing the development of the second edition of NACC's Children's Law Office Handbook to advance the modernization of legal service delivery systems. Change is also coming from within, as a new generation of lawyers expresses expectations about support for zealous advocacy, racial justice, and work-life balance.

At NACC, your practice is our purpose. To be more specific, your *transformational* practice is our purpose. We have been working to put new information and techniques at your fingertips. [NACC's 4th Edition *Child Welfare Law and Practice*](#) is an essential resource for embarking on this journey. NACC's recent Race Equity Virtual Training Series and upcoming Infants and Toddlers Representation Training bring fresh perspectives and tools to round out your learning. And of course, our [46th National Child Welfare Law Conference](#) will provide the latest trends, and resources to support your practice transformation.

For the children and families we serve, change is long overdue. As individuals and as a collective legal community, we must embrace practice transformation with a shared vision, training, and application to our practice. NACC is your partner on this journey.

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

CHAPTER EXCERPTS FROM THE NEWLY RELEASED 4TH EDITION OF THE RED BOOK

Chapter 4: Racial Justice

by Tanya Asim Cooper, MA, JD, LLM, CWLS

NACC has published the fourth edition of *Child Welfare Law and Practice: Representing Children, Parents, and Agencies in Neglect, Abuse, and Dependency Cases (aka “the Red Book”)*. As a preview for our members, what follows is an excerpt from a brand-new chapter to the Red Book — *Racial Justice*. [Order your copy of the new fourth edition Red Book!](#)



§ 4.4 • Strategies for Racial Justice

Because this system has perpetuated racial injustice for so long, many call for it to be dismantled and abolished. “Reforms don’t change the features of institutions, the missions, the systems of accountability[;] . . . reforms do not redistribute money or power; reforms are about programs.”¹ Abolitionists instead call for a radical reimagining of the system such that proper support would go directly into local communities and address root causes such as poverty, houselessness, and domestic violence.² Abolitionists look to the recent past during COVID-19 lockdowns, when fewer children were removed without harm, as proof that the child-protection-savior narrative perpetuates not wellbeing but fearmongering and destruction.³ Until current child protection systems are dismantled, attorneys must engage in color-conscious efforts that acknowledge the racial inequities the system creates and attempt to remedy them on individual and institutional levels.

§ 4.4.A. Individual Reforms

Take account of race. Everyone can perpetuate or disrupt racial bias, and awareness of the individual power to do so is key. Acknowledging the problem of racial injustice in child protection systems is one tangible, actionable thing everyone can do. Mandatory reporters, case-workers, lawyers, judges, CASAs, and GALs should question how race and caste inform their discretionary decisions about BIPOC families at each stage of a case and assume implicit bias.⁴ “Child [protection] system professionals guided by state policies and statutes are in a place of power to determine if parenting is appropriate or inappropriate. We have been neglectful in

¹ *Id.*

² *See id.*

³ *Id.*

⁴ *See Merritt, supra note 11, at 70 (“If racism and implicit bias is acknowledged and corrected across all aspects of the [system], parents will be less likely admonished for their well-intentioned parenting practices, particularly regarding child neglect.”); Sankaran, supra note 77; Presler, supra note 75, at 763–64.*



► **Racial Justice** from previous page

acknowledging that such judgements come with implicit biases at all levels of service design and delivery.”⁵ To learn more about the role of race in our institution, consider these resources:

- *Race Equity Hub*, NAT’L ASS’N OF COUNSEL FOR CHILD., <https://naccchildlaw.org/race-equity-resource-hub/> (last visited Apr. 11, 2022).
- *Racial Equity Resources for Child Welfare Professionals*, CHILD WELFARE INFO. GATEWAY, <https://www.childwelfare.gov/topics/systemwide/diverse-populations/racialequity/> (last visited Apr. 11, 2022).
- Krista Ellis, *Race and Poverty Bias in the Child Welfare System: Strategies for Child Welfare Practitioners*, AM. BAR ASS’N (Dec. 17, 2019), https://qa.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2019/race-and-poverty-bias-in-the-child-welfare-system---strategies-f/.

Stay informed on the latest data and research on racial disparities, the root causes, and the evidence-based best practices to address them. With this data, system actors are much better equipped to address this unending problem in their local and legal communities and are much more likely to develop a reflective and reflexive racial justice practice. Here are some national resources to consider:

- *Children in Foster Care by Race and Hispanic Origin in the United States*, KIDS COUNT DATA CTR., ANNIE E. CASEY FOUND. (June 2021), <https://datacenter.kidscount.org/data/line/6246-children-in-foster-care-by-race-and-hispanic-origin?loc=1&loct=1#1/any/false/1729,37,871,870,573,869,36,868,867,133/asc/2638,2601,2600,2598,2603,2597,2602,1353/12993>.
- ROBERT B. HILL, CASEY-CSSP ALLIANCE FOR RACIAL EQUITY, SYNTHESIS OF RESEARCH ON DISPROPORTIONALITY IN CHILD WELFARE: AN UPDATE (2006), <https://www.aecf.org/resources/synthesis-of-research-on-disproportionality-in-child-welfare-an-update>.
- C. Puzanhera & M. Taylor, *Disproportionality Rates for Children of Color in Foster Care Dashboard*, NAT’L COUNCIL OF JUV. & FAM. CT. JUDGES (2020), http://ncjj.org/AFCARS/Disproportionality_Dashboard.aspx.
- *Disproportionality and Race Equity in Child Welfare*, NAT’L CONF. OF STATE LEGISLATURES (Jan. 26, 2021), <https://www.ncsl.org/research/human-services/disproportionality-and-race-equity-in-child-welfare.aspx>.

§ 4.4.B. Institutional Reforms

Center BIPOC children’s and parent’s voices in their own cases. Listen to those individuals involved and most affected.⁶ Institutions reinforce caste hierarchies by ignoring and dimin-

⁵ Merritt, *supra* note 11, at 68.

⁶ *Id.* at 64.



► **Racial Justice** from previous page

ishing BIPOC voices, and “it is vital to validate their experiences of oppression, discrimination, and racism.”⁷ To really listen and learn from BIPOC families, experts recommend that individuals develop culturally humble, responsive practices.⁸ BIPOC families explain, however, that individuals can never, by themselves, be truly culturally competent, so system actors need to partner with BIPOC families on this strategy.⁹ Research suggests considering other paradigms that prioritize parents’ perceptions and allow for a shared power dynamic¹⁰ — for example, partnering with Native families to learn how to recognize informal kinship networks common to them and existing programs that recruit ICWA-compliant foster families. “Recruitment requires the recognition and elimination of social and economic barriers for Native households to become a foster family in ways that speak to the necessity of mutual aid in cultivating safe and affirming homes for all Native families.”¹¹ To learn more, consider these resources:

- CTR. FOR ADVANCED STUD. IN CHILD WELFARE, SCH. OF SOC. WORK UNIV. OF MINN., CULTURALLY RESPONSIVE CHILD WELFARE PRACTICE (2015), <http://cascw.umn.edu/wp-content/uploads/2015/03/CW360-Winter2015.pdf>.
- *Facing Race in Child Welfare*, RISE (2014), https://www.risemagazine.org/wp-content/uploads/2015/08/Rise_issue_27-facing-race.pdf.
- FAM. JUST. INITIATIVE, ATTRIBUTE 3: DIVERSITY AND INCLUSION/CULTURAL HUMILITY (2020), <https://15ucklg5c821brpl4dycpk15-wpengine.netdna-ssl.com/wp-content/uploads/sites/48/2020/03/fji-implementation-guide-attribute3-1.pdf>.

Take race out of the equation with color-blind removals. Blind removal meetings convene a committee of professionals to decide whether children from a particular family should be removed by focusing on what occurred, family strengths, and relevant history—without knowing the family’s race, address, or other demographics.¹² Designed to address bias at the investigation/removal stage of a case, research has shown that this strategy can reduce removal of Black children from their families.¹³ Even system experts disagreed “nearly 50% of the time when given a hypothetical about whether a child should be taken from his parents.”¹⁴

⁷ *Id.* (noting the “great deal of variation” in how families respond to service delivery, regardless of whether their participation is voluntary or mandated).

⁸ See Lisa Aronson Fontes, *Considering Culture in Child Abuse and Neglect Practice: Tips for Attorneys*, in CHILD WELFARE LAW AND PRACTICE: REPRESENTING CHILDREN, PARENTS, AND STATE AGENCIES IN ABUSE, NEGLECT, AND DEPENDENCY CASES 151, 156 (Nat’l Ass’n of Counsel for Child. ed., 3d. ed. 2016) (defining cultural competence as “the ability to understand world views, experiences, and needs of people from other cultures and adapt our work accordingly,” which requires self-knowledge, humility, and constant learning). We have to “give up the ‘color blind’ notion that treating everyone exactly the same is fair” and instead realize each individual and family has its own strengths, weaknesses, habits, and preferences that we must adapt to learn from to be “fair.” *Id.* at 156.

⁹ See generally Symposium, *supra* note 16.

¹⁰ Merritt, *supra* note 11, at 70 (writing “rather than leaning into an authoritative mindset that often comes with unbalanced power dynamics”).

¹¹ Beardall et al., *supra* note 14, at 571–72; Albert et al., *supra* note 55, at 885 (describing how tribal customary adoptions have allowed tribes to prevent parental rights from being terminated and maintain contact and connections between children and parents).

¹² See Jessica Pryce, *To Transform Child Welfare, Take Race Out of the Equation*, TED TALK, YOUTUBE (Sept. 11, 2018), <https://www.youtube.com/watch?v=ykLj-Hc28o4>; see also Pryce et al., *supra* note 40, at 59.

¹³ Pryce et al., *supra* note 40, at 59 (tracking progress over five years—from 55.5% of Black children removed from their homes down to 29%).

¹⁴ Sankaran, *supra* note 77 (linking study).



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This strategy has its critics,¹⁵ but officials in jurisdictions that have implemented these pilot programs see a decline in BIPOC children removals and find that the practice has improved casework.¹⁶ To learn more about this strategy, consider these resources:

- SOC. WORK EDUC. CONSORTIUM, UNIV. OF ALBANY, RACE EQUITY: NASSAU AND ONONDAGA COUNTY REPORT (2016), <https://www.nassaucountyny.gov/DocumentCenter/View/18095/FINAL-OCFS-Report-Race-Equity-2016>.
- Jessica Pryce, *To Transform Child Welfare, Take Race Out of the Equation*, TED TALK, YOUTUBE (Sept. 11, 2018), <https://www.youtube.com/watch?v=ykLj-Hc28o4>.

Fund and ensure high-quality, multidisciplinary family defense lawyering. “[F]ully fund lawyers who can hold child welfare agencies to account—and assure that only children who really are at imminent risk of serious harm enter foster care.”¹⁷ This essential strategy is critical at all stages of the process, especially before children are removed.¹⁸ Family defenders must insist on due process at all critical stages and challenge vague legal standards.¹⁹ The Family Justice Initiative²⁰ is developing an Anti-Racist Lawyering Toolkit for the child protection field. For an analogous resource in the delinquency field, consider *Racial Justice for Youth: A Toolkit for Defender*.²¹ For resources on this strategy, consider:

- Sheri Freemont, *Gold Standard Lawyering for Child Welfare System-Involved Families: Anti-Racism, Compassion, and Humility*, GUARDIAN, Winter 2020, https://naccchildlaw.org/wp-content/uploads/2023/03/guardian_2020_v42n04_r6_winter.pdf.

Limit removing children in “neglect cases.” To reduce racial disparities immediately, many recommend not removing children in cases arising from neglect, a proxy for poverty.²² “Conflating abuse and poverty-framed-as-neglect allowed policymakers to avoid addressing deeply entrenched structural, economic, and racial inequities affecting children’s wellbeing.”²³ For more on this strategy, consider this resource:

- Jerry Milner & David Kelly, *It’s Time to Stop Confusing Poverty with Neglect*, IMPRINT (Jan. 17, 2020), <https://imprintnews.org/child-welfare-2/time-for-child-welfare-system-to-stop-confusing-poverty-with-neglect/40222>.

¹⁵ See Jeremy Loudonback, *Color-Blind Ambition*, IMPRINT (Apr. 1, 2021), <https://imprintnews.org/los-angeles/color-blind-ambition-removals/52958> (summarizing the criticism: the research methodology; that it is not radical enough; and the declines in Black children’s removals were not steady or consistent).

¹⁶ *Id.*

¹⁷ Sankaran, *supra* note 77.

¹⁸ *Id.* See generally Symposium, *supra* note 16.

¹⁹ See *Family Defense Lawyering*, *supra* note 72.

²⁰ FAM. JUST. INITIATIVE, <https://familyjusticeinitiative.org/> (last visited Apr. 11, 2022).

²¹ *Racial Justice for Youth: A Toolkit for Defenders*, JUV. JUST. INITIATIVE, <https://www.defendracialjustice.org/> (last visited Apr. 11, 2022).

²² Edwards, *supra* note 36, at 63 (“[T]he overwhelming volume of maltreatment cases involve neglect, which is subject to tremendous discretion in identification and classification.”); Burton et al., *supra* note 50, at 645.

²³ Burton & Montauban, *supra* note 50, at 667.



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Change the narrative about BIPOC families. “Despite numerous reforms, the family policing system has not changed its punitive ideology or racist impact.”²⁴ Practitioners must heed this call from BIPOC parents: “Build with us and exist in principled struggle. We do not expect this to be linear or simple, it will be uncomfortable, there will be contradictions, mistakes, and need for deeper learning. There will be setbacks, harm, and indecision. However, there is no better time than now.”²⁵ Start with these resources:

- RASHAD ROBINSON & NICOLE SUSSNER RODGERS, CHANGING THE NARRATIVE ABOUT BLACK FAMILIES (2020), https://colorofchange.org/wp-content/uploads/2020/10/20_FamilyStory_RaceGuide_vo8.pdf.
- Symposium, *Strengthened Bonds Abolishing the Child Welfare System and Re-Envisioning Child Well Being*, 11 COLUM. J. RACE & L. 421 (2021), <https://journals.library.columbia.edu/index.php/cjrl/issue/view/789/188>.

Racial inequities in family separation and regulation do not have to be the status quo.²⁶ “Ultimately, an anti-racist future envisions a child welfare agency that achieves racial equity by keeping families together rather than separating them.”²⁷ Until then, individuals can reduce these inequities, starting with their own awareness of the problem, the research, potential solutions, and individual roles in each of these. ■

24 Roberts, *supra* note 15, at 463.

25 Albert, *supra* note 55, at 894.

26 See Dettlaff, *supra* note 3, at 6.

27 *Id.* at 7.

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A tip sheet on authentically engaging adolescent clients throughout their child protection case.

So You Want to Engage an Adolescent Client in Their Case

Great — they *want* to be engaged!

Introduction

Attorneys must authentically engage youth experiencing the foster care system in all aspects of case planning and advocacy. Youth who have experienced the foster care system often share they did not fully understand the role of their attorney, who their attorney was, or even if they had an attorney appointed to represent them. Many people with lived experience have emphasized that this information would have made a positive difference. This tip sheet provides attorneys with best practices for engaging adolescents based on a basic understanding of brain science and the impact of trauma on the brain.

Adolescent Brain Science

Adolescence refers to the time period between ages ten and nineteen years old. Understanding adolescent brain science is important so that attorneys can engage clients in developmentally-appropriate ways and advocate for opportunities for positive development. Adolescent brains are generally driven by the “three R’s”:² **Regulation, Rewards, and Relationships.**

REGULATION: Adolescents have increased levels of dopamine, a pleasure chemical, which makes it easier to miscalculate the potential negative outcomes of a decision. This does not mean that adolescents cannot make sound decisions. Rather, they simply may need additional time to consider a situation, process related emotions, and then come back to the matter at hand.³ Hot cognition refers to situations in which the adolescent feels stress and is emotionally aroused, such as experiencing peer pressure. Cold Cognition describes situations in which the adolescent can make unhurried decisions with the chance to consult with others.⁴

“Adolescence...[is]...second only to infancy in the extent and significance of the neural changes that occur. The nature of these changes — in brain structures, functions, and connectivity — allows for a remarkable amount of developmental plasticity unique to this period of life, making adolescents amenable to change.”¹

Attorney Tip: Plan for additional time for processing (i.e., brain processing, thinking, absorbing) during court hearings, team meetings, and other key decision points to ensure clients can make decisions while in cold cognition.

- 1 National Academies of Sciences, Engineering and Medicine. (2019). *The Promise of Adolescence: Realizing Opportunity for All Youth*. Washington, DC: The National Academies Press. doi: <https://doi.org/10.17226/25388>.
- 2 Jim Casey Youth Opportunities Initiative. (2017). *The Road to Adulthood: Aligning Child Welfare Practice with Adolescent Brain Development*. p. 10. Available at: <https://assets.aecf.org/m/resourcedoc/aecf-theroadtoadulthood-2017.pdf>.
- 3 This aligns with principles of adolescent development that have been foundational in the juvenile justice arena. See, e.g., “The Supreme Court and the Transformation of Juvenile Sentencing” (2015), p. 9. Available at https://www.njjn.org/uploads/digital-library/MFC-The_Supreme_Court_and_the_Transformation_of_Juvenile_Sentencing-Sept-2015.pdf (Explaining that “Developmentally-appropriate interventions and placements that are designed to strengthen adolescents’ self-regulation can take advantage of the malleability of the relevant brain systems during adolescence and their susceptibility to positive influence.”)
- 4 Jim Casey Youth Opportunities Initiative. (2017). *The Road to Adulthood: Aligning Child Welfare Practice with Adolescent Brain Science*. p. 13. Available at: <https://assets.aecf.org/m/resourcedoc/aecf-theroadtoadulthood-2017.pdf>.

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REWARDS: Adolescents are far more receptive to rewards than punishment.⁵ Mistakes are part of learning and can support healthy brain development.

Attorney Tip: Advocate for safe opportunities for adolescents to make mistakes without punishment, emphasize rewards-based learning, and advocate for adolescent clients to experience the same positive experiences as their peers to promote a sense of normalcy.

RELATIONSHIPS: During adolescence, social acceptance and rejection is very important. In fact, research shows that adolescents learn more when they are with their peers.⁶

Attorney Tips: Consistently inquire about family, siblings, and friends and advocate for clients to maintain healthy relationships with them.

Align as a professional ally with the client and provide support rather than reprimanding them. Maintaining a positive relationship with the client can help the client feel supported, rather than judged — which may be how they experience other adults in their life.

Trauma and the Brain

Adolescents who have entered the foster care system have experienced trauma from being removed from their home and/or potentially from events that led to their removal. Although trauma can impede the development of the brain and hinder its healthy growth, the brain is also resilient and able to change because of neuroplasticity. Neuroplasticity is the ability of the brain to form and recognize new neural connections, especially in response to learning or experience following injury.⁷

When adolescents experience maltreatment or removal from their home, it impacts the limbic system, which is the part of the brain that drives behavioral and emotional responses and survival behavior.⁸ Signs of limbic system stress “can produce chronic low-level unhappiness, aggression, and violence to oneself or others.”⁹

Attorney Tips: Regularly consider how trauma impacts the adolescent brain, particularly when it comes to an adolescents’ decision making and incorporate this context into your advocacy.

Support healthy brain development and rewiring for adolescents who have experienced trauma by offering spaces of healing, fostering a trusting relationship, and identifying opportunities for growth.

Authentic Engagement in the Attorney-Client Relationship

Explaining the Attorney’s Role

It is crucial to meet with the client at the onset of representation to explain the attorney’s role thoroughly and in a developmentally-appropriate manner. There are usually many different professionals assigned to an adolescent’s case, and it can be challenging to understand what the expectations should be for each person. The

⁵ Id. p. 11.

⁶ Id. p. 29.

⁷ Id. p. 13.

⁸ For more information, visit: Queensland Brain Institute <https://qbi.uq.edu.au/brain/brain-anatomy/limbic-system>.

⁹ Jim Casey Youth Opportunities Initiative. (2019). *The Road to Adulthood: Aligning Child Welfare Practice with Adolescent Brain Science*. p. 13. Available at: <https://assets.aecf.org/m/resourcedoc/aecf-theroadtoadulthood-2017.pdf>.

► **Resource Spotlight** from previous page

attorney should make sure that their client has the contact information for each of these professionals.

Attorney Tip: After explaining your role to the client, allow for questions about the attorney's role or other professionals' role, and inquire about how the youth feels about having an attorney represent them.

Young people in foster care are experiencing instability and change, including emotions from having been removed from their home, placed in a foster home, being separated from their siblings, and feeling confused about what is happening in their life. It is important to pause throughout the conversation to ensure a common understanding and confirm that the client is processing the information the attorney is providing. An adolescent should leave each attorney-client interaction knowing:

- What the next steps are;
- Times and methods to reach their attorney (email, phone, text, etc.);
- When they can expect to hear next from their attorney;
- How often the attorney will be making routine contact; and
- Who to contact in case of an emergency.

The attorney should ensure that the client has these pieces of information during the first meeting and routinely confirm, as information may easily be misplaced during placement changes.

Building Rapport in the Attorney-Client Relationship

The first interaction the attorney has with the client should not be the same day as a court hearing. It is natural for some adolescents to not understand what is going on or to be closed off. Instead of jumping immediately into the content of the court proceedings or details of their case, it is important to build rapport.

Attorney Tip: To build rapport, attorneys should ask about the client's interests, hobbies, friends, and placement; inquire about key people in the client's life, such as parents, siblings, family, extended family, mentors, etc.; and invite the client to tell you how they want to be supported. Be prepared for the client to not know but ask again at a later time to reinforce that the attorney-client relationship is one of support and partnership.

Once it feels like there is a good flow between the attorney and client during the initial meeting, the attorney should raise case specifics and ask if they have any questions. If the client is resistant or shuts down, it can be helpful to provide them with additional ways to communicate. For example, they may want some time to digest written information and ask questions later. This is an opportunity for the attorney to help their client practice regulation and give them the time they need to process what they are thinking and feeling.

Attorney Tip: For successful client interviews, attune to the client's nonverbal cues, taking into account cultural differences, such as how they are sitting, the position of their arms, and eye contact¹⁰; ask the client what they need to stay regulated; (i.e., offering a break); tell the client they can stop the conversation at any time; and acknowledge they may get overwhelmed.

¹⁰ Fremont University, (n.d.) How to Read Body Language — Revealing the Secrets Behind Common Nonverbal Cues <https://fremont.edu/how-to-read-body-language-revealing-the-secrets-behind-common-nonverbal-cues/>.

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At subsequent meetings, attorneys should follow up on previous conversations with their clients. This can help build rapport and shows that attorneys are listening to clients and care about — and remember — what they say.

Adolescents in Court

An adolescent should have the choice to attend court, be encouraged to attend, and be fully prepared and supported before, during, and after a hearing. Attorneys should advocate for court hearings at dates and times the client is available.

Preparing an Adolescent Client for Court

Attorney Tips: Schedule a meeting with the client specifically to prepare for court;

Explain the purpose of the hearing and what information will be covered. Give the client time, alone or with attorney assistance, to read reports filed by social workers or others, so they know which topics may arise in court. Help the client interpret documents and ensure accuracy;

Preview what the courtroom will look like, the process of entering the courthouse, the layout of the waiting room, who will be present, where they will sit, when they will talk, and the order of court proceedings; This is especially important if it is the client's first time attending court;

Offer to practice certain formalities that happen in court, such as standing and stating one's name for the record;

Ask the client if they need any accommodations, such as a language interpreter or requests, or items that will make the experience more comfortable — Ex. bringing a book, snack, or toy with them;

Ask the client how they would like to be supported during the hearing. Offer to advocate for a support person to attend court with the client, such as a good friend or mentor;

Ask client if they'd like to speak in court (orally or in writing) and help facilitate whichever mode the client prefers;

Inquire about any additional resources (i.e., tutoring services, mentors, funding for sports, etc.) that they may want raised in court;

Explain you will use the client's preferred name and pronouns in and out of court, and ask others to do the same; and

For virtual court, ensure youth has an option to be near someone they feel comfortable with and are in a private space where they can talk freely.

FIFTEEN-YEAR-OLD LINDA became unresponsive during a team meeting. At the end of the meeting, after all agenda items had been covered, the facilitator asked Linda if she had anything to add. She shook her head. Everyone in the room was ready to end the meeting and began to pack up their things. Rather than allowing the meeting to conclude, the attorney asked if the meeting could be paused and reconvened in ten minutes, after Linda could have some space. This allowed Linda to catch her breath and practice **regulation** of her emotions. The attorney asked how they could provide support and reminded Linda that “It’s fine to feel however you are feeling; there is no right or wrong way to feel right now.” This helped Linda feel cared and advocated for and strengthened the trusting rapport with her attorney, which helped promote positive **relationships**. When the group reconvened, the attorney pointed out that Linda was willing to take a break and come back to finish the discussion, using a strengths-based approach that served as a **reward** for the youth.

► **Resource Spotlight** from previous page

Engaging an Adolescent Client During Court

Attorney Tips: Immediately prior to the hearing, ask the client if they have questions or new information they would like to raise;

Ensure the client has the opportunity to communicate directly with the judge if they want to;

Although there will naturally be legal terms used throughout the hearing, ensure clients understand what is being said by inquiring about their understanding throughout the hearing;

Highlight the client's accomplishments, big and small, during the hearing in front of the client and all parties.

Supporting a Client After Court

Even if an adolescent is properly prepared, it still may be difficult to take in all the information and navigate the range of thoughts and feelings that naturally arise during court hearings. Proper post-court support will look different for each client. Some may want to talk right after the hearing, while others may need time to decompress and process information before debriefing.

Attorney Tips: Give clients time to digest and process information after court;

Review the court order and next steps thoroughly with the client;

Ensure ample time for asking questions and multiple comprehension checks. A helpful way to make sure a client understands is having them repeat their understanding of what you said and then clear up any discrepancies;

Between court hearings, contact the client to see if they have any questions, unaddressed needs, or new court advocacy issues.¹¹

Engaging Adolescent Clients in Other Case Events

Outside of court hearings, there are events where advocacy and representation from an attorney is vital. These include team meetings, school meetings, and visits to resource family homes. Attorneys should prepare clients for these interactions just like they do for court hearings. For example, the client may have questions for other people in attendance or about the overall purpose of the meetings. These case events are another opportunity to practice using the three R's and carve out space for cold cognition.

Attorney Tips: Look for verbal and non-verbal cues to assess if a client may feel overwhelmed;

Support the client's emotional regulation by advocating for breaks as needed. The client may want a break from everyone, get some fresh air, or take some time to talk to a trusted person;

Provide the client with a safe space to vent or allow space for silence until they are ready to talk;

Advocate for rewards for their accomplishments (i.e., extended curfew, outings, time spent with friends, etc.). ■

¹¹ National Association of Counsel for Children. (2021). *Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings*. p. 11. Available at: <https://www.NACCchildlaw.org/page/StandardsOfPractice>.



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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 Digests, please email the case cite and details to Christina.Lewis@NACCchildlaw.org.

[In re K.E.G., 288 A.3d 539 \(Pa. Super. Ct. 2023\) \(failure to appoint legal counsel to represent child in involuntary termination proceeding\)](#)

The mother filed a Petition for Involuntary Termination of Parental Rights against the father. A guardian ad litem (GAL) was solely appointed to represent the child's best interests; an attorney was not appointed to represent the child's legal interests. Following a termination hearing, in which the father did not appear, the trial court denied the TPR petition on the grounds that the single mother did not aver that an adoption was presently contemplated. The mother appealed.

At the outset, the Pennsylvania Superior Court noted that the trial court failed to, pursuant to statute, "appoint counsel to represent the child in an involuntary termination proceeding when the proceeding is being contested by one or both of the parents." The Pennsylvania Superior Court explained that an attorney appointed to represent a child's legal interests can also serve as the child's GAL, if there is no conflict. However, it emphasized that the trial court specifically prohibited the GAL from representing both the child's best interests and legal interests. The Pennsylvania Superior Court held that the father's failure to appear at the termination hearing does not relieve the trial court of its duty to appoint counsel for the child. The failure to appoint counsel was a structural error. Accordingly, the Pennsylvania Superior Court vacated the trial court's order denying the TPR petition and **remanded** for a new hearing after the appointment of legal counsel for the child.

[In the Interest of J.R., Minor Child, 2022 WL 17481824 \(Iowa Ct. App. 2022\) \(exception to termination of the parent-child relationship\)](#)

Due to his incarceration in federal prison, the father could not participate in services that the Department recommended. He was also unable to have contact with his son, the Department, his attorney, and the child's GAL. The Department thereafter moved to terminate his parental rights. Prior to the termination hearing, the father wrote a letter to the Department in which he opposed the termination. He was able to participate in the termination hearing and shared his role in parenting his son prior to his incarceration.



► **Case Digests** from previous page

tion; his efforts to maintain a relationship with his son while in prison, including writing letters to his son and sending them to the Department; and his plans for caring for his son upon his release. The juvenile court terminated his rights. The father appealed, arguing that because his son was in the legal custody of his maternal uncle, the juvenile court should have precluded termination of the parent-child relationship.

The Iowa Court of Appeals stated that once the “State proves grounds for termination, the juvenile court must decide whether any factor in section 232.116(3) advises against ending the parent-child relationship... It is the parent’s burden to show a factor exists.” In reviewing termination proceedings de novo, the appellate court examines the “unique circumstances of the case and best interests of the child” when deciding whether to keep the parent-child relationship intact. First, the Iowa Court of Appeals found that the father proved that the maternal uncle had “legal custody” of the child. Second, it explained that the juvenile court should have examined the father’s unique circumstances, his relationship with his son prior to his incarceration, and the father’s efforts to maintain that relationship. Third, the Iowa Court of Appeals found that the Department failed to provide services, most notably, visitation, to the father during his incarceration. Focusing on the parent-child relationship, the Iowa Court of Appeals held that because the child was in relative custody, there was no need to terminate the father’s rights. Accordingly, the termination order was **reversed**, and the case **remanded** so that the Department could make reunification efforts.

[In Re K.L., 2022 WL 16960355 \(2022\) \(termination cannot be based on issue for which parent was never adjudicated\)](#)

A petition was filed against the minor child’s parents alleging medical and educational neglect and substance abuse. At the adjudication, the parents stipulated to medical and educational neglect. Department of Health and Human Resources (DHHR) “reserved the right to produce evidence at a future hearing of any matter not admitted,” and the circuit court granted DHHR’s request that the parents continue to submit to drug screening. Shortly thereafter, the father was arrested on a drug possession charge and discovered with synthetic urine. Following a dispositional hearing, the circuit court stated that DHHR did not present any evidence to support termination, nor did it prove that the father had a substance abuse problem. The circuit court then ruled that the appropriate disposition would be a post-dispositional improvement period. Due to the substance abuse allegations, the circuit court asked the parents to submit to DNA swab and drug screenings, to which they agreed. At the next hearing, the circuit court terminated the parents’ rights for their failure to “participate in a Post-Disposition[al] Improvement Period by failing to drug screen”. The father appealed the child’s emergency removal and the termination of his parental rights for substance abuse for which he was never adjudicated as abusive or neglectful.



At the outset, the Supreme Court of Appeals of West Virginia found that any errors surrounding the child’s emergency removal were moot. Next, the Supreme Court of Appeals of West Virginia noted that substance abuse was alleged in the petition and was the sole focus of the proceedings. However, the father never stipulated to this allegation, and “DHHR never amended the petition and/or sought to reopen adjudication to establish substance abuse.” Furthermore, the Supreme Court of Appeals of West Virginia held that the father was not required to acknowledge a substance abuse problem because it was not “legally determined to constitute a ‘condition[] of neglect or abuse’ requiring acknowledgment or correction[.]” The Supreme Court of Appeals of West Virginia found that the circuit court erred in terminating the father’s parental rights for an issue which was not the subject of the adjudication.

The Supreme Court of Appeals of West Virginia found that the father did not willfully refuse to participate in the post-dispositional improvement period. Rather, the circuit court did not comply with the statute governing post-dispositional improvement periods because it failed to put the terms of the improvement period on the record and did not order DHHR to submit a family case plan. The Supreme Court of Appeals of West Virginia held that “failure to comply with amorphous improvement period requirements cannot form the basis of a termination of parental rights, and the failure to prepare a family case plan containing clear requirements designed to rectify conditions of abuse or neglect is reversible error.” Thus, the order terminating the father’s parental rights was **vacated**, and the case was **remanded** for further proceedings. ■


Introducing NACC's Updated Website and Logo


The new [NACCchildlaw.org](https://naccchildlaw.org) is here!


NACC launched a refreshed website and logo this month! We're excited to share an updated, modern design to help you easily access the training and resources you need to advance justice for children and families. This new site will help us promote excellence and build community in our field.

There are inevitably going to be some changes and hiccups as we transition to the updated site, and we are grateful for your patience and understanding.

What you need to know:

 **NACCchildlaw.org will have a new look and continue to grow.** We hope you'll explore everything the updated site has to offer. Our team will continue to populate the site with new resources.

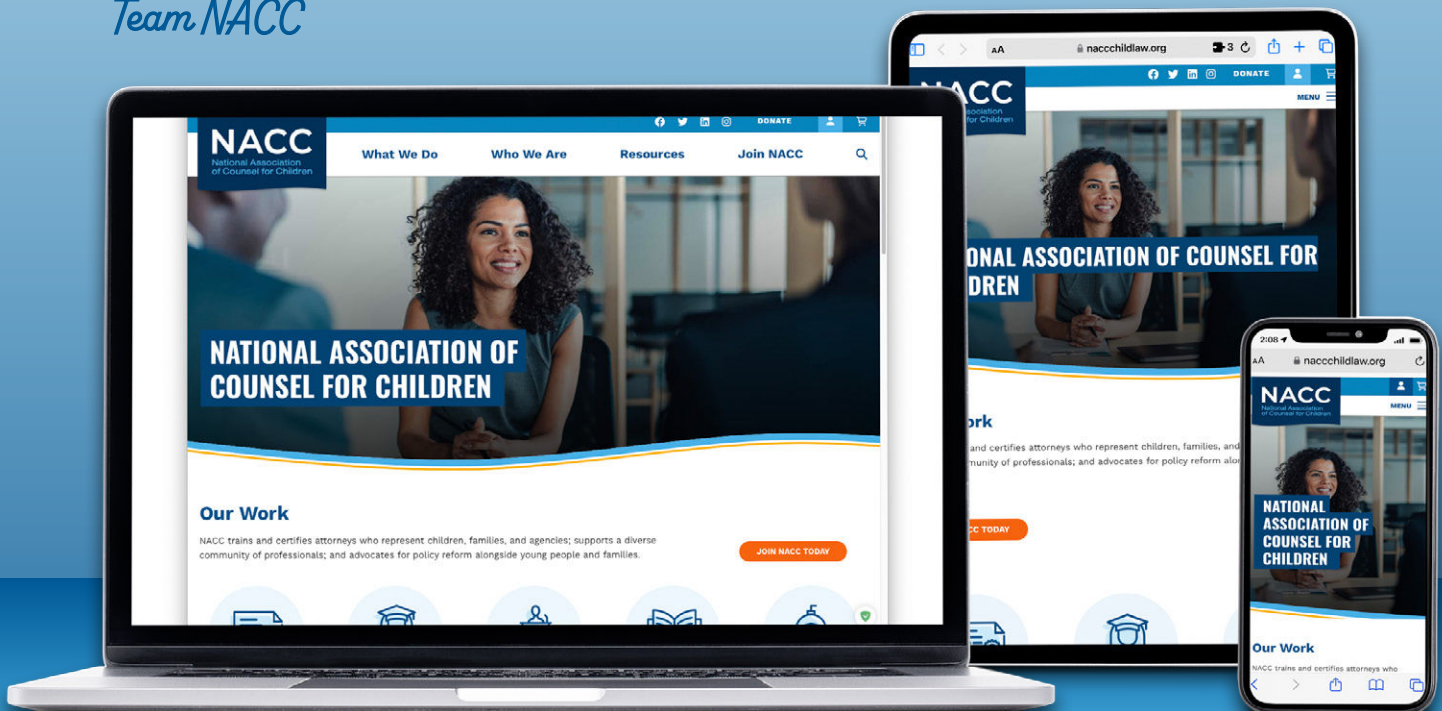
 **There may be some kinks.** The site has been reviewed and tested, but if you have any difficulty accessing resources or documents, purchasing items from NACC's updated store, registering for upcoming events, or if you see any other needed edits, please let us know!

 **Team NACC is here in the meantime.** If you have questions or need assistance during this transition, you can always email us at Membership@NACCchildlaw.org.

We can't wait for you to see the new online home of NACC!

Thank you for being a part of the NACC community.

Team NACC



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.

NACC Welcomes Three Student Chapters!

Sunny at the University of Michigan



Leyda Garcia-Greenawalt, MSW
National Law School
Student Organizer
Leyda.GarciaGreenawalt@NACCchildlaw.org

If you have something you'd like to share with Next Generation News, please email Leyda at Student@NACCchildlaw.org.

The first NACC student chapter was started by Sunny, a student organization at the University of Michigan, dedicated to bettering the lives of at-risk youth, specifically foster children, in the metro-Detroit area. Sunny partners with foster homes to implement interactive activities, such as hosting basketball games and an annual summer camp, arranging a Pen Pal program, and trips to an apple orchard, arcade, and bowling alley. Additionally, Sunny endeavors to help foster children advance their education by:

- Starting a weekly tutoring program;
- Partnering with Blavin Scholars, a program at the University of Michigan which is geared towards introducing foster children to the possibility of college; and
- Serving as college readiness counselors for teens who are nearing college application age.

Through its NACC student chapter, Sunny hopes to bring awareness to education issues faced by foster children, lobby for their educational rights, and help them access higher education.

CLAPS at Duke Law School

NACC is happy to welcome Duke Law School as NACC's second student chapter! Members of the Duke Law Child Welfare Law and Policy Society, CLAPS, successfully petitioned for chapter membership in February 2023. CLAPS' mission is to critically examine and advocate for change to the child welfare system, particularly focusing on policy changes to address the harmful and disproportionate impact the system has on Black and Brown families and LGBTQ+ youth. Its NACC chapter will be dedicated to advocating for state and national reform, working in partnership with the Duke Law Children's Law Clinic, and drafting policy to advocate for youth and families who are system-involved. By partnering with NACC, CLAPS will be able to connect their general body with

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NEXT GEN NEWS

a broad network of child welfare professionals, affording them the opportunity to learn how to become better advocates, and to connect them with future job prospects.

Welcome and congratulations to Maggie Ash (class of 2025), Sam Braden (2025), Jennifer Heck (2025), Rebecca Magid (2025), Zoe Terner (2025), and faculty sponsor, Professor Crystal Grant!

CALS at the University of South Carolina School of Law

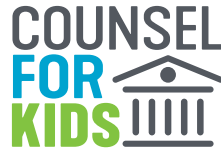
NACC welcomes the University of South Carolina School of Law Child Advocacy Law Society (CALs) as its third student chapter. CALs has been promoting legal advocacy for children for over twenty years. CALs assists students in obtaining the law school's unique Children's Law Concentration (CLC) certificates accompanying their degree upon graduation. CALs partners with lawyers, legislators, and alumni to mentor and provide guidance through the school's CLC Speaker Series. This organization also partners with local Court Appointed Special Advocates (CASA) to train students to be guardians ad litem, fundraise for CASA, and support students in their work as representatives for the children in their cases. CALs' establishment as an NACC chapter will act as a valuable supplement to the work our members have been doing for years and open opportunities for further education and accreditation. We value the legal competence and passion of our future child advocates, and becoming an NACC chapter will only further this goal.

Visit the [Student Hub](#) on NACC's website to learn more about student memberships, student chapters, and the student listserv. ■

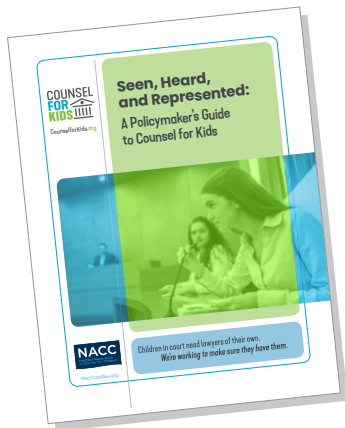


RESEARCH EXCERPT

Seen, Heard, and Represented: A Policymaker's Guide to Counsel for Kids



In 2021, NACC launched the Counsel for Kids campaign dedicated to ensuring that children in foster care receive lawyers of their own. A first-of-its-kind effort, Counsel for Kids works to mobilize advocates and legal professionals to change the law in states that do not currently guarantee legal representation for kids in court. The campaign assists state advocates in communications, drafting legislative proposals, strategic policy advocacy, and coalition-building. State advocates learned that their state legislators and staffers frequently needed more comprehensive information on children's legal rights, the researched impact of counsel for kids, the array of federal funding streams, and implementing quality legal services delivery systems to educate their peers and influence policy reform. To meet this need, the Counsel for Kids campaign developed the first comprehensive guide for state policymakers to address the lack of legal representation for children in child protection court proceedings. *Seen, Heard, and Represented: A Policymaker's Guide to Counsel for Kids* explains why kids need high-quality counsel and provides a blueprint for legislators to develop excellent child representation delivery systems and strengthen state policy. This new guide highlights five top priorities for policymakers and includes model legislation for legislators to adopt in their state. It also describes underutilized funding sources for states to provide counsel for kids and how investing in justice for children can save taxpayers money. Below is an excerpt from the forthcoming publication.



Executive Summary

Separating children from their family and placing them in foster care is traumatic, life-altering, and potentially unsafe.¹ They are removed from all that is familiar to them — their families, homes, schools, neighborhoods, places of worship, and extra-curricular activities. When will they be able to return home safely? Who can they visit while in foster care? Where will they go to learn, worship, or play? Will they live with family members or in an institution? Who will meet their basic needs? Who will listen to them? Judges must make these and other complex, life-altering decisions in child protection court proceedings. But who is responsible for ensuring enforcement of children's legal rights in court?

¹ Shanta Trivedi, *The Harm of Child Removal*, 43 NYU Rev. L. & Soc. Change 523, 524 (2019), https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=2087&context=all_fac.

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In child protection court proceedings, attorneys typically represent the child protection agency and parents.² As recognized parties to the case, the child protection agency and parents present and challenge evidence through their attorneys. The same is not always true for children — the very person whose needs and interests are at the heart of the case. While the majority of states guarantee legal representation for all children involved in child protection court proceedings, *fourteen states still do not*.^{3,4}

Although children in the juvenile legal system are guaranteed due process and the right to legal counsel under the United States Constitution,⁵ similarly situated children in foster care are not yet afforded the same Constitutional protections of their civil rights. Currently, no federal statute or court ruling requires counsel for kids in child protection proceedings. Notwithstanding this gap, there is growing national consensus that children should be entitled to legal representation at all stages of a child protection proceeding.⁶

Children’s attorneys use skilled advocacy to protect their client’s legal rights. They protect a child’s right to be with their families by challenging removals based on insufficient evidence. They hold the government accountable for intervention into family life and its corresponding obligations to make reasonable efforts to reunify families or find another safe, permanent home for a child. Children’s attorneys advocate for child safety during foster placement, urge appropriate assessment of needs and service provision, promote kinship placements and frequent sibling visitation, prevent unnecessary placement in restrictive institutional environments, reduce frivolous placement changes and school moves, and insist upon timely exits from foster care.

Children cannot represent themselves in court. Children’s attorneys improve the quality of court proceedings by amplifying the child’s voice and perspective for the court’s consideration. When children are not appointed attorneys, judges make determinations about a child’s best interest with incomplete information. Principles of equity and fairness require that youth at the center of a child protection case have their voices heard — just like every other party to the case.

2 Legal representation is not guaranteed to parents or the child protection agency in some jurisdictions.

3 *Right to Counsel Map*, COUNSEL FOR KIDS, <https://counselforkids.org/right-to-counsel-map/> (last visited September 29, 2022).

4 States included in the 14 do not guarantee legal representation for *all* children in *all* stages of the child protection court proceeding.

5 *In re Gault*, 387 U.S. 1 (1967).

6 See, e.g., *Recommendations of the Conference on Ethical Issues in the Legal Representation of Children*, 64 FORDHAM L. REV. 1301 (1996); AM. BAR ASS’N, STANDARDS FOR LAWYERS WHO REPRESENT CHILDREN IN ABUSE AND NEGLECT CASES (1996), https://www.americanbar.org/content/dam/aba/administrative/child_law/repstandwhole.pdf; NAT’L COUNCIL OF JUV. & FAM. CT. JUDGES, CHILD ABUSE AND NEGLECT CASES: REPRESENTATION AS A CRITICAL COMPONENT OF EFFECTIVE PRACTICE (1998), <https://naccchildlaw.box.com/s/uat201td2fzypw1ugli0k1mof3fqt3e>; *Recommendations of the UNLV Conference on Representing Children in Families: Child Advocacy and Justice Ten Years After Fordham*, 6 Nev. L. J. 592 (2016) UNIF. REPRESENTATION OF CHILD. IN ABUSE, NEGLECT, & CUSTODY PROCS. ACT (NAT’L CONF. OF COMM’RS ON UNIF. STATE L. 2006), <https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=b57f7eb9-64f1-e6f9-e46d-338cc78c68db&forceDialog=0>; CONF. OF CHIEF JUSTS. & CONF. OF STATE CT. ADM’RS, RESOLUTION 3 IN SUPPORT OF CHILD WELFARE ATTORNEY SPECIALTY CERTIFICATION PROGRAM (2008), https://ccj.ncsc.org/_data/assets/pdf_file/0021/23664/07302008-in-support-of-child-welfare-attorney-specialty-certification-program.pdf; MODEL ACT GOVERNING THE REPRESENTATION OF CHILD. IN ABUSE, NEGLECT, & DEPENDENCY PROCS. (AM. BAR ASS’N 2011), https://www.americanbar.org/content/dam/aba/administrative/child_law/aba_model_act_2011.pdf; SOPHIE GATOWSKI ET AL., NAT’L COUNCIL OF JUV. & FAM. CT. JUDGES, ENHANCED RESOURCE GUIDELINES (2016), <https://www.ncjfcj.org/wp-content/uploads/2016/05/NCJFCJ-Enhanced-Resource-Guidelines-05-2016.pdf>; *History*, THE FAM. JUST. INITIATIVE <https://familyjusticeinitiative.org/about/history/> (last visited July 1, 2022); CHILD’S BUREAU, U.S. DEP’T OF HEALTH & HUM. SERVS., LOG NO. ACYF-CB-IM-17-02, HIGH-QUALITY LEGAL REPRESENTATION FOR ALL PARTIES IN CHILD WELFARE PROCEEDINGS (2017), <https://www.acf.hhs.gov/cb/policy-guidance/im-17-02>; CONF. OF STATE CT. ADM’RS, CHILD WELFARE POLICY STATEMENT (2017), https://ccj.ncsc.org/_data/assets/pdf_file/0014/23432/child-welfare-final-aug-2-17.pdf; CHILD’S BUREAU, U.S. DEP’T OF HEALTH & HUM. SERVS., LOG NO. ACYF-CB-IM-19-03, ENGAGING, EMPOWERING, AND UTILIZING FAMILY AND YOUTH VOICE (2019), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1903.pdf>; NAT’L ASS’N OF COUNSEL FOR CHILD., RECOMMENDATIONS FOR LEGAL REPRESENTATION OF CHILDREN AND YOUTH IN NEGLECT AND ABUSE PROCEEDINGS (2021), <https://naccchildlaw.app.box.com/s/vsg6w5g2i8je6jrut3ae0zjt2fvgltsn>.

► **Research Excerpt** from previous page

Policy Paper: Top 5 Priorities for Policymakers

- 1 Partner with coalitions that include lived experience experts and child protection system stakeholders to develop and advance a Counsel for Kids legislative proposal and seek bipartisan support.
- 2 Pass the Counsel for Kids model state statute to guarantee legal representation for children at all stages of a child protection court proceeding.
- 3 Adopt the National Association of Counsel for Children's Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings to ensure high-quality legal representation where attorney practice standards, maximum caseloads, initial and ongoing training requirements, supervision and accountability of attorneys, and reasonable compensation are established.
- 4 Launch centralized child law offices to deliver high-quality children's legal services supported by a multidisciplinary team.
- 5 Maximize federal, state, local, and philanthropic funding streams to support children's legal representation.

High-quality legal representation not only improves individual cases, but also entire child protection systems. Children's attorneys shine light on and bring accountability to the child protection agency's policies, case planning, and service provision. Children's attorneys also confront systemic inequities resulting from agency policies that have a disparate impact on Black and Indigenous youth⁷ and LGBTQIA+ youth. Children's legal representation can also improve systems by decreasing unnecessary time spent in foster care.⁸ Even a slight reduction in the number of days a child spends in costly foster care results in substantial cost savings to state governments.⁹ The positive ripple effects continue: as attorneys achieve more timely exits for their clients, a myriad of societal costs related to children languishing in foster care are avoided.¹⁰ According to a Jim Casey Youth Opportunities Initiative report, the national cost of children aging out of foster care without proper supports is nearly 8 billion dollars a year.¹¹

Children's attorneys are necessary for fair court hearings, judicial economy, and improved outcomes. They advise clients of their rights, educate them about the legal process, inform them of their legal options, and counsel their decision-making. They amplify youth voice, ensure the provision of notice and opportunity to be heard in court proceedings, hold government agencies accountable, and enforce children's legal rights throughout all stages of a child protection proceeding. No other person involved in a child protection proceeding can fulfill that role for the child.

Court Appointed Special Advocate (CASA) or Guardians *ad Litem* (GAL) volunteers are distinctly different from children's attorneys. A volunteer and attorney can be appointed to the same child and execute their complementary duties simultaneously.¹² Only attorneys are specially trained in the law and trial skills, authorized to provide legal advice, and able to enforce the legal rights of a child.

Ensuring high-quality lawyering is as critical as establishing the right to counsel itself. Implementing legislation must ensure plans to provide high-quality legal services through centralized law offices that establish reasonable caseload limits, require initial and ongoing training requirements, and provide appropriate oversight and supervision. Policymakers should ensure counsel for kids legislative proposals consider and leverage the diverse array of federal funds available to support counsel for kids, including but not limited to title IV-E of the Social Security Act.¹³

7 In limited instances, other racial disparities are apparent in state child protection systems. For example, in California, Hispanic or Latino children make up 52% of the population, but 59% of maltreatment victims (CHILD TRENDS, STATE LEVEL DATA FOR UNDERSTANDING CHILD WELFARE IN THE UNITED STATES (2022), <https://www.childtrends.org/publications/state-level-data-for-understanding-child-welfare-in-the-united-states>).

8 ANDREW E. ZINN & JACK SLOWRIVER, CHAPIN HALL AT UNIV. OF CHICAGO, EXPEDITING PERMANENCY: LEGAL REPRESENTATION FOR FOSTER CHILDREN IN PALM BEACH COUNTY (2008), <https://www.issuelab.org/resources/1070/1070.pdf>.

9 Expert Report of Prof. Donald N. Duquette at 23, Nicole K. *ex rel.* Linda R. v. Stigdon, No. 1:19-cv-01521, 2020 WL 1042619 (S.D. Ind. Mar. 3, 2020), https://secureservercdn.net/72.167.241.180/zmc.c18.myftpupload.com/wp-content/uploads/2021/12/IN-FINAL-Expert_Report_of_Donald_Duquette-1-1.pdf.

10 JIM CASEY YOUTH OPPORTUNITIES INITIATIVE, ISSUE BRIEF: COST AVOIDANCE: THE BUSINESS CASE FOR INVESTING IN YOUTH AGING OUT OF FOSTER CARE (2013), <https://www.aecf.org/m/resource/doc/JCYOI-CostAvoidance-2013.pdf>.

11 *Id.*

12 NAT'L ASS'N OF COUNSEL FOR CHILD., THE COMPLEMENTARY ROLES OF ATTY'S AND CASA/GAL VOLUNTEERS FOR CHILD ADVOCACY (2021), https://secureservercdn.net/50.62.198.124/zmc.c18.myftpupload.com/wp-content/uploads/2022/04/Counsel-for-Kids-CASA_GAL-Complementary-Roles-r4.pdf.

13 8.1B: Title IV-E, Administrative Functions/Costs, Allowable Costs — Foster Care Maintenance Payments Program, in CHILD WELFARE POLICY MANUAL AT Q. 30 (2019) [HEREINAFTER 8.1B: TITLE IV-E], https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=36.

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Child protection systems are under constant scrutiny. The media, the public, and the families impacted by these systems rightfully demand reform. Guaranteeing counsel for kids is a key strategy in redesigning systems to better serve children and families and align with nationally recognized best practices.

This policy paper provides vital information to aid legislators and other stakeholders in achieving and implementing counsel for kids policy reform. Only when children experiencing foster care are seen, heard, and represented can they experience true access to justice and fairness in processes that have long term impact on their lives. Legislators must act swiftly to ensure that no child's legal rights are ignored, overlooked, or forgotten.

In October 2021, the National Association of Counsel for Children (NACC) launched the Counsel for Kids Campaign¹⁴ to galvanize and support stakeholders in fourteen target states around legislative reform efforts to secure children's right to counsel. Recent state legislative proposals show a trend toward expanding children's right to counsel in child protection proceedings.¹⁵ As the movement to expand children's rights gains momentum, policymakers frequently seek information to support new legislation: relevant research, law and policy of neighboring states, and best practices to ensure provision of high-quality legal services. This policy paper provides legislators and legislative staff with information and guidance on:

- the evolution of children's legal right to counsel;
- the value of centering lived experience in all policy decisions related to children's attorneys;
- the role of the children's attorney in individual and systemic advocacy;
- empirical research demonstrating the positive impact of children's attorneys;
- associated cost-savings available to state governments;
- models of legal services delivery systems;
- potential funding opportunities; and
- strategies to ensure high-quality legal service delivery. ■

¹⁴ COUNSEL FOR KIDS WEBSITE, <https://www.counselforkids.org> (last visited September 29, 2022).

¹⁵ S.B. 1391, 55th Leg., Reg. Sess. (Ariz. 2021); H.B. 1219, 67th Leg., Reg. Sess. (Wash. 2021); H.B. 1035, 67th Leg. Assemb., Reg. Sess. (N.D. 2021); H.B. 22-1038, 73d Gen. Assemb., Reg. Sess. (Colo. 2022).



We know that this line of work is very challenging, and it's sometimes hard to find some bright spots to keep us going. Therefore, beginning in this issue of The Guardian, we will feature success stories from state coordinators and members, no matter how big or small. For example, you may have helped with getting a mother into an inpatient treatment facility that will allow her child to stay with her. Or maybe one of your child clients, who moved from foster home to foster home, maintained a 4.0 GPA. Or maybe you located a relative that is willing to have a child placed with them. The possibilities are endless! If you have a success story you would like to share, please email it to Christina.Lewis@NACCchildlaw.org. Please remember to respect confidentiality and attorney-client privilege.

TELL ME SOMETHING GOOD

Reading 2Gether: “One of the greatest things I have been a part of in my career”

by **Jillian Aja, JD**, Bureau Chief, Pima County Office of Children’s Counsel
NACC State Coordinator for Arizona



READING2GETHER

In March 2022, the Reading 2Gether program launched in Tucson, Arizona as a collaboration between the Pima County Juvenile Court, the Arizona Department of Child Safety, and Pima County Public Defense Services (PDS). The program was inspired by the 2-4-2 Program that started in Iowa as part of the Safe Babies Court Team.

Reading 2Gether aims to promote early childhood literacy, bonding and attachment, and shared parenting. The program is currently available to children ages zero to five who are placed in out-of-home care. Parents and children are each given books that they can read together for two 15-minute visits each week. Children are also provided with a blanket after the parent sleeps with it for a few nights that the child can snuggle with during the reading sessions while their parent reads aloud.

Once word got out about the program, so many people offered to help. A local agency, Aviva, provided the blankets. The local library provided a Ring of Rhymes which included rhymes, math moments, and other activities to assist with school readiness. The original funding for the program came from PDS through a grant they had received. PDS recently partnered with United Way to provide additional funding for the program. The Tohono O’odham Nation provided copies of their children’s book for their families participating in the program to enjoy. Our local jail has also agreed to allow incarcerated parents to participate in the program so long as the books meet certain specifications. We have even had parents participate from prison.

As we come up on the one-year anniversary of the program’s launch I am so proud of all we have accomplished this year and cannot wait to see how the program grows in the future. So far, we have given out over 140 books and have recently made some changes to expand the program so that more children are eligible to participate. We are starting to hear about the success stories from the program, including one family who began participating shortly before reunifying and continued to use the books and blanket as part of their bedtime routine once their child returned home.

Watching this collaboration come to fruition has been one of the greatest things I have been a part of in my career. Getting to order the books has been one of my favorite parts. When hundreds of books arrived in my office, it was truly my childhood bookfair dreams come true. This work can be hard, but when you can find ways to bring people together in collaboration to serve kids and families, sometimes that can give you just what you need to keep doing the work.

For more information about the program, please read [this article](#), view [this info sheet](#), [donate here](#), or contact Jillian F. Aja. at jillian.aja@pima.gov. ■

LAW OFFICE CORNER

NACC's 2022 Children's Law Office Survey

To prepare for the 2nd edition of NACC's [Children's Law Office Guidebook](#) NACC conducted a Children's Law Office Survey from July through September 2022. The purpose of the survey was to better understand the concerns, innovations, and challenges of children's law office management. Sent to NACC's membership and children's law office network, the survey received responses from 107 individuals serving a variety of roles.

NACC requested demographic information and disaggregated data to better understand the circumstances and perspectives of attorneys of color. [Disaggregating data](#) is a core component of race equity efforts to better understand how different groups are situated. (This is why NACC also requests demographic data in your membership profiles so that we can better understand and develop strategies to advance diversity, equity, and inclusion.) Where disaggregated responses were notable in NACC's survey results, either for their similarity or differences, the disaggregated data are included below.

Here are the major takeaways from NACC's Children's Law Office Survey — more statistics and selected comments from survey respondents are also included below.

- 1. Diversity, equity, and inclusion are pressing issues for our field.** The demographic data indicate this as do the comments offered by respondents. Of the attorneys of color who responded, 60% were serving in their current role for 3 years or less, 42% selected staff attorney as their role, and 74% do not see career advancement opportunities in their office beyond a supervisory role. Recruitment and retention are necessary dual strategies.
- 2. Addressing work/life balance is highly important to today's workforce.** This is particularly true for attorneys of color, 76% of whom said work/life balance was very important, as compared to 65% of total respondents.
- 3. Addressing structural racism is highly important to today's workforce.** This was similarly true for all respondents, 83% of whom rated how their office responds to systemic racism and other equity concerns as very important or important.
- 4. Persistent challenges with high caseloads and low compensation remain.** 10% of respondents indicated the starting salary in their office is under \$50,000. The most prevalent organizational barriers to providing high-quality legal representation provided in the comments were high caseloads, low compensation, and inadequate staff support services.
- 5. Some of the most important supports come from connections with each other** — colleagues, supervisors, and multidisciplinary teams in staffed, specialized offices. Many respondents are seeking more connectedness and camaraderie, particularly following the pandemic.

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LAW OFFICE

Information about Survey Respondents

Race: How do you identify? (multiselect; will not total 100)	American Indian or Alaska Native	<1%	
	Asian or Asian American	6%	
	Black or African American	10%	
	Latinx	9%	
	Middle Eastern or North African	<1%	
	Native Hawaiian or Pacific Islander	0%	
	White	81%	
	Prefer not to answer	<1%	
Gender: How do you identify?	Man	12%	
	Nonbinary	0%	
	Woman	88%	
	Prefer not to answer	0%	
What is your sexual orientation?	Bisexual	7%	
	Gay	3%	
	Heterosexual	82%	
	Lesbian	3%	
	Prefer not to answer	5%	
Are you a person with a disability who receives accommodations at the office?	No	96%	
	Yes	3%	
	Yes, but not sufficient	0%	
	Prefer not to answer	1%	
		All Respondents	Respondents of Color
Office Type	Nonprofit Children's Law Office	26%	35%
	State/County Agency	19%	23%
	Panel/Contract Attorney	22%	15%
	Public Defender Office	11%	1%
	Civil Legal Aid Office	9%	19%
	Other	13%	7%
Office Size	Solo Practitioner	26%	16%
	Small (up to 10 staff)	19%	12%
	Medium (10-25 staff)	14%	31%
	Medium-Large (25-50 staff)	15%	1%
	Large (50-99 staff)	10%	12%
	Extra Large (100 or more staff)	16%	28%

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LAW OFFICE

Information about Survey Respondents

Role/Title	Staff Attorney	27%	42%
	Lead/Managing Attorney	26%	15%
	Contract/Panel Attorney	12%	8%
	Supervising Attorney	12%	20%
	C-Suite/Director	8%	1%
	Policy Counsel	5%	1%
	Other	10%	13%
Length of Time in Current Role	0 to 3 years	40%	60%
	4 to 7 years	20%	8%
	8 to 10 years	14%	8%
	11 to 14 years	7%	8%
	15+ years	19%	16%

Questions about Recruitment, Retention, Onboarding

How can organizations best support new attorneys? (multiselect; will not total 100)	Support in addressing secondary trauma/compassion fatigue	63%	
	More training	60%	
	Formal mentorship	58%	
	Better structured training	57%	
	Orientation (court tours, stakeholder intros, language)	50%	
	Organizational onboarding (office practices, policies, culture)	50%	
How can organizations best support experienced attorneys? (multiselect; will not total 100)	Advanced training	76%	
	Opportunities to develop expertise	72%	
	Support in addressing secondary trauma/compassion fatigue	70%	
	Pathways to advancement and leadership	67%	
	Professional networking opportunities	40%	
How important is work/life balance to your job satisfaction?		All Respondents	Respondents of Color
	Very important	65%	76%
	Important	26%	20%
	Somewhat important	7%	2%
	Less important	2%	1%

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Questions about Recruitment, Retention, Onboarding

How important is how your office responds to systemic racism and equity concerns to your job satisfaction?	Very important	58%	58%
	Important	25%	22%
	Somewhat important	10%	12%
	Less important	7%	8%

Questions about Training

Does your office have a structured training program?	No	44%
	Yes	26%
	Yes, but not sufficient	17%
	N/A	13%
Is initial training provided for all new attorneys?	No	32%
	Yes	35%
	Yes, but not sufficient	19%
	N/A	14%
Does your office provide the following? (multiselect yes answers; will not total 100)	Supervision of new attorneys	57%
	Mentoring for new attorneys	55%
	Ongoing training	55%
	Professional memberships	55%
	Specialized training for complex issue areas	24%
	Supervisor training	18%

		All Respondents	Respondents of Color
Are there career advancement opportunities beyond a supervisory role?	No	67%	74%
	Yes	15%	8%
	Yes, but underdeveloped	18%	16%
Does your office train attorneys to address systemic racism and other equity issues that impact your clients?	No	41%	46%
	Yes	36%	24%
	Sometimes	23%	30%

	All Resp	Resp of Color	All Resp	Resp of Color	All Resp	Resp of Color	All Resp	Resp of Color
Do you receive supervisory support with the following?	Yes		Sometimes (more)		Sometimes (less)		No	
Court Observation	17%	28%	7%	8%	25%	20%	51%	46%
Regular Check-Ins	37%	48%	19%	20%	14%	16%	30%	16%

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Questions about Training

Case Reviews	32%	42%	11%	1%	27%	30%	30%	27%
Performance Reviews	41%	46%	3%	1%	20%	17%	36%	36%
Performance Recognition	32%	48%	9%	8%	21%	16%	38%	28%

Questions about Compensation

What is the starting salary for a staff attorney at your organization?	Under \$50K	10%
	\$50K - \$59K	22%
	\$60K - \$69K	20%
	\$70K - \$79K	14%
	\$80K or more	11%
	Don't know or N/A	23%

Survey participants responded that starting supervising attorney salaries ranged between \$72,000 and \$132,000.

Of the 11% of respondents who indicated that they do compensate legal interns, the range of payment was between \$8 and \$25 per hour.

Does your office provide the following?	Yes	No	N/A
Annual Salary/COLA Increases	49%	32%	19%
Merit Salary Increases	31%	54%	15%
End of Year Bonuses	15%	68%	17%

Comments

Respondents provided hundreds of comments across survey topics. Here is a sample of what is working well and where there is room for improvement.









COMMENTS ON ONBOARDING, ORIENTATION, AND TRAINING

- 🗨️ We need an onboarding, orientation and training manual.
- 🗨️ I had a week or so of training and then a gradual increase in caseload.
- 🗨️ Don't really feel like we got this, thankfully I had interned in the office previously.
- 🗨️ I wish we had much more training on the substance of agency policy and the services our clients and their families are eligible for. I also wish we had ongoing training. I also wish we had training on trauma and racism and things like that that affect our clients and should affect our advocacy.
- 🗨️ It's done, but largely in name only... everyone is stretched so thin that they can put aside some time to introduce their specific work, but not train substantively in anything. We should have our own training person/unit to do it properly.









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HOW DOES YOUR ORGANIZATION ADDRESS COMPASSION FATIGUE?

-  Ensuring positive work environment and having open communication and supporting staff case by case.
-  It only acknowledges it, but there is no proactive work being done. Mentioned in passing but no guides on how to address.
-  We are encouraged to take at least a week off every six months.
-  We often have social activities outside of work or planned social activities in the office.
-  There is an emphasis to take time off, but the reality is that taking time off is not feasible for a lot of folks or can often lead to more stress upon return.
-  Verbally encourages time off, but little support for the mechanics of managing cases around time off.
-  Self-care practices, meditation, trainings. Exercise breaks.
-  We provided training on vicarious trauma and encouraged staff to find ways to alleviate stress, burn out and fatigue.




HOW DOES YOUR OFFICE PROMOTE DIVERSITY, EQUITY, AND INCLUSION?

-  This is absolutely critical — our staff reflects our clients including language proficiency
-  I'm not aware of anything it does.
-  Participation in trainings re anti-racism, white privilege, impact of bias in child welfare.
-  Extremely poor diversity among staff and very little discussion on why.
-  By providing the freedom to engage in systemic reform advocacy.
-  Actively looking to recruit and hire diverse employees.
-  Throughout our organization in everything we do. We look at what we do, how we do it, who we are, through that lens.
-  Publicly transparent allyship.

WHAT DOES YOUR OFFICE PROVIDE THAT MOST SUPPORTS YOUR ABILITY TO PROVIDE HIGH-QUALITY LEGAL REPRESENTATION?

-  Training and education on duties of child's attorney and elements of quality representation.
-  Very accessible supervisors and colleagues very willing to assist, support, discuss issues and work together as a team.
-  Interdisciplinary practice, investigators and support staff
-  It's not provided per se, but I find comfort, comradery, knowledge, guidance and supports in my other attorneys and team members.
-  Ongoing training opportunities, internal and external (we have an org membership with NACC).
-  Paying for professional memberships, CLE, conferences
-  Institutional knowledge, leadership, and in-house expertise.

WHAT ORGANIZATIONAL BARRIER MOST HINDERS YOUR ABILITY TO PROVIDE HIGH-QUALITY LEGAL REPRESENTATION?

-  Too large of a caseload with too few resources and insufficient financial compensation.
-  Docket scheduling and time constraints
-  A competitive work culture, constant turnover, office politics and compassion fatigue.

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- Q Lack of support staff, paralegal, investigator, social worker.
- Q Difficulty hiring and retaining since the pandemic
- Q Lack of funding.
- Q Inability to get services for clients and proximity to clients.

WHAT COULD YOUR OFFICE DO RIGHT NOW TO SUPPORT YOUR PRACTICE?

- Q Have more interconnectedness and promote employee well-being.
- Q Reduce caseloads and hire more attorneys
- Q Stronger administrative support — a legal secretary to track court reports for upcoming review hearings and assist with other administrative tasks.
- Q Stronger supervision/support for secondary trauma; addressing systemic issues more regularly and forcefully
- Q More investigators, social workers, paralegal support.
- Q Acknowledge secondary trauma and compassion fatigue is real.
- Q Provide set hours dedicated to professional growth and training

WHAT TYPE OF SUPERVISORY SUPPORT WOULD BE MOST HELPFUL?

- Q Check ins — both on a work level and on a mental/physical/emotional well-being level. We do this with our clients, but it's not done for us as professionals. Recognition of performance/skills/community involvement — both monetary and verbal recognition. Case reviews that were meaningful instead of checking the box that it's something we'd done.
- Q Positive reinforcement; positive supportive attitudes; comfort in asking academic questions.
- Q Feedback and evaluations; and more positive feedback, more availability
- Q Continued open door policy, emphasis on peer-to-peer mentoring
- Q Recognition of my ideas and accomplishments, feeling like I'm an important part of a team and not a disposable member they can replace at any time.








HOW CAN LEADERSHIP SET THE VISION AND PROMOTE CAMARADERIE THROUGH CALM AND CRISIS?

- Q Acknowledge crisis.
- Q Be responsive when a staff attorney reaches out for support during a crisis and to set good examples or be a role model on what to do when there is crisis.
- Q Effective communication.
- Q Listen to your employees. Meet with the regularly to ascertain what issues, crisis and challenges they are facing.
- Q Guide and lead the team through team building, support, patience, and understanding
- Q Maintaining caseloads that are reasonable and allow for true engagement with clients. Offering more than just legal representation to minor clients.
- Q Take time for relationship building activities, like quarterly social events
- Q Clear, consistent communication. Praise for staff and recognition of everyone's efforts — this is a really hard job, and it would be great for people to acknowledge how hard it is just on a day-to-day basis, never mind when big things happen.

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HOW CAN LAW OFFICES MAKE THE WORK MORE SUSTAINABLE FOR PEOPLE? PARTICULARLY IN SUPPORTING ATTORNEYS OF COLOR?

-  Better health insurance that includes better access to therapy.
-  Valuing hiring a diverse staff, acknowledging disparities, facilitating conversations that are not surface level.
-  Give them the power to speak up and provide clear procedure for reporting if abuse occurs with the court or others who are engaging in micro-aggressions, providing support via groups/ discussions/ books/ etc. Not penalize staff of color for seeking each other out.
-  Adequate compensation; assignment of tasks that are challenging; and the provision of realistic pathways toward advancement and promotion.
-  Hire more people so no one is over worked and pay people fairly for the work they do. Outreach to bring more diversity to the workplace.
-  Better pay, high quality supervision, flex time, ability to work remotely at least some of time.
-  Outreach to communities of color to attract more applicants of color, so there are more people of color employed and advancing through the agency.

We encourage you, and particularly law office leaders, to review this information internally, and NACC looks forward to providing an updated *Children's Law Office Guidebook* to provide guidance regarding these concerns.

NACC hosts a monthly Children's Law Office Project meeting to support leadership and senior staff and provide a peer-to-peer learning network. To get involved, contact NACC Training Director Kristen Pisani-Jacques, JD, CWLS, at Kristen.Pisani-Jacques@NACCchildlaw.org. ■



READER PANEL

Peer Advocates

Working with peer advocates is a best practice that contributes to the high-quality representation of children, parents, and agencies. Peer advocates typically have lived experience in the child protection system, as either a parent or a child in the system.

***Do you work or consult with peer advocates on your cases?
How has this impacted your representation of your clients?***

Stacy L. Miller, JD, CWLS

**Assistant District Attorney General | Juvenile Court Team Leader
20th Judicial District of Tennessee**

Peer advocates have been extremely helpful in our cases. We have a Youth Advocacy Program here and they work with our youth charged with delinquency offenses. They do a great job helping our youth get back on track. Their information and assistance are very beneficial in terms of not just advocating for the youth, but in assisting the Court in determining the best disposition possible for the youth and the community.

Buffy Jo Okuma, JD

Chief Deputy District Attorney | Washoe County, Nevada

As an agency attorney, my work has benefited from peer advocates. Our family treatment court has had a Mentor Mom (now called Parent Partners) program for over 15 years, supported by a local non-profit. Parent Partners previously had their children in the foster care system. In addition to being a mentor to a parent (which can include supporting them at meetings and hearings), the Parent Partners are key stakeholders who sit at the table for systems meetings to provide insight into processes, procedures, and practices and their impact on parents in the system.

Some benefits of having a separate, organized program are that there is a process for recruitment and screening the peer advocates to ensure they are a right fit, and there is support and training for the peer advocates. This improves sustainability. As a result, we can get the perspective of a person who was in the system, but who has become familiar with the child welfare system as a whole, and who has developed the confidence to give us — the agency, court, and attorneys for the agency, parent, and child — honest and educated opinions, good and bad. We value them. I have personally gained insight that has impacted my work from several Parent

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.

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Partners over the years. One of the most valuable has been about how and when to address issues in a way that would more likely motivate versus dissuade a parent, which has helped me be a better advocate for my client and the system.

Mary Ellen Shea, LMSW
Senior Staff Social Worker | **Lawyers For Children**

Our Youth Advocate Coordinator, Jarel, is my go-to for services and opportunities for clients. As one of two youth advocates on our staff, Jarel is able to connect with youth emotionally and immediately build trust with them, having been in care himself. He truly hears what youth are going through and is always there to listen to them, as evidenced by his consistency with our Youth Advisory Board, even throughout the pandemic. The youth often have abandonment issues and experience trust challenges with child welfare workers, so the relationship they have with Jarel is crucial, and allows him to assist them in practical ways and move them towards their treatment goals and becoming independent. He builds relationships by doing everyday tasks with the youth, such as getting a state ID or setting up doctors' appointments. He is consistent and follows through where agency staff may not; his work with the youth is effective as it is rooted in trust, consistency, and follow-through. ■



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.

NACC Policy News and Amicus Updates



FEDERAL POLICY UPDATES

NACC Signs-On in Support of Legislation for Youth and Justice

NACC endorsed legislation to protect sibling relationships, provide emergency SNAP benefits, stabilize foster care, establish a Children's Interagency Coordinating Council, and end deadly no-knock warrants. NACC also joined the Act 4 Juvenile Justice Coalition's letters to President Biden and congressional leaders.

NACC also signed on to letters urging Congress to improve educational outcomes for youth experiencing foster care, prioritize tax credits for children and families, fund full-service community schools, improve the count of children and youth in the 2030 census, and increase funding for anti-poverty programs for children.

NACC also asked Congress to support the Strengthening Tribal Families Act as well as the CAPTA Reauthorization Act and the Family Violence Prevention and Services Improvements Act. Finally, NACC endorsed a bill to clarify that Title II funds can be used by State Advisory Groups to address racial and ethnic disparities in the youth legal system.



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COUNSEL FOR KIDS UPDATES

Momentum is building around the country to ensure counsel for kids experiencing the child protection system. This legislative season, state legislatures in Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Montana, Mississippi, Missouri, New Hampshire, and Oklahoma have all considered legislation to ensure or expand right to counsel.

Connecticut Senate Bill 1008 would continue the appointment of legal representation for youth involved in extended foster care court proceedings. The Joint Committee on Children heard the bill on February 16, 2023. NACC submitted written comments.

Florida Senate Bill 488 would expand the categories of dependent children who are entitled to counsel and require the state agency to work directly with the Justice Administrative Commission to obtain Title IV-E funds for children's legal representation. The bill was referred to the Senate Judiciary Committee, the Appropriations Committee on Criminal and Civil Justice, and the Fiscal Policy Committee on February 9, 2023.

In contrast, **Florida** House Bill 875 and companion Senate Bill 1384 would curtail dependent children's limited right to counsel. The proposals seek to eliminate current special categories for appointment of counsel and limit judicial discretion for such appointments. Additionally,



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SB 1384 misconstrues the term guardian *ad litem* by equating legal representation of an agency to “independent representation of the child.”

Georgia [House Bill 460](#) would guarantee the right to counsel to youth receiving extended foster care services. NACC submitted [written comments](#) to the Juvenile Justice Committee hearing held on February 23, 2023.

Illinois [Senate Bill 1478](#) would grant children placed in foster care the right to a court-appointed, client-directed attorney in any abuse or neglect proceeding. Senator Ann Gillespie convened a [press conference](#) in Springfield, Illinois on February 8, and NACC’s National Law School Student Organizer [Leyda Garcia-Greenawalt](#) shared her support for children’s right to counsel. The bill was assigned to the Judiciary Committee on February 14. NACC also urged the Illinois General Assembly to [maximize revenue for legal representation for children and parents](#).

Indiana [House Bill 1172](#) originally would guarantee legal counsel for a small subset of children involved in child in need of services or termination of parental rights cases. NACC offered [written comments](#) in support of the bill. Unfortunately, on February 16, the House Judiciary Committee amended the bill removing all language extending youth’s right to counsel.

Kansas [House Bill 2381](#) would require the court to appoint an attorney to represent a child who is the subject of a child in need of care proceeding and permit the optional appointment of a guardian *ad litem*. This bill would change Kansas’ best interest attorney model to a client-directed model. The House Committee on Judiciary held a public hearing on February 16. NACC submitted [written comments](#) in support of the bill.

Montana [House Bill 37](#) would require the appointment of legal counsel to any child subject to abuse and neglect court proceedings notwithstanding the appointment of a guardian *ad litem*. The House Judiciary Committee held a public hearing on January 10. NACC Policy Counsel [Natalece Washington](#) offered [written](#) and [public comments \(@9:55\)](#) in support of counsel for kids. The committee voted 18-1 to approve the bill for consideration by the whole House. The House Appropriations committee heard the bill on January 30 and voted to pass the bill (18-5). On February 14 the bill passed the House third reading and was transmitted to the Senate. A companion bill, Montana [Senate Bill 148](#), would also guarantee legal counsel for children in dependency cases. The bill has passed the Judiciary, Finance and Claims, and after third reading in the Senate was transmitted to the House.

Mississippi [House Bill 1149](#) would ensure children are appointed client-directed legal counsel at all stages of a proceeding and ensure the child is deemed a party to the proceeding. The bill passed the House on February 2, was transmitted to the Senate, and referred to Senate Judiciary A where on February 28 it received a do pass vote.

Missouri [House Bill 1170](#) would guarantee the appointment of client-directed legal counsel for children at all stages of a child abuse and neglect or termination of parental rights proceeding

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and make discretionary the appointment of a guardian *ad litem*. The bill was referred to the Judiciary committee on February 23.

New Hampshire House Bill [535](#) would permit the court to appoint counsel for a child in abuse and neglect proceedings where the child's expressed interests conflict with any recommendation of the guardian *ad litem*. The House Children and Family Law Committee held a public hearing on the bill on January 24. NACC submitted [written comments](#) in support of the bill. During the February 21 executive session, the Children and Family Law Committee voted to retain the bill in committee for further consideration.

Oklahoma [SB 907](#) (Companion Bill [HB 1017](#)) would establish the Family Representation and Advocacy Program, an entity that would be responsible for ensuring parents, legal guardians, and Indian custodians, and children are appointed counsel who have the training, support, and access to resources. The bill passed the Judiciary Committee and was referred to Appropriations on February 14 where it received a vote of do pass on March 1.

How do Counsel for Kids Promote Race Equity?

The Counsel for Kids campaign released a [new video](#) explaining nine ways that providing attorneys for youth helps advance race equity.

AMICUS UPDATES



The Missouri Supreme Court heard oral argument in the case of [Rockett v. Eighmy](#) on February 16, 2023. NACC filed an [amicus brief](#) in this matter, arguing against judicial immunity for a judge who unlawfully detained two children involved in a child custody dispute between their parents. ■



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

Individual Membership Spring Sale in April

Individual members — mark your calendars! Join, renew, or upgrade your membership in April and save 25%. *This sale will only last through the month of April, so don't miss out!* Difficulties renewing your membership? Contact Membership@NACCchildlaw.org.

Individual Membership Benefits include:

- **Monthly Member Webinars.** NACC Members can join our monthly member webinars live or access the recordings at their convenience on our website. See upcoming and past webinars [here](#).
- **Monthly Newsletter.** Every month NACC produces *The Advocate*, which includes policy updates and partner news, in addition to NACC news and events.
- **Quarterly Law Journal.** Every quarter NACC publishes *The Guardian*, which includes feature articles, relevant research, practice tips, youth perspectives, and law office profiles. Prior issues and articles are available as resources.
- **National Listserv and Directory.** NACC's national listserv and state listservs provide practitioners an opportunity to share resources and make connections. Connect with practitioners from across the country.
- **Discounts on NACC's 46th National Child Welfare Law Conference in Minneapolis.** Whether you join us in Minneapolis or online, enjoy NACC's member conference discounts.
- **Discounts on all NACC Products and Training.** NACC Members receive discounts on [Child Welfare Law and Practice](#) (the "Red Book"), [CWLS application fees](#), and NACC's [Red Book Training Course](#).
- **NACC Conference Library.** Access to 11 years of NACC Conference Materials!

Call for State Coordinators: Open April 2023

NACC is excited to expand its [State Coordinator program](#) to additional open states/jurisdictions. State Coordinators help lead outreach efforts and provide localized support to growing networks of practitioners in their respective states. Their role is a key component of [NACC's strategic plan](#) and community-building strategy. Details on how to apply coming soon! Questions? Contact 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 Policy Resource 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	Yali Lincroft	Yve Solbrekken
Catherine Begaye	Leonard Edwards	Charles Masner	Cynthia Spencer
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Irma Carrera	Amanda Engen	Henry Plum	Smith Williams
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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.

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Kyle E. Epps III	Priya Konings	



► *Membership Matters* from previous page

Thank you to our Gold and Silver Members!

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Roberta Driscoll-Weiss	Vernon Hosannah	Carol Noreen	Dennis Smeal
		Angela Orkin	Julia TenEyck

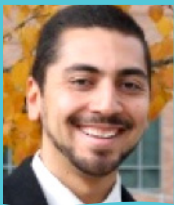
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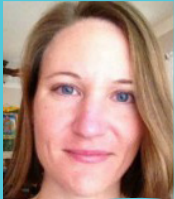


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Congratulations to our newest Child Welfare Law Specialists!



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JOIN US AT THE 46TH NATIONAL CHILD WELFARE LAW CONFERENCES

2023 DUAL CONFERENCE: In Minneapolis... and Online!



ONSITE CONFERENCE

Aug 10-12, 2023

PRE-CONFERENCE
AUG 9

Hyatt Regency
Minneapolis
1300 Nicollet Mall
Minneapolis, MN

CONFERENCE
REGISTRATION
OPENING
SOON!

STAY INFORMED

Details are posted to our [Conference Homepage](#) as they become available.



ONLINE CONFERENCE

Sep 20-22, 2023

Online conference registration is included with Minneapolis dual-conference registration, or can be purchased separately.

PRE-CONFERENCE

WEDNESDAY, AUGUST 9

9:00AM-4:30PM
4th Edition Red Book Training
10:00AM-4:30PM
Children's Law Office Convening
1:00PM-5:00PM
Child Welfare Law Career Fair
5:00PM-6:00PM
CWLS Reception

CONFERENCE: AUG 10-12

THURSDAY, AUGUST 10

8:30AM-5:30PM
Plenaries, Breakouts
Welcome Reception

FRIDAY, AUGUST 11

8:30AM-5:30PM
Plenaries, Breakouts, Annual Luncheon, Evening Dance Party

SATURDAY, AUGUST 12

8:30AM-12:00PM
Closing Plenaries



BOOK YOUR ROOM

Our onsite conference will be held at the Hyatt Regency Minneapolis. Rooms are available for \$165 per night for a single king or two queens. [Book your stay now!](#)

KEYNOTE SPEAKERS AT THE ONSITE CONFERENCE IN MINNEAPOLIS

Sandy White Hawk



NACC is honored to open the 46th National Child Welfare Law Conference with remarks by Sandy White Hawk, Founder and Director of the First Nations Reparations Institute and Director of Healing Programs for the National Native American Boarding School Healing Coalition. Ms. White Hawk, a Sicangu Lakota adoptee from the Rosebud Reservation, South Dakota, is a national expert and spokesperson on issues of adoption and the child welfare system. Sandy White Hawk will also be signing copies of her new book, *A Child of the Indian Race: A Story of Return*. With this event closely following the Supreme Court decision in *Brackeen v. Haaland*, indigenous rights and the Indian Child Welfare Act will be front and center.

David Ambroz



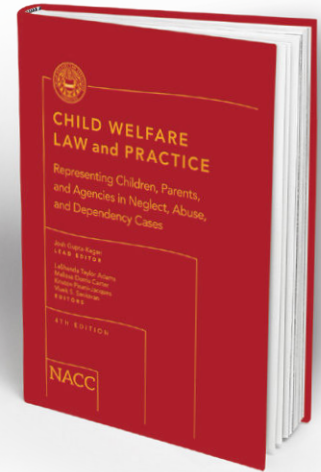
NACC is excited to announce David Ambroz will speak at the 46th National Child Welfare Law Conference. David Ambroz is a national poverty and child welfare expert and advocate. He was recognized by President Obama as an American Champion of Change. He currently serves as the Head of Community Engagement (West) for Amazon. Previously he led Corporate Social Responsibility for Walt Disney Television. After growing up homeless and then in foster care, he graduated from Vassar and later from UCLA School of Law (JD). He is a foster dad and lives in Los Angeles, CA. In his memoir, *A Place Called Home*, Ambroz writes about growing up homeless in New York for eleven years and his subsequent years in foster care, offering a window into what so many kids living in poverty experience every day.



Training

Order the Fourth Edition Red Book!

NACC is proud to announce the fourth edition of *Child Welfare Law and Practice: Representing Children, Parents, and Agencies in Neglect, Abuse, and Dependency Cases*, also known as “the Red Book”. We’ve gathered both new and experienced practitioners and child welfare advocates to revise and re-envision the Red Book, offering the ultimate guidebook for those who make child welfare advocacy their priority.



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

Designed initially as a study guide for attorneys preparing to take the [Child Welfare Law Specialist certification exam](#), the Red Book now serves as a day-to-day guide for child welfare advocates in every state, offering in-depth analysis and instruction on a wide variety of topics relevant to the current climate in the child welfare space. Whether you represent children, parents, agencies, or serve as a judge in child welfare matters, this book is a fundamental resource.

Our completely revised fourth edition includes an array of new topics and contributors:

- Five-segment book structure
- Case details: from investigation to appeals
- Focus on racial and LGBTQ+ justice
- Focus on dual-status youth and parents/children with disabilities
- Systemic, preventive, and multidisciplinary advocacy
- And much more!

Register for the Spring Red Book Training Course — Registration open through April 24th!

In 2023, NACC’s signature online Red Book Training Course includes new and revised material, based on the newly released fourth 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

REGISTER NOW 

► **Training** from previous page

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. Sessions 1, 2, and 7 are 90 minutes long; sessions 3–6 are 75 minutes long.

Spring Session: March 14 – April 25

Summer Session: June 6 – July 25 (no session July 4th)

Fall Session: September 12 – October 24

Presenter: Betsy Fordyce, JD, CWLS

Registration includes access to live sessions, recordings, the electronic Red Book, and the RBTC workbook. [View the syllabus here.](#)



NACC member webinars are FREE for NACC Members when logged in with your member ID to register. Each webinar is \$45 for non-members.

2023 Member Webinars

Save the date for NACC's upcoming two-part, extended, monthly member webinars:

- April 18, 1:00–3:30PM MT: Racial Justice in Education Part 1
- May 2, 1:00–3:30PM MT: Racial Justice in Education Part 2

[Check here for registration information as it becomes available!](#)

Interested In Presenting At An NACC Member Webinar?

NACC is accepting submissions for its **2023 monthly member webinars**. These 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! To submit your webinar proposal, [click HERE!](#) ■

► [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>Dismantling the Master's House: Committing to a Culture of Antiracism in the Workplace Presenters: Brittany Mobley, JD • Tiffany Reid-Collazo, JD</p>	
<p>Algorithms in Child Welfare and Juvenile Justice Presenters: Matthew Trail, JD</p>	
<p>NACC's Child Welfare Law Year in Review: 2022 Presenters: Christina Lewis, JD, CWLS • Kristen Pisani-Jacques, JD, CWLS</p>	
<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>	



NACC Welcomes New Board Members

Thank you, NACC members, for participating in the 2022 Board of Directors election! NACC is proud to welcome three new members to the Board of Directors:



LilCrystal Dernier, MS, MNM

Community Engagement and Children's Needs Coordinator
Voices for Children | Miami, Florida

LilCrystal (Li-Kris-tel) is an advocate, author, public speaker, and lived experience professional. She has 8 years of experience in child welfare, including as a Volunteer Guardian Ad Litem, inaugural National Advisory Council for Children Legal Representation (NACCLR) at the National Association of Counsel for Children (NACC), Foster Youth Intern (FYI) at the Congressional Coalition on Adoption Institute (CCAI) and a Congressional Intern with former U.S. Senator Bill Nelson (D-FL) in Washington D.C. Her current role as the Community Engagement and Children Needs Coordinator at Voices for Children Foundation allows her to know real-time trends of child removals. She uses her knowledge and lived expertise to ensure the children and youth are provided with adequate support services to promote stability and positive childhood experiences. Her role also allows her to partner and collaborate with community stakeholders to advance the voices of foster youth. She received two Bachelor of Science degrees in Psychology and Criminal Justice from Florida A&M University. She also received two masters in Nonprofit Management and Criminology & Criminal Justice from Florida Atlantic University.



Priya Konings, JD

Regional Director, Legal Services
Kids in Needs of Defense, Inc. (KIND) | Washington, DC/Maryland

Having served as child's counsel in abuse and neglect proceedings for over eight years in multiple jurisdictions, Priya Konings brings a wealth of knowledge and understanding about the processes, the challenges, and the intricacies of the foster care system. In 2015, Ms. Konings joined Kids in Need of Defense, Inc. (KIND), where she currently oversees several large teams of attorneys in field offices across the country who provide legal representation to unaccompanied minor refugee children arriving in the US after fleeing violence, abuse, and neglect in their home countries. As an attorney for children in immigration proceedings she has developed an even deeper comprehension of the enormous hurdles children face in courtroom settings, and of essential and fundamental need for all children to have access to justice. Prior to KIND, she provided direct representation to abused and neglected children in the Maryland and D.C. foster care systems as child's counsel while working the Law Offices of Darlene A. Wakefield, P.A. She received a JD from the University of Maryland School of Law in 2006.

**Justin “Jay” Miller, PhD, MSW, CSW**

Dean & Dorothy Miller Research Professor

Director, Self-Care Lab | College of Social Work

Acting Director, UKOnline | University of Kentucky

For over two decades, Jay Miller has been a tireless advocate for improved legal representation as it pertains to foster youth. His research and academic interests focus on child welfare and youth involvement in juvenile systems. His work has shaped practice with foster youth and has informed a myriad of policies and practices related to participatory engagement with youth and families. This work is informed by his professional experience as a child protective service (CPS) social worker, academic administrator, and researcher — and by his personal experiences in out-of-home care. These experiences, singularly and in combination, have shaped his participatory approach to promoting quality legal representation. In addition to child welfare, he is actively leading research related to self-care and wellness. In 2017, he founded the Self-Care Lab (SCL) at the University of Kentucky School of Social Work. SCL is the first known lab specifically dedicated to empirically investigating self-care among helping professionals. He earned his bachelor’s degree from Western Kentucky University, Master of Social Work from Spalding University, and PhD from the University of Louisville. ■

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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.