

The Guardian

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NATIONAL CENTER FOR LESBIAN RIGHTS

Fulton v. Philadelphia: An Analysis for Child Welfare Professionals

by Karen Levit and Nesta Johnson

Introduction

Although family law cases, particularly child welfare cases, implicate fundamental rights and relationships, such cases rarely reach the nation's highest court. Those whose work involves religious liberty and LGBTQ+ rights are accustomed to awaiting Supreme Court rulings with bated breath, but child welfare professionals rarely need look above their state's highest court for practice updates. In February 2020, the Supreme Court of the United States agreed to take up *Fulton v. Philadelphia*, a case involving intertwined issues of religious liberty, LGBTQ+ rights, and child welfare.¹ Legal analysts opined that a broad decision could signal a fundamental shift in Free Exercise jurisprudence. Ultimately, the Court's June 2021 decision was narrow, setting forth a highly fact-based analysis which furnished a loss on the merits to the City of Philadelphia, but left intact the framework for Free Exercise analysis set forth in *Employment Division v. Smith*, 494 U.S. 872 (1990). Parsing the significance of the *Fulton* decision and its numerous concurrences is time consuming, and many busy child welfare professionals wish simply to know how it impacts upon their practice. The short answer to that

1 The Anti-Defamation League (ADL) and National Center for Lesbian Rights (NCLR) both filed amicus briefs in this case, available online at <https://www.adl.org/education/references/amicus-briefs/fulton-v-city-of-philadelphia-us-supreme-court-2020> and <https://www.ncrlrights.org/our-work/cases/fulton-v-city-of-philadelphia/>.

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Nondiscrimination laws and policies remain generally enforceable, and courts must still review First Amendment claims seeking exemptions on a case-by-case basis.

question is that the *Fulton* decision will have little impact on day-to-day practice. Nondiscrimination laws and policies remain generally enforceable, and courts must still review First Amendment claims seeking exemptions on a case-by-case basis.

Background & Decision

For years now, there have been local cases of prospective foster parents being turned away by religious foster care agencies. One example of this is Miracle Hill Ministries, a Christian foster care agency in South Carolina. Miracle Hill Ministries required applicants to meet the organization's religious requirements. The agency rejected a Jewish woman who wanted to mentor children in foster care because she was not Christian and turned away qualified same-sex couple foster parent applicants because of the agency's religious opposition to same-sex marriage. Under the Trump Administration, the Department of Health and Human Services upheld these discriminatory practices.² The agency's policies are the current subject of litigation, including a lawsuit brought by a Catholic prospective foster parent.³

In the City of Philadelphia (the City), children entering foster care are assigned to one of 30 agencies holding renewable annual contracts with the City to certify foster parents and place children into homes. Those contracts require the City to pay the agencies *per diem* for each child placed in their homes and to certify foster parents in accordance with state regulations and with the City's Fair Practices Ordinance, which prohibit discrimination in public accommodations. In 2018, after an investigation launched following a news exposé, the City learned that two religiously affiliated agencies, Bethany Christian Service (BCS) and Catholic Social Services (CSS), certified only married or single foster parents, and refused to certify same-sex married couples, for religious reasons. When the City informed BCS and CSS that their actions violated the Fair Practices Ordinance, BCS agreed to comply, but CSS refused. The City informed CSS that the City would "freeze" new placements of children into CSS-certified foster homes and would not renew its foster parent screening contract unless CSS agreed to consider same-sex couples.⁴ The City did, however, continue other kinds of foster care programs with CSS, from which the agency received millions of dollars.⁵

CSS sued for injunctive relief in federal district court, seeking to compel the City to resume referrals. The trial court denied CSS's request, and the Third Circuit affirmed.⁶ CSS filed a petition for certiorari, which the U.S. Supreme Court granted in February 2020.

2 Tom Barton, *Foster-care ruling: Victory for religious freedom or bias?*, The State (Jan. 23, 2019), <https://www.thestate.com/news/politics-government/article224958895.html>.

3 *Compl., Madonna v. U.S. Dep't of Health & Hum. Servs.*, No. 19-cv-03551-TMC (D.S.C. Dec. 20, 2020), ECF No. 1.

4 Jeremy Roebuck & Julia Terruso, *The Supreme Court ruled against Philly in its fight with a Catholic foster group but may not have ended the dispute*, The Philadelphia Inquirer (June 17, 2021), <https://www.inquirer.com/news/supreme-court-philadelphia-catholic-social-services-foster-ruling-20210617.html>.

5 Nina Totenberg, *Supreme Court Rules Catholic Group Doesn't Have To Consider LGBTQ Foster Parents*, NPR (June 17, 2021, 5:04 PM), <https://www.npr.org/2021/06/17/996670391/supreme-court-rules-for-a-catholic-group-in-a-case-involving-gay-rights-foster-c>.

6 *Fulton v. City of Philadelphia*, 922 F.3d 140, 147 (3d Cir. 2019), cert. granted, 140 S. Ct. 1104, 206 L. Ed. 2d 177 (2020).

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CSS argued that religious entities cannot be required to comply with nondiscrimination provisions if they conflict with their religious beliefs, and that the Court should revisit the test for determining whether a law impermissibly burdens the free exercise of religion. *Smith*, 494 U.S. 872, establishes the current rule regarding laws that potentially infringe on religious practice: “laws incidentally burdening religion are ordinarily not subject to strict scrutiny under the Free Exercise Clause so long as they are neutral and generally applicable.”⁷ In *Fulton*, the Court

The Court found that the nondiscrimination clause in the contract between Philadelphia and CSS was not generally applicable because it allowed individual exemptions from the provision at the sole discretion of the Commissioner

declined to overrule *Smith*, instead issuing a narrower ruling that the particular circumstances of this case failed the test laid out in *Smith*. The Court found that the nondiscrimination clause in the contract between Philadelphia and CSS was not generally applicable because it allowed individual exemptions from the provision at the sole discretion of the Commissioner.⁸ The Court did not decide whether a government contract or nondiscrimination law that does not allow for discretionary exceptions would survive this general applicability test, and its string of rulings in COVID-19 cases⁹ leaves this as an open question for the future.

Fulton is just one in a series of Free Exercise cases decided in the October 2020 term. Many of these cases were decided on what is known as the “shadow docket,”¹⁰ an informal name for decisions issued in response to emergency requests and appeals. These decisions, typically brief, are issued without the benefit of oral argument or full briefing (including amicus briefs) that accompanies cases on the regular docket. The October 2020 term saw a significant number of COVID-19-related cases in which religious entities opposed public health restrictions that explicitly limited or had the effect of limiting certain types of religious gatherings.

The Court’s decision in one of the most significant of these cases decided before *Fulton*, *Tandon v. Newsom*,¹¹ solidified what Court observers have termed “most-favored nation” status for religion: the premise that if a law grants an exception¹² to *any* activity for *any* reason, that exception must also be extended to religious exercise.¹³

In *Fulton*, which concerned a contract, the Court made clear that it is enough for there to be a clause that allows a government entity to grant an exception at its sole discretion, even if no exceptions have actually been granted to any groups or organizations.¹⁴ In *Tandon*, however, the Court conducted its analysis by comparison, evaluating the practical impact of

⁷ *Fulton* 141 S.Ct. at 1876 (citing *Smith*, 494 U.S. at 878–882).

⁸ *Id.* at 1878.

⁹ Brendan Pierson, *How COVID and shadow docket exploded SCOTUS’ scope of religion freedom*, Reuters (Jun. 17, 2021), <https://www.reuters.com/legal/government/how-covid-shadow-docket-exploded-scotus-scope-religious-freedom-2021-06-16/>.

¹⁰ Brent Kendall, *The Supreme Court’s Shadow Docket: How It Works*, The Wall Street Journal (Aug. 27, 2021), <https://www.wsj.com/articles/the-supreme-courts-shadow-docket-how-it-works-11629901875>.

¹¹ 141 S.Ct. 1294 (2021).

¹² Accordingly, a key question in any analysis is what constitutes an “exception.”

¹³ Jim Oleske, *Tandon steals Fulton’s thunder: The most important free exercise decision since 1990*, SCOTUSblog (Apr. 15, 2021), <https://www.scotusblog.com/2021/04/tdon-steals-fultons-thunder-the-most-important-free-exercise-decision-since-1990/>.

¹⁴ *Fulton* 141 S.Ct. at 1879.

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seemingly generally applicable policies. The *Tandon* plaintiffs — several clergy and the host of a home-based Bible-study group — challenged a California public-health regulation that temporarily limited all in-home gatherings to members of three households or fewer. The majority’s analysis compared in-home religious practice to various activities permitted — with safety measures in place — by California’s rules, including patronage of hair salons, retail stores, entertainment venues, and eateries.¹⁵ Because such businesses were permitted to host members of more than three households simultaneously, the majority concluded that the law was unevenly applied and that, therefore, religious activities must be exempted from California’s limitation on in-home gatherings.¹⁶ In her dissent, Justice Elena Kagan argued that the proper analogue for in-home religious gatherings was in-home secular gatherings, all of which were equally limited by California’s rule.¹⁷ Understanding *Tandon* gives us context for the backdrop against which the *Fulton* decision is issued and the solidification of the “most favored nation” approach.

Although the Court in *Fulton* does not say that preventing discrimination is *never* a sufficiently compelling reason to deny an exemption, not reflected in the ruling is the question repeatedly pressed at oral argument: even though this case is about discrimination against same-sex couples, would the same reasoning apply if a religious exemption were being sought for discrimination on the basis of race, sex, gender, or some other protected characteristic?¹⁸ Despite the significant amount of time specifically devoted at oral argument to the question of whether racial discrimination could ever be justified under a religious exemption, none of that discussion is reflected in the final decision — nor is any acknowledgement or discussion of the well-known reality of pervasive discrimination and minority overrepresentation within the child welfare system.¹⁹

Part of the decision that has received relatively little attention is the Court’s conclusion that Philadelphia’s Fair Practices Ordinance does not apply to Catholic Social Services “because foster care agencies do not act as public accommodations in performing certifications.”²⁰ The Court further says that “the one-size-fits-all public accommodations model is a poor match for the foster care system.”²¹ The reasoning hinges on the ordinance’s definition of a public accommodation and comparison to statutory examples of public accommodations such as hotels, restaurants, drug stores, and public conveyances. By contrast to these exam-

15 *Tandon*, 141 S.Ct. at 1297.

16 *Id.*

17 *Tandon*, 141 S.Ct. at 1298 (Kagan, J., dissenting).

18 Transcript of Oral Argument at 38–9, 42, 47–9, 74–5, 112–4, *Fulton v. City of Philadelphia* 140 S. Ct. 1104, 206 L. Ed. 2d 177 (2020), available at https://www.supremecourt.gov/oral_arguments/argument_transcripts/2020/19-123_o758.pdf.

19 Child Welfare Info. Gateway, U.S. Department of Health and Human Services, Administration for Children and Families, Children’s Bureau, *Racial Disproportionality and Disparity in Child Welfare* 3–5 (2016); Tanya Asim Cooper, *Racial Bias in American Foster Care: The National Debate*, 97 Marq. L. Rev. 215, 223–25 (2013) <https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=5190&context=mulr>; Kathi L.H. Harp & Carrie B. Oser, *Factors Associated with Two Types of Child Custody Loss Among a Sample of African American Mothers: A Novel Approach*, 60 Soc. Sci. Res. 283 (2016) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5119635/>.

20 *Fulton* 141 S.Ct. at 1880.

21 *Id.*

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ples, which are readily available and accessible to the general public per the Court’s analysis, certification as a foster parent is a “customized and selective assessment” which therefore disqualifies it as a public accommodation.²² One need not be a child welfare expert to see the flaws in this reasoning: Justice Gorsuch spends three pages of his concurrence tearing this argument apart. He points out that the statute referenced by the Court’s decision specifically says that its examples are “illustrative” rather than “exhaustive,” and that they include public colleges and universities.²³ As he puts it, often “these institutions *do* engage in a “customized and selective assessment” of their clients (students) and employees (faculty). And if *they* can qualify as public accommodations... it isn’t exactly clear why foster agencies cannot.”²⁴ To use another example, the same can be said of Departments of Motor Vehicles, which engage in a “customized and selective assessment” regarding the issuance of various licenses, permits, and plates.

Understanding *Fulton*’s Implications

When it comes to interpreting the *Fulton* decision, two distinct factors arise: what its practical implications are in the immediate term, and what it forecasts for judicial interpretation in the future. It’s important to know that this ruling is a specific analysis of the contract between Philadelphia and CSS that cannot simply be applied to every other foster care agency contract in the country. Lower courts considering requests for exemptions will still have to do so on a case-by-case basis.

On the day that the *Fulton* decision was issued, civil rights organizations widely welcomed the narrowness of the ruling.²⁵ The Supreme Court’s decision not to disturb the framework laid out in *Smith* and continue to apply a particularized analysis rather than establishing a flat rule protects all people with marginalized identities, including LGBTQ+ people, people of color, and religious minorities. The Court made a clear choice not to rule on whether preventing discrimination is ever a sufficiently compelling reason to deny an exemption. In this instance, silence speaks louder than words. Lower courts remain free to find, as they conduct particularized assessments, that in those circumstances the state interest in preventing discrimination is a compelling reason to deny a request for an exemption even if that request is made on religious grounds.

22 *Id.*

23 *Fulton* 141 S.Ct. at 1927 (Gorsuch, J., concurring).

24 *Id.*

25 NCLR and ADL were among those welcoming the narrowness of the ruling, with NCLR’s press release specifically emphasizing that “[t]his narrow ruling allows governments to continue to prohibit discrimination not only against LGBTQ foster and adoptive parents but also against LGBTQ parents who are often wrongfully separated from their children by discriminatory child welfare practices that unfairly target parents who are poor, LGBTQ, disabled, or people of color.” Christopher Vasquez, *NCLR Relieved by Narrow SCOTUS Ruling in Fulton Allowing Governments to Prohibit Anti-LGBTQ Discrimination*, Nat. Ctr. For Lesbian Rights (June 17, 2021), <https://www.ncrlrights.org/about-us/press-release/nclr-relieved-by-narrow-scotus-ruling-in-fulton-allowing-governments-to-prohibit-anti-lgbtq-discrimination/>; ADL: *Supreme Court Ruling in Fulton v. Philadelphia Underscores Importance of Anti-Discrimination Law*, Anti-Defamation League (Jun. 17, 2021), <https://www.adl.org/news/press-releases/adl-supreme-court-ruling-in-fulton-v-philadelphia-underscores-importance-of>.

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Civil rights laws generally and nondiscrimination provisions specifically are an area where it is especially important to maintain enforcement and minimize exceptions

That said, we would be remiss not to take *Tandon* as a cautionary tale that underscores the need for ongoing vigilance and advocacy to pass and protect nondiscrimination measures. Civil rights laws generally and nondiscrimination provisions specifically are an area where it is especially important to maintain enforcement and minimize exceptions. Historically, religion has been used to justify oppression of all kinds, including slavery²⁶ and Native American boarding schools.²⁷ Religion is still often used to justify

long-disproven conversion therapy practices that attempt to change the sexual orientation and/or gender identity of LGBTQ+ youth and adults.²⁸ *Tandon* is just a notable recent example of a shifting balance in the Court's jurisprudence surrounding religious free exercise claims that impact the civil rights of others.²⁹ This shift in the interpretation of the Free Exercise Clause is a long-term undertaking that the Court is not yet done with, and one to remain watchful of.

Applications of the *Fulton* decision to date have utilized its continued reliance on *Smith* and continued to conduct individualized assessments of whether a religious exemption is warranted.³⁰ None have yet addressed the public accommodations aspect of the ruling. One case where we may see this play out is in the lawsuit against Yeshiva University by LGBTQ+ students who were denied their request to form a student club.³¹ That case is currently at the trial level and one of the issues at stake is whether Yeshiva University is eligible for an exemption under New York's public accommodations law.

Advocacy Guidance

The most direct and significant impact of *Fulton* is in Philadelphia, where the city is now bound by the Court's decision unless and until it revises its contract with foster care agencies. Beyond Philadelphia, impact and local interpretation can be expected to vary by jurisdiction. In New York City, for example, *Fulton* rightfully does not seem to have had any impact on daily practice at all. Accordingly, a range of advocacy options are available depending on what's suitable to the context.

26 Noel Rae, *How Christian Slaveholders Used the Bible to Justify Slavery*, TIME (Feb. 23, 2018), <https://time.com/5171819/christianity-slavery-book-excerpt/>.

27 Sam Yellowhorse Kesler, *Indian Boarding Schools' Traumatic Legacy, And The Fight To Get Native Ancestors Back*, NPR (Aug. 28, 2021), <https://www.npr.org/sections/codeswitch/2021/08/28/1031398120/native-boarding-schools-repatriation-remains-carlisle>.

28 *Born Perfect*, Nat. Ctr. For Lesbian Rights, <https://www.nclrights.org/our-work/born-perfect/>.

29 Erwin Chemerinsky, *Op-Ed: Giving people a license to discriminate because of their religious beliefs*, Los Angeles Times (Jun. 17, 2021), <https://www.latimes.com/opinion/story/2021-06-17/discrimination-religion-free-exercise-supreme-court-gay-rights>; Dahlia Lithwick, *The Supreme Court Moves the Shadow Docket Out Into the Light*, SLATE (Jun. 21, 2021), <https://slate.com/news-and-politics/2021/06/fulton-v-philadelphia-supreme-court-religious-freedom-discrimination.html>.

30 See, e.g., 303 Creative LLC v. Elenis, 6 F.4th 1160 (10th Cir. 2021); *Janny v. Gamez, et al.*, 8 F.4th 883 (10th Cir. 2021); *Bormuth v. Whitmer*, 2:20-cv-11399, 2021 WL 2910524 (E.D. Mich. July 12, 2021); *Atomanczyk v. Tex. Dep't of Criminal Justice*, 4:17-cv-00719, 2021 WL 2915030 (S.D. Tex. Jul. 12, 2021).

31 Sarah Pulliam Bailey, *Yeshiva University students file lawsuit to get LGBTQ student club recognized*, The Washington Post (Apr. 27, 2021), <https://www.washingtonpost.com/religion/2021/04/27/yeshiva-university-students-file-lawsuit-get-lgbtq-student-club-recognized/>.

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POLICY ADVOCACY

- **Your local contracts.** Research whether your local foster care agency contract allows for exceptions to its nondiscrimination provision. If so, organize with your colleagues and your community to advocate for the elimination of that exception.
- **The Equality Act.** Only 22 states have non-discrimination protections that explicitly protect LGBTQ+ individuals.³² The Equality Act (S. 393)³³ would prohibit discrimination based on an individual's sexual orientation or gender identity in employment, housing, credit, education, public accommodations (i.e., restaurants, hotels, and theaters), and jury service.³⁴ It would also prohibit discrimination based on sex, sexual orientation, and gender identity in programs receiving federal funding. The Equality Act would also expand nondiscrimination protections on the basis of race, religion,³⁵ and national origin. It passed the House of Representatives on February 25, 2021, but the Senate has yet to act on it. Contact your Senators and encourage them to support the Equality Act.³⁶

IN YOUR LEGAL PRACTICE

- **When drafting nondiscrimination clauses.** Ensure that the terms of the clause are neutral and generally applicable. Avoid creating a system of exceptions if possible.
- **Context is everything.** Courtroom advocates should be arguing for judges to interpret *Fulton* as narrowly as possible. Underscore that: a) the *Smith* framework survives, and b) it is clear, based on oral arguments, that the Supreme Court intentionally chose to leave lower courts free to find particular circumstances in which the state interest in preventing discrimination is a compelling reason to deny a request for an exemption even if that request is made on religious grounds.

OUT-OF-COURT ADVOCACY

- **Clear up confusion.** Attorneys, social workers, and other advocates can correct misunderstandings by agency case workers, whether at out-of-court conferences, meetings, or in communications between conferences, meetings, and court appearances. While this ruling raises questions about how far the Court is willing to take its Free Exercise jurisprudence moving forward, the practical impact of the ruling for child welfare practitioners beyond

32 Snapshot: *LGBTQ Equality By State*, Movement Advancement Project (Accessed Sept. 9, 2021), <https://www.lgbtmap.org/equality-maps>.

33 Its analogue, H.R. 5, passed the U.S. House on Feb. 25, 2021 <https://www.congress.gov/bills/117th-congress/house-bill/5>; see also *Now Is The Time For The Equality Act Infographic*, Movement Advancement Project (Jan. 2021), <https://www.lgbtmap.org/image/2021-report-infographic-equality-act.png>.

34 Unlike past nondiscrimination measures, the Equality Act explicitly overrides the Religious Freedom Restoration Act (RFRA), which prohibits the federal government from "substantially burdening" individuals' exercise of religion unless it is for a "compelling government interest." Michelle Boorstein & Samantha Schmidt, *Equality Act is creating a historic face-off between religious exemptions and LGBTQ rights*, The Washington Post (Mar. 16, 2021), <https://www.washingtonpost.com/religion/2021/03/16/equality-act-fairness-for-all-religious-liberty-lgbtq-lgbt-biden/>.

35 Maggie Siddiqi, *The Equality Act will be a victory for religious freedom*, The Hill (Mar. 17, 2021), <https://www.msn.com/en-us/news/politics/the-equality-act-will-be-a-victory-for-religious-freedom/ar-BB1eGJx9>.

36 The NCLR website offers an easy tool for contacting your Senators at: <https://www.nclrights.org/equality-act-action/>.

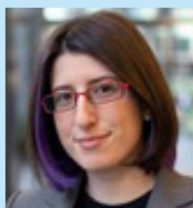
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To the extent that it has a chilling effect on the clearance of or placement with LGBTQ+ foster parents or provision of services to LGBTQ+ families and children, explaining that the decision was an analysis specific to Philadelphia's contract with CSS may help.

Philadelphia should be negligible. To the extent that it has a chilling effect on the clearance of or placement with LGBTQ+ foster parents or provision of services to LGBTQ+ families and children, explaining that the decision was an analysis specific to Philadelphia's contract with CSS may help. The same generally holds true for any agencies denying clearance, placement, and services to foster

parents, families, and children on the basis of sex, gender, religion, national origin, or any other protected characteristic. ■

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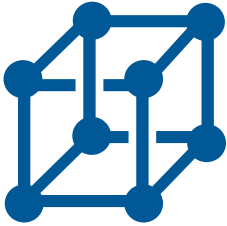


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The authors are grateful to our child welfare and civil rights colleagues, who lent their knowledge and insight in crafting this piece; to NCLR Legal Assistant Shriya Bhindwale; to ADL intern Amanda Atkinson; and to the National Association of Counsel for Children.



YOUTH PERSPECTIVE

Making History in Louisiana: The State's First Foster Youth's Bill of Rights

by Aliyah Zeien

The Louisiana Foster Youth's Bill of Rights¹ (Bill of Rights) is a unique and trailblazing document and legislation because it was made for youth, by youth, and placed foster care alumni's voices in the forefront when developing legislation.

The conversation that led to the development of the historical bill of rights occurred in a Department of Children and Family Services (DCFS) conference room in state office one sunny day in July 2019 during a Louisiana Elite Advocacy Force (LEAF) retreat convening.² The Bill of Rights was one of the first major tasks that the LEAF policy committee took on after its development in 2019. These topics of conversation led to the development of the original draft version that was a whopping 16 pages. The length of the original draft was fueled by detailed youth voice that had been obtained from current foster youth's experiences while in the system. The bill was developed with the voices, experiences, and the desired rights of youth in foster care in mind.

Each of the authors of this bill were former foster youth who were now working as direct service professionals providing assistance and peer support to youth in foster care. While building relationships with the youth they served through the state's independent living (IL) programs, the authors obtained detailed accounts from youth of trials they had faced and an overwhelming number of personal testimonies regarding what they felt needed to be improved in the system. Therefore, the legislation was not just fueled by what these passionate advocates knew should be in a Bill of Rights for youth, but it was directly inspired by the voices and pleas of foster youth still in DCFS custody. These youth wanted to be heard, feel they had a voice, and have non-negotiable rights stating how they should be treated while in the child welfare system. These rights were not heavy asks; they were truly things that should be provided to all children and teens no matter what.

1 Louisiana Senate Bill 151, available at: <https://legiscan.com/LA/text/SB151/2021>.

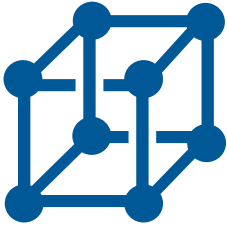
2 LEAF currently serves as the official Louisiana State Advisory Council which is solely comprised of former foster youth who spent time in the Louisiana child welfare system.

ABOUT THE AUTHOR:



Aliyah Zeien is originally from New Orleans, LA and an alumni of the Louisiana foster care system. She prides herself in being a registered child welfare social worker, legal policy advocate, speaker, and MSW LSU grad student. Aliyah has assisted in passing monumental legislation in Louisiana to extend foster care and implement their first Foster Youth Bill of Rights. She is the current Vice President for the Louisiana State Youth Advisory Board and is a member of NACC's National Advisory Council on Children's Legal Representation.

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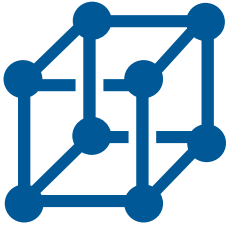


The passionate and brave advocates that took on the calling to develop this bill are Htet Htet Rodgers, Antonica Frazier, and I. Throughout the process we received unwavering help from our fellow LEAF board members, President/Peer Jarvis Spearman, and the DCFS Independent Living and Transitioning Youth program managers. Due to the tireless efforts of the authors, LEAF board members, community partners, IL providers, and DCFS executive team staff, the bill was refined into a shorter version that consisted of eighteen main rights:

1. **The right** to privacy concerning the youth's personal and confidential information.
2. **The right** to attend all court hearings regarding the care to be received.
3. **The right** to be in a stable and supportive setting that is free from neglect and emotional, verbal, physical, and sexual abuse or exploitation, and that is the least restrictive to meet the youth's needs.
4. **The right** to participate in all case plan meetings, to include supportive adults of the youth's choice to be on the planning team, and to be provided a copy of the youth's case plan every six months or whenever changes are made to the plan.
5. **The right** to have the youth's medical and mental health needs met on a regular and timely basis.
6. **The right** to be provided adequate trauma-based counseling and therapeutic services throughout the youth's time in foster care.
7. **The right** to be provided the contact information of the youth's caseworker, attorney, and CASA volunteer, and to attend meetings with them on a regular basis.
8. **The right** to have access to a telephone to talk to or visit with approved friends and relatives, including siblings, at least once a month.
9. **The right** to access materials necessary for school and to further the youth's education, including access to a computer or other electronic devices and to the internet when needed to complete assignments, the right to receive tutoring services, and the right to access information regarding college admissions.
10. **The right** to access information regarding testing accommodations for any learning or developmental disability or special health need.
11. **The right** to be involved in extracurricular activities, including school clubs, dances, field trips, and sports teams, and to be provided with supplies and uniforms required for team participation.
12. **The right** to remain in the youth's school of origin.
13. **The right** to attend a driver's education class.
14. **The right** to obtain employment and transportation to employment within the vicinity of foster care placement.
15. **The right** to refuse involvement in religious-based activities and the right to continue the youth's cultural, religious, and ethnic traditions and belief systems.
16. **The right** to be free from discrimination of any kind on the basis of the youth's race, color, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth, or other status.
17. **The right** to attend and have transportation to services, events, and activities provided by the Independent Living Skills Program within the youth's region, the right to receive timely notification of upcoming youth advocacy and engagement services in the youth's region, and the right to be provided with the entire amount of the monthly allowance as outlined in department policy.
18. **The right** to express and voice the youth's needs, concerns, and desires about foster care.³

3 Louisiana Senate Bill 151, available at: <https://legiscan.com/LA/text/SB151/2021>.

► **Youth Perspective** from previous page



In December 2019, DCFS Secretary Marketa Walters met with Senator Regina Barrow and asked that she be the one to carry the bill in the upcoming legislative session, as she had been a significant trailblazer in ensuring children's rights in the child welfare system and a fiery advocate for foster youth. After Senator Barrow agreed to adopt the bill, it was assigned a number — Senate Bill 151.

However, due to the intensive impact of the COVID-19 pandemic in 2020, the policy committee and DCFS team agreed to postpone the bill to the legislative session of 2021. The postponement was a disappointment for the LEAF members who worked so diligently on the development; however, they pushed forward and used those upcoming months to plan accordingly for the 2021 legislative session.

In the summer of 2021, the Bill of Rights was finally added to the agenda for the Senate Committee, and it passed with all green cards. Finally, on June 16, 2021, the dedicated work of the LEAF board and all DCFS members involved paid off when the first official Louisiana Foster Youth's Bill of Rights was signed into law by Governor John Bel Edwards in the Governor's Mansion.

Reflecting on the passage of the Bill of Rights, LEAF co-author Antonica Frazier, stated that her journey in foster care fueled the passion and desire for creating SB 151 and advocating for the rights of youth in care. She further stated: "It is important for youths in the foster care system to have rights and their voices to be heard. I'm very thankful to everyone who has played an active role in editing, creating, finalizing, and ensuring the passing of the Bill of Rights. The process was increasingly stressful because of the pandemic. It's made things rather difficult when it came to testifying and finalizing the bill of rights but worth it because history has been made."

On the day it was passed, I felt an overwhelming sense of gratefulness that youth in foster care could see that we are advocating on their behalf and that they should always be afforded rights while in the foster care system that any other child would have. The long road that was traveled to pass Senate Bill 151 is proof that all good changes are worthwhile. Sitting on the couch in the Governor's Mansion, my eyes welled up with tears, as I would now be able to let youth know that sharing their stories had not been in vain. That their testimonies are the very backbone of such an important moment in history for all of them. After all, this moment is not for us, but for the thousands of youths who may feel unheard, unseen, and unworthy. This is for you. ■



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

EXECUTIVE DIRECTOR'S MESSAGE



Opening Remarks Delivered at NACC's 44th National Child Welfare Law Conference

by Kim Dvorchak, JD

Welcome to the 44th National Child Welfare Law Conference. My name is Kim Dvorchak, and I am the proud Executive Director of the National Association of Counsel for Children.

On August 14th we welcomed our onsite conference attendees in Denver, Colorado, the city where NACC was founded 44 years ago. In doing so, we acknowledged the land on which we sat is the original territory of the Cheyenne and Arapaho Tribes and recognized the 48 contemporary tribal nations that are historically tied to lands that make up the state of Colorado.

I invite you to do the same — acknowledge the indigenous lands on which you sit by sharing the names of those tribes and nations with one another now. And if you do not know or are not sure, you can text your city/state or zip code to 855-917-5263 or find out at land.codeforanchorage.org.

Thank you to our Colorado partners at the Office of the Child's Representative and the Office of Respondent Parents' Counsel, and in particular Chris Henderson, Melissa Michaelis Thompson, Christy Van Gaasbeek, and Michelle Jensen for working with our team pre-pandemic and beyond to plan and coordinate this event with your own annual conferences.

Thank you to this year's incredible faculty, our abstract workgroup, and our Training Director Kristen Pisani-Jacques, for all your many contributions in developing this impactful program.

Thank you to our conference sponsors and exhibitors for their support, including Casey Family Programs for supporting the NACC conference app.

Thank you to the NACC staff for their countless hours preparing and executing this event, and in particular our Business and Conference Manager Sara Willis, for managing the many logistics involved hosting two conferences in one week, and Daniel Trujillo, NACC's Director of Certification, Sales, and Technology, our master of Zoom events and online learning.

It takes intentionality and community to build and sustain a movement for justice for children and families. Every year we gather at the NACC conference with purpose and passion, to learn and find inspiration in each other and in our collective capacity to change the world. But what a challenging time it has been since we last met — personally, professionally, and most especially for the children and families we serve.

Our theme this year is *From Crisis to Innovation: Toward a Family-Centered Justice System*. This public health crisis is by no means over. We continue to face daily challenges and prolonged

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Don't forget to fill out a 2021 conference evaluation! Click here to tell us how we did!

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uncertainty. But we also see determined and creative advocacy; innovations leveraging technology, research, and funding; and resolve to address systemic injustices that have been perpetuated for far too long. At this conference, we seek to capture our learning through the pandemic, our ability to do our work differently — and in many instances better — and our common interest in being part of the solution. NACC is proud to share the expertise of many faculty members with lived experience in child protection, juvenile, and criminal legal systems.

The time is now to radically change our perspectives about our role and the children and families we serve; to authentically engage our clients with compassion; to promote tailored supports that strengthen families; to resist ineffective services and harmful placements; and to disrupt systemic racism and anti-LGBTQIA+ policies.

It is incumbent upon all of us to pause, to listen and to learn, and to interrogate our own biases in order to be zealous advocates for our clients, and for an equitable, family-centered system of justice. Our work was never easy, but if we lean into learning, if we lean into the discomfort and disruption together, we can exercise the individual and collective leadership required to meet this moment, and make way for justice, hope, and healing.

Know this — you are not alone in this journey. The NACC community is all around you, here, online, and throughout the year. NACC staff, board members, emeritus board members, State Coordinators, Child Welfare Law Specialists, NACC members, and organizational partners.

Your national back-up center and network of support.

Thank you for joining us and for the work you do every day.

We are NACC. Together we are promoting excellence, building community, advancing justice. ■





The Expanded Child Tax Credit: Impact, Implementation, & Tips for Your Practice

by **Steven Jessen-Howard**

The recent Child Tax Credit (CTC) expansion passed as part of the American Rescue Plan (ARP) is an important step towards investing in primary prevention to support and strengthen families.¹ Its likely impact on child poverty aligns with a growing focus in the child welfare field on “preventing child maltreatment from occurring and reducing the need for family separation and foster care” through “investing in primary prevention to help keep families and communities strong and position both to thrive.”² Child welfare professionals play an important role in helping families access the credit.

Child Poverty in the United States

In 2019, roughly 12 million children in the United States were living in poverty.³ Amidst the COVID-19 pandemic, more than four in ten children lived in a household struggling to meet basic expenses.⁴ America’s child poverty rate is higher than almost all our peer nations, stemming in large part from a lack of family support policies.⁵ The burden of child poverty is not equally distributed; Black and Native American children are three times more likely to be poor than White children, and Latinx children are also disproportionately likely to grow up in poverty.⁶

Poverty frequently is mistaken for neglect or contributes to circumstances that lead to neglect.⁷ An estimated “75% of founded incidences of child maltreatment result from neglect” and “64% of those incidences somehow relate to poverty.”⁸ Research has shown that children living in poverty are three times more likely to face substantiated child maltreatment cases,

1 American Rescue Plan Act of 2021, §9611, H.R. 1319, 117th Cong. (2021).

<https://www.congress.gov/bills/117th-congress/house-bill/1319/text#toc-HA48D58F48FAC4D21927393B3E4FC5A5F>.

2 Kelly, D. & Milner J. (July 16, 2019), *High-Quality Legal Representation is Critical to Creating a Better Child Welfare System*. American Bar Association (ABA). https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2019/high-quality-legal-representation-is-critical-to-creating-a-bett/

3 Kids Count Data Center. (2019), *Children in poverty by race and ethnicity in the United States*. <https://datacenter.kidscount.org/data/tables/44-children-in-poverty-by-race-and-ethnicity?loc=1&loct=1#detailed/1/any/false/1729/10,11,9,12,1,185,13/324,323>.

4 Sherman A. (Oct. 21, 2020), *4 in 10 Children Live in a Household Struggling to Afford Basics*. Center on Budget and Policy Priorities (CBPP). <https://www.cbpp.org/blog/4-in-10-children-live-in-a-household-struggling-to-afford-basics>.

5 Smeeding, T. & Thévenot, C. (2016), *Addressing Child Poverty: How Does the United States Compare With Other Nations?* Academic Pediatrics, 16(3), S67-S75. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6087662/>.

6 See, *supra*, footnote 3, KDCDC, *Children in poverty by race and ethnicity in the United States*.

7 See, e.g., Weiner, D., Anderson, C. & Thomas, K. (July 2021), *System Transformation to Support Child & Family Well-Being: The Central Role of Economic & Concrete Supports*. Chapin Hall. <https://www.chapinhall.org/wp-content/uploads/Economic-and-Concrete-Supports.pdf>.

8 See, *supra*, footnote 2, Kelly & Milner, *High Quality Legal Representation is Critical to Creating a Better Child Welfare System*.



ABOUT THE AUTHOR:

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► **Expanded Child Tax Credit** from previous page



and that poverty-related challenges such as unemployment, homelessness, and lack of child care can contribute to child welfare involvement.⁹ Furthermore, given the history of discrimination and unequal economic opportunity in the United States, poverty-driven child welfare involvement is a significant contributor to the evident racial disproportionality in foster care.¹⁰

Lifting families out of poverty is likely to prevent involvement in the child welfare system for many families. There is a growing consensus among those in the child welfare field about the need to “stop confusing poverty with neglect,” and instead provide families with the resources they need to care for their children.¹¹ The expanded CTC is one of the federal government’s most significant steps towards that goal to date.

The CTC’s Recent Evolution

Tax credits provide a reduction in the amount someone owes in taxes. When they are “refundable,” individuals who do not owe taxes or owe less than the amount of the credit are paid out the value of the credit that was not already subtracted from their tax bill. Prior to the passage of the ARP, the CTC was not fully refundable. It provided most families with \$2,000 annually per child under 18, but the poorest families — households making less than \$2,500 per year — were excluded from receiving the credit. Families did not start receiving the full amount until they earned roughly \$16,000. This excluded the poorest third of children in the country from the full credit and disproportionately impacted children of color and single parents.¹²

The ARP’s CTC provision temporarily extends the full benefit to the poorest families by eliminating the minimum income phase-in. Now, the only families who are ineligible for any benefit are couples making more than \$440,000 annually and single parents making more than \$240,000 — roughly 10 percent of children.¹³ The ARP also raised the amount of the credit to \$3,600 annually per child for children ages 5 and under, and \$3,000 annually per child for children ages 6 through 17. CTC checks are now distributed monthly as opposed to in one lump-sum at the end of the year.¹⁴ This helps provide a reliable source of support for families that better aligns with the recurrence of regular expenses such as rent, groceries, and diapers.

Benefits of the CTC

The ARP’s changes to the CTC alone are estimated to reduce child poverty by roughly 45 percent.¹⁵ Many families have already described how this money has been a lifeline to pay bills,

9 See, *supra*, footnote 7, Weiner, Anderson & Thomas, *System Transformation*.

10 *Id.*; Edwards, F., et. al. (2021), *Contact with Child Protective Services is pervasive but unequally distributed by race and ethnicity in large US counties*. PNAS, 118(30). <https://www.pnas.org/content/118/30/e2106272118>.

11 See, e.g., Milner, J. & Kelly, D. (2020) *It’s Time to Stop Confusing Poverty with Neglect*. Children’s Bureau Express, 20(10). <https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=212§ionid=2&articleid=5474>; Maren, D. K. (2014), *Addressing the Underlying Issue of Poverty in Child-Neglect Cases*. ABA. <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2014/addressing-underlying-issue-poverty-child-neglect-cases/>.

12 Collyer, S., Harris, D. & Wimer, C. (2019), *Left Behind: The One-Third of Children in Families Who Earn Too Little to Get the Full Child Tax Credit*. Poverty & Social Policy Brief, 3(6). https://static1.squarespace.com/static/5743308460b5e922a25a6dc7/t/5cda0024be4e5b0001c6bdc7/1557790757313/Poverty+%26+Social+Policy+Brief_Who+Is+Left+Behind+in+the+Federal+CTC.pdf.

13 Burnside, A. (2021), 10 Things to Know about the Expanded Child Tax Credit. *Center for Law and Social Policy*. <https://www.clasp.org/blog/10-things-know-about-expanded-child-tax-credit>.

14 Families can opt out of monthly payments and choose to receive the full credit at the end of the year instead.

15 Parolin, Z., et. al. (Mar. 11, 2021), *The Potential Poverty Reduction Effect of the American Rescue Plan*. Center on Poverty & Social Policy. <https://static1.squarespace.com/static/5743308460b5e922a25a6dc7/t/604aa2465cfc4a35b8a1c236/1615503943944/Poverty-Reduction-Analysis-American-Rescue-Plan-CPSP-2021.pdf>.

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reduce stress, and invest in their children's futures.¹⁶ Preventing children from growing up in poverty promotes healthy brain development and reduces toxic stress, leading to life-long benefits.¹⁷ In addition to preventing homelessness and hunger, these benefits include improved academic performance, better physical and mental health, higher earnings later in life, and reduced odds of criminal involvement.¹⁸ The Center on Poverty and Social Policy at Columbia University has estimated the CTC's societal value to be greater than eight times its annual costs.¹⁹

Research indicates that the increase in economic security for low-income families caused by the CTC will also correspond with fewer incidences of child maltreatment, and fewer children separated from their families. Analysis of state Earned Income Tax Credit (EITC) policies, which provide cash assistance to low-income families, found that a refundable EITC "was associated with an 11 percent decrease in foster care entries compared to states without a state-level EITC," or nearly 50 fewer foster care entries per 100,000 children.²⁰ Another study of state EITCs found a \$1,000 increase in income was associated with a 3 to 4 percent decrease in neglect and an 8 to 10 percent decrease in CPS involvement.²¹

By contrast, states that prevent low-income families from receiving cash assistance through Temporary Assistance for Needy Families (TANF) see comparatively higher rates of child maltreatment and foster care placement. States that prevented non-working adults from receiving TANF and that placed five-year caps on TANF experienced increases in child maltreatment, neglect, and foster care placements.²²

The expanded CTC's transition to providing benefits monthly will also help families by providing a consistent income source. Low-income individuals and single parents are more likely to experience significant income fluctuations within a year.²³ Income instability increases stress, makes long-term planning difficult, and has been found to "significantly increase risk for child maltreatment, beyond the influence of income level."²⁴

Challenges with Accessing the CTC

Although the CTC is available to nearly all families, many who are eligible are at risk of not receiving it. CTC payments are automatically paid out to most eligible families through the

16 See, e.g., Drayton, T. (Jul. 21, 2021), "I can't tell you how relieved I was." Vox. <https://www.vox.com/first-person/22585804/child-tax-credit-parents-spend-money>.

17 Zero To Three (Jun. 21, 2021), *Child Tax Credit Expansion is a Win for Babies' Early Development*. <https://www.zerotothree.org/resources/4066-child-tax-credit-expansion-is-a-win-for-babies-early-development>.

18 National Academies of Sciences, Engineering, and Medicine. (2018), *A Roadmap to Reducing Child Poverty*. <https://www.ncbi.nlm.nih.gov/books/NBK547371/>.

19 Garfinkel, I., et. al. (2021), *The Costs and Benefits of a Child Allowance*. Poverty & Social Policy Brief 5(1). <https://static1.squarespace.com/static/5743308460b5e922a25a6dc7/t/602ec9c7d4dd01cd29430e1/1613679049611/Child-Allowance-CBA-brief-CPSP-2021.pdf>.

20 Rostad W.L., et. al. (2020), *Reducing the Number of Children Entering Foster Care: Effects of State Earned Income Tax Credits*. Child Maltreatment. 25(4), 393-397. https://journals.sagepub.com/doi/10.1177/1077559519900922?url_ver=Z39.88-2003&rft_id=ori:rid:crossref.org&rft_dat=cr_pub%20%20Opubmed.

21 Berger, L.M., et. al. (2017), *Income and Child Maltreatment in Unmarried Families: Evidence from the Earned Income Tax Credit*. Review of Economics of the Household, 15, 1345-1372. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5811204/>.

22 *Id.*

23 Pew Trusts. (Mar. 9, 2017), *How Income Volatility Interacts With American Families' Financial Security*. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/03/how-income-volatility-interacts-with-american-families-financial-security>.

24 Monahan, E.K. (2020), *Income instability and child maltreatment: Exploring associations and mechanisms*. Children and Youth Services Review. 108. <https://www.sciencedirect.com/science/article/pii/S0190740919308527>.



Useful CTC Resources for Families

Overview of monthly CTC payments:

[IRS flyer](#)

[White House info page](#)

[YouTube video](#)

Check your eligibility:

[Online assistance tool](#)

If you have not received a payment from July 15:

[Sign up here if you do NOT file your taxes.](#)

[Sign up here if you DO file your taxes and want to file your taxes for free.](#)

If you have begun receiving CTC payments:

[Share your story about how your family is using the payments.](#)

If you want to become a navigator helping others receive their CTC payments:

[Navigator Resources](#)

FAQ (Children's Defense Fund)

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IRS. However, roughly 7 million children live in households that are typically not required to file taxes. Households that have not filed taxes in recent years must act to claim the benefit, and many are likely missing out. Before its implementation, 65.7 million children were estimated to benefit from the CTC expansion.²⁵ The second advance CTC payment, distributed in August, was disbursed to just under 61 million children.²⁶

Accessing the credit has also traditionally been and continues to be more difficult for children who live in out-of-home care settings and youth experiencing homelessness. The CTC currently applies a “relationship test” requiring beneficiaries to be the child’s parent, grandparent, sibling, aunt, uncle, or a similarly close step-relative. Foster and adoptive parents are also eligible.²⁷ CTC recipients must also satisfy a “residency test” meaning a child has spent the majority of the year in their household.²⁸ Both of these requirements can be particularly difficult to meet for children experiencing housing insecurity or involved in the child welfare or juvenile justice systems, as they are more likely to move frequently and live with non-relatives.²⁹ The IRS provides a guide to help families navigate these rules.³⁰ The aggregate impact of these eligibility rules is significant. A study of the pre-ARP CTC estimated that eliminating the relationship test would correspond with roughly 2 million additional children receiving CTC benefits.³¹ In addition, more than 3 million children live with a different adult than they lived with the prior year, potentially placing their current caregiver at risk of being unable to fulfill the residency test.³²

Advocates should also be mindful of special considerations needed to access the benefit for certain populations. For example, teen parents are not eligible to claim the CTC for their children if they can also be claimed as a dependent by their adult caregiver. In those circumstances, the adult caregiver would get the CTC for both the teen parent and their child.³³ Families without a bank account or stable address may also struggle to access payments but are permitted to receive their benefit check(s) at any reliable mailing address.³⁴ Importantly, undocumented caregivers can receive the credit for a child who is a U.S. citizen or legal resident if the caregiver has an individual taxpayer identification number (ITIN), and their child has a social security number.

25 Marr, C. et. al. (Mar. 12, 2021), *American Rescue Plan Act Includes Critical Expansions of the Child Tax Credit and EITC*, CBPP. <https://www.cbpp.org/research/federal-tax/american-rescue-plan-act-includes-critical-expansions-of-child-tax-credit-and-eitc>.

26 Department of the Treasury, (Aug. 11, 2021), *By State: Advance Child Tax Credit Payments Distributed in August, 2021*, <https://home.treasury.gov/system/files/131/Advance-CTC-Payments-Disbursed-August-2021-by-State-08112021.pdf>.

27 Children's Defense Fund & Center for the Study of Social Policy, (June 2021), *To Reach Every Child, the Child Tax Credit Eligibility Requirements Must be Changed*, <https://www.childrensdefense.org/wp-content/uploads/2021/06/CTC-Qualifying-Child.pdf>.

28 There are a handful of exceptions to this rule. See: IRS. (2020), *Publication 972: Child Tax Credit and Credit for Other Dependents*. <https://www.irs.gov/publications/p972>.

29 See, e.g., Havlicek, J. (2010), *Patterns of Movement in Foster Care: An Optimal Matching Analysis*, *Social Services Review* 84(3), 403-435. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3065183/#:~:text=The%20total%20number%20of%20placements,number%20of%20placements%20is%208.3>.

30 IRS (2020), *Dependents, Standard Deduction, and Filing Information*. <https://www.irs.gov/pub/irs-pdf/p501.pdf>.

31 Goldin, J. & Micheltore, K. (2020), *Who Benefits from the Child Tax Credit?* SSRN. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3708961.

32 See, *supra*, footnote 25, Marr, et. al., *American Rescue Plan Act Includes Critical Expansions of the Child Tax Credit and EITC*.

33 IRS. (2020), *Publication 972: Child Tax Credit and Credit for Other Dependents*. <https://www.irs.gov/publications/p972>.

34 IRS. (May 21, 2021), *IRS working to help those without a permanent address get benefits including stimulus payments and tax credits*. <https://www.irs.gov/newsroom/irs-working-to-help-those-without-a-permanent-address-get-benefits-including-stimulus-payments-and-tax-credits>.

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Helping Families Access the CTC

A poll conducted shortly after the first round of monthly payments were distributed in July found that more than a quarter of people earning less than \$35,000 were still unsure about their eligibility status.³⁵ Expanding awareness is essential so that, if necessary, parents and caregivers will take action to receive the funds.

What can child welfare professionals do to ensure the families they serve are accessing the CTC?

- Connect families to local resources that can help them receive their benefits, such as community legal aid offices, Volunteer Income Tax Assistance (VITA),³⁶ or IRS events.³⁷
- Help eligible parents and caregivers access (provide technology, language interpretation, etc.) the non-filer portal. Through this portal, they may also access any earlier stimulus payments they did not receive. Individuals may prefer to use the recently unveiled non-filer portal getctc.org, which was developed in collaboration between nonprofit Code for America and the White House and Department of Treasury and is available for use on mobile devices and in Spanish.
- Provide outreach and informational materials to help caregivers establish whether they meet the relationship and residency tests.
- Urge their congressional representatives to support making the CTC expansion permanent and more easily accessible.

Conclusion

The recent expansion of the CTC is a significant step towards a proactive family support approach to child welfare. Providing cash assistance to families with children will help millions make ends meet and is likely to reduce child maltreatment and decrease racial and socioeconomic disparities within the child welfare system. However, the CTC expansion must be extended and reach all children in need in order to maximize its impact. Attorneys can contribute by assisting their clients and communities in understanding and accessing these important benefits. ■

³⁵ J. Berry-Johnson. (Aug. 16, 2021), *82% of Parents With Kids Younger Than 18 Support Extending Monthly Child Tax Credit Payments Past 2021*. Magnify Money. <https://www.magnifymoney.com/blog/news/child-tax-credit-survey/#Theresconfusionaroundeligibility>.

³⁶ This option could be preferable for families who need to file taxes and are thus ineligible to use the non-filer portal. Generally, someone is eligible for free assistance from VITA if they either make \$57,000 or less, have a disability, or have limited English proficiency. See: IRS, *Free Tax Return Preparation for Qualifying Taxpayers*. <https://irs.treasury.gov/freetaxprep/>.

³⁷ It is unclear whether the IRS will host future CTC access events. For information on previous events, see IRS. (July 21, 2021), *IRS holds additional weekend events July 23-24 to help people with Child Tax Credit payments and Economic Impact Payments*. <https://www.irs.gov/newsroom/irs-holds-additional-weekend-events-july-23-24-to-help-people-with-child-tax-credit-payments-and-economic-impact-payments>.

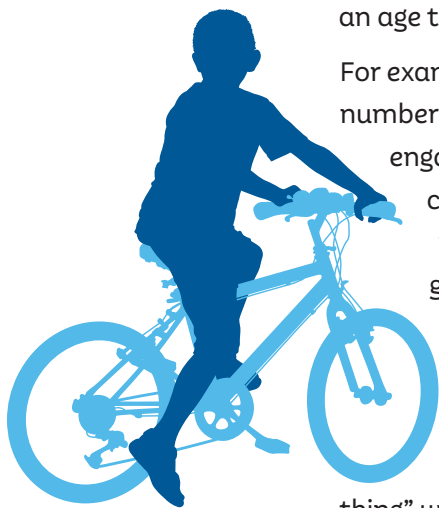
“Reasonable Childhood Independence” Laws Expand Children’s Rights to Sometimes Be Alone — When They Are Ready

by Diane L. Redleaf

Most attorneys who represent children can remember a time in their own childhood when they had more independence than kids typically have today — a time when they played outside until dark, stayed home by themselves after school, or ran errands at an age that seems almost unthinkable nowadays.

For example, a generation ago, the majority of kids walked to school. Today that number is 11%.¹ Parents today are increasingly fearful of allowing their children to engage in activities that are not closely supervised, even when parents know their children are mature enough to manage such activities. This is less out of concern for real danger than a fear that their parenting decisions might be second-guessed by police, child protection authorities, or a stranger calling 911.²

Sadly, the fear of government intervention, even when the kids are clamoring to do something as simple as walking to a friend’s home, is not just in the parents’ imaginations. Indeed, expanding child abuse and neglect reporting laws along with campaigns that urge the public to call hotlines and “say something” when they “see something” (even if they aren’t sure of what they are seeing) have led to an explosion in the number of children brought to the attention of child protective services authorities every year.³ While the rates of investigations are especially stag-



1 Fink, Camille. *Kids Still Aren’t Walking to School*. Planetizen. March 13, 2019. Available at: <https://www.planetizen.com/news/2019/03/103353-kids-still-arent-walking-school>.

2 Pimentel, David. *Fearing The Bogeyman: How the Legal System’s Overreaction to Perceived Danger Threatens Families and Children*. 42 Pepp. L. Rev. 235 (2014). Available at: <https://digitalcommons.pepperdine.edu/plr/vol42/iss2/2>.

3 See U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau. (2021). Child Maltreatment 2019, Exhibit S-2, “Statistics at a Glance, p. xiv. Available at: <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2019.pdf>.

ABOUT THE AUTHOR:



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► **Reasonable Childhood Independence** from previous page

gering in communities of color,⁴ parents across all class⁵ and racial lines have been investigated and even arrested⁶ for allowing their children basic freedoms — ones that many child psychologists believe are essential to children’s healthy development.

The result has been a “chilling effect” on normal childhood activities, even as experts warn that children under constant adult supervision don’t get enough chances to develop essential life skills like problem-solving, negotiating, resilience, confidence, creativity, and even curiosity.⁷ College professors as well as business leaders are noticing a new fragility in young people that some attribute, at least in part, to a “bubble-wrapped” childhood.⁸ Deprivation of independence may also be a factor in the spiking rates of childhood anxiety and depression, and even self-harm.

Overly broad and vague neglect laws feed into the chilling effect.⁹ Parents worry that an anonymous caseworker could consider their everyday decisions as “too risky.” Can a seven-year-old ride their bike around the block? With friends? Watch their two-year-old brother in the backyard? Who gets to decide?

Until this spring, lawyers in just about every state but Utah¹⁰ could only answer such common questions with the acknowledgement, “I don’t know.” But in May 2021, Oklahoma¹¹ and Texas¹² joined Utah in enacting “reasonable childhood independence” protections which make it explicit that it is NOT neglect to allow children to engage in an independent activity, as long as their parent reasonably believes the children are mature enough and physically able to handle it. Under these laws, parents and caregivers can give their kids some ordinary and developmentally appropriate play time and responsibilities, too.

Let Grow is the non-profit child and family advocacy organization that advocates for children’s abilities to have the sort of independence that has become increasingly uncommon. In practice, this means pushing back against “helicopter parenting” norms that have made their way into laws, rules and practices that cause child welfare agen-

4 Kim, Hyunil, Wildeman, Christopher, Jonson-Reid, Melissa & Drake, Brett. *Lifetime Prevalence of Investigating Child Maltreatment Among US Children*. American Journal of Public Health. February 2017. Available at: <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2016.303545>.

5 St. George, Donna. “Free range” parents cleared in second neglect case after kids walked alone. Washington Post. June 22, 2015. Available at: https://www.washingtonpost.com/local/education/free-range-parents-cleared-in-second-neglect-case-after-children-walked-alone/2015/06/22/82283c24-188c-11e5-bd7f-4611a60dd8e5_story.html.

6 Wallace, Kelly. *Mom arrested for leaving 9-year-old alone at park*. CNN. July 21, 2014. Available at: <https://www.cnn.com/2014/07/21/living/mom-arrested-left-girl-park-parents/index.html>.

7 See, e.g., Gray, Peter, *Children’s Freedom, a Human Rights Perspective*. Psychology Today. February 28, 2019. Available at: <https://www.psychologytoday.com/us/blog/freedom-learn/201902/children-s-freedom-human-rights-perspective>; Entin, Esther. *All Work and No Play: Why Your Kids are More Anxious and Depressed*. The Atlantic. October 12, 2011. Available at: <https://www.theatlantic.com/health/archive/2011/10/all-work-and-no-play-why-your-kids-are-more-anxious-depressed/246422/>; Testimony of Dr. Rachel Flynn. *A Developmental Psychologist on Why Kids Need Reasonable Independence*. Available at: <https://letgrow.org/la-developmental-psychologist-on-why-kids-need-some-independence/>; Let it Grow Essential Reading List. Available at: <https://letgrow.org/resources/essential-reading-list/>.

8 Skenazy, Lenore & Haidt, Jonathan. *The Fragile Generation*. Reason. December 2017. Available at: <https://reason.com/2017/10/26/the-fragile-generation/>.

9 Redleaf, Diane. *Where Is It Safe and Legal to Give Children Reasonable Independence?*. American Bar Association. September 30, 2020. Available at: <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2020/where-is-it-safe-and-legal-to-give-children-reasonable-independence/>.

10 See S.B.65, enrolled 2018; *Utah’s “Free-Range” Parenting Law Protects Parents So Kids Can Roam*. NPR. April 1, 2018. Available at: <https://www.npr.org/2018/04/01/598630200/utah-passes-free-range-parenting-law>.

11 H.B. 2565. Available at: <http://www.oklegislature.gov/BillInfo.aspx?Bill=hb2565&Session=2100>.

12 SB 190. Available at: <https://capitol.texas.gov/BillLookup/history.aspx?LegSess=87R&Bill=HB567>.



► **Reasonable Childhood Independence** from previous page

cies to label parents neglectful if they let their children be alone, even when there is no serious safety threat, and the child is ready and able to have the independence their parent wants to allow.

Oklahoma's law (H.B. 2565, signed into law on May 3, 2021) has become Let Grow's new model. Passed with overwhelming bipartisan support in an effort led by Reps. Chad Caldwell (Republican) and Jacob Rosecranz (Democrat), the law expressly recognizes that "material, educational advantage or cultural disadvantage as compared to other children" is not a basis for finding a child is "deprived" (i.e., Oklahoma's overarching category for intervention by the courts). It also expressly provides for deference to reasonable parenting judgments, while still authorizing neglect findings if a parent willfully disregards obvious dangers to the child.¹³

These measures are especially helpful for low-income parents who struggle to juggle work and home responsibilities — for instance, if they let their eight-year-old walk to grandma's after school, or have their ten-year-old take her little brother to the park during mom's Saturday shift, or ride the local bus.

At the same time, reasonable independence statutes like Oklahoma's do not give license to parents to be irresponsible. But these laws do give parents the express right to make decisions they know are right for their own kids. These laws allow kids the freedom to learn the way kids always have: by playing, exploring, and making things happen themselves.

For 2021-2022, Let Grow is expanding its state legislative portfolio. Child and family advocates are invited to use the contact form in the Let Grow [legislative toolkit](#) or email diane@letgrow.org to discuss how to get involved in advocacy for legislative change in your own state or community. ■

¹³ See, *supra*, footnote 11.



Visit NACC's COVID-19 Resource Hub

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





RESOURCE SPOTLIGHT

So You Want to Include a Lived Experience Expert

A tipsheet for authentically and intentionally engaging people with lived experience in the foster care system

by **Cristal Ramirez, MS**, NACC's Youth Engagement Manager



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Authentic:

working in an emotionally appropriate, purposeful, and responsible way that is genuine

Intentional:

being thoughtful by checking for alignment in values and beliefs and making deliberate efforts in the way you work with people

Lived Experience Experts:

people who have had lived experience navigating the child welfare system

Why?

Pause and consider the “why” that drives you: check in with yourself and ask if engaging a lived experience expert is simply to mark a checkbox or if its purpose goes beyond that. **While sharing parts of an individual’s personal experience can be helpful in a project, this shouldn’t be the expectation or the main reason to invite their participation.** Recognize and honor what lived experience experts can bring to the table. You can think about it this way: a kids’ game that is sometimes played is “I see something you can’t see” or “I spy,” where one person points out something they see until the other person sees it. A lived experience expert brings what people who haven’t personally experienced navigating the system can’t see about a project. This is why we, as a field, need to be sure we are engaging people with lived experience, *always*.

Key Considerations:

- *Why would you like to include people with lived experience in your work, your project, or your team?*
- *What is it that you want to achieve when including lived experience experts?*
- *Pause and think about power-sharing: how much say will the people with lived experience have in the trajectory of the work you would like to include them in? Are you engaging them in a way that gives them agency in the project to disagree? This will help inform the “why.”*

► **Lived Experience** from previous page

Who?

Who do you want to engage? It's important to recognize people with lived experience as the growing people and professionals they are. Along with their lived experience, many people who have navigated the foster care system have also gained professional and/or academic experience that further solidifies and enhances the invaluable perspective they bring to your project. **Many young people have shared that they don't feel valued beyond their personal experience.** It's critical to recognize and honor lived experience experts as whole people with numerous areas of specialized expertise. There are many gaps in who is being invited to partake in opportunities that help inform the shifts that need to happen to improve the system. These gaps are often due to lack of diversity in different areas including but not limited to race, ethnicity, cultural background, foster care experience, and what life trajectory the person with lived experience has taken.

Key Considerations:

- *How are you considering the expertise of individuals with distinct ethnicities, cultural backgrounds, religions, sexual orientations, etc.? Are you also considering diversity of experiences navigating the foster care system — individuals who were reunified, adopted, lived with family, and lived apart from family?*
- *What value do you place on personal versus professional experience? Do you value them equally? Are you valuing lived expertise similarly to how other areas of expertise are valued? While for some opportunities it may make sense to consider individuals with more professional experience under their belt, it is important to see the value in lived expertise similarly to how other areas of expertise are viewed.*

What?

What will lived experience experts do on your project and gain from your project? Many of the outputs in the child welfare system are projects, reports, movements, etc., intended to bring positive change for children and families involved. In addition to outlining with specificity what lived experience experts will do on your project, you must also identify the benefits they will gain from taking part in this work. **You must think about how else this opportunity can be beneficial to the young person, outside of this one event or project.** Often, people with lived experience are invited to be a part of the conversation but don't always leave with valuable skills or social capital that can help them along their career path.

Key Considerations:

- *What kind of professional development skills can lived experience experts hope to gain/what skills are you providing the space for them to learn?*
- *What kind of professional relationship can they expect beyond the work? Are there people on the team whom they can list as references or people they can reach out to for professional insight or guidance?*
- *If the project is developing a product such as a document, video, or report, how will participants be recognized?*

► **Lived Experience** from previous page

- *What is their title and duration of the work? Is this something they can put on their resume and be able to speak about with a clear understanding of what their role is? Does the title provided speak to the level of work they were involved in?*

When?

You must consider where you are in the project and whether your timing for engagement supports your goals for authentically engaging youth. It is critical that you are clear about timelines and transparent about who will have a say throughout the process and who will get to ultimately make the final decision. Two questions to ask yourself and/or your team:

Key Considerations:

- *Is the project one that is already conceived and nearing the end of planning?*
- *Or, are you including individuals with lived experience at the formation stage of your project?*

If you're including people authentically and intentionally, your answer to the first question will be no, your answer to the second question will be yes. Often, young people are invited once plans and details are put in place, with little to say about what can be changed or how. **It is best to have all stakeholders, including people with lived experience, involved at the outset of any new project or idea.** This is how to most authentically and intentionally include lived expertise. Even better, as you continue to strive to engage youth in the most authentic way possible, you must move towards having all of the work you do led, co-led, or informed by lived experience experts.

How

When considering how to approach and invite individuals with lived experience, you first must think about compensation. It is important to pay them for the work and that the wage encompasses both their lived and professional experience.

Second, it is important to prepare yourself by reading or consulting with others about what it means to *authentically* engage youth. **It's crucial to recognize that authentic engagement takes time and proper support.** You should designate a point person who lived experience experts can contact and who will check in with them regularly. Even when working through a trauma-informed lens, people with lived experience may still experience triggers or feel the weight of the work differently. Having someone who understands and can support them can be very beneficial, both to the lived experience experts and to the work itself.

Third, intentionality includes making the time before and after meetings to prepare and debrief. Debriefing helps ensure everyone understands what was discussed and what direction the project is going in, as well as provides an opportunity for mutual feedback. **It helps to check in about how the process is going to ensure that lived experience experts feel comfortable and have space to share their thoughts and opinions.**

► **Lived Experience** from previous page

Finally, while people with lived experience should absolutely have the agency as to whether or not they disclose personal stories, it should not be the expectation. Often, professionals ask people who have navigated the foster care system questions about their personal histories, expect them to share their information as part of their involvement, or make assumptions about their experiences. Sharing personal anecdotes can be very powerful, but if people are not properly prepared to do so or are doing so because it is an expectation, rather than a personal choice, this wouldn't lend itself to authentic or intentional lived experience engagement.

Key Considerations:

- *Will the lived experience experts you are engaging be compensated with an appropriate wage?*
- *What emotional and professional development supports do you have in place for the professionals you are preparing to work with?*
- *What assumptions or biases do you have about someone's lived experience? Are you assuming what they may or may not be comfortable with? Are you having open-minded conversations that do not generalize one lived experience?*
- *Does engaging young people mean that they must share their personal stories to help get the point across? Or, are you seeking their participation as consultants? If you want to engage them authentically, you need to make sure you are seeking their expertise and not just their personal experiences.*

Engaging people with lived experience takes time, thoughtfulness, and openness to shift from how things were done previously. People with lived experience are so much more than their personal stories; they have a lot of insights and powerful ideas. Make sure that you are providing them with the agency and power to challenge all stakeholders involved and bring change, and that you aren't bringing them in at the end for a stamp of approval. Before going into the who, what, when, and how, start with the why. Start with your why, your organization's why, and reflect on what is needed from there to ensure that you are engaging lived experience experts in the utmost authentic and intentional way. ■

Resources:

- [Juvenile Law Center](#)
- [American Bar Association](#)
- [Child Welfare Capacity Building Collaborative](#) [1](#) [2](#)



Meet the National Advisory Council for Children's Legal Representation

New name — same members!

In 2020, NACC created a National Youth Advisory Board, comprised of young professionals with lived experience in the child welfare system, to help guide the organization. Part of the YAB's initial charge was to decide a permanent name for the group. In August 2021, members of Youth Advisory Board convened at the 44th National Child Welfare Law Conference in Denver and determined a new name. NACC is pleased to present the **National Advisory Council for Children's Legal Representation (NACCLR)**. Members of the NACCLR (or Advisory Council) will share their expertise and perspective with the NACC Board of Directors and staff in pursuit of NACC's mission and core strategies. Learn more on the [NACC website](https://www.naccchildlaw.org).





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 Kristen.Pisani-Jacques@NACCchildlaw.org.*

[In the Interest of C.I.G. et al., 616 S.W.3d 758 \(Mo. App. 2021\) \(addressing claims that rights were violated because unable to appear in person for termination proceeding due to COVID-19 restrictions\)](#)

Incarcerated father appealed the trial court's denial of his motion to continue the last day of his termination hearing because his participation via a videoconferencing system denied him "meaningful access to the courts." He also argued that he was denied the "right to effective counsel" because he was unable to meet with his attorney prior to the hearing date.

The Missouri Court of Appeals stated that incarcerated parents do not have a constitutional or statutory right to appear in person at a civil trial. The Court further stated that the "right of access is satisfied by the presence of sufficient alternatives to a personal appearance when the prisoner makes a timely request." Noting that the father appeared at trial via a videoconferencing system, the Court of Appeals found that the trial court "made reasonable accommodations for Father's access to counsel, his ability to assist counsel, and his ability to meaningfully participate in the trial." The trial court allowed the father to take notes, speak with his attorney in an empty courtroom, offered to allow additional time for consultation, ensured that the father was able to participate in the proceedings, and asked to be advised of any technical difficulties that the father and/or his counsel were experiencing. For similar reasons, the Court of Appeals rejected the father's claim that his inability to meet with counsel prior to the hearing constituted ineffective assistance of counsel. **Affirmed.**

[In the Matter of the Dependency of G.J.A et al., 489 P.3d 631 \(Wash. 2021\) \(Indian Child Welfare Act \(ICWA\)/Washington State Indian Child Welfare Act \(WICWA\): active efforts & futility doctrine\)](#)

The Department filed a petition to terminate parental rights and a motion to modify the mother's visitation. Subsequently, the mother claimed the Department failed to provide active efforts under ICWA and WICWA. Both the trial court and the Court of Appeals sided with the Department, finding that active efforts were made. The Supreme Court of the State of Washington granted review of the mother's motion for discretionary review.



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The Supreme Court of Washington (hereinafter “Supreme Court”) explained that “[b]oth ICWA and WICWA require the State to provide ‘active efforts’ ‘designed to prevent the breakup of the Indian family.’ Key to ‘active efforts’ is the Department’s duty to actively engage the parent in a thorough, timely, consistent, and culturally appropriate manner to help reunify the Indian family[.]” The Supreme Court stated that the Department must do more than provide referrals for services; rather, it must “meaningfully engage with the Indian family” to “help preserve Native culture and identity.” The Supreme Court further stated that the Department must “help the parents to overcome barriers, including actively assisting the parents in obtaining such services,” and the Department must “monitor [the parents’] progress and participation in services.” Moreover, the Department must specifically tailor its active efforts to the facts and circumstances of the case and diligently act to address a parent’s specific needs.

The Supreme Court ruled that the Department failed to provide active efforts to prevent the breakup of the family. It explained that the Department only provided “untimely and inadequate referrals” for court-ordered services that were not culturally appropriate; thus, the “minimum ICWA and WICWA requirements for ‘active efforts’” were not met. The Supreme Court found the Department failed to identify community resources to address the mother’s specific needs and “actively assist” her in “utilizing and accessing those resources.” Rather, the mother was primarily responsible for identifying her needs, finding and accessing services, and informing the Department of her progress. The Supreme Court found that once the Department was aware of the mother’s barriers to reliable communication, it needed to make active efforts to help her overcome these barriers. Instead, the Supreme Court found that the Department “treated those communication barriers as a reason to withhold referrals and as an excuse for [its] own failure to stay in touch[.]”

The Supreme Court held that the trial court “failed to competently evaluate the Department’s provision of active efforts and improperly applied the futility doctrine.” The Supreme Court ruled that “ICWA and WICWA do not permit the application of the futility doctrine. The Department is not excused from providing active efforts unless it can demonstrate to the court it has made sufficient efforts and those efforts ‘have proved unsuccessful.’” **Case reversed and remanded; trial court instructed to order the Department to provide active efforts before the court can hear the termination petitions.**

In the Matter of the Welfare of the Child of: H.G.D., A20-1182 (Minn. 2021) (proceeding by default: burden of proof and admissibility of allegations of petition)

When the mother failed to appear at a pretrial hearing, the district court allowed the Rice County Social Services (hereinafter “County”) to proceed by default. After hearing the testimony of two witnesses, the district court adjudicated the child in need of protec-



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tion or services. The mother appealed whether there was clear and convincing evidence to support the district court's ruling. The court of appeal reversed, and the Minnesota Supreme Court (hereinafter "Supreme Court") granted the County's petition for review.

First, the Supreme Court found that "the district court could not simply accept the allegations in the County's petition as true when mother failed to appear for the pretrial hearing. Even when a district court decides to proceed by default pursuant to [Minn. R. Juv. Prot. P. 18], the County is required to prove the allegations of the petition by clear and convincing evidence." Second, the Supreme Court held that even though the petition was not entered into evidence, the district court could consider the allegations of the petition "if evidence establishes the reliability of those allegations." The Supreme Court found that testimony from County witnesses established that the allegations were true and correct. Accordingly, the Supreme Court ruled that there was clear and convincing evidence to support the district court's decision that the child was in need of protection or services. **Reversed.** ■

Megan Louise Furth Youth Empowerment Fund

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

Donate online : [Megan Louise Further Youth Empowerment Fund](#)





REPORT EXCERPT

Fighting Institutional Racism at the Front End of Child Welfare Systems: A Call to Action to End the Unjust, Unnecessary, and Disproportionate Removal of Black Children from Their Families

In May 2021, Children's Rights issued a sweeping plan of action to stop unnecessary government involvement in the lives of Black families, dramatically reduce the number of children entering state foster care, and prevent the devastating harms that foster care systems impose on Black children and families. The 50-page report provides historical and present-day context and proposes nine specific strategies to disrupt institutional racism in child welfare. Below is a summary.

For some, the child welfare system appears aptly named — a system of policies and supportive services meant to ensure the safety and well-being of children and families. Yet for many among the millions who actually experience it, the child welfare system is an entrenched set of government structures designed to reinforce the racist history of oppression and separation of Black families in the United States. That must change.

The child welfare system in America has a history of institutional racism that can be traced from the systematic exclusion of Black children and families during the 19th century, when the institution of slavery was forcibly separating emancipated Black children from their families, to the present-day surveillance and policing of Black families.

According to the most recent federal data, nationally Black children represent 14% of the general population and 23% of children in foster care.¹ Black children are also disproportionately represented in 41 of 52 jurisdictions.² At the reporting stage, Black families are more likely to be the subject of child maltreatment reports by medical and education professionals.³ At the investigation stage, they are almost twice as likely to be investigated for child abuse or neglect as white families.⁴ Moreover, Black children comprise a larger fraction of substantiated reports than white children nationally.⁵



PROTECTING KIDS. PROVIDING HOPE.

Children's Rights is a national advocacy organization that uses civil rights impact litigation, policy expertise, and public education to hold governments accountable for keeping children safe and healthy. The authors of the Call to Action report included **Shereen A. White** (Director of Advocacy & Policy), **Ira Lustbader** (Chief Program Officer), **Nicole Taykhman** (Staff Attorney), **Makena Mugambi** (Paralegal), **Elissa Glucksman Hyne**, **Jill Hayman**, **Asha Menon**, and **Marisa Skillings**.

1 Adoption & Foster Care Analysis & Reporting System ("AFCARS") 2019 Data Set (analysis by Children's Rights' Policy Department), <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport27.pdf>.

2 AFCARS 2019 Data Set (analysis by Children's Rights' Policy Department); *Child Population by Race in the United States*, Annie E. Casey Found., <https://datacenter.kidscount.org/data/tables/103-child-population-by-race#detailed/1/any/false/1729,37,871,870,573,869,36,868,867,133/68,69,67,12,70,66,71,72/423,424> (last visited Aug. 19, 2021).

3 Kathryn Suzanne Krase, *Child Maltreatment Reporting by Educational Personnel: Implications for Racial Disproportionality in the Child Welfare System*, 37 Child. & Schools 89 (2015), <https://doi.org/10.1093/cs/cdv005>; Benard P. Dreyer, *Racial/Ethnic Bias in Pediatric Care and the Criminalization of Poverty and Race/Ethnicity-Seek and Ye Shall Find*, 174 JAMA PEDIATRICS 751 (2020), <https://doi.org/10.1001/jamapediatrics.2020.1033>; *Violence Against Women in the Medical Setting: An Examination of the U.S. Foster System*, MOVEMENT FOR FAM. POWER & NAT'L ADVOC. FOR PREGNANT WOMEN (May 31, 2019), https://ccrjustice.org/sites/default/files/attach/2019/06/MFP_NAPW_UN_VAW_Submission-20190531-Final.pdf.

4 Hyunil Kim et al., *Lifetime Prevalence of Investigating Child Maltreatment Among US Children*, 107 AM. J. PUB. HEALTH 274, 278 (2017), <https://doi.org/10.2105/AJPH.2016.303545>; John D. Fluke et al., *Disproportionate Representation of Race and Ethnicity in Child Maltreatment: Investigation and Victimization*, 25 CHILD. & YOUTH SERVS. REV., 359 (2003), [https://doi.org/10.1016/S0190-7409\(03\)00026-4](https://doi.org/10.1016/S0190-7409(03)00026-4); Sarah A. Font et al., *Examining Racial Disproportionality in Child Protective Services Case Decisions*, 34 CHILD. & YOUTH SERVS. REV. 2188 (2012), <https://doi.org/10.1016/j.chilyouth.2012.07.012>.

5 Christopher Wildeman et al., *The Prevalence of Confirmed Maltreatment Among US Children, 2004 to 2011*, 168 JAMA PEDIATRICS 706, 706 (2014), <https://doi.org/10.1001/jamapediatrics.2014.410> (finding that in 2011, 12.5% of U.S. children experienced a substantiated report of child abuse or neglect, however, 20.9% of Black children, compared to 10.7% of white children, experienced substantiated reports).

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Racial disproportionality at the front end of child welfare systems is also present at the removal stage, where Black children are more likely to be separated from their families and placed into foster care than white children.⁶ An overwhelming number of these family separations are poverty-based and therefore simply unnecessary.⁷ For example, in 2019, 18.2% of removals of Black children from their homes were due to alleged physical or sexual abuse, while 63.1% of removals of Black children were due to “neglect.”⁸

The profound trauma of family separation is proven to result in significant harm that can last a lifetime. Children who are forcibly separated from their families experience emotional and psychological harm stemming from disruption of attachments, trauma from the very act of removal, and grief and loss.⁹ In the short term, children can experience intense anxiety, depression, and disruptive behaviors.¹⁰ Long-term consequences of involuntary family separation can include poor developmental health and adult involvement with the criminal legal system.¹¹

Black parents experience an additional layer of trauma from the “policing” they are subjected to by an inherently racist system. Studies have demonstrated “that people of Color are stressed by individual, institutional, and cultural encounters with racism,” impacting psychological and physical health.¹²

While Children’s Rights looks forward to a time when the system we see today, which destroys Black families, is unrecognizable, we have hope that the report’s recommendations (found on the next page) can shrink and ultimately end the destructive footprint of the front end of the child welfare system on Black children and families.

We encourage all readers to join Children’s Rights in implementing these recommendations and working to reduce the number of Black families that are surveilled, regulated, separated, and destroyed by the child welfare system. Radical change at the front end of the child welfare system is not only a moral and a civil rights imperative, it is also necessary to fight continued racial disparities in the harms and negative outcomes experienced by Black youth who are in the foster care system.

[Access the full Children’s Rights report here.](#) ■

6 Alan J. Dettlaff et al., *It Is Not a Broken System, It Is a System That Needs to Be Broken: The upEND Movement to Abolish the Child Welfare System*, 14 J. Pub. CHILD WELFARE 500, 502 (2020), <https://doi.org/10.1080/15548732.2020.1814542> (citing Kathryn Maguire-Jack et al., *Child Protective Services Decision-Making: The Role of Children’s Race and County Factors*, 90 AM. J. OF ORTHOPSYCHIATRY 48 (2020), <https://doi.org/10.1037/ort0000388>, and Emily Putnam-Hornstein et al., *Racial and Ethnic Disparities: A Population-Based Examination of Risk Factors for Involvement with Child Protective Services*, 37 CHILD ABUSE & NEGLECT 33 (2013), <https://www.doi.org/10.1016/j.chiabu.2012.08.005>).

7 Information Memorandum Log No: ACYF-CB-IM-21-02, U.S. DEP’T OF HEALTH & HUM. SERVS., ADMIN. FOR CHILD. & FAMILIES (Jan. 12, 2021), at 5, <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2102.pdf> (explaining that removals that would typically fall into the “neglect” category, including inadequate housing and failure to provide adequate nutrition, are due to issues related to poverty and can be prevented).

8 AFCARS 2019 Data Set (analysis by Children’s Rights’ Policy Department), <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport27.pdf>.

9 Shanta Trivedi, *The Harm of Child Removal*, 43 N.Y.U. REV. L. & SOC. CHANGE 523, 527-532 (2019), https://socialchangenyu.com/wp-content/uploads/2019/07/Shanta-Trivedi_RLSC_43.3.pdf.

10 *Id.*

11 Adrianna Wechsler-Zimring et al., *Posttraumatic Stress Disorder and Removal from Home as a Primary, Secondary, or Disclaimed Trauma in Maltreated Adolescents*, 27 J. FAM. VIOLENCE 813, 814 (2012), <https://doi.org/10.1007/s10896-012-9467-8>.

12 Robert T. Carter, *Racism and Psychological and Emotional Injury: Recognizing and Assessing Race-Based Traumatic Stress*, 35 COUNSELING PSYCH. 13, 14 (2007), <https://doi.org/10.1177/0011000006292033> (citing Hope Landrine & Elizabeth A. Klonoff, *The Schedule of Racist Events: A Measure of Racial Discrimination and a Study of Its Negative Physical and Mental Health Consequences*, 22 J. BLACK PSYCH. 144 (1996), <https://doi.org/10.1177/00957984960222002>; Shawn O. Utsey, *Development and Validation of a Short Form of the Index of Race-Related Stress (IRRS)—Brief Version*, 32 MEASUREMENT & EVALUATION COUNSELING & DEV. 149 (1999), <https://doi.org/10.1080/07481756.1999.12068981>; and Shawn O. Utsey & Don Elligan, *Utility of an African-Centered Support Group for African American Men Confronting Societal Racism and Oppression*, 5 CULTURAL DIVERSITY & ETHNIC MINORITY PSYCH. 156 (1999), <https://doi.org/10.1037/1099-9809.5.2.156>).

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Recommended Strategies to Disrupt Institutional Racism in Child Welfare

Naming the institutional racism at the front end of the American child welfare system is critically important, but we must also identify disruption strategies and spur action to implement them. This section proposes nine strategies to disrupt the unnecessary and traumatic forced separation of Black children from their families.

1

Right to Counsel: From the moment an investigation commences, parents must have a right to, and meaningful access to, counsel. This representation should be consistent throughout the dependency proceeding in the case.

2

Right to Family Integrity & Association: Parents and children facing separation—and their advocates—should assert First and Fourteenth Amendment rights to intimate association and family integrity in the face of unwarranted government intrusion.

3

Equal Protection: Advocates should leverage the Equal Protection Clause, which prohibits selective enforcement of the law, to challenge policies and practices that may be facially neutral but have a strong discriminatory effect on Black families.

4

Challenge Discrimination Under Title VI: Advocates should challenge discrimination at the front end of the child welfare system under Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance, such as state child welfare systems.

5

Shifting to “Active” Efforts: Federal law should replace the vague and grossly inadequate “reasonable” efforts legal standard with an “active” efforts requirement to heighten the effort child welfare agencies must make to prevent removal.

6

Delinking Services from Title IV: Policymakers should delink community-based services for families from Title IV of the Social Security Act and the child welfare system.

7

Narrowing Definitions of Maltreatment: Federal law should require states to adopt definitions of child abuse and neglect that avoid conflating the consequences of poverty with child maltreatment.

8

Amending Reporting Statutes: Federal law should require states to move away from universal, centralized, and anonymous reporting, toward non-universal, confidential, and decentralized reporting of suspected child maltreatment.

9

Centering Trauma: Federal and state legislation, policies, and practices must hold systems accountable for the trauma, loss, and long-term developmental impacts associated with disrupting a child’s attachment to her family.

EXPRESS

yourself

SHOWCASING THE CREATIVE TALENTS OF YOUNG PEOPLE

NACC believes that the voices of young people must not only be elevated in the context of child welfare cases and in the courtroom but must also be heard through their creative expressions and valuable artistic contributions to culture and society. NACC is excited to feature these talents in *The Guardian*. If you have a poem, story, artwork, or another creative medium you'd like to showcase here, please email Kristen.Pisani-Jacques@NACCchildlaw.org.

Dear DACA

by Ivory Bennett

An old man once told me about the American dream.
He was barefoot and shucking white corn.
His back was bent from years of hard work,
and his fingers read of routine and war.
He told me about borders and bridges,
cultures crossing over one another.
He told me about jungles and judges —
the only difference between the two was
one was of God and one wasn't.
He told me about loss and of love,
and planting seeds that you may never see grow.
He told me about investments in self,
and investments in what will come long after you're gone.
He told me to search for my purpose with
my fingers and with my heart.
“The first step,” he said, “is to be courageous
and just. That is the only way to start.”
This man, he shared with me a dream
deferred, as he looked me in my eyes.
He told me, “Take action, dear child, and
arrive at these things you have heard.”



Ivory Bennett, M.Ed. (she/her/hers) is a published millennial author currently working in Dallas, Texas as a dual-accredited English teacher and a cheer coach at a Title 1 Collegiate Academy. She is a Pittsburgh, Pennsylvania native and former foster youth with 17 years of lived experience. Outside of work, Ivory is a national equity advocate for education and foster care. Holistic health and well-being are integral pillars of her personal and professional pedagogies. Ivory is a member of NACC's National Advisory Council on Children's Legal Representation.

EXPRESS

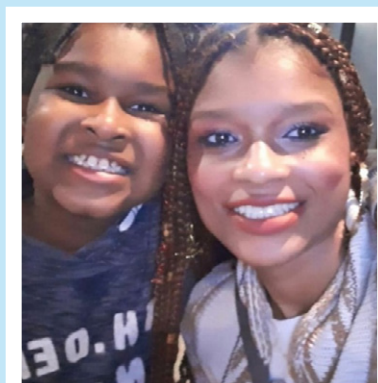
yourself

Law school doesn't teach you this

by TyAsia Nicholson

When you see me, what do you see?
 Do you see all the obstacles I have achieved
 Or do you see the stigma placed on me
 The labels Will you believe?
 Will you believe what they say?
 Will you believe there is more than one way?
 Before Lawyers for Children all I did was wait
 Before I use to wait for a call, wait for a knock,
 because people didn't speak much they just watched
 Watched me fall
 Watched me trip
 Watched me in a situation I didn't pick
 I had no control I was scared
 But I'm not another statistic
 Knowledge is what they feared
 No one wanted me to know
 They wanted to take control
 But Lawyers for Children let my mind be blown...

Blown with consistency and honesty
 It can change a lot
 I hope you take from this meeting and don't stop
 Lawyers can change lives
 Advocating for what's right
 Let me tell you there are many lonely nights
 Nights we try to prevent
 Try to give our children all the time we can
 Remember trauma becomes a child's best friend
 You can make a difference
 You could change a life
 You are here because you want to do what's right
 Microaggressions are not okay
 The statistics has to change
 And I'm here to say,
 My lawyer helped me find my way.



TyAsia Nicholson is a freelance writer, poet, social media influencer, young parent leader, and advocate. She is currently pursuing a degree in Criminal Justice at John Jay College with a double minor in Criminology and Human Services. Ms. Nicholson works in partnership with Lawyers for Children in NYC serving as their Youth Ambassador in addition to being a mentor for parenting youth in foster care. Additionally, she founded and launched a website that provides information, resources, and affordable activities for young families in NYC. Ms. Nicholson is passionate about breaking generational curses and supporting young parents in embracing their identities and making changes that they want to see.



TyAsia Nicholson co-presented NACC's June member webinar, *Breaking Stigma and Changing the Narrative: Strategies for Supporting Expectant and Parenting Youth in Foster Care*. [Click here to watch!](#)



READER PANEL

Back to School!

Back to school can be a challenging time of the year, particularly for children involved in the child welfare system — and those challenges are compounded by the continued COVID-19 pandemic. Attorneys for parents, children, and the agency can help mitigate those challenges by ensuring that children have what they need to be able to smoothly enroll in and access their education.

What are some “back to school” advocacy tips you can share to help ensure a strong start to the 2021-2022 school year?

Lynda D. McGhee, JD, CWLS

Co-Executive Director | Michigan Children’s Law Center

NACC State Coordinator for Michigan

Three back-to-school advocacy tips:

1. Connect with your clients to be sure they have the necessary items to be successful. Backpacks, pens, paper, laptops, printers, masks, and sanitizers are just a few items that they may need. Additionally, older students may need assistance with purchasing books, calculators, and more expensive items.
2. If you do not have an education attorney on your team, connect with one as soon as possible. You might be surprised at how many “issues” are ironed out once the education attorney contacts your client’s school. For instance, the law requires that an IEP be completed within 30 days of the request. Many of our clients who needed them were put on hold for months! One grandmother/fictive kin was told that the IEP couldn’t be scheduled until her grandson was fully compliant within his regular education classroom. Once our education attorney became involved, the plan was completed within 30 days and our client received the resources that he needed.
3. Don’t hesitate to file a motion or request an earlier hearing date if your client’s education is being ignored by DHS workers. I have seen cases in which children were not enrolled in school for months and the caseworker did not act.

JOIN THE PANEL!

Guardian readers are invited to join our Reader Panel. You’ll receive an email asking for your responses to questions about child welfare legal practice. Selected responses will be featured in The Guardian. Please send an email to Kristen.Pisani-Jacques@NACCchildlaw.org letting us know you are interested in joining the panel.

► **Reader Panel** from previous page



Ivory Bennett, M.Ed.

Author, *Because You Were Chosen* | Dallas, Texas

NACC National Advisory Council for Children's Legal Representation Member

Back to school can be a stressful and overwhelming time. Students and parents must quickly acclimate to the new school year, new teachers, new classmates, and plenty of other details. Even the most minute logistics can create tension, such as the typical transition from home to a different setting and schedule. Keep the following tips and tricks in your toolbox for a great start to the school year:

1. Share any pertinent health conditions with your student's teachers, aides, the school nurse, the school counselor, and administration, including related medications, medical devices, traumas and triggers, de-escalation tactics and practiced coping skills and mechanisms. Make one shareable (and HIPAA-friendly) document that can be copied and shared with vested stakeholders.
2. Know that foster care agencies, community-based organizations, the state and federal government agencies have funds to cover all kinds of student-related costs such as school supplies, uniforms, standardized testing preparation and exam fees, graduation/senior fees, extracurricular activity dues, and more.
3. Being proactive about student achievement is always better than being reactive. Stay on track with your student's grading periods, major tests, and other notable events. Teachers want your learners to achieve highly — teamwork makes the dreamwork.
4. Remember: Many states offer foster youth free tuition to public colleges and universities and there is financial support and resources available to those who wish to attend post-secondary education and training.
5. Therapy is essential for all current and former foster youth in healthily processing the various traumas of the child welfare system and is available to youth still in care.

Buffy Jo Okuma, JD

Chief Deputy District Attorney | Washoe County, Nevada

Back to school this year is certainly unique. In past years – even the last school year when no one knew what was coming — back to school for children in the care of a child welfare agency meant ensuring they had the resources they need (clothes, books, school supplies), transportation to their school of origin if possible, and awareness of any special needs such as the status of IEPs or tutoring.

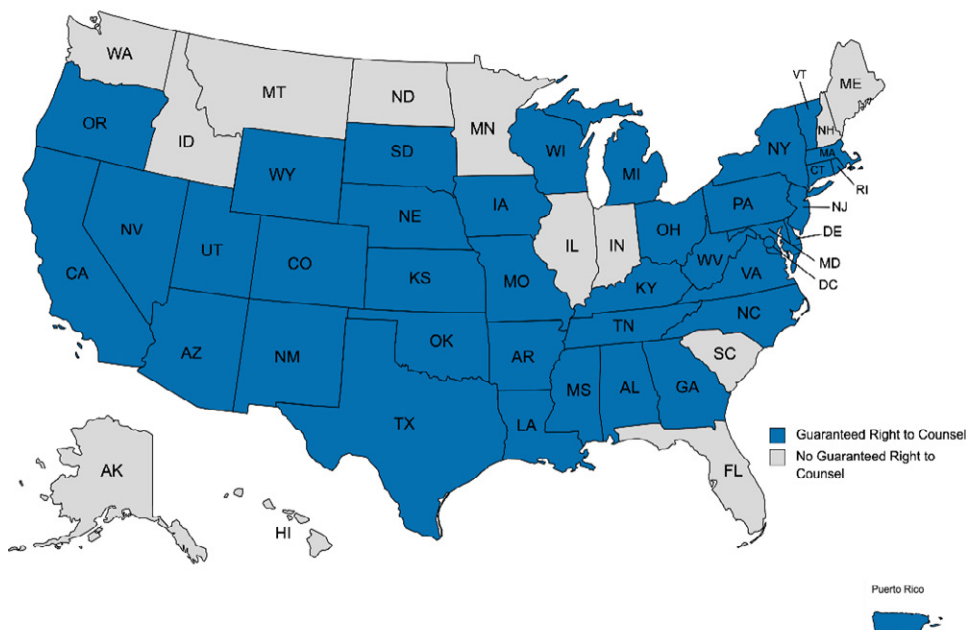
This year is different. This year, from a child welfare system perspective, we are dealing with issues such as COVID-19 vaccines and who has authority to determine whether the child receives it. We are continuing to address keeping children who cannot be vaccinated safe. We are dealing with the uncertainty of whether a child is exposed at school and must quarantine. We are addressing mental health issues at a level never seen before, but with fewer resources. And we are continuing to provide the additional support for our foster families, children, and biological families who are living it — while at the same time, recognizing that our social workers also have their own families and are living it too. ■



Nataleece Washington,
JD, CWLS
Policy Counsel
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NACC's Right to Counsel Campaign

NACC envisions a time when every child involved in the child welfare system is well-represented by a lawyer who ensures their voices are heard, needs are met, and rights are protected. A child entering the child welfare system is not only separated from their family but also from their schools, neighborhoods, extracurricular activities, pets, belongings, and more. These significant losses, coupled with the child's placement in a state-approved foster home, group home, or institution, underscore the legal rights at stake for a child due to the state's intervention into his or her life. Advancing the right to counsel for children in every stage of a child welfare proceeding is a key priority on NACC's policy agenda. Legislative action in 13 states is needed to guarantee universal right to counsel for all children in state child welfare proceedings.



To support the fight for children's right to counsel, NACC offers technical assistance services to state-level advocates working to bring their state laws into alignment with the vast majority of other states that guarantee the right to counsel for children involved with the child welfare system.

Click here to learn more and apply for technical assistance!

States that do not guarantee right to counsel for all children involved in child welfare proceedings: Alaska, Florida, Hawaii, Idaho, Illinois, Indiana, Maine, Minnesota, Montana, New Hampshire, North Dakota, South Carolina, Washington.

The 2021 legislative session propelled us closer to this fair and equitable ideal where children, as rights-bearing individuals, are guaranteed access to high-quality legal representation. This spring, with overwhelming support from state legislatures, stakeholders, and youth with lived experience in the child welfare system, Arizona, North Dakota, and Washington passed legislation expanding the right to counsel for children.¹ This summer, the United States Senate

¹ See, S.B. 1391, 55th Leg., Reg. Sess. (Ariz. 2021), <https://legiscan.com/AZ/text/SB1391/id/2375488/Arizona-2021-SB1391-Chaptered.html>; H.B. 1035, 67th Leg. Assemb., Reg. Sess. (N.D. 2021), <https://www.legis.nd.gov/assembly/67-2021/bill-index/bi1035.html>; H.B. 1219, 67th Leg., Reg. Sess. (Wash. 2021), <http://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/House%20Passed%20Legislature/1219-S2.PL.pdf?q=20210803063926>.

► **Right to Counsel** from previous page

Committee on Health, Education, Labor, and Pensions (HELP) voted in favor of S. 1927, a legislative proposal amending the Child Abuse Prevention and Treatment Act (CAPTA) to require attorneys for both parents and children in child welfare proceedings. Stakeholders nationwide are actively lobbying to ensure the House version of the bill includes similar language.

This surge in momentum for children’s right to counsel illustrates the growing national consensus, endorsed by the federal government that, “providing high-quality legal representation to all parties at all stages of dependency proceedings is crucial to realizing the basic tenets of fairness and due process under the law.”² In 2018, longstanding federal policy was changed to open federal entitlement funding to support legal representation of children and parents. Today, states can claim federal dollars through child protection agencies to be allocated to children’s attorneys and their support staff — just as they would for other essential members of the child welfare workforce, like caseworkers.³

The trending legislative action surrounding children’s right to counsel is research-informed and data-driven. Legal representation is critical to improving outcomes for children and youth. “Research shows that legal representation for all parties in child welfare proceedings is clearly linked to increased party engagement, improved case planning, expedited permanency and cost savings to state government.”⁴

The burgeoning right to counsel movement will continue to capture the attention of policymakers across the country. It is supported by solid research, funded in part by the federal government, and championed in states across the spectrum of political ideology. Children and youth are the most important party to a child welfare case. Still 13 states do not guarantee legal counsel to children and youth in the child welfare proceedings that impact their lives and future. It is time for this to change. All children and youth involved with the child welfare system should be seen, heard, and represented. ■

2 U.S. Department of Health & Human Services, Administration for Children & Families, Children’s Bureau, *High Quality Legal Representation for All Parties in Child Welfare Proceedings*, (Jan. 17, 2017), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1702.pdf>.

3 NACC, *Title IV-E Funding for Legal Representation*, (last accessed Aug. 23, 2021), <https://www.naccchildlaw.org/page/TitleIVforLegalRepresentation>.

4 See, *supra*, footnote 2.

Thank You for Your Support!

Donate to NACC’s General Fund online by making a one-time contribution or sign up for a monthly recurring donation of \$10 or more. Donations to NACC’s General Fund provide maximum flexibility for NACC to put your contributions to work right away to accelerate access to justice for children and families.

Donate online: NACC General Fund



NACC Policy News and Amicus Updates



POLICY NEWS

Support Access to Counsel for Children and Parents through CAPTA Reauthorization



Allison Green, JD, CWLS
Legal Director
Allison.Green@NACCchildlaw.org



The Senate HELP Committee recently voted in favor of S. 1927 to ensure access to counsel for children and parents. **We need your help** to ensure the House version incorporates similar language and to recommend revisions that better complement current state law. **Sign on** to this important letter urging Congress to ensure access to counsel for children and parents in child welfare court proceedings through Child Abuse Prevention and Treatment Act reauthorization. Please lend your or your organization's support today!

Curious about the national landscape on children's legal representation? Currently, **13 states do not guarantee a right to counsel** for youth in dependency proceedings. [View our chart here](#). NACC also fields [Technical Assistance Requests](#) from state-level stakeholders pursuing policy change to guarantee right to counsel for children and youth.



Cristal Ramirez, MS
Youth Engagement Manager
Cristal.Ramirez@NACCchildlaw.org

NACC Support for Recent Federal Legislative Proposals:

The Counseling Not Criminalization Act, H.R. 4011 and S. 2125: The legislation would promote evidence-based and trauma-informed services to address the needs of marginalized students. NACC initially signed on to this bill during the 116th Congress and recently renewed its support when the bill was refiled for the 117th Congress.

The John Lewis Every Child Deserves a Family Act: NACC endorses [S. 1848](#), which would increase the number of homes available to all children in foster care and improve services to LGBTQ+ and religious minority youth by prohibiting discrimination based on sexual orientation, gender identity, religion, and marital status against families and youth in taxpayer-funded child welfare services.

RISE from Trauma Act: NACC recently signed-on in support of the [Resilience Investment, Support, and Expansion from Trauma Act](#) introduced by Senator Durbin (D-IL) and Senator Capito (R-WV). The legislation aims to improve identification and support of children and families who experience trauma.

Warren and Pressley Bill to Eliminate Copays in Correctional Facilities: NACC supports Senator Warren (D-MA) and Representative Pressley's (D-MA) [proposed legislation](#) to eliminate medical copays in federal correctional facilities and encourage states to eliminate medical copays in state and local facilities, including juvenile facilities.

► **Policy News and Amicus Updates** from previous page



Eliminating Debtor's Prison for Kids Act: This [legislation](#) would provide states with funds for mental and behavioral support services, contingent upon state agreement to discontinue the assessment and collection of juvenile justice system fees.

The Children's Budget Act and the **Focus on Children Act:** Reintroduced in the 117th Congress by Senators Van Hollen (D-MD), Menendez (D-NJ), and Casey (D-PA), this legislation would increase transparency regarding federal investments in children and [require the federal government to produce public reports](#) on federal investments in children's programs geared towards promoting the well-being of children.

Children's Cabinet Sign-on: NACC joined a sign on letter calling on the Biden-Harris Administration to establish a White House Office on Children and Youth, a federal Children's Cabinet, and a White House Conference on Children and Youth. Learn more about these [recommendations](#), [sign on here](#), and [view a recording](#) of a Children's Week briefing.

Child Tax Credit Letter: The American Rescue Plan created a one-year expansion of the Child Tax Credit, but excluded immigrant children with Individual Tax Identification Numbers. NACC joined other organizations including Alianza Nacional de Campesinas, Asian Pacific Institute on Gender-Based Violence, ASISTA, and Futures Without Violence to express support of a permanent and inclusive expansion of the Child Tax Credit. [Read the full letter.](#)

Rights of Unaccompanied Immigrant Children: NACC signed on to a [letter](#) to the U.S. Department of Health and Human Services expressing concern over the Department's decision to continue Trump Administration regulations that violate the rights of unaccompanied immigrant children and ignore protections guaranteed through past settlement agreements.

The FAMILIES Act: NACC signed on to support the introduction of the [FAMILIES Act](#), which would authorize an alternative, family-based sentencing program for parents and caregivers at the federal level and provide \$20 million for state programs.

Federal Funds for Preventing and Addressing Trauma: NACC joined in the Campaign for Trauma-Informed Policy and Practice's [letter to Senators Chuck Schumer \(D-NY\) and Mitch McConnell \(R-KY\)](#), urging them to direct federal funds to prevent and address trauma, including a new \$600 million annual grant program to support community coalitions engaged in trauma interventions.

Police-Free Mental Health Guidance and Mobile Response Services: Mobile response services without law enforcement reduce further trauma and harm when young people experience a crisis. NACC [signed on to a letter urging the Department of Health and Human Services](#) to issue guidance and technical assistance to states that promote the mobile response services model.

Catherine Lhamon Nomination: President Biden [nominated Catherine Lhamon](#) to serve as the next Assistant Secretary for Civil Rights at the Department of Education. NACC joined a letter in support of her confirmation.

NACC Supports Creation of Children's Interagency Coordinating Council: NACC joined a letter to Senate appropriators urging them to include language and funding to create a Children's Interagency Coordinating Council, housed at the Department of Health and Human Services. The House already [included language in their Labor-HHS report](#) (pages 230-231).

► **Policy News and Amicus Updates** from previous page



NACC Urges Additional Support to Youth Experiencing Foster Care: NACC joined a letter in support of [HR 5167](#) to provide additional emergency support to youth who receive pandemic relief. Current supports, which help address critical needs like housing stability and food security, are set to expire on September 30, 2021, unless Congress acts.

NACC and partners urge Secretary Marcia Fudge to Expand HUD's Family Unification

Program: NACC [joined a letter](#) to encourage Secretary of Housing and Urban Development Marcia Fudge to issue Family Unification Program vouchers “on demand” to public housing authorities and partner public child welfare agencies. It urges Secretary Fudge to provide vouchers to agencies who have identified families with children at risk of foster care placement due to homelessness or inadequate housing — or who are unable to reunify due to inadequate housing.

NACC Executive Director Kim Dvorchak Testifies at Access to Justice Listening Session

NACC Executive Director Kim Dvorchak spoke at and [submitted written testimony](#) for the U.S. Department of Justice's Access to Justice Initiative listening session on June 15, 2021. Her testimony addressed the access to justice crisis facing youth and parents in child welfare courts, as well as opportunities for the federal government to increase investments in legal services for children and families.

AMICUS UPDATES



***Fulton v. City of Philadelphia* Decision**

In June, the Supreme Court issued a unanimous ruling in the case of [Fulton v. City of Philadelphia](#). The Court took a narrow view of the case, focusing on the City's specific contract and sidestepping the larger question of whether state and local non-discrimination policies that protect people on the grounds of sexual orientation and gender identity violate the First Amendment. The Court found that the non-discrimination requirement in the City's standard foster care contract violated Catholic Social Services' right to free exercise of religion on the grounds that, in light of a provision allowing the City to grant discretionary exceptions to the non-discrimination policy, the City lacked a compelling reason to deny an exception to Catholic Social Services while making them available to others. This narrow ruling will only apply to the specific contract between Philadelphia and Catholic Social Services and not to state and local non-discrimination policies more broadly. The ruling still allows local, state, and federal governments to maintain laws and policies that prohibit discrimination in taxpayer-funded services. The full text of the Supreme Court opinion is available [here](#). NACC joined an [amicus brief affirming Philadelphia's anti-discrimination policy](#). Watch recordings of a [rally](#) and a [town hall](#) held on June 17, 2021 in response to the ruling.

► **Policy News and Amicus Updates** from previous page



Fifth Circuit Issues ICWA Opinion; SCOTUS Review Pending

On April 6, 2021, the U.S. Fifth Circuit Court of Appeals ruled that Congress had the authority to enact ICWA. The *en banc* court held that the “Indian Child” designation and the portions of a Final Rule issued in 2016 by the Department of the Interior that implement it, were based on a political classification; thus, they did not violate the Equal Protection Clause. The court also held that “§ 1915(c) does not violate the nondelegation doctrine because the provision is either a valid prospective incorporation by Congress of another sovereign’s law or a delegation of regulatory authority.” Additionally, the court found that the Bureau of Indian Affairs (BIA) “acted within its statutory authority in issuing binding regulations” and “did not violate the APA when it changed its position on the scope of its authority because the agency provided a reasonable explanation for its new stance.”

While the court upheld the constitutionality of several ICWA provisions, it declared that three provisions were unconstitutional under the anti-commandeering doctrine: active efforts requirement in § 1912(d); qualified expert witness requirement in § 1912 (e) and (f); and placement-record requirement in § 1915(e). Furthermore, the court ruled that the Final Rule “violated the APA to the extent it implemented these unconstitutional provisions”; thus, these parts of the Final Rule are no longer applicable to the states in the Fifth Circuit (Texas, Louisiana, and Mississippi): 25 C.F.R. § 23.132(b) (that good cause to deviate from the placement preferences must be shown by clear and convincing evidence) and 25 C.F.R. § 23.141 (record keeping). A resource to better understand the decision’s impact can be found [here](#).

NACC previously joined [an amicus brief](#) in this case. More info is available [here](#). On September 3, 2021, the individual plaintiffs, the State of Texas, the Solicitor General, and the intervening tribal nations filed petitions for certiorari with the U.S. Supreme Court. Review of these requests is currently pending. ■



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](#).



NACC Office Hours: NACC is available to assist members with various child welfare court improvement efforts (Title IV-E funding, Family First implementation, etc.). Contact Policy@NACCchildlaw.org to reserve time to ask questions, request resources, and brainstorm next step to get things moving in your jurisdiction.



Emily Dufour
Membership and
Office Assistant
Emily.Dufour@NACCchildlaw.org

Clear|brief

Profile Update Reminder:

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

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

Monthly Member Orientation and Discussion Forum

Whether you're new to NACC or a long-time member, you are invited to join NACC's Executive Director Kim Dvorchak and Membership Assistant Emily Dufour for a brief orientation to learn more about the updated services, products, networks, and resources available to you as a member of NACC. Then stay for an open forum to discuss issues impacting child welfare practice and our profession. Every third Thursday at 4:00 pm ET. View the schedule of upcoming orientations and register [here!](#)

New Member Benefit: Clearbrief — Extended Free Trial and Subscription Discount

Don't search for facts. Leverage them.

Clearbrief, built by a former child welfare litigator, automatically pulls up in Microsoft Word every factual and legal source you cite to so you can view it side-by-side with your writing. Our powerful AI saves you hours by suggesting the discovery or record pages that best support every sentence in the facts section. Clearbrief also builds a Table of Authorities with one click, then allows you to share an interactive version of your brief or opinion to help the reader see the facts and law behind your legal reasoning.

NACC members receive an extended free trial, along with a discounted subscription price of \$100/month per user. Special rates available for government and court system users. To access this NACC member benefit, email hello@clearbrief.ai with the subject "NACC" to receive the discount, or sign up at clearbrief.com/signup and select "NACC" from the dropdown menu.

Organizational Memberships

NACC's newly updated organizational membership program is designed to bolster the national NACC community by engaging child welfare offices and agencies from small teams to large agencies. An organizational membership provides Bronze-level membership benefits and discounts to your entire office, law firm, or agency. When your office joins NACC as an

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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](#).



organizational member, all staff can enjoy access to member benefits and resources including monthly webinars, monthly newsletters, the quarterly Guardian, discounts on CWLS certification applications, training, conference, and more!

Learn more and enroll your organization now!

Updated NACC Member Resource Page

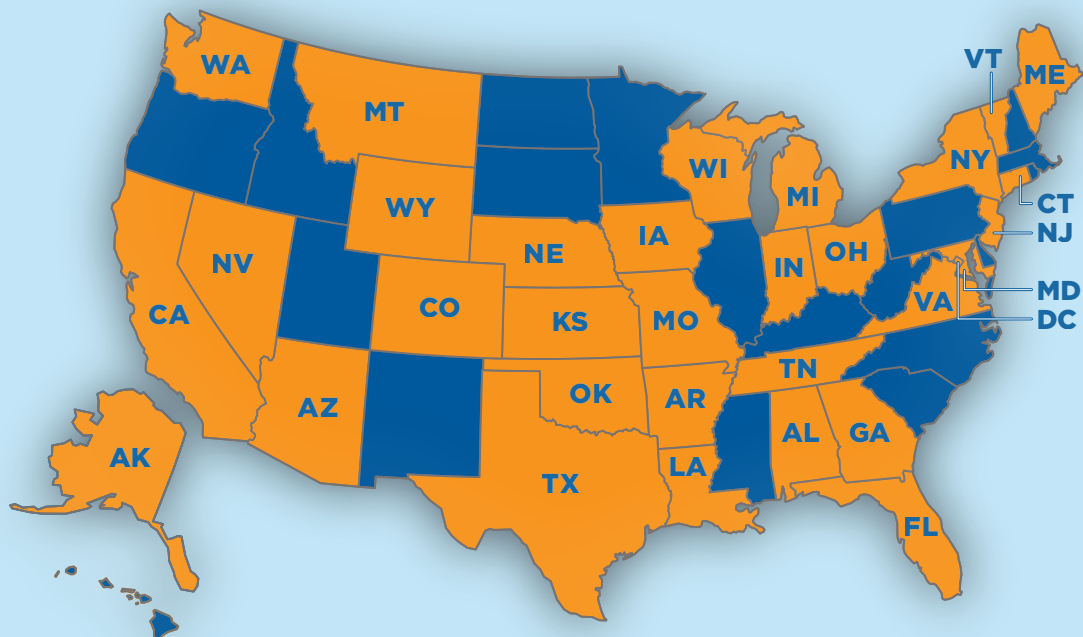
To better serve your practice, NACC is continuously updating our [Member Resources webpages](#). When was the last time you took a look? Check out the new Conference Library for access to all NACC conference materials over the last 10 years, updated Member Listserv instructions, the *Loyola Children's Legal Rights Journal*, prior issues of *The Advocate* and *The Guardian*, and Amicus Request forms.

NACC National and State Listservs

The NACC Member Listserv is a forum to seek advice from other members, share important child welfare news, promote current reform efforts, and engage in meaningful dialogue. Join the discussion! Subscribe to NACC's national listserv by emailing nacc+subscribe@groups.io. NACC has also launched state-based listservs in **California, Georgia, Indiana, Maine, Missouri, Montana, Nevada, and Oklahoma**. If you are a child welfare practitioner who would like to join your respective state listserv, please email Emily.Dufour@NACCchildlaw.org.

Expanding the NACC State Coordinator Network!

NACC's State Coordinator program now expands across 32 states and jurisdictions. Click the map to see your NACC State Coordinator, and get in touch at Policy@NACCchildlaw.org.





Thank you to our Platinum Lifetime, Gold, and Silver Members!

PLATINUM LIFETIME

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

GOLD

Jillian Aja	Nicole Goodson	Monica Mooney Denny	Francis Rio
Rosemary Armstrong	Angela Graves-Harrington	Michael Nash	Karla Roisum
Samantha Ashley	Josh Gupta-Kagan	Jennifer Newman	Bonnie Saltzman
Deborah Bennett	Amy Hayes	Linnea Nicol	Bob Schwartz
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Stephanie Charter	Erica LeMon	Chelsea Peters	Erin Welborn
Tamiko Chatman	Rachel Levitt	Alexis Pollock	LaShawn Young
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Robert Fellmeth	Jonathan Mason	Deborah Reece	
Denise Glasgow	Timothy Michaels-Johnson	Jody Richter	

SILVER

Amanda Abrams	Michelle Dixon	Tyler Jansen	Jane Okrasinski
Robert Ackley	Rochelle Doyle	Kara Jennings	Brenee Orozco
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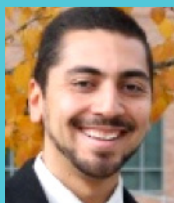


Child Welfare Law Specialist Certification

Congratulations to Our Newest Child Welfare Law Specialist!

Nancy Sarinaña, JD, CWLS

Children's Law Center of California
MONTEREY PARK, CA



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CWLS Committee Members Wanted!

Apply to Sit on the CWLS Certification Committee! Application Deadline: 9/30/2021

NACC is seeking to fill several vacancies on the CWLS Certification Committee. This 10-member body is charged primarily with reviewing applications for CWLS certification and recertification and determining whether to approve or deny them. The Committee also plays a part in reviewing and recommending proposed changes to certification standards and program policy. Applicants must be current CWLS who were certified in 2016 or before. Please visit the posting on our website for additional applicant qualifications and attributes. This is an unpaid role.

This marks the first time NACC has used an open application process to fill vacancies on the CWLS Certification Committee. We believe this process will help us continue to build a diverse committee of dedicated CWLS from across the country to help NACC identify and certify expert practitioners in every area of the field.

Please note: *Serving on the CWLS Certification Committee is a "behind-the-scenes" role. To help eliminate bias and avoid placing Committee Members and CWLS applicants in awkward situations as coworkers or colleagues, NACC makes every attempt to anonymize all applicant/CWLS information that goes to the Committee for review, and likewise, makes every attempt to keep the committee roster unknown to applicants and CWLS. We therefore ask that you do not to share whether you have applied for and/or been selected to the Committee.*

Interested? [Click here for more information and instructions on how to apply!](#)

Have you submitted your 2021 annual report or recertification yet?

If not, please visit NACC's [Recertification and Annual Reporting webpage](#) for instructions on logging into our new online certification platform (Certemy) where you can submit your 2021 requirements. Once you've logged in and "accepted" your CWLS credential, the system will tell you whether you need to submit an annual report or a 5-year recertification application this year. Step-by-step instructions for using Certemy are included in the Certemy FAQs and Quick Guide found at the link above. ■

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SPECIAL THANKS TO ENSTROM. FOR THE DELICIOUS TOFFEE!



TOFFEE & CONFECTIONERY





NACC Congratulates the 2021 *Promoting Excellence Award Recipients!*

OUTSTANDING LEGAL ADVOCATE:

Leslie Lacy, JD, CWLS — Louisiana Mental Health Advocacy Service



As an attorney in the Child Advocacy Program at Mental Health Advocacy Service, Leslie Lacy represents youth in child welfare proceedings in East Baton Rouge Parish, Louisiana. Lacy's legal skill, professionalism, zealous representation, noted ability to connect with young people, and commitment to amplifying the voices of the children she represents makes her a fierce and effective advocate for her clients — in Juvenile Court, the Louisiana First Circuit Court of Appeal, and the Louisiana Supreme Court. By focusing on a client's potential, approaching each client holistically, and demonstrating both genuine compassion and a fearless devotion to protecting their rights, Lacy has improved the well-being of Louisiana children and the child welfare system. During the pandemic, Ms. Lacy founded a nonprofit to fund oral and mental health for young people in care. One of her nominators, a Louisiana judge, said: "Leslie's tireless dedication to the vulnerable youth of East Baton Rouge Parish has made this a better community. It has also made the Juvenile Court a better court, and has made me a better judge." NACC is pleased to present Leslie Lacy with the Outstanding Legal Advocate Award.

OUTSTANDING CHILDREN'S LAW OFFICE:

Foster Children's Project of the Legal Aid Society of Palm Beach County, Florida



The Foster Children's Project intentionally created a culture where every child's case has a sense of urgency and a focus on innovation. Their work was effective in shortening the average time to permanency from 36 months in 2001, to 12.5 months today, regardless of spikes in foster care and without negatively impacting rates of reunification. Jim and John Walsh created a model children's law office, with caseloads of 50 children per lawyer, social workers, and funds for litigation expenses. They utilized research demonstrating frequent family visitation is the best predictor of reunification to set a standard of three visits a week for young children, not only in their cases but for all children in Palm Beach County. The Project also works closely with the Palm Beach County chapter of Florida Youth Shine, a youth voice organization. The Foster Children's Project has influenced the growth of children's representation in Florida, where they have helped create a similar program for representing children in Broward County, and nationally, as the Chapin Hall study is often cited to show the benefits of lawyers for children. This year marks the Foster Children's Project 20th Anniversary. NACC is pleased to present the Foster Children's Project this year's Outstanding Children's Law Office Award.



Training

NACC's Online Red Book Training Course — LAST CHANCE in 2021 – Fall Session Started September 8th!

Register now and view the session recordings to catch up!

September 8th – October 20th | 2:30 PM MT / 4:30 PM ET

Presenter: Betsy Fordyce, JD, CWLS,

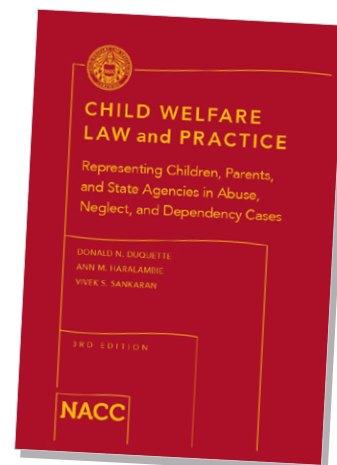
Executive Director, Rocky Mountain Children's Law Center



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



Christina Lewis, JD
Staff Attorney
Christina.Lewis@NACCchildlaw.org



REGISTER HERE 

Looking to brush up on your knowledge of federal child welfare law?

Learn tips to enhance your representation of children, parents, or the agency? Then join us for the fall session of the Red Book Training Course! NACC's signature online, seven-week Red Book Training Course covers major dependency practice competency areas and includes exam preparation strategies and tools for those intending to become certified Child Welfare Law Specialists.

The material covered in the course is drawn from *Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases* (3rd Edition).

The registration fee is \$200 per person for groups and NACC members (\$100 for CWLS; \$275 for nonmembers) and includes access to live sessions, recordings, the electronic Red Book, and the RBTC workbook! **Registration is open through October 19th, 2021 — and if you missed a session, you can catch up through the recordings!**

[Click for more information and to view the course syllabus!](#)

Accredited for 8 hours of CLE in Colorado (50-minute hour). CLE approval in at least one state can streamline an attorney's CLE application in another state. Check with your jurisdiction for details on simplified CLE applications and online/on-demand learning requirements.

Do you have questions about the use of psychiatric medication in your cases? The doctor is in!

Dr. Martin Irwin has generously made himself available to NACC members to consult on case questions surrounding the use of psychiatric medication on children. To contact Dr. Irwin to set up a consultation, please email him at martin.irwin@nyulangone.org.

► [Training](#) from previous page

Upcoming Member Webinars:



September : The Interstate Compact on the Placement of Children (ICPC): An Essential Tool to Providing Permanency

Friday, September 17, 2021 | 11:00 AM–12:30 PM MT / 1:00–2:30 PM ET

[REGISTER HERE](#) 

Presenters:

Robyn Kane, JD, MSW | Assistant Public Guardian | Office of the Cook County Public Guardian

Lynn Pavalon, JD | Assistant Public Guardian | Office of the Cook County Public Guardian

Navigating the ICPC in 50+ states and territories can be a daunting task. While the ICPC regulations are the same in each state and territory, the focus and application of each can be different. The presenters have dealt with numerous ICPC issues involving many states and have become familiar with the common scenarios that face child representatives and child welfare agencies. Participants will learn the ICPC basics and will work through scenarios to show how the Compact can be utilized to solve common ICPC problems, roadblocks, and utilized to achieve positive permanency outcomes for children and their families.

This webinar is FREE for NACC members (please log in with your member ID before registering for this event). **This webinar is \$25 for non-members.** Non-member webinar registrants will receive a \$25 credit toward NACC membership (good for 60 days). Members, tell your colleagues: join NACC now and receive 10+ webinars for \$100!

Accredited for 2 hours of CLE in Colorado (50-minute hour). CLE approval in at least one state can streamline an attorney's CLE application in another state. Check with your jurisdiction for details on simplified CLE applications and online/on-demand learning requirements.

Save the Date for These Upcoming NACC Member Webinars — and [Register Here!](#)

October : Covid-19-Related Challenges & Barriers to Reunification in Dependency Court

Monday, October 18, 2021 | 12:00–1:30 PM MT / 2:00–3:30 PM ET

Presenters:

Ashley Chase, JD, CWLS | Staff Attorney/Legislative Liaison, Colorado Office of the Child's Representative | NACC State Coordinator for Colorado

Hon. Aurora Martinez Jones, CWLS | 126th Texas District Court Judge | NACC State Coordinator for Texas

Ellen Ramsey-Kacena, JD, CWLS | Assistant Attorney General, Iowa Attorney General's Office | NACC State Coordinator for Iowa

► **Training** from previous page

Interested in Presenting at an NACC Member Webinar?

NACC is accepting submissions for its 2022 monthly member webinars. NACC's monthly member webinars help us to Promote Excellence in the child welfare field by providing quality 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.

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

[View a list of preferred topics, webinar requirements, and submit your proposal.](#)

This webinar will review Covid-19-related legal challenges, including challenges to reasonable efforts, due process, and fundamental fairness. Since the beginning of the pandemic, all parties involved with child protective services and dependency courts have had to manage a variety of new challenges. Many services have been unavailable or available only virtually. Court hearings have been held virtually, causing concern as to whether that provides the parents due process in dependency and termination hearings. The use of virtual platforms has also caused challenges with technology for many families involved in the system. There are also concerns with reaching permanency in a timely manner, while also providing additional time for reunification for parents who have not had access to services. Attendees will learn how to navigate these challenges and cases impacted by the COVID-19 pandemic.

November : Drug Testing in Child Welfare Cases: Understanding the Chemistry, Methodology, and Legal Implications

Wednesday, November 10, 2021 | 1:00–2:30 PM MT / 3:00–4:30 PM ET

Presenters:

Jerry Bruce, JD | Director, Georgia Office of the Child Advocate

Darice Good, JD, CWLS | Owner/Attorney, Good Legal Firm

Diana Rugh Johnson, JD, CWLS | Director, Georgia Court Improvement Program

Drug tests inform important decisions in dependency courts from removal to termination of rights, but for drug test results to be truly useful, they must be understood, admitted into evidence, and weighed appropriately. This webinar will educate participants in the science of drug testing, evidentiary rules that affect the admissibility of results, and the trial skills necessary for effective presentation and argument to the court.

December : Racial Disparities in the Child Welfare-to-Prison Pipeline

Monday, December 13, 2021 | 12:00–1:30 PM MT / 2:00–3:30 PM ET

Presenters:

Julie McConnell, JD | Director, Children's Defense Clinic, University of Richmond School of Law

Fallon Speaker, JD | Director, Jeanette Lipman Family Law Clinic, University of Richmond School of Law. ■

► **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

Breaking Stigma and Changing the Narrative: Strategies for Supporting Expectant and Parenting Youth in Foster Care

Presenters: TyAsia Nicholson • Lisa Mishraky-Javier, LMSW • Sando Zou-Capuzzi

2
HOURS

Adolescent Brain Science: What is it, and How Can it be Effectively Used to Advocate for and Engage Youth

Presenters: Cristal Ramirez, MS • Ashley Ratliff, JD, MSW

2
HOURS

Call to Action for Attorneys: Urgent Advocacy to Harness the Consolidated Appropriations Act for Older Youth*

Presenters: Aubrey Edwards-Luce, JD, MSW • Zoe Jones-Walton • Tom Welshonce, JD • Gillian Ruddy Wilcox, JD

2
HOURS

Use of Psychiatric Medication in Foster Children: What Lawyers Need to Know

Presenter: Martin Irwin, MD

3
HOURS

Crossover Youth: The Criminalization of Trauma

Presenters: Brittany Mobley, JD • Naïké Savain, JD • Veena Subramanian, JD

2
HOURS

2020 in Hindsight: NACC's Child Welfare Law Year in Review

Presenters: Allison Green, JD, CWLS • Kristen Pisani-Jacques, JD, CWLS

2
HOURS

Ethical Obligations for Children's Attorneys: Setting Professional Boundaries, Addressing Bias, and the Model Rules

Presenters: Jill Malat, JD, CWLS • Erin McKinney, MSW, LICSW, CMHS

2
HOURS

Inclusive of
1.8 ethics hours

Clearing the Path to Access Benefits for Transition-Aged Youth

Presenters: LilCrystal Dernier, MS, MNM • Amy Harfeld, JD • Dan Hatcher, JD • Jasmine Snell, BS • Ruth White, MSSA

2
HOURS

Understanding Racial Trauma and Institutional Racism to Improve Cultural Responsiveness, Race Equity, and Implicit Bias in Child Welfare Cases *

Presenters: The Honorable Aurora Martinez Jones, JD, CWLS • Tanya Rollins, MSW, CPS

—

Trauma-Responsive Skills for Lawyers – Part 2: Working with Clients in Crisis

Presenter: Cynthia Bowkley, JD, CPPM, SE Advanced Student

2
HOURS

Meaningful Youth Engagement in a Virtual Legal World *

Presenters: Shobha Lakshmi Mahadev, JD • Robert Latham, JD • Dani Townsend

2
HOURS

Don't Minimize the Moment: Truth, Reparatory Justice, and Healing for Black Families who are Descendants of Captive and Enslaved Africans in the U.S. *

Presenter: Stephanie S. Franklin, JD

2
HOURS

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

Presenters: Melissa Paul-Franklyn, JD • Cristina "Tina" Romero, JD
Jadera Ramirez-Garcia, JD, MSW • Jordyne James, LMSW

2
HOURS

Advocacy for Youth in Congregate Care during COVID-19 *

Presenters: Jennifer Rodriguez, JD • Jenny Pokempner, JD • Tom Welshonce, JD

2
HOURS

Trauma-Responsive Skills for Lawyers During COVID-19 *

Presenters: Rebecca M. Stahl, JD, LLM, SEP • Cynthia Bowkley, JD, CPPM, SE Advanced Student

2
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The Guardian is an NACC publication.
Kristen Pisani-Jacques, Editor

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Promoting Excellence # Building Community # Advancing Justice

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