

The Guardian

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

CHAPTER EXCERPTS FROM THE FORTHCOMING 4TH EDITION OF THE RED BOOK

Multidisciplinary Team Advocacy

NACC is excited to be publishing the fourth edition of Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases (aka “the Red Book”) later this fall. As a preview for our members, what follows are selected excerpts from a brand-new chapter to the Red Book – Multidisciplinary Team Advocacy.



Synopsis

Multidisciplinary team advocacy is a model of parent or child representation that includes diverse professionals and perspectives on a client’s legal team. Recent changes in federal child welfare funding and an improved understanding of the benefits of enhanced legal representation for families involved in the child protective system have resulted in more jurisdictions implementing multidisciplinary legal team models that include social workers, peer advocates, and other non-attorney professionals. Research demonstrates this model can positively impact rates and timeliness of family reunification and keep more children with their extended family when reunification is not possible.

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Introduction

Parents' and children's attorneys with access to multidisciplinary legal teams reflect a growing national trend in the pursuit of high-quality legal representation. A multidisciplinary legal team is a collaboration between professionals with diverse educational backgrounds, practical skills, and perspectives. Teams include attorneys and non-attorney members such as social workers, social service consultants, peer advocates with lived experience, investigators, and interpreters.¹ Attorneys gain direct access to enhanced subject matter knowledge, additional support tailored to each client, and skilled partners in considering client engagement and case

strategy. Clients gain a team devoted to amplifying their voices and to supporting them while they navigate complex social service and court systems in search of justice. Multidisciplinary team representation results in better outcomes for children — fewer

Multidisciplinary team representation results in better outcomes for children—fewer foster care placements, higher and expedited family reunification rates, and more children living with family.

¹ Non-attorney advocates include a diverse group of professionals with various degrees and licensures, including advocates whose lived experience is a foundational credential. This chapter will refer to social workers, as master's level social workers are the most common non-attorney team members, as well as advocates, which would include the other professionals whose clinical or experiential expertise qualify them to partner with attorneys and guardians ad litem to enhance the legal representation of parents and children involved in child protective legal matters.



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foster care placements, higher and expedited family reunification rates, and more children living with family — which reduces trauma to families and communities and saves money by avoiding unnecessary systemic interventions.

Multidisciplinary legal team representation is considered a best practice standard for parents' and children's legal representation, and new programs launch each year. The American Bar Association (ABA) integrated multidisciplinary representation into its Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases in 2006² and collaborates with parents' and children's law offices across the country to provide technical assistance for effective multidisciplinary practice through the Family Justice Initiative.³ The Children's Bureau actively promotes the multidisciplinary legal team approach,⁴ offering practice guides⁵ and sources of funding. In 2019, federal child welfare funding policy shifted to allow Title IV-E reimbursement for legal representation of parents and children that encourages the use of team social workers and peer advocates.⁶ Historically, this federal funding source was available exclusively to pay for foster care costs and legal representation for attorneys representing family regulation agencies.⁷ Additional funding and resources for parents' and children's multidisciplinary legal representation positively affects system-involved families and the attorneys assigned to advocate for them.

Attorneys are expected to be experts in federal and local statutes, case law, court rules,

Non-attorney professionals with expertise in addiction, domestic violence, mental health, disabilities, trauma, community resources, and family engagement skills complement attorneys' legal scope of knowledge and increase their capacity to engage and counsel clients effectively.

child protection services policies and practices, social science research, and more. Non-attorney professionals with expertise in addiction, domestic violence, mental health, disabilities, trauma, community resources, and family engagement skills complement attorneys' legal scope of knowledge and increase their capacity to engage and counsel clients effectively. Multidisciplinary teams that combine efforts to advocate in four essential cornerstone

2 Am. Bar Ass'n, Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases (2006), https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf.

3 Fam. Just. Initiative, <https://familyjusticeinitiative.org> (last visited Mar. 24, 2022).

4 See Child Welfare Info. Gateway, U.S. Dep't Health & Hum. Servs., Family Reunification: What the Evidence Shows (2006), https://www.ce-credit.com/articles/101406/family_reunification.pdf.

5 See Child's Bureau, Admin. for Child. & Fams., U.S. Dep't of Health & Hum. Servs., Engaging, Empowering, and Utilizing Family and Youth Voice in All Aspects of Child Welfare to Drive Case Planning and System Improvement, ACYF-CB-IM-19-03 (2019), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1903.pdf>.

6 See 8.1B Title IV-E, Administrative Functions/Costs, Allowable Costs — Foster Care Maintenance Payments Program, Questions 30 & 32, in Child's Bureau, Admin. for Child. & Fams., U.S. Dep't of Health & Hum. Servs., Child Welfare Policy Manual (2022), https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citiD=36.

7 Under the guise of keeping vulnerable children safe from abuse and neglect within their families, the government created a complex system of laws, policies, and practices to regulate children and their families according to white, middle class, Christian, heteronormative social standards. The government's interventions purport to help but historically have harmed poor, Black, Indigenous, immigrant, and other marginalized communities. Many professionals have begun to recognize the current system as racist, classist, and ableist. Multidisciplinary legal representation is an enhancement or reform that seeks to humanize and support the parents, children, and communities involved in the family regulation system. This chapter aspires to create a dialogue for addressing and reforming a system focused on punishment and pathology. The chapter will use the term "family regulation system" synonymously with "child protection system" to reflect the reality of the families involved and to share advocacy strategies so that more parents and children may benefit from enhanced advocacy in the current system.



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areas — children’s placement, parenting/family time, service provision, and out-of-court meetings — can positively affect the trajectory of families’ lives.

Who Are the Multidisciplinary Team Members?

Team Members

Members of multidisciplinary teams differ in professional and lived experiences, licensure, and titles, and may include any or all of the following:

- Attorneys and guardians ad litem⁸
- Social workers
- Advocates with training and experience in child protection, domestic violence, addiction, mental health, child development, trauma, and other related fields
- Peer advocates (people who have been affected by the family regulation system)
- Paralegals
- Investigators
- Interpreters

In this chapter we will refer broadly to “social workers and advocates” to cover the diverse group of non-attorneys generally acting as agents of attorneys or guardians ad litem. Paralegals, investigators, and interpreters are also important members of multidisciplinary teams who support representation goals. Multidisciplinary teams often consult with education advocates, immigration attorneys, housing specialists, criminal defense attorneys, and other experts who can support the provision of high-quality representation to parents and children.

The Unique Role of Parent and Youth Advocates

Parent advocates and youth mentors have personally navigated the family regulation system. They receive training and support to work alongside parents’ and children’s attorneys to guide and support parents with current child protective cases and children living in out-of-home placements with relatives, in foster care, or in group settings.

Parent advocates have been critical members of multidisciplinary teams for parents throughout the country for the past twenty years. Parent advocates can share their stories of struggle, perseverance, and resilience to encourage and motivate parents to keep focused on their goals for their families. They are knowledgeable about community resources and how to access them.

8 If a parent or adult is assigned a guardian ad litem (GAL) in addition to an attorney, the GAL may not be considered a member of the client’s multidisciplinary legal team since the GAL’s role is to advocate for the “best interest” of the client, not for their wishes.

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*“I have walked in your shoes”
becomes a tool for engagement
and understanding even during the
worst moments of a person’s life.*

Including the voices of young people who exited foster care and juvenile justice systems enhances legal advocacy for children and youth.⁹ The peer advocate program of the Children’s Law Center of California (CLC) connects clients with former foster youth, who help advocate for them in court and provide resource information about housing, education, and employment.¹⁰ Including advocates on legal teams who experienced multiple foster care placements, educational disruptions, extended family separations, and/or systemic racism and still succeeded in achieving independence can give family regulation system-involved adolescents helpful role models.

Lived-experience professionals on multidisciplinary legal teams provide emotional support to parents and youth and create opportunities for their legal teams to reflect the characteristics of the population they serve. “I have walked in your shoes” becomes a tool for engagement and understanding even during the worst moments of a person’s life.

What Do Multidisciplinary Team Members Do?

Multidisciplinary team advocacy requires the parent’s or youth’s informed consent, direction, and support in client-directed representation models. The examples in this chapter assume the client’s expressed approval to engage in specific advocacy. Multidisciplinary teams for parents and children provide advocacy in and out of courtrooms to further their clients’ goals, including by doing the following:

- Build rapport with clients through interviews, phone calls, and texts and in meetings or at appointments where they need extra support or guidance;
- Support independent investigations into child abuse and neglect allegations, including collateral interviews with family, community members, and previous supports such as educators and therapists;
- Investigate and elevate kinship and community supports, which could include retaining an investigator to locate and interview family members and friends;
- Advocate for their client’s goals and share their client’s sense of urgency around priorities;
- Strategize as a team around legal interventions such as motion practice, conferrals with other parties, and identification of potential subject matter experts in litigation;
- Support parents and children as they navigate complex treatment systems, including assisting them in applying for benefits; troubleshooting transportation, payment, or

⁹ See Am. Bar Ass’n, Resolution (Aug. 3–4, 2020), <https://www.americanbar.org/content/dam/aba/directories/policy/annual-2020/115-annual-2020.pdf> (ABA Resolution recognizing that authentic legal partnerships with youth who have lived experience with child welfare, immigration, and juvenile justice legal systems create professional opportunities for lived experts and enhance legal representation).

¹⁰ Read about CLC’s peer advocacy program at *Peer Advocate Program*, Child’s L. Ctr., <https://www.clccal.org/our-work/multidisciplinary-advocacy/peer-advocates/> (last visited Mar. 15, 2022).

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scheduling obstacles; and speaking directly with all professionals to ensure smooth service delivery and communication practices;

- Identify unique advocacy interventions that address service gaps or disparate treatment based on race, culture, immigration status, disability, or incarceration and propose solutions; and
- Communicate among team members proactively on a routine and predictable basis (when challenges among the professionals on a multidisciplinary team exist, the root of them is frequently a lack of communication or miscommunication).

Approaches to Advocacy

Attorneys are responsible for representing clients in court. Social workers and advocates on multidisciplinary teams may focus their attention on out-of-court advocacy: communication and meetings with their clients, child protection caseworkers, treatment professionals, and family members. This advocacy is critical because many of the most important decisions are made outside court: placement decisions, kinship licensing, case plan drafting, and agency recommendations to remove a child or leave the child at home or to reunify a family or keep the child in foster care. Given their training and experience, social workers and advocates are well-equipped to communicate with other non-attorneys about a family's needs and priorities; non-attorneys may appreciate the option to communicate with an advocate who is not going to cross-examine them in the courtroom. The attorney translates that advocacy into legal strategy, arguments, motions, and other actions that promote the client's position in court. The Cornerstone Advocacy approach¹¹ is one way to organize the multidisciplinary legal team members' focus on the essential issues that keep children home safely or promote reunification when families are separated in a family regulation case. Cornerstone Advocacy relies

Multidisciplinary legal representation is just one innovative solution that empowers parents and youth to challenge the unfair power dynamics that exist when poor families are investigated by the state.

heavily on early and intensive out-of-court advocacy, but its impact for a client depends on the zealous advocacy of a well-informed attorney and communication among team members.

Conclusion

Multidisciplinary team representation for parents and children has improved the quality of legal representation and amplified the voices of families in local and national policy making. New opportunities arise from strengthened individual advocacy. Multiple states offer preventive legal services to parents and caregivers before a child protective court action is contemplated. Legal prevention or post-child

¹¹ The Center for Family Representation in New York City was one of the first multidisciplinary law offices to focus solely on parent defense, which resulted in the development of the Cornerstone Advocacy model that concentrates team efforts on early, ardent advocacy in four areas: placement, family time, services, and out-of-court conferencing. Ctr. Fam. Representation, <https://cfmny.org/> (last visited Mar. 15, 2022); see Jillian Cohen & Michele Cortese, *Cornerstone Advocacy in the First 60 Days: Achieving Safe and Lasting Reunification for Families*, 28 ABA Child L. Prac. 37, 37–44 (2009), https://www.americanbar.org/content/dam/aba/administrative/child_law/clp/artcollections/parentrep/cornerstone.pdf.



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protection legal support has the potential to prevent unnecessary, traumatic, and expensive child protective interventions when civil legal services and social work advocacy can address child safety concerns and family well-being.¹² Parents and young adults who were affected by the child welfare, foster care, and juvenile justice systems are included more frequently in discussions to redefine the role of child protective services and inform policy-making and reform efforts; their lived experience is valued as professional expertise on multidisciplinary teams. Multidisciplinary legal representation is just one innovative solution that empowers parents and youth to challenge the unfair power dynamics that exist when poor families are investigated by the state. New federal funding streams available to parents' and children's legal services organizations have the potential to alter the child-welfare landscape by halting unnecessary and overreaching child protective agency interventions and addressing the structural racism and disproportionality that plague the current system.

Interested in reading this whole chapter — and the entire fourth edition of the Red Book? Stay tuned for pre-order information, coming this summer! ■

¹² Child's Bureau, *supra* note 5.

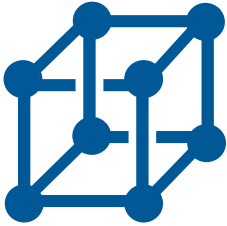
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Jillian Cohen, LCSW, is the Director of Programs at the Colorado Office of Respondent Parents' Counsel where she helps parents' attorneys obtain resources for their parent defense teams across the state. Jill recruits and trains social workers, parent advocates and experts who want to join a community of parent defenders who hold child welfare professionals and courts accountable to families. Prior to relocating to Colorado, Jill helped grow the pioneering interdisciplinary practice at the Center for Family Representation (CFR) in New York. She obtained an M.S.W. from the Hunter College School of Social Work and a B.A. from Barnard College.



MJ (Maleeka Jihad) is the Director of the nonprofit MJCF: Coalition, an agency focused on dismantling systemic racism within the family regulation system through education, advocacy, and policy reform. She is the CEO of EC3 (Emic Cultural Consultants Collective), where she specializes in transformational work with structural racism and healing. She is an adjunct faculty member at the Graduate School of Social Work with the University of Denver, where she teaches courses on race, social justice, and family law. Alongside her students, MJ is continuing her education by obtaining a PhD in Organizational Development and Social Justice at Fielding Graduate School.



YOUTH PERSPECTIVE

Universal Healing Through a Reimagined System of Care

by Jas Snell

Are you a legal advocate for children who supports the idea of equipping families and communities with tools to self-resolve and maintain self-sufficiency through new practices that are personalized, culturally affirming, empowering, and most importantly, facilitate healing? If your answer is “yes”, then this article is for you.

My name is Jas Snell, and I am a member of NACC’s National Advisory Council for Children’s Legal Representation. This article is based on my lived and professional experience with child and family serving and justice systems. My racial equity healing work is inspired by youth and families around me who are not thriving but instead surviving, despite a system that was not built to properly facilitate their elevation. This work is also inspired by my own individual experiences as an African American girl who entered systems as an adolescent. Most importantly, I am inspired by those before me who were most harmed by the racist structures that are deeply embedded and percolate through social sectors, including the child welfare and justice systems within our country. I will briefly walk you through a framework that views young people where they naturally are, in family and community, and as they are. This framework uplifts a system response that is racially equitable, restorative, addresses disparities, and facilitates healing. As I take you on this brief journey, I challenge you to reimagine how outcomes for children and families can be different when people who form systems understand the deep-rooted traumas of generations and respond to their needs with high-quality prevention and intervention efforts collaboratively. To believe in families is to set them up for the best possible situation.

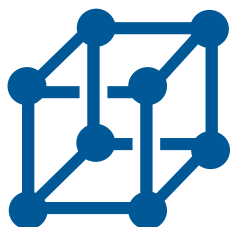
Let’s start with the young person’s natural ecosystem which consists of family, community, and then the broader system. With family and community being the immediate connections



ABOUT THE AUTHOR:

Jas Snell (Tennessee) is a graduate of the University of Tennessee at Chattanooga with a Bachelor of Science in Accounting and minor in Criminal Justice. Jas is currently working on her Certified Public Accountancy license while serving in roles as a Certified Peer Support Specialist, Young Adult Consultant, Jim Casey Initiative Young Fellow, member of NACC’s National Advisory Council for Children’s Legal Representation, and a community volunteer. Jas is passionate about improving the outcomes for those who touch child and family serving systems and uses her expertise gained through surviving them to influence holistic practices and policy reformation. Her ultimate goal is to start a primary school that offers two-generational services for youth aged 3–20 years old.

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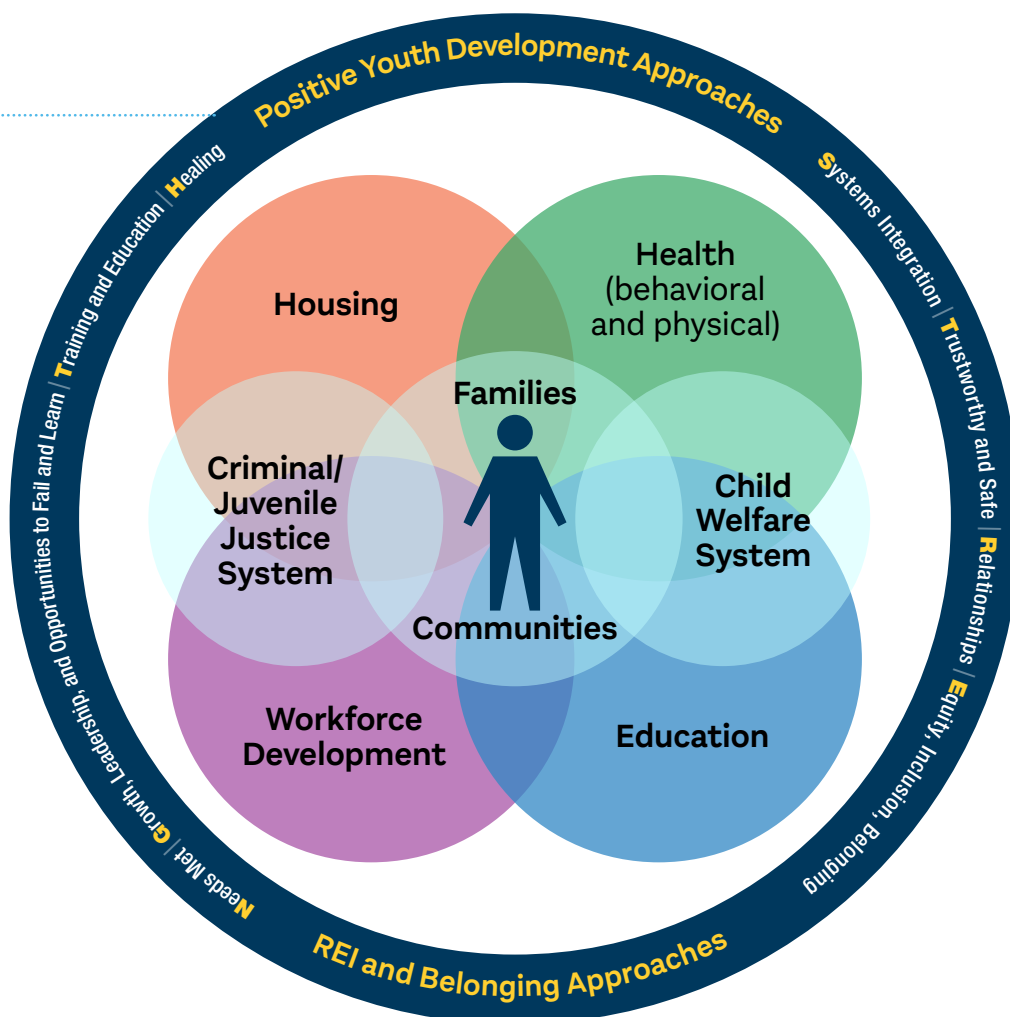


to young people, they must be the most supported in infrastructure and resources, next to the young person. Most system experiences and traumas of young people have either been experienced or felt by their families and communities. Therefore, solely addressing the needs of the young person alone is an isolated response that is not comprehensive enough to benefit everyone impacted by systems. Broader and more formal systems that are a little further removed from the young person are the criminal and juvenile justice systems, child welfare systems, housing, education, workforce, and mental and behavioral health. While all systems play pivotal roles in the positive development and healing of young people, natural and formal systems must share power in making change to achieve better outcomes and accept responsibility in how we got here.

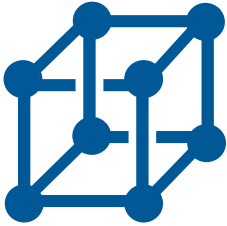
A Conceptual Model¹ was developed to illustrate the ecosystem referenced above.

STRENGTH

A conceptual model for integration of Positive Youth Development (PYD) and racial equity, inclusion (REI), and belonging approaches across systems to achieve better outcomes among young adults involved in the child welfare and/or juvenile or criminal justice systems.



¹ Lantos, Hannah, Allen, Tiffany, Abdi, Fadumo M., Franco, Felipe, Anderson Moore, Kristin, Snell, Jas, Bruce, Billie-Ann, Redd, Zakia, Robuck, Rebecca, & Miller, Jennifer. Child Trends. "Integrating Positive Youth Development and Race Equity, Inclusion, and Belonging Approaches Across the Child Welfare and Justice Systems." (January 2022). Available at: <https://www.childtrends.org/publications/integrating-positive-youth-development-and-racial-equity-inclusion-and-belonging-approaches-across-the-child-welfare-and-justice-systems>



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There are 8 core principles that support the positive development of young people who touch systems that form the acronym STRENGTH.

Systems Integration: Young people naturally exist within family and community. Therefore, all systems that serve and impact young people (both formal and informal) should *work together* to develop systems, strategies, and supports to best meet the needs of youth.

Trustworthy and Safe: Environments, settings, and staff must all present as emotionally, psychologically, and physically safe to support young adults in expression and healing.

Relationships: Although most of us were born into the world alone, we do not exist alone. The development and maintenance of positive relationships are essential in building feelings of support and providing guidance. These relationships include peer to peer, mentoring, family connections, and social connections.

Equity, Inclusion, and Belonging: Systems, and people who work in them, must commit to achieving equitable outcomes for all identities, which calls for justice beyond equality. All identities and experiences should be visible, respected, and weighed to foster a sense of belonging and grant young people permission to safely be themselves.

Needs Met Holistically: The self-identified needs of young adults must be prioritized and supported by formal and informal systems. These needs extend beyond basic or safety needs and should include emotional and spiritual needs.

Growth, Leadership, and Opportunity to Fail and Learn: “Young adults desperately need opportunities to grow through trial and error without severe punishment or displacement. Learning to engage with reasonable risks and opportunities in healthy ways can create experiences that help young people learn to navigate challenges, communicate with others, ask for help, and try again.”²

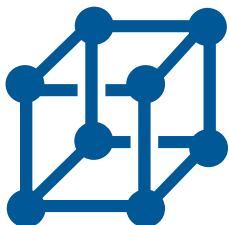
Training and Education: Continuous access to educational opportunities helps to build financial capabilities, skills, and lifelong goals. All young people, particularly those who have been disadvantaged through systems of care, need opportunities to improve their quality of life through increased knowledge and skills.

Healing: Experiences of trauma are very common for system-involved youth and their families. When suppressed, traumatic experiences can negatively impact behaviors, damage relationships, and cause emotional dysfunction. To facilitate healing, systems must invest in identifying and addressing the root causes of breakdown within families and communities.

The STRENGTH model can be used to transform child and family advocacy. Identifying and addressing needs of children and families can and should be done through ecosystems before formal child welfare contact. Resources such as counseling, childcare assistance, transportation, furniture, workforce entry, housing assistance, well-being, in-home family services,

² Lantos et al., *supra* note 1.

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and education should intentionally connect families and assist to close need gaps prior to engaging child welfare. The concept of punishment is deeply embedded in our civilization where we may not fully hear families and fight wholeheartedly for their needs but will punish them; those harsh punishments are still felt today. I challenge those who administer systems and surveil families to provide genuine care to those families instead of policing.

Healing is not achieved through replacement. Instead, healing requires equity and honesty. We often resort to removal and replacement practices, but let us remember that we are not “fixing” children or families. Replacing families is inappropriate and should be an absolute last resort in limited cases where all other options have been exhausted. Instead, let’s heal through identity and visibility – using lived experts as advisors and mentors to nurture a sense of belonging and allow space to self-identify. Let us heal through acknowledging the root causes that led families to be in need and addressing them to achieve reunification. Please inform families of their rights and volunteer your services as legal aid. As a legal advocate for children, you must remain open to the idea of equipping families and communities with tools to self-resolve and maintain self-sufficiency through new practices that are personalized, culturally affirming, empowering, and most importantly, practices that facilitate healing. Are you ready to model and activate the principles of positive development and healing within your sector? ■



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

EXECUTIVE DIRECTOR'S MESSAGE

Summer 2022



Kim Dvorchak
Executive Director

Recentering NACC's Strategy Consistent with Our Values and Commitments

In this 45th anniversary year, the NACC board, staff, and National Advisory Council on Children's Legal Representation (NACCLR) reviewed and updated the organization's strategic plan to reflect our current values and organizational commitments.

The NACC board adopted a five-year 2019–2023 Strategic Plan in 2018. At the time, the board and staff were primarily focused on NACC's organizational development, growth, and fiscal sustainability. By the half-way point in our plan, NACC had successfully refocused our core programming, expanded our team, and strengthened our business model. NACC had also engaged in race equity training and launched NACC's NACCLR, then known as NACC's National Youth Advisory Board.

As 2020 unfolded, it became mission-critical to us that we needed to formally center race equity and constituent engagement in NACC's mission, vision, and goals. From November 2021 to March 2022, the board, staff, and advisory council members engaged in a strategic plan refresh with the support of consultants from Community Wealth Partners, funded by the Annie E. Casey Foundation. NACC's core programs remain the same, but our goals and purpose have shifted from accelerating growth to ensuring equity and inclusion across all areas of our work.

On April 30, 2022, the Board of Directors unanimously adopted the refreshed strategic plan:

NACC VISION:

Every child, parent, and family is well-supported in their community and has equitable access to justice through culturally-responsive, client-centered legal representation.

NACC MISSION:

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

These values and priorities were then woven into revised organizational goals which remain anchored in NACC's three-part strategy:

Promoting Excellence

- » Increase and diversify the national community of Child Welfare Law Specialists.
- » Deliver timely, frequent, responsive, and updated trainings informed by constituent voice, including presenters with lived experience, and with a focus on diversity, equity, and inclusion.
- » Publish the Fourth Edition of Child Welfare Law & Practice, the "Red Book," re-envisioning the content and contributors and focusing on race equity, LGBTQIA justice, balancing new voices with expertise, and contributor diversity.

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Building Community

- » Increase support to a growing membership, with focus on increasing diversity, inclusion, and modernizing membership tools and resources for the field.
- » Utilize law school, State Coordinator, and board partnerships to expand member diversity and promote pipeline to and tenure in child welfare law profession.
- » Build a larger and more diverse conference attendance through scholarships and a variety of conference offerings.

Advancing Justice

- » Collaborate with individuals with lived experience to co-design policies, positions, assessments, and amicus briefs that advance NACC's policy agenda.
- » Partner with NACC members and individuals with lived experience to refresh NACC's policy agenda with a focus on race equity and constituent engagement.
- » Deploy digital and traditional communications that center the voices of people with lived experience; elevate NACC's mission, policy positions, and expertise; emphasize equity and justice; and reach practitioners, youth, parents, families, policymakers, and the child welfare community.

With this refreshed plan, the NACC staff and board will hold itself accountable to authentically engaging experts with lived expertise as we work to build a more diverse, inclusive community of advocates advancing justice in the child welfare system. We look forward to sharing more with you as this work continues in the coming years. ■



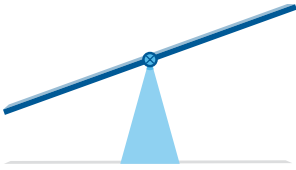
Donate to NACC's General Fund

Your gift fuels NACC's continued advocacy for children and families. Individual donations provide important support for our youth engagement and policy advocacy work. There are several ways to give:

Donate on NACC's website: www.NACCchildlaw.org

Donate by check payable to NACC and send to:
National Association of Counsel for Children
899 N Logan Street, Suite 208, Denver CO 80203

NACC also accepts contributions through **Donor Advised Funds and Bequests**.
Contact NACC Executive Director Kim Duorchak at 720-420-9785 or
Kim.Duorchak@NACCchildlaw.org.



The Balancing Act of a State's Attorney

by Ellen Ramsey-Kacena, JD, CWLS

Serving as an attorney for the state is a balancing act between a plethora of competing interests. The job requires balancing among the actions and policies of the agency, the actions of an individual worker, the general interest of the state, and the general interest of the agency. In child welfare cases, there is an additional layer of complication caused by the need for the family to engage with the agency to receive necessary services, which has to be balanced against the state's attorney's need to zealously advocate for a desired outcome. There are also occasions when there is a need to balance the outcome in a particular case against an overarching policy consideration of the state or agency. This article addresses the balancing act of a state's attorney.

A state's attorney is responsible for representing the general interests of the state. This is an ethereal concept. But generally speaking, the interest of the state is embodied by an agency. The agency may have a variety of needs, including general counsel, advice regarding policy or procedure, assistance with a legislative agenda, representation in contract negotiations, or representation in court actions. As with any organization, there can be genuine disagreements within the agency. There can also be disagreements between policy and practice. The state's attorney may also personally disagree with the position of the agency and believe that a different course of action should be pursued. It can sometimes be difficult to determine the ultimate decisionmaker and to come to consensus with the agency decisionmaker. Building a relationship of mutual trust with the agency is critical in these situations.

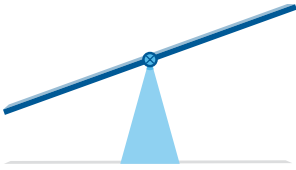
A state's attorney also has to balance between zealous advocacy for the state's position and the need for the agency to have a relationship with the family to provide ongoing services. This advocacy could have potential adverse effects on the ultimate goal of reunification. It is not uncommon for child welfare cases to be contested, requiring a trial to establish the necessary elements for court intervention. Such hearings may require the adversarial examination of a parent or the testimony of an agency worker or service provider. Taking such an adversarial position with a parent can have devastating effects on their progress, their trust in the system, and even their mental health. Testimony from the agency worker or provider may have a detrimental effect on the relationship built between the parent and the agency worker.



ABOUT THE AUTHOR:

Ellen Ramsey-Kacena is an Assistant Attorney General with the Iowa Attorney General's Office. Prior to taking this position two years ago, she was an advocate for parents and children in child welfare cases in Iowa for over seventeen years. She is the chair of the Iowa State Bar Association Family and Juvenile Law Section and chair of the Juvenile committee. She is a certified Child Welfare Law Specialist and serves as NACC's State Coordinator for Iowa.

► **Balancing Act** from previous page



or provider, potentially destroying the trust that has been developed. It is often necessary to weigh the benefits of zealous advocacy and ongoing relationships. It is important for the state's attorney to approach these cases with compassion. With careful thought and consideration, the state's attorney can develop the facts without destroying the parent.

In some cases, the state's attorney may have to balance between the desired outcome in a particular case and an overarching policy consideration for the agency or the state. For example, although the agency may support termination of parental rights in a case, the process to achieve that outcome may have been flawed in some way, such as concerns with due process or failing to transfer a case to a tribe, when such was requested pursuant to the Indian Child Welfare Act. The state must sometimes argue against what may have been the desired outcome, so that the flawed process can be addressed. As a state's attorney, it is critical to safeguard due process in cases, which may sometimes affect timely permanency for a child.

Although representing the state may seem very straightforward, it often requires balancing very critical concepts to achieve necessary outcomes. Rather than representing the position of one client with a clear voice, it is necessary to represent the voice of an agency that may have competing interests. States' attorneys must keep all these competing interests, perspectives, and goals in mind when doing their work so as not to lose sight of the forest for the trees. Doing so will allow them to best serve the interests of their state, agency, and clients and families. ■



NACC RACE EQUITY HUB

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



RESOURCE SPOTLIGHT

Reasonable Efforts: A Judicial Perspective, 2nd Edition

By Judge Leonard Edwards (ret.)

FROM THE FOREWORD BY THE HON. MICHAEL NASH (RET.), EXECUTIVE DIRECTOR OF THE LOS ANGELES OFFICE OF CHILD PROTECTION:

...For decades, Judge Edwards has been the conscience and the voice for juvenile court judges nationwide. He has helped define and shape our role more than any other juvenile court judge ever. Once again, he has raised his voice to emphasize the importance of this part of our role in more depth than has ever been done before. State by state, Judge Edwards reviews the statutory scheme on reasonable efforts, the existing case law on the subject and offers commentary from judges, attorneys, and other child welfare system stakeholders ...

The ultimate goal of the 2nd Edition of *Reasonable Efforts: A Judicial Perspective* is to raise the level of practice so that children and families within the child welfare system will benefit. This edition features new material throughout the book that will assist judges in implementing meaningful oversight of social service actions as well as fulfilling their role as the community's voice for the children appearing in juvenile court. Attorneys will also benefit from learning about reasonable efforts issues that have been raised in other jurisdictions as will appellate justices who encounter these issues regularly in appellate briefs.

The book considers the reasonable efforts finding from a number of perspectives:

- It reviews the history of the reasonable efforts concept
- It explains the legal requirements on children's services agencies
- It discusses the failure of federal legislation to define reasonable efforts and its impact
- It examines the Indian Child Welfare Act (ICWA) and "active efforts"
- It examines barriers that limit a judge's or attorney's ability to address the issue

This new edition is made possible by the generous support of Casey Family Programs and is published by the National Council of Juvenile and Family Court Judges (NCJFCJ), the nation's largest and oldest judicial membership organization.

To purchase from the NCJFCJ, please email contactus@ncjfcj.org or visit ncjfcj.org/reasonable-efforts.

In order to make this edition as accessible as possible, Judge Edwards has donated the book to the NCJFCJ and receives no income from the sale of the book. ■



ABOUT THE AUTHOR:

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



Christina Lewis, JD, CWLS
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Case Digests

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

***In re J.W., et al.*, 263 A.3d 143 (D.C. 2021) (temporary emergency jurisdiction under the UCCJEA)**

After moving from Georgia, the mother and her two children lived in Washington Union Station for a month before encountering child welfare authorities. Opining that the children's safety was in jeopardy due to the mother's mental illness, authorities placed the children in foster care. The magistrate judge subsequently found that the mother neglected the children, her failure to provide appropriate shelter and education was not due to lack of financial means, and her mental incapacity prevented her from discharging her responsibilities to her children. The mother sought review with an associate judge of the Superior Court, who upheld the magistrate judge's exercise of temporary emergency jurisdiction under the UCCJEA and findings of neglect. The mother appealed.

The District of Columbia Court of Appeals stated that "a court of the District has temporary emergency jurisdiction if the child is present in the District and the child has been abandoned or it is necessary in an emergency to protect the child because the child... is subjected to or threatened with mistreatment or abuse." Noting that the UCCJEA does not define "mistreatment", the D.C. Court of Appeals found that given "the UCCJEA's history, the drafter's comments, and our own law, ... a child is mistreated within the meaning of D.C. Code § 16-4602.04(a) if the child is threatened with or being subjected to imminent harm, including the deprivation of adequate food, clothing, shelter, or medical care." The D.C. Court of Appeals held that the children were mistreated because their mother was offered free shelter but instead chose to live in a train station indefinitely. Thus, the D.C. Court of Appeals ruled that the magistrate judge had jurisdiction over the proceeding. It also ruled that the magistrate judge was correct in determining that the children were neglected; the mother's delusional beliefs and paranoia prevented her from providing proper care to her children and negatively impacted them. Judgments of the Superior Court were **affirmed**.



► **Case Digests** from previous page

In re Hospitalization of April S., 499 P.3d 1011 (Alaska 2021)
(involuntary commitment of a child in agency custody)

A sixteen-year-old, who was in the custody of the Alaska Office of Children’s Services (OCS), was taken to the hospital after threatening to harm herself. A hospital social worker filed an order for involuntary commitment. Following an *ex parte* inquiry with the social worker, the superior court authorized the youth’s involuntary commitment at a psychiatric facility for a 72-hour evaluation period. At a 30-day commitment hearing, OCS informed the court that it admitted the youth into the facility “on a voluntary basis as the child’s guardian” and argued that the hearing was not required. After some delay, an evidentiary hearing was held in which the court found that the State had proven by clear and convincing evidence that the youth had a mental illness, was likely to cause harm to herself or others, and that the facility was the least restrictive alternative; thus, it issued a 30-day involuntary commitment order. The youth appealed, arguing that the court violated her due process rights when it took *ex parte* testimony from the hospital social worker; that OCS had her committed against her will and without judicial oversight; and that because OCS is not a “parent or guardian”, the parental admission statute did not apply.

Citing precedent, the Alaska Supreme Court held that “the procedures contemplated by the statute governing involuntary hospitalizations for evaluation comply with due process” under the balancing test enumerated in *Mathews v. Eldridge*. Specifically, the Alaska Supreme Court explained that requiring that the respondent be heard during an *ex parte* inquiry would not result in expedient judicial review, would offer minimal added protection, and would “undermine the State’s interest in prompt as well as accurate psychiatric review.” The Alaska Supreme Court, however, ruled that the definitions of “parent or guardian” does not encompass OCS; thus, OCS could not use the parental admission statute to voluntarily commit the youth. The Alaska Supreme Court declared that the youth’s commitment was involuntary; therefore, if OCS wanted to extend the commitment, it needed to obtain a 90-day commitment order, which “triggered additional rights for [the youth], including the right to a jury trial[.]” The order authorizing hospitalization was **affirmed**; the order authorizing a 30-day involuntary commitment was **vacated**.

In re Welfare of the Children of A. D. B., 970 N.W.2d 725 (Minn. App. 2022)
(posttrial determination that reasonable efforts were futile)

The father’s child was placed in the custody of the child welfare agency due to the child’s half-sibling testing positive for controlled substances at birth. Although the father was a participant in the proceedings, he was not a party and did not have a case plan. A termination petition was later filed against both parents. Most of the allegations were against the mother; however, an affidavit accompanying the petition informed the court of the



► **Case Digests** from previous page

father's incarceration, his release date, and the issuance of a protective order prohibiting the father from contacting the mother and child. After a hearing, both parents' rights were terminated. The district court found that the agency failed to provide services to reunify the father and child but that its failure to do so was reasonable. The father appealed the district court's posttrial determination of futility.

At the outset, the Minnesota Court of Appeals explained that before a parent's rights can be terminated, the agency must show by clear and convincing evidence that it made reasonable efforts to reunite the parent with the child. Citing statute, the Minnesota Court of Appeals stated that the agency must develop a case plan for each parent. It further stated that reasonable efforts are required unless the district court determines that the agency's petition states a prima facie case of futility.

The Minnesota Court of Appeals held that the district court abused its discretion in determining posttrial that reunification efforts would be futile. First, it noted that the father's "anticipated release date was 'an ascertainable period of time'" and that it was to "occur in the relatively near future." Second, the agency did not develop a case plan for the father or "otherwise identify any potentially suitable programming available to an incarcerated parent." Third, the agency did not request, before the termination trial, a court determination that the petition stated a prima facie case that reunification efforts were no longer required. Accordingly, the Minnesota Court of Appeals **reversed and remanded** the order terminating the father's parental rights. ■



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.



NEXT
GEN
NEWS

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

Click to learn
more about Leyda
in this issue!

Next Generation News

Hi! My name is Leyda Garcia-Greenawalt, and I have the pleasure of being the National Law School Student Organizer for NACC. I would like to welcome you to Next Generation News! NACC is excited to create and hold this space in the Guardian for students to share their work and ideas with other professionals in the field of child welfare. Students can also submit their research, write a brief op-ed or policy analysis, and give advice to future generations of law students. Perhaps even sharing some child welfare-related books and movies and reviewing them. The possibilities are endless!

In that same spirit, I ask that you indulge me as I share about an incredible program that I had the privilege to be a part of. My “Dear Diary” moment, if you will. I recently attended the Bergstrom Child Welfare Law Fellowship Training in Ann Arbor, Michigan from May 23rd to May 25th. Alongside fellow NACC student members and new colleagues, I learned from experts in the child welfare field about trauma, advocacy, bias, poverty, and race. We were joined by presenters from all over the country such as Professor Vivek Sankaran, Professor Sacha Coupet, Dr. Jim Henry, Professor Frank Vandervort, Judge T.J. Ackert, Rick Barinbaum, and Christopher Church. To be a Bergstrom Fellow is to be a part of a network of over 100 professionals who have, in the last 30+ years, sat in the same seat I’m sitting in. There’s comfort in knowing that the future of children’s lawyering is in the hands of such courageous, loving, and strong-minded powerhouses. After attending this program, I eagerly look forward to attending my first NACC conference in Baltimore this summer, where we will be joined by Professor Vivek Sankaran and his colleagues (see the [NACC 2022 Dual Conference eBrochure](#) for conference information).

Thank you for allowing me this moment to share my thoughts with you. If you have something you’d like to share with Next Generation News, please email me at Leyda.GarciaGreenawalt@NACCchildlaw.org. I can’t wait to hear from you! ■

REFLECTIONS

REFLECTIONS ON NACC'S 45TH ANNIVERSARY

Members celebrate this milestone with reflections on NACC's impact—past, present, and future.

Why do you attend NACC's National Child Welfare Law Conferences?

In 2017, I attended my first NACC Child Welfare Law Conference in New Orleans, Louisiana. I thoroughly enjoyed the community that was created. Everyone faces similar challenges in their daily practice and the conference provides a safe space to learn from others. I have attended three conferences since and presented at one. Each year, I meet new people and I leave the conference recharged and brainstorming new ideas to bring back to Louisiana.

What benefits have you received from attending NACC's conferences?

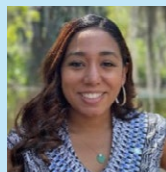
The sessions at NACC are always perfectly curated to the issues that we face in the field. The presenters are easily accessible, open to continuing discussions after sessions, and even amenable to additional presentations with different audiences. Each year, I wish that I could attend every session in the program, so I usually create a partner system and we divide and conquer and then debrief after.

What are you most looking forward to from NACC's 45th National Child Welfare Law Conference? Tell us a little bit about the sessions you will be presenting!

This year I am incredibly excited to celebrate NACC, attend my first conference as a CWLS, and present in-person for the first time. My colleague Mary McMillan and I will be co-presenting both in-person and virtually. My first presentation, onsite in Baltimore, "What to Do When the Agency Won't Certify: Using Public Benefits and Alternative Dispositions to Support Families" will discuss ways to keep families together even if families are unable to be certified and receive traditional assistance. States are creating new resources for families to help keep families together, and it is often difficult to locate and navigate those resources and organizations.

I am most excited about our second presentation, "Zooming in: Bias Through the Lens of Former Foster Youth" during the virtual conference in September because we are just facilitating the conversation and hearing about bias within the system from those most impacted. The idea for this presentation was sparked last year at the NACC conference in Denver after the lunch discussion about racism within the child welfare system. That discussion was so open and informative, and if we as professionals see the problems, imagine what those with lived experience have been through. As children's attorneys, it is sometimes difficult to gather all of our clients' experiences, so giving former youth a platform to elevate their voices was the crux of our planning. Although we are attorneys, our clients are the experts in their lives and needs, and they need to be encouraged and uplifted within their cases.

NACC is always such a strong community of advocates and resources with depths of knowledge regarding child welfare. If you haven't attended, you should attend this year! ■



**JOSEPHINE
VANDERHORST,
JD, CWLS,**

is a Managing Attorney at Southeast Louisiana Legal Services. She has been a child welfare attorney since 2016. She obtained her B.A. in Psychology from Tuskegee University, her M.A. in Forensic Psychology from Argosy University, and her J.D. from Tulane University.

She first found her passion for helping foster children while working at a group home. This work continued while in law school when Josephine arranged an Angel Tree project for Christmas where gifts were collected and given to local foster youth in group homes.



RESEARCH EXCERPT

Redefining, Rethinking, and Reflecting

By Justin and Alexis Black

What is your normal? We believe that your normal is the identity that has been shaped by your family, your community, and society. As former foster youth, my wife, Alexis, and I inherited a culture of ideas that reflected the trauma of our family and community. This trauma became our reality and the image we had of ourselves, the “normal” we’ve lived most of our lives that has provided our perspective of the world.

We believe that in many circumstances, our own actions determine the rewards we obtain (internal locus of control), but our parents and so many other people in our lives believe that their own behavior doesn’t matter much and that what happens to them is generally outside of their control (external locus of control). With the help of our book, *Redefining Normal: How Two Foster Kids Beat The Odds and Discovered Healing, Happiness and Love*, we want individuals to redefine what is normal in their own lives through mental and spiritual growth as well as personal reflection.

Breaking generational cycles can be a lonely, wrenching process. Children generally accept the practices of their family without question; looking back and questioning them later requires a determination stronger than the pain of separating from the only values they have ever known. For many, choosing to leave their environment to do better comes with being shunned or shamed by one’s family. Children are sponges; they soak up messages from the moment they are born. Ways of thinking and communicating (and ways of behaving in general) become deeply ingrained in their formative years. The social world they grow up in defines what’s normal, acceptable, and praiseworthy.

Is it possible for children and youth to advocate for themselves when they believe their purpose is to follow in the footsteps of those that came before them? When trauma is the foundation of one’s identity, the end goal resembles the generational cycle played out before them.

One thing is clear: children want to be loved, but how they give and receive love is largely dictated by those who taught them what love is in the first place. Those who have been traumatized in their youth must redefine themselves and what is normal. In many commu-



ABOUT THE AUTHORS:

Justin and Alexis Black are foster care alumni, graduates of Western Michigan University, and a part of Forbes Next 1000 Entrepreneurs for 2021. Together, they’ve published an award winning, bestselling book, *Redefining Normal: How Two Foster Kids Beat The Odds and Discovered Healing, Happiness and Love*, which has impacted over 15,000 individuals and families. With *Redefining Normal*, they hope to continue the conversation on healthy relationships, mental health, community growth and healing through speaking engagements, trainings, and book clubs.

► **Research Excerpt** from previous page

nities, sustaining and surviving abuse was a badge of honor and proof of strength and character. Parents who protected their children from toxic situations were resented and ostracized; their children were made to feel embarrassed to have received such “privilege.” As children, Alexis and I would laugh with friends about being beaten with shoes, extension cords, hangers, and anything else our parents could hit us with.

Again, how much trauma children endured was a perverse measure of their strength. It’s easy to think this way as a child until you learn about Adverse Childhood Experiences (ACEs). An ACE score (0 to 10) is a tally of different types of abuse, neglect, and other hallmarks of a rough childhood.¹ According to the ACEs study, the rougher your childhood, the higher your score is likely to be and the higher your risk for later health problems such as alcoholism, obesity, drug use, depression, suicide attempts, cancer, heart disease, and more.² For example, Alexis and I have high ACEs scores and addiction running in both our families; thus, we are careful about what we consume. ACEs also have a tremendous impact on future violence, victimization and perpetration, and opportunities in life.³

Trauma rewires the brain and can even change one’s DNA.⁴ Too many parents think that just because they provide food and shelter, they are good parents. Or because they do slightly better than their parents did for them, that makes them successful parents. According to Maslow’s hierarchy of needs,⁵ children need their parents to care for them on several levels. If they don’t, then children’s needs seep over into their intimate relationships. Oftentimes, this takes a lifelong journey of unlearning and relearning what their definition of love, family, and parenting looks like.

Additionally, there is significant evidence that a child’s success can be determined by drawing a 0.6-mile radius around where they grow up.⁶ Success (or lack thereof) may be attributed to their environment, socio-economic status, neighborhood, parental influence, education, etc.⁷ This shows, even more, the importance of community, families, healthy relationships, and healing. Writing our book allowed us to reflect on our childhoods and see that our lives were on a certain trajectory of abuse, neglect, and brokenness. We were lucky to get out of our violent and destructive homes and end up in foster care; many were not as fortunate. We realized that mental and emotional barriers reduced our ability to build healthy relationships with friends, family, and romantic partners.

Where are we now? We fought through millions of hurdles and societal expectations to become who we are today. We now have the courage to discuss, in regular conversation, things that have been buried for years. Our growth and journey have fueled our desire to connect with others processing generational mental and emotional barriers. We help them identify how they too can create generational success from such daunting experiences. ■

1 Kilgore, D. Child Support Directors Association of California. “What’s Your ACE Score?” (June 2017). Available at: <https://csdaca.org/whats-ace-score/>

2 Centers for Disease Control and Prevention. “Adverse Childhood Experiences (ACEs): Preventing early trauma to improve adult health.” (November 2019). Available at: <https://www.cdc.gov/vitalsigns/aces/index.html>

3 Centers for Disease Control and Prevention. “Adverse Childhood Experiences (ACEs).” (August 2021). Available at: <https://www.cdc.gov/policy/polaris/healthtopics/ace/index.html#:~:text=ACEs%20have%20a%20tremendous%20impact,attempt%20or%20die%20by%20suicide.>

4 Margit Erdelyi, K. psycom.net. “Can Trauma Be Passed Down From One Generation to the Next?” Available at: <https://www.psycom.net/trauma/epigenetics-trauma>

5 Wikipedia contributors. Wikipedia, The Free Encyclopedia. “Maslow’s hierarchy of needs.” (June 2022). Available at: https://en.wikipedia.org/wiki/Maslow's_hierarchy_of_needs

6 Chetty, R, Friedman, J., Hendren, N., Jones, M. R., & Porter, S. R. National Bureau of Economic Research. “The Opportunity Atlas: Mapping the Childhood Roots of Social Mobility.” (October 2018). Available at: https://www.nber.org/system/files/working_papers/w25147/w25147.pdf

7 Id.



READER PANEL

Out-of-Court Advocacy

Especially in child welfare cases, so much crucial lawyering occurs outside of the courthouse — from building client relationships, to fact investigations, to client counseling, to negotiation and alternative dispute resolution.

How has out-of-court advocacy enhanced your ability to provide high-quality legal representation to your clients?

What are some of your go-to out-of-court advocacy strategies and tips?

Stacy L. Miller, JD, CWLS

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

If the child is charged with a delinquent offense, it is equally important to do the field work for their case as well. As we know, in delinquency cases, the dispositional phase of the trial is, in reality, the most important part of the case as it determines the outcome for the child and what type of treatment they will receive. Talk with family members, coaches, ministers, and anyone who can assist in identifying not only the issues that the child is having, but also their strengths to build on. This type of outside resourcing with important people in the youth's life can mean the difference between going into state custody and remaining in their home while receiving intensive in-home services.

Buffy Jo Okuma, JD

Chief Deputy District Attorney | Washoe County, Nevada

Out-of-court advocacy requires the advocate to be able to problem-solve, see other's perspectives, collaborate, and be solution-focused. If an advocate comes into a family team meeting or other negotiation pounding fists and demanding outcomes, they are less likely to reach a resolution as that behavior often causes the other participants to become defensive and shut down the conversation. Rather, know your client's needs and goals, prepare your client for expectations and understanding the process of a team meeting, gather information, acknowledge other participants' positions and work toward a solution. Our clients often need timely resolution that can be achieved with skilled out-of-court advocacy without waiting for a scheduled hearing or resorting to the adversarial court process which is often not very timely.

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



Timothy Michaels-Johnson, JD
Executive Director | Tulsa Lawyers for Children
NACC State Coordinator for Oklahoma

One of the most important things an attorney, whether for the agency, child, or parent, can do to enhance out-of-court advocacy is to build positive working relationships with the frontline workers of the child welfare agency. The undervalued work they do and the difficult decisions they are often called upon to make deserve the respect of the attorneys involved in the child welfare system. Even when an attorney disagrees with a worker's position or decision, respectful disagreement and considerate discourse carry a great deal more weight than critical commentary and antagonistic behavior.

Kathryn Newell, JD
Griffin Newell, LLC | Denver, CO

In the context of special education law, most of the advocacy happens out of court – such as in IEP Team meetings, communication with opposing counsel, and in settlement negotiations. Sometimes negotiation leads to a solution that addresses both the needs of the student and the interests of the school district. When this occurs, it can result in an outcome that is better for both sides than what a judge would order.

Lynda D. McGhee, JD, CWLS
Co-Executive Director | Michigan Children's Law Center
NACC State Coordinator for Michigan

Out-of-court advocacy has enhanced my practice by allowing me to use what influence I have as a lawyer to assist my clients. Two of my strategies have included speaking to community organizations and utilizing my social media platforms. This allows me to build relationships with those who can help me in or outside of the courtroom. I have found mentors, clothing, tutors, jobs, opportunities, and other resources that help my clients become successful. Our law firm has also partnered with other attorneys outside of child welfare to assist our clients with legal issues in other areas. ■

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](https://www.NACCchildlaw.org)



NACC Policy News and Amicus Updates



POLICY NEWS

NACC Endorses Federal Funding for Community Schools, Recognition of Children's Week

NACC joined a [letter asking Congress](#) to match President Biden's budget request for \$468 million for [Full-Service Community Schools](#) in fiscal year 2023. NACC also signed on to a letter asking President Biden and Vice President Harris to issue a [proclamation recognizing Children's Week](#).

NACC Supports Policies Promoting Youth Safety and Opportunity

NACC signed letters to Congress and federal agencies in support of policies that [protect immigrant children](#) and [help immigrant families access benefits](#), keep children [safe from corporal punishment](#) in schools and [ensure they receive educational support](#), and help young people [join the workforce](#) and [learn to drive](#).

NACC Joins Organizations Denouncing Attacks on Children Seeking Safety in US

In March, 40 organizations, including NACC, [signed an open letter](#) opposing state policies, laws, and proposals that threaten the rights and safety of immigrant children.

NACC Supports Policies that Protect Children and Families

NACC signed on in support of efforts to [end no-knock warrants](#), increase federal funding to [protect youth and prevent juvenile delinquency](#), and reauthorize the [Maternal, Infant, and Early Childhood Home Visiting Program](#).



Allison Green, JD, CWLS
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AMICUS UPDATES

Alaska Children's Social Security Funds

NACC joined partners in an [amicus brief](#) challenging Alaska's practice of capturing children's social security funds to reimburse the state for the costs of foster care.

Federal Abstention Doctrine and Indiana Foster Care

The 7th Circuit dismissed a challenge [to the federal abstention doctrine](#), in which NACC had joined partners in an [amicus brief](#). A request for panel re-hearing and en banc review is expected.

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



NACC Files Amicus Brief Opposing Unlawful Detention

NACC filed an [amicus brief](#) in the Eighth Circuit in a case challenging a family court judge's unlawful detention of two siblings during a custody dispute. The brief provided education and context for the court regarding children's rights, due process, and the harms and inequities of incarcerating children.

Supreme Court to take up *Brackeen v. Haaland*

On February 28, the Supreme Court accepted cert of the case of *Brackeen v. Haaland*. Oral arguments are anticipated to occur in October. NACC is joining with partners to file an amicus brief in this matter in support of the Indian Child Welfare Act as an important aspect of children's rights.

Standard for Appointment of Independent Counsel for Ohio Youth Remains Unresolved

On January 11, 2022, NACC joined partners in an [amicus brief](#) to the Ohio Supreme Court, arguing for the [appointment of independent counsel](#) when the child's expressed wishes differ from their GAL's position. Oral argument in this case was held in April. Unfortunately, on May 26, 2022, the Supreme Court of Ohio dismissed the matter as having been "improvidently accepted." ■



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](#).

COUNSEL FOR KIDS



Nataleece Washington,
JD, CWLS
Policy Counsel
Nataleece.Washington@NACCchildlaw.org

State Updates

ALASKA: Supreme Court of Alaska issued [Order No. 1978](#), which changes Child in Need of Aid (CINA) rules, effective October 17, 2022. *Rule 3* now guarantees a child's right to be present and participate in court hearings and *Rule 12.1* mandates the appointment of legal counsel to children aged 10 or older in CINA proceedings in limited circumstances. NACC submitted [formal comment](#) during this process.

COLORADO: Governor Polis signed [House Bill 22-1038](#) into law on April 12, requiring client-directed legal counsel for youth aged 12 or older in child protection matters. NACC Executive Director Kim Dvorchak [testified](#) (@ minute 10:56) and submitted [written testimony](#) in support of this reform. Read more about this legislative effort below.

Check Out New Campaign Resources!

Counsel for Kids Release New Video

[Children in court need lawyers of their own.](#) We're working to make sure they have them. Children should be seen, heard, and represented in child welfare cases that affect their future.

Counsel for Kids Promote Race Equity

Counsel ensure that children's rights are protected and voices heard in dependency proceedings. The latest addition to the Counsel for Kids toolkit details [nine ways attorneys for children can promote race equity](#).

The C4K Cheat Code Revealed: Collaborative Champions and Centering Lived Expertise

The momentum around Counsel for Kids (C4K) continued to grow during the 2022 legislative session, thanks to strong legislative champions and lived experience experts. Dedicated policy advocates buoyed C4K Campaign efforts in Colorado and Indiana this year. In each state, diverse coalitions of youth with lived experience in the child protection system, attorneys, foster parents, and national leaders lobbied in support of client-directed representation for youth. Their advocacy highlighted the attorney's role in holding a state accountable for its duties to children in foster care, expediting permanency, increasing well-being, and in centering and amplifying youth voice.

This session, three state legislative champions emerged as leaders in the fight to achieve counsel for kids. Even while committed to other pending bills, they worked tirelessly to educate their peers on the unique needs of children experiencing foster care and the positive impact of attorneys on their experience.



In **INDIANA**, Senator Jon Ford (R) leveraged his cooperative spirit, knowledge of foster care, and respected position to [elevate the issue](#) and encourage discussion of counsel for kids. Sen. Ford told NACC that in his state, "[...]everyone in the child welfare system is represented *but the child*. The very person who needs the help most doesn't have someone working for their best interest." He added, "I believe legal representation can get a child through the system to permanency faster and I hope with less trauma."

Children in court need lawyers of their own. *We're working to make sure they have them.*

Ford filed Senate Bill 180, a proposal to appoint legal counsel for children in child protection proceedings. When the bill stalled in the Appropriations committee after passing unanimously through the Family and Children Services committee, Sen. Ford skillfully pivoted. He amended the bill to request examination of children's legal representation by an interim study committee. Later, when the legislative council declined to assign the topic to an interim study committee, Sen. Ford announced his decision to conduct an independent study on the issue with a diverse group of stakeholders including lived experience experts, agency representatives, the judiciary, Court Appointed Special Advocates, public defenders, and other legislators. Sen. Ford's actions—drafting a bill, educating his peers, debating the importance of C4K—have laid the groundwork for eventual lasting change in Indiana.



In **COLORADO**, Representatives Lindsey Daugherty (D) and Tonya Van Beber (R) successfully led the charge to pass House Bill 22-1038, legislation that guarantees client-directed legal counsel for children age 12 and older in child protection court proceedings. As a lawyer-legislator with extensive experience as a guardian *ad litem* attorney, Rep. Daugherty understood the importance of legal representation for children and the value of centering young people who have experienced foster care in any systemic reform efforts. Rep. Van Beber, the bill's co-sponsor, has lived expertise as a young person in the child protection system, as an adoptee, and as a foster parent. She purposefully committed to engaging a diverse array of stakeholders in a collaborative legislative process. Rep. Van Beber told NACC, it was critical to her that, "everyone who is impacted has a voice in the process" including "the youth who are at the mercy of a system that they find themselves in under difficult circumstances and through no fault of their own."

With this dynamic duo in place, HB 22-1038 sailed smoothly and unanimously through committees to the Governor's desk for signing. But they were not alone: Rep. Daugherty explained that the testimony of youth with experience in the foster care system resonated the most with her peers—helping them understand the need for client-directed legal counsel. Support for the bill was solidified after legislators—heard directly from young people about the need for an attorney to ascertain and advance "what they actually [want]."

Rep. Daugherty told NACC that, "empowering our youth is essential for them to create a positive future. We need to ensure that our youth have the tools and resources necessary to make something of themselves, and that all starts with amplifying our children's voices so that they know they are actually heard."

Stakeholders in both Indiana and Colorado agree that effective collaboration with a bill's legislative sponsor is key to policy reform. Sponsors who understand the value of counsel for kids and are best positioned to persuade their legislative peers. Trust and effective communication cement the partnership between policy advocates, staffers, and the legislative sponsor. Communicating about the schedule of committee hearings, arguments raised by opponents, and areas where constituent voice is needed are particularly vital to the advocacy campaign.

2022's C4K movement in Indiana and Colorado demonstrated that policy advocacy thrives with the support of committed legislators. Thank you to Sen. Ford, Rep. Daugherty, and Rep. Van Beber for centering the voices of individuals that have experienced foster care and championing children's rights in the community, in committee hearings, and on the voting floor. Onwards! 🏠

Children in court need lawyers of their own. *We're working to make sure they have them.*



Membership Matters

Join NACC in Welcoming our Cohort of 14 New State Coordinators!



Emily Dufour
Membership Coordinator
Emily.Dufour@NACCchildlaw.org

Update Your
Member Profile



Would you like to share
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Membership? *Send it to us!*

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

CALIFORNIA

Dean Conklin, JD, CWLS

Resource and Training
Attorney, Children's Law
Center of California

CONNECTICUT

Salihah Denman

Attorney, Private Practice

DELAWARE

Stephanie Reid, JD, CWLS

Attorney, Private Practice

HAWAII

Valerie Grab

Executive Director
at Children's Law
Project of Hawaii

IDAHO

Jessalyn Hopkin

Juvenile Deputy Public
Defender, Bannock County
Public Defender's Office

MINNESOTA

Debra Kovats

Staff Attorney, Children's
Law Center of Minnesota

MISSISSIPPI

Jennifer Morgan, JD, CWLS

Parent Defense Program
Manager, Mississippi Office
of State Public Defender

NORTH DAKOTA

Constance Cleveland, JD, CWLS

Assistant State's
Attorney, Cass County

NEVADA

Angela Cook

Team Chief, Children's
Attorneys Project Legal Aid
Center for Southern Nevada

SOUTH CAROLINA

Margaret Bodman

Senior Resource Attorney,
Children's Law Center,
University of South Carolina

UTAH

Dianne Balmain, JD, CWLS

Assistant Attorney General,
Attorney General's Office

VIRGINIA

Valerie L'Herrou

Staff Attorney for Family Law
and Child Welfare, Virginia
Poverty Law Center

WASHINGTON

Bailey Zydek

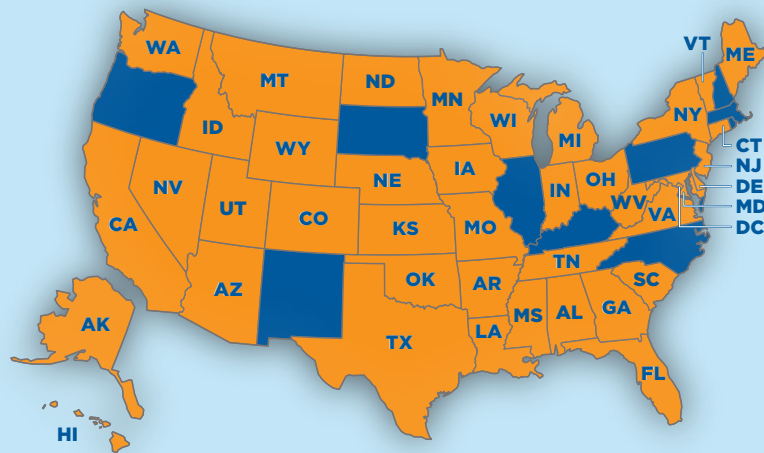
Children's Representation
Program Manager, Office
of Civil Legal Aid

WEST VIRGINIA

Cathy Wallace

Executive Director,
Childlaw Services, Inc.

NACC now has 41 State Coordinators and will add more each year, moving to fulfill our 50+state strategy by 2023. This is a critical time to build community and support practitioners and we are grateful for this volunteer network. View your state's NACC coordinator by visiting our [website](#). The next round of applications opens in March 2023.





► **Membership Matters** from previous page

Organizational Memberships — 25% Off Flash Sale Through June!

NACC's organizational membership program is designed to bolster the national NACC community by holistically engaging child and family law offices, CASA's, law schools, and other agencies. From small teams to large practices, to pro bono networks, NACC serves a variety of organizations interested in child welfare law, practice, and policy.



Join or renew your organizational membership for deeper conference registration discounts during early registration. NACC will apply the 25% discount upon invoicing.

Learn more and [enroll your organization](#) today!

Profile Update

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

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

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

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

NACC Member Resource Page

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



► **Membership Matters** from previous page

Thank you to our Platinum Lifetime and Sapphire Members!

PLATINUM LIFETIME

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

Consider Elevating Your Support with a Platinum Lifetime Membership

When you [join or renew](#) your membership at the Platinum level, you receive all NACC member benefits for life! No notices, no renewals, just continued uninterrupted benefits. Lifetime Platinum Memberships cost \$2,500 and may qualify in whole or in part as a business deduction or charitable contribution (please see your tax advisor for more information). Help build NACC's platform with a [Platinum Membership](#).

SAPPHIRE

Lorne Hobbs

Honor NACC's 45th Anniversary with a Sapphire Membership

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



► **Membership Matters** from previous page

Thank you to our Gold and Silver Members!

GOLD

Jillian Aja	Denise Glasgow	Stormy Lukasavage	Francis Rio
Rosemary Armstrong	Nicole Goodson	Timothy Michaels-Johnson	Bob Schwartz
Kathryn Banks	Valerie Grab	Monica Mooney Denny	Ivy Shepherd
Deborah Bennett	Josh Gupta-Kagan	Michael Nash	Dennis Smeal
Ivory Bennett	Jen Ha	Jennifer Newman	Jasmine Snell
Kelly Bentley	Laurie Hall	Linnea Nicol	Tim Stevens
Margaret Bodman	Amy Hayes	Candice Novak	Alexandrea Talsky
Jessica Braun	Michael Herrin	Tisha Ortiz	Julia TenEyck
Cameron Buhl	Penny Higginbottom	James Ottesen	Judy Waksberg
Courtney Canova	Jessalyn Hopkin	Marshall Pahl	Cathy Wallace
James Cargill	Matthew Jarvis	Melissa Paul-Franklyn	Jacqueline Williams
Meredith Carpenter	Kimberly Jordan	Chelsea Peters	Wendellyn Wright
Jonathan Conant	David Katner	Alexis Pollock	LaShawn Young
Angela Cook	Debra Kovats	Duane Price	Aliyah Zeien
Salihah Denman	Erica LeMon	Brittany Radic	Bailey Zydek
Julie DiVerde	Rachel Levitt		
Robert Fellmeth	Kerrie Lonard		

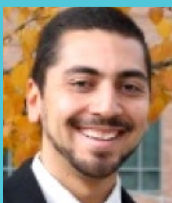
SILVER

Amanda Abrams	Donald Duquette	Sarah Kukuruza	Karla Roisum
Robert Ackley	Becky Farmer	Denise LaFave Smith	Lisa Rutland
Carol Park Aden	Victoria Gonchar	Lucette Laffoon	Selina Saenz
Brandi Alexander	Jennifer Gonzales	JulieAnne Leonard	Bonnie Saltzman
W Charlton Allen	Joseph Gunn	Greta Locklear	Nicholis Schroeder
Sylvia Andrew	Michele Hammond	Bruce McKinnon	John Sierra
Kelsey	Holly Handler	Margie McWilliams	Tahra Sinks
Armstrong-Hann	Kayla Harrington	Marcela Mendoza	Margaret SlySingleton
Jacquelyn Babinski	Hollie Hinton	Eva Morales	Cheryl Smith
Kelly Brandon	Denise Hippach	Jennifer Neal-Jones	Jennifer Smith
Kimberly Brown	Robert Holmes	Otha Nelson	Cheryl Spano
Carly Carman	Twila Hoon	Brandi Nieto	Elizabeth Stanley
Rebecca Cervenak	JaNeen Hopkins	Ann O'Connor	Gabriela Stear
Katherine Chadek	DeAnna Horne	Jane Okrasinski	Belinda Taylor
Jennifer	Desiree Hosannah	Crysta Parkin	Adam Trupp
Cochran-Green	D'lorah Hughes	Alison Pauk	Lucy
Kay Cooper	Sharon Jacksack	Lauren Petty	Vazquez-Gonzalez
Renee Cooper	Gregory Jacomet	Daniel Phillips	Judy Webber
Ashley Cousineau	Kara Jennings	DeVonna Ponthieu	Jill Weygandt
James Cronon	Alondra Geneva	Suzanne Queen	Nedra Wick
Kaitlin Dean	Johnson	Sean Ramsey	Anne Williams
Rochelle Doyle	Janelle Johnson	Kathleen Richey	Ashley Williams
Amber Drennan	Paula Kaldis	MacKenzie Ridgle	Steven Yonan
Lisa Dube	Amy Klauber		



Child Welfare Law Specialist Certification

Congratulations to our newest Child Welfare Law Specialists!



Daniel Trujillo
Director of Certification,
Sales, and Technology
Daniel.Trujillo@NACCchildlaw.org

Christina Lewis, JD, CWLS

National Association of Counsel for Children
HAHNVILLE, LA

Kassie McEntire, JD, CWLS

Saint Francis Ministries
GREAT BEND, KS

Chase Rosario, JD, CWLS

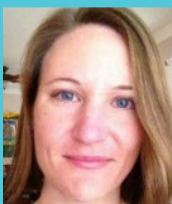
Attorney at Law, NACC's Montana
State Coordinator
LEWISTOWN, MT

Zipporah Tillman, JD, CWLS

Gwinnett County Juvenile Court
LAWRENCEVILLE, GA

Lynn Vogan, JD, CWLS

Youth Law Center
DES MOINES, IA



Ginger Burton
Certification Administrator
& Technical Writer
Ginger.Burton@NACCchildlaw.org


You're Invited — Join us for the CWLS Reception in Baltimore!


All Child Welfare Law Specialists and current CWLS applicants are invited to attend this year's CWLS Reception on August 21st. Come celebrate your achievement, enjoy the special recognition you deserve, and get to know one another before the conference ramps up. We look forward to seeing you there!

CWLS Reception

Sunday, August 21, 2022
5:00pm – 6:00pm
Baltimore Marriott Waterfront
(No RSVP or registration necessary)

Certified CWLS are always eligible for discounted conference registration rates — including 50% off separate registration for the pre-conference Red Book Training if you're looking to brush up on the fundamentals! ■




 eBrochure is here!

NACC'S 45TH NATIONAL CHILD WELFARE LAW CONFERENCES

BALTIMORE 2022

Bridging Theory to Practice: Learning & Unlearning to Drive Effective Advocacy



SAVE THE DATES

Baltimore August 22–24, 2022
Online September 21–23, 2022

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to preview sessions, presenters, and events happening in Baltimore and online!

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PRE-CONFERENCE AUG 21

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Sep 21 – 23, 2022
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ROOMS AT THE BALTIMORE MARRIOTT WATERFRONT ARE \$175/NIGHT. **BOOK NOW!**



SAVE \$100 ON EARLY REGISTRATION for NACC's 45th National Child Welfare Law Conferences! [↗](#)

CONFERENCE REGISTRATION

DUAL CONFERENCE REGISTRATION | ONSITE IN BALTIMORE + ONLINE [↗](#)

Child Welfare Law Specialists	\$ 425
NACC Individual or Organizational Member	\$550 \$450 by 6/30/22
Non-Member	\$750 \$650 by 6/30/22

ONLINE-ONLY REGISTRATION [↗](#)

Child Welfare Law Specialists	\$ 275
NACC Individual or Organizational Member	\$400 \$300 by 7/31/22
Non-Member	\$600 \$500 by 7/31/22

OPTIONAL ONSITE SESSIONS & ACTIVITY

PRE-CONFERENCE RED BOOK TRAINING | SUNDAY, AUGUST 21 | 9:30AM – 5:00PM [↗](#)

Child Welfare Law Specialists	\$ 100
NACC Individual or Organizational Member	\$ 200
Non-Member	\$ 275

PRE-CONFERENCE CHILDREN'S LAW OFFICE CONVENING | SUNDAY, AUGUST 21 | 12:00PM – 5:00PM [↗](#)

Child Welfare Law Specialists	\$ 75
NACC Individual or Organizational Member	\$ 75
Non-Member	\$ 150

LUNCH AND LEARN | MONDAY, AUGUST 22 | 12:30PM – 1:45PM [↗](#)

All Attendees	\$ 50
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1977 DISCO PARTY | TUESDAY, AUGUST 23 | 7:30PM – 10:30PM [↗](#)

Child Welfare Law Specialists	\$ 19.77
NACC Individual or Organizational Member	\$ 19.77
Non-Member	\$ 45.00



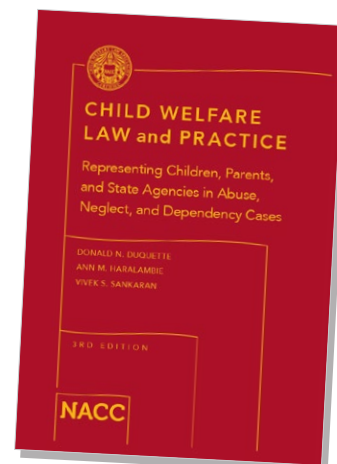
BALTIMORE2022



Training

Join NACC's Summer Or Fall Red Book Training Course!

In 2022, you have two chances left to attend NACC's signature online, seven-week Red Book Training Course! The Red Book Training Course is an exciting opportunity for practitioners to brush up on their knowledge of federal child welfare law and learn tips to enhance their representation of children, parents, or the agency. The course covers major dependency practice competency areas and includes exam preparation strategies and tools for those intending to become certified Child Welfare Law Specialists. 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).



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

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

Summer: May 19 – June 30

Fall: September 8 – October 27 (no session on September 22)

Presenter: Betsy Fordyce, JD, CWLS,

Executive Director, Rocky Mountain Children's Law Center

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 will be opened soon.

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

**REGISTER NOW FOR
SUMMER COURSE**

Fall registration info
coming soon!

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	NACC Members	Non-Members
Hardcover	\$ 99	\$ 149
Order online:	www.NACCchildlaw.org/RedBook	
By phone:	303-864-5320	
Or via email:	Training@NACCchildlaw.org	

Please inquire about discounts for bulk orders.

► **Training** from previous page



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

NACC JULY MEMBER WEBINAR

ICWA: Busting Myths & Building Allyship

REGISTER HERE 

Tuesday, July 26, 2022 | 2:00–3:30PM ET / 12:00–1:30PM MT

The Indian Child Welfare Act (ICWA) is called the “gold standard of child welfare” because of its requirements for “active efforts” to prevent removal or reunify a child and, if that is not safely possible, placement preferences to keep Indian children with kin and connected to their community. Despite those requirements, today there is a disproportionate representation of American Indian children in the foster care system at a rate of 2.7 times their representation in the general population. During this webinar, attendees will learn how legal practitioners can capture the “gold standard” in their representation and about some of the myths and barrier to effectuating ICWA at its highest levels.

Presenters:

Kimberly Cluff, JD, Legal Director, California Tribal Families Coalition

Kathryn (Kate) E. Fort, JD, Director of Clinics, Director of Indian Law Clinic, Academic Specialist, Michigan State University College of Law

The Honorable Kathleen A. Quigley, Associate Presiding Judge of Pima County Juvenile Court

Sheldon Spotted Elk, JD, Senior Director of Judicial and National Engagement, Casey Family Programs

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

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 and comprehensive trainings to attorneys, judges, and other stakeholders who work with children and families. Such ongoing training enables NACC to support our members and ensure that all children, parents, and families in the child welfare system receive high-quality legal representation.

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

- a description of how the webinar will address or impact racial equity, disparity, or underserved populations; and
- how the voices and recommendations of individuals with lived expertise will inform or be integrated into the webinar.

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

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

► **Training** from previous page

Past Webinars Available to NACC Members

* THESE WEBINARS ARE OPEN TO MEMBERS AND NON-MEMBERS

Accredited for
CLE in Colorado

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

Self-Care is NOT Selfish: Creative Tools for Transforming Compassion Fatigue, Secondary Trauma, and Burnout Presenters: Kay Glidden, MS • Beth Reynolds Lewis, BS	
Legal Assistance to Kinship Caregivers Presenters: Sarah B. Hedden, JD, MSW • Gabrielle Markle, JD • Heather Radzikowski, BA	
Racial Disparities in the Child Welfare-to-Prison Pipeline Presenters: Julie McConnell, JD – Fallon Speaker, JD	
Congregate Care and Civil Rights Presenters: Richard Goemann, JD, LLM • Beth Kurtz, JD	
Child Welfare Law Year in Review Presenters: Allison Green, JD, CWLS • Christina Lewis, JD • Kristen Pisani-Jacques, JD, CWLS	
Drug Testing in Child Welfare Cases: Understanding the Chemistry, Methodology, and Legal Implications Presenters: Jerry Bruce, JD • Darice Good, JD, CWLS • Diana Rugh Johnson, JD, CWLS	
COVID-19-Related Challenges & Barriers to Reunification in Dependency Court Presenters: Ashley Chase, JD, CWLS • Hon. Aurora Martinez Jones, CWLS • Ellen Ramsey-Kacena, JD, CWLS	
The Interstate Compact on the Placement of Children (ICPC): An Essential Tool to Providing Permanency Presenters: Robyn Kane, JD, MSW • Lynn Pavalon, JD	
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	
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	
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	
Use of Psychiatric Medication in Foster Children: What Lawyers Need to Know Presenter: Martin Irwin, MD	
Crossover Youth: The Criminalization of Trauma Presenters: Brittany Mobley, JD • Naïké Savain, JD • Veena Subramanian, JD	
2020 in Hindsight: NACC's Child Welfare Law Year in Review Presenters: Allison Green, JD, CWLS • Kristen Pisani-Jacques, JD, CWLS	
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	 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	



NACC Welcomes Leyda Garcia-Greenawalt and Caroline Thuer to the Team!



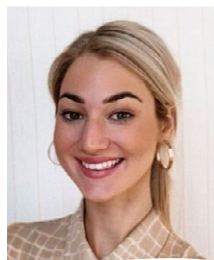
Leyda Garcia-Greenawalt
NACC National Law School
Student Organizer

LEYDA GARCIA-GREENAWALT joined the team in January of 2022 as NACC's inaugural National Law School Student Organizer! Leyda is a Civitas Child Law Fellow and just wrapped up Year 1 at Loyola University Chicago School of Law. Her first law school internship was at the Cook County Office of the Public Guardian where she observed child protection and juvenile justice hearings and conducted research on the Indian Child Welfare Act and its implementation across the United States.

In March of 2021, Ms. Garcia-Greenawalt was published in the Columbia Journal of Race and Law: *Guilty: How Immigrating to the United States Became a Life Sentence to Child Welfare*. The article was part of the [Symposium: Strengthened Bonds: Abolishing the Child Welfare System and Re-Envisioning Child Well-Being](#), where Leyda was a speaker and responder to the opening panel.

Previously, Leyda served as President of the Foster Care Alumni of America – Illinois Chapter. In that time, she assisted with policy and legislative initiatives alongside other county-wide, statewide, and national organizations. She advocated for the passage of the Family First Prevention Services Act, IL HB 5122, which allows students with lived experience in child welfare to attend in-state colleges tuition-free.

Prior to law school, Leyda attended the University of Illinois at Urbana-Champaign where she obtained her bachelor's and master's degrees in social work. As a student she conducted and published research on the intersection of the child welfare system and intimate partner violence, as well as juvenile justice reform. Ms. Garcia-Greenawalt also served as the Undergraduate Representative for the Illinois chapter of the National Association of Social Workers. When she is not working or studying, Leyda enjoys spending time with her family, watching movies, and cooking.



Caroline Thuer
NACC Administrative and
Program Assistant

CAROLINE THUER joined the NACC team as an Administrative and Program Assistant in March of 2022. She earned her bachelor's degree in Psychology with a Sustainability Studies minor from Indiana University of Pennsylvania.

Prior to joining NACC Caroline held positions in administrative support services and behavioral therapy. Caroline was a part of the educational team at McGuire Memorial, a not-for-profit, non-denominational facility. She worked creating individualized programs for children and adults with multiple physical and intellectual developmental disabilities to acquire skills and experiences to obtain a more independent life. She also held the position of Milieu Therapist at UPMC Western Psychiatric Hospital, a world-class academic medical center affiliated with the University of Pittsburgh School of Medicine. Here she provided patient support at every stage of care and recovery, including acute inpatient services, emergency and crisis services, and outpatient services for children and adults dealing with a range of conditions including addiction, autism spectrum disorders, intellectual developmental disabilities, bipolar disorder, depression, anxiety disorders, complex trauma, schizophrenia, psychotic disorders, eating disorders, and obsessive-compulsive disorder. Caroline's goals are to connect individuals and families with appropriate resources and support.

Caroline was born in Pennsylvania and now calls Denver, Colorado her second home. Outside of work-life Caroline loves hiking, camping, and taking on new travel adventures with her two dogs.

We're excited to have Leyda and Caroline on Team NACC! ■



2022 CALL FOR APPLICATIONS

NACC Board of Directors Openings

The Nominating Committee of the National Association of Counsel for Children is accepting applications for open positions on [NACC's Board of Directors](#).

Applications accepted through August 31, 2022.

ABOUT NACC

The National Association of Counsel for Children (NACC) is a 501(3)(c) non-profit professional membership association and children's legal advocacy organization based in Denver, CO. NACC advances children's and parents' rights by supporting a diverse, inclusive community of child welfare lawyers to provide zealous legal representation and by advocating for equitable, anti-racist solutions co-designed by people with lived experience. NACC's three-part strategy **Promotes Excellence** in legal representation, **Builds Community** among practitioners, and **Advances Justice** for children and families. Prospective applicants should review [NACC's Mission and 2019–2023 Strategic Plan](#).

BOARD RECRUITMENT

NACC is seeking applications from candidates interested in advancing NACC's strategic plan and organizational growth. NACC aims to have a board that represents perspectives and proximity to the children and families that our community of lawyers serve. While all interested persons may apply, NACC's Board is seeking individuals with the following characteristics:

- Persons with lived experience as a former youth, parent, or kinship provider involved in the child welfare system;
- Academic researchers;
- Child Welfare Law Specialists;
- Corporate counsel and law firm partners (including pro bono counsel);
- Judges;
- Individuals with financial expertise;
- Psychologists, psychiatrists, social workers, or behavioral health professionals working with children and families.

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BOARD RESPONSIBILITIES

NACC is governed by a national Board of Directors which meets in person twice a year, including at NACC's Annual Conference. Board service is a four (4) year renewable term (3-term limit). All NACC Board Members are expected to give their time, talent, and treasure to the organization. Please review the [Basic Elements of NACC Board of Director Service](#) and the [general roles and responsibilities](#) of nonprofit board members.

All NACC Board Members are expected to serve on two committees or work groups. Board committees meet via telephone/Zoom on a monthly, bi-monthly, or other basis as determined by the committee chair.

NOMINATIONS PROCESS

Applicants must complete the online letter of interest form on NACC's website and upload their current resume or curriculum vitae. The form asks the following questions:

Why are you interested in serving on NACC's Board?

- What experience do you have related to NACC's mission and/or organizational operations?
- Please share any life experience, lived experience, or diversity characteristics you would like NACC's Board to consider.
- Please describe any prior board experience including committees you may have served on or officer roles (not required).
- Please describe your experience and comfort level with fundraising.
- Board Members are expected to provide a meaningful financial contribution. Is this feasible for you?
- What are your board expectations? What do you think you will get from board membership?

Per NACC's by-laws the Nominating Committee reviews applications, conducts interviews, and then submits Board candidates to the full NACC Board for review.

Final candidates are presented to NACC membership for a vote in December. Board terms commence in January 2023.

If you have questions about service or the application process, please contact NACCED@NACCchildlaw.org for more information. ■

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[Click to read more about the Advisory Council and its members.](#)

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TOGETHER WE ARE NACC

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

Promoting Excellence # Building Community # Advancing Justice

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