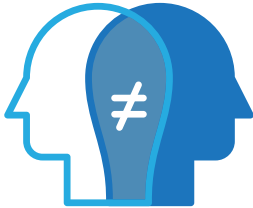


The Guardian

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



The Weaponization of Whiteness in Child Welfare

by MJ (Maleeka Jihad) and Jessica Handelman

PART 1: ATTACHMENT

This article is the first in a three-part series for *The Guardian*: “The Weaponization of Whiteness in Child Welfare”, featuring Guardian contributor MJ (Maleeka Jihad) and various experts in child welfare as co-contributors. Look for the next articles in this series in future *Guardian* issues.

Racism in Psychology

For centuries many Black, Brown, and Indigenous psychology professionals have called for the end of the weaponization of psychology (theories and diagnoses) against people of color involved in educational, legal, and medical systems.

This article focuses on the psychology theory known as **attachment theory**. We will provide the history and evolution of attachment theory, as well as how the theory has been utilized as a tool to justify the separation of families involved in the family regulation system (also known as the child welfare or child protection system).

In October of 2021, the scientific and professional organization that represents psychology in the United States, the American Psychological Association (APA), adopted the **Resolution Apology to People of Color for APA’s Role in Promoting, Perpetuating, and Failing to Challenge Racism, Racial Discrimination, and Human Hierarchy in U.S.**

The American Psychological Association failed in its role leading the discipline of psychology, was complicit in contributing to systemic inequities, and hurt many through racism, racial discrimination, and denigration of people of color, thereby falling short on

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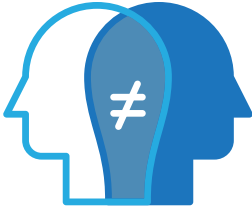
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its mission to benefit society and improve lives. APA is profoundly sorry, accepts responsibility for, and owns the actions and inactions of APA itself, the discipline of psychology, and individual psychologists who stood as leaders for the organization and field.

The governing body within APA should have apologized to people of color before today. APA, and many in psychology, have long considered such an apology, but failed to accept responsibility. APA previously engaged in unsuccessful efforts to issue apologies in the past, including an apology to Indigenous peoples. The work done to make this apology to people of color a reality was led by the people and voices of a broad cross-section of today's APA — members, APA's elected and appointed leaders, and staff — in a shared commitment to not only truly assess the harms and the harmed, but also to take responsibility and commit to taking those collective learnings and direct them into an apology that will affect true change. It is informed by listening with intention to the voices of the past — as outlined in a stunning chronology of psychology's history — and especially informed by the voices of today, the lived experience of psychologists of color, Ethnic Psychological Associations, and those who serve people of color.¹

Attachment Theory

A theory is defined as a plausible explanation of an occurrence. Within the mental health profession, theories are used to hypothesize about a concept or a collection of thoughts or behaviors to explain a given situation or occurrence. Theories may be well-substantiated and may or may not include supporting evidence.

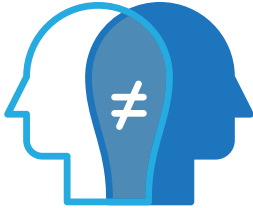
Attachment theory, generally, focuses on the bonds and relationships between people. Created by British psychologist John Bowlby in 1970s and further developed by American-Canadian psychologist Mary Ainsworth through the 1990s, Bowlby believed that the earliest bonds formed by children with their caregivers have a tremendous impact that continues throughout life.² Attachment theory has been instrumental in determining whether children in out-of-home placement (including foster care) should return to their families, or transition to kinship care.³

¹ *Apology to People of Color for APA's Role in Promoting, Perpetuating, and Failing to Challenge Racism, Racial Discrimination, and Human Hierarchy in U.S.* October 2021. Available at: <https://www.apa.org/about/policy/racism-apology>.

² Bretherton, I. (1992). The origins of attachment theory: John Bowlby and Mary Ainsworth. *Developmental Psychology*, 28(5), 759–775. <https://doi.org/10.1037/0012-1649.28.5.759>.

³ For the purposes of this publication, kinship is a person identified by a parent, child, family member, or caregiver as a person that is in relation to family or child involved in the family regulation system.

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WEIRD

When evaluating theories (such as attachment theory) in child welfare cases through the lens of cultural respect,⁴ it is imperative to analyze all angles within which a particular theory is being presented, utilized, or introduced. To effectively analyze a theory in a culturally respectful manner, professionals must inquire about the theory's history, whether the participants represent a diverse group of people, the location of where the theory was

When evaluating theories (such as attachment theory) in child welfare cases through the lens of cultural respect,⁴ it is imperative to analyze all angles within which a particular theory is being presented, utilized, or introduced.

established and studied, and the cultural diversity of theorists or researchers who conducted the study.

For example, most psychology research participants are characterized as being WEIRD. WEIRD is the acronym for **Western, Educated, Industrialized, Rich, Democratic** societies. The descriptive term WEIRD was first intro-

duced by psychologists Joseph Henrich, Steven Heine, and Ara Norenzayan in the *Journal of Behavioral and Brain Sciences*.⁵ In introducing the term, these psychologists highlighted the overrepresentation of white people in psychology studies and findings, as well as the lack of diversity not only in the psychology researchers, but also with the participants in the studies. Keeping this in mind, WEIRD participants represent as much as eighty percent of study participants, but only twelve percent of the world's population. They are not only unrepresentative of humans as a species, but on many measures, they are outliers.⁶

Attachment Assessments and Evaluations in Child Welfare

Implicit bias and unconscious beliefs are often embedded into evaluation measures. Attachment evaluators should work to minimize error grounded in these cultural biases, stereotypes, and differences in worldviews.⁷ To do so, every effort should be made to accurately and respectfully reflect the parent or caregiver's unique experiences and perspectives throughout the evaluation process, and the cultural values and traditions important to the family structure. Without these efforts, the evaluation or assessment will not offer any useful or practical information for the court to consider in determining a child's best interest. The child's best interest should be assessed through a culturally respectful lens of maintaining the family's unique customs, values, and community connections as much as possible.

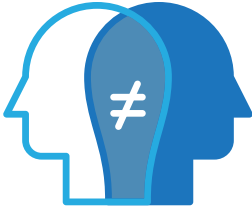
⁴ "Cultural competence" is commonly referred to as the ability to understand, appreciate, and interact with people from cultures or belief systems different from one's own. Cultural competence has been replaced with the term "cultural respect" by professionals of color working within the mental health field. Cultural respect refers to one's understanding of their own bias and limitations surrounding the lack of ability to understand or empathize with cultural experiences that are different from one's own, and holding respect for, and acknowledging those differences.

⁵ Henrich J, Heine SJ, Norenzayan A. The weirdest people in the world? *Behav Brain Sci*. 2010 Jun;33(2-3):61-83; discussion 83-135. doi: 10.1017/S0140525X0999152X. Epub 2010 Jun 15. PMID: 20550733.

⁶ Cooperrider, Kensy. *Episode 10: WEIRD: Adventures of an Acronym*. Many Minds Podcast, Diverse Intelligences Summer Institute. (July 1, 2020). Available at: <https://manyminds.libsyn.com/weird-adventures-of-an-acronym-0>.

⁷ See, e.g., Colo. Rev. Stat. §12-245-203.5

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It is best practice to demonstrate cross-cultural competence in the mental health profession. Thus, attachment theory should not be used for any client or family without considering the family's culture because attachment theory was founded on WEIRD principles. Often, attachment evaluators completely omit this most fundamental factor of cultural respect when assessing attachment and permanency. Evaluators may not consider the family's culture because all parties to the case share the same race, and they may view that factor as irrelevant. Culture and race, however, are distinctly differentiated.

Culture comes in relatively obvious forms, such as music, dance, food, clothing, language, skin color, art, and celebrations. There are also the less obvious forms, such as religion, history, rituals, patterns of relationships, rites of passage, body language, and the use of leisure time. Even more profound, however, are forms of culture that require extensive inquiry and observation for an evaluator to understand, such as the meaning of community, notions of leadership, patterns of decision-making, beliefs about health, help-seeking behavior, notions of individualism versus collectivism, and approaches to problem-solving.

Without considering these cultural values and traditions, children and families will be deprived of having their unique family histories and cultural identities as part of the evaluation process and eventual permanency outcome.

These manifestations of culture are typically learned through modeling, usually at an early age.⁸

Without considering these cultural values and traditions, children and families will be deprived of having their unique family histories and cultural identities as part of the evaluation process and eventual permanency

outcome. Failing to consider the family's culture, or completely omitting that aspect within an assessment, will deliver the greatest injustice to the children and the families in the years following a permanency determination on the basis of "attachment" alone.

Systemic Racism in Child Welfare

Systemic racism is discrimination or unequal treatment on the basis of membership in a particular ethnic group (typically one that is a minority or marginalized), arising from systems, structures, or expectations that have become established within society or an institution.⁹ Families of color who are disproportionately represented in the system and who are more likely to experience negative outcomes through their involvement in the system compared to white families defines systemic racism in child welfare.¹⁰

The parental rights of Black parents are terminated at higher rates than white parents.¹¹

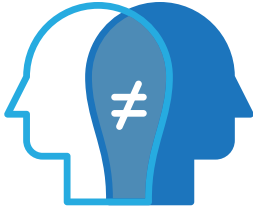
⁸ Lee, Kien. *The Importance of Culture in Evaluation: A Practical Guide for Evaluators*. The Colorado Trust. Available at: <https://folio.iupui.edu/bitstream/handle/10244/489/CrossCulturalGuide.r3.pdf?sequence=1>.

⁹ Oxford Dictionary. Definition: "systemic racism."

¹⁰ National Conference of State Legislatures. *Disproportionality and Race Equity in Child Welfare*. (January 26, 2021). Available at: <https://www.ncsl.org/research/human-services/disproportionality-and-race-equity-in-child-welfare.aspx>.

¹¹ Children's Rights. *Fighting Institutional Racism at the Front End of Child Welfare Systems*. Available at: <https://www.childrensrights.org/fighting-institutional-racism-at-the-front-end-of-child-welfare-systems/>.

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Black children are 13.7% of the child population, and yet, make up 21.1% of all children in foster care.¹²

11% of Black children will experience foster care placement before their eighteenth birthday compared to 4.9% of white children.¹³

Weaponization of Whiteness in Child Welfare

The weaponization of whiteness in child welfare is understood as “centering whiteness.” Particularly the “dominant” white culture is defined as the “correct” or “right” way of how a family should look, engage, and exist in society. Specifically, the child welfare system is a microcosm of white dominant culture within America.¹⁴ To weaponize whiteness is to center the morals and ideals of white individualistic culture as prominent, over the morals and ideals that are unique to people who identify as belonging to a collective culture. Collective cultures emphasize and embrace the needs of the group as a whole over the needs of an individual. Individualists are classified as a part of the WEIRD population of people.

There is a significant link between the lack of culturally diverse professionals in the field of child welfare and the lack of cultural respect from white professionals working with and providing services to people of color. This is due in part to a widely held misconception by white treatment providers that they are deemed “qualified” to work with all cultures after earning their social science degree. However, the educational institutions that award these degrees are established on WEIRD ideologies that fail to consider or implement cross-cultural respect.

Weaponization of Attachment Theory = Forced Cultural Assimilation

Weaponizing whiteness in the child welfare system involves professionals utilizing attachment theory concepts to argue for the placement of children with strangers (i.e., foster care) over returning home to the caregivers from whom they were removed, or to placement with identified kin. Generally, the (mis)argument made by many professionals utilizing “attachment theory”¹⁵ has been that removing a child that is securely attached to a temporary caregiver (i.e., foster parent) will be irreparably damaging and will create an attachment disorder for the child that will cause an onset of psychological problems. This commonly themed argument is not supported by scientific evidence as it relates to families and children involved in the family regulation (child welfare) system. In fact,

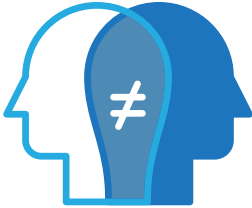
¹² U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children’s Bureau. (2022). Child Maltreatment 2020. Available at: <https://www.acf.hhs.gov/cb/data-research/child-maltreatment>.

¹³ Minoff, Elisa. “Entangled Roots: The Role of Race in Policies that Separate Families.” Center for the Study of Social Policy, October 2018. Available at: <https://cssp.org/resource/entangled-roots>.

¹⁴ Cantey, N., et al. *Navigating Racism in the Child Welfare System: The Impact on Black Children, Families, and Practitioners*. Child Welfare Vol. 100 No. 2. Child Welfare League of America, Inc. (March-April 2022).

¹⁵ Attachment theory is in quotations because this theory was never intended to be used to inform custody decisions or permanency outcomes. See McLean, S. *Children’s Attachment Needs in the Context of Out-of-Home Care*. Australian Institute of Family Studies. (2016). Available at: https://aifs.gov.au/sites/default/files/publication-documents/cfca-practice-attachment_0.pdf.

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attachment theory does not provide any clear direction for practitioners in terms of how or when to intervene to address attachment needs for children, especially in the child welfare context. Children in care are likely to be managing multiple loyalties and there is little information about how to handle these multiple attachments appropriately.¹⁶

In addition, a recent comprehensive review of attachment theory highlighted the lack of clarity around the concept of attachment disorders. “The terms attachment disorder, attachment problems and attachment therapy, although increasingly used, have no clear, specific, or consensus definitions.”¹⁷

As a matter of best practice, professionals should understand that “attachment” may mean different things to the various people in children’s lives, especially if there are both individualistic and collective cultural differences among caregivers. When working together on case planning to support children in care, it is important to clarify the assumptions made about children’s attachments. In this effort, professionals must be mindful that attachment may be defined and expressed differently among various cultures. While the relationship between attachment and behavior has been well described for very young children, caution should be applied when using behavior to infer attachment status in children from diverse cultures or childrearing contexts.¹⁸

The argument that attachment should serve as a basis for a child not returning home to their family or kin completely overlooks, and ultimately ignores, the overarching cultural implications of such a reckless assertion. Consider an example of a Black child who has been in a white foster home since birth and has remained in this home for his entire two-and-a-half years of life. The child’s biological family identifies with collective cultural norms, but the child was placed into a foster home that upholds individualistic norms and values. The child’s maternal cousin comes forward and presents himself as a long-term placement option for the child. The cousin has ties to the child’s community, extended family members, and maintains the family’s traditions and cultural values that have been passed down through generations. In this example, we must weigh the short-term risk of emotional harm caused by changing caregivers with the long-term risk of emotional harm caused by losing the child’s family members, cultural identity, and the family’s traditions and values that have existed for many generations. The greater risk of emotional harm for this child will be upon his adoption by the non-biological caregivers. In essence, this child’s

adoption into a white family, who would be deemed as “better” for this child than his own family members, would ensure nothing short of what would be considered “forced cultural assimilation.”¹⁹

Stated simply, “culture lived will better meet a child’s best interests than culture learned.”

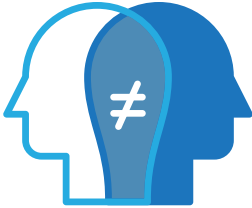
¹⁶ *Id.*

¹⁷ Chaffin, M., Saunders, R. H. B. E., Nichols, T., Barnett, D., Zeanah, C., Berliner, L., Egeland, B., Newman, E., Lyon, T., Letourneau, E., & Miller-Perrin, C. (2006). Report of the APSAC task force on attachment theory, reactive attachment disorder, and attachment problems. *Child maltreatment*, 11(1), 76-89, 77. <https://doi.org/10.1177/1077559505283699>.

¹⁸ McLean, *supra* note 15.

¹⁹ Cultural assimilation is defined as the incorporation of a culture into the general host society. The acceptance of a host culture may result in the loss of cultural identity of an ethnic group. See Oxford Dictionary. Definition: “cultural assimilation.”

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Even if a white family is willing to make efforts to expose a child to their own culture, their understanding of how to truly address that child's long term cultural and societal needs as a person of color will fall understandably yet tremendously short of what that child's family will be able to give him effortlessly. Stated simply, "culture lived will better meet a child's best interests than culture learned."²⁰

Resolution and Implementation: A Call to Action

Where do we go from here? The central theme here is first to have a fundamental understanding that there is systemic racism deeply embedded into the current practices and decisions at every stage of the child welfare system. From hotline reporting, to foster care placements, to permanency decisions, there are various recommendations for strategies to address disproportionality and disparities in child welfare practice:²¹

- Understanding and addressing the impact of individual biases in reporting, investigating, intervention, and placement processes.
- Developing culturally responsive and respectful practices.
- Recruiting and retaining foster families of color.
- Engaging communities of color when developing new policies.
- Using data to identify and address disparate outcomes.

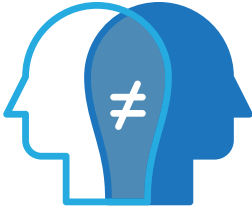
Cultural experts recommend the following practices to begin implementing culturally respectful case planning throughout a family's involvement in a child welfare case:

- **Investigation**
 - Each entity and professional involved with a family should conduct an independent investigation that includes finding family members and others from the child's community as potential placement options.
- **Parenting Time**
 - Absent an imminent risk of safety as determined by a culturally respectful professional, visitation between a child and parent should begin at a location within the child's community in order to preserve familiarity and cultural norms for the child and family.
 - Family time should increase in length and frequency over the life of the family's case involvement. If visits are supervised at the beginning of the case, moving towards unsupervised visits should be constantly evaluated throughout the entirety of the case.

²⁰ District Court Senior Judge Dinsmore Tuttle, 2018 Order Granting Change of Placement and Custody for Purposes of Adoption, Adams County, Colorado (quote used with permission).

²¹ *Disproportionality and Race Equity in Child Welfare*, supra note 10.

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- When a child comes from a collective culture, family members who have been involved in the child's upbringing should be included in visitation whenever possible to ensure appropriate support and uphold cultural connection for the child and family.
- **Evaluations and Assessments**
 - Ensure that any attachment evaluators, therapists, and service providers are culturally respectful in an effort to prevent falsely elevating "attachment" over cultural connections and family integrity.
 - Recommendations from a provider working with the family must be formulated through a cultural lens that holds the family's unique values and norms at the forefront of any recommendation.
- **Multidisciplinary Teams**
 - When working with diverse populations, the team, office, and/or work model should reflect the population you are serving by including diverse professionals (i.e., attorneys, social workers, those with lived experiences) with different ethnicities, religions, cultural, and socioeconomic backgrounds. This will provide the team with appropriate skills to support diverse clients.

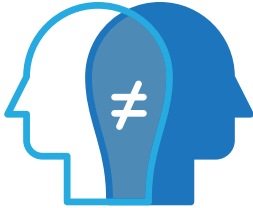
Reflective Questions for Practitioners and Attorneys

As professionals working with communities that differ from one's own cultural identity, it is critically important to constantly evaluate our own biases on a regular basis. Professionals should be able to identify biases as they relate to the recommendations for the families that are system-involved.

Questions to consider when identifying a treatment and or service provider for clients:

- Is the service provider from the same cultural background of the client/family?
- Has the client been offered the option to choose the provider with whom they prefer to work, or participate as a team in selecting a provider?
- What are the service provider's identified cultural barriers?
- Does the service provider discuss their cultural limitations with the client?
- Does the service provider include community collaborations in working with the client?
- What treatment modality does the service provider utilize, and is the modality culturally respectful?
- Does the treatment method reflect the family's culture-specific values?
- How is success defined by the client? Will the service provider work toward a common goal of success as defined by the client through a culturally respectful lens?

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The Work Begins Now

Race, ethnicity, socioeconomic, and cultural ideologies must be kept at the forefront of any practice while working with diverse populations, especially for professionals who are navigating the family regulation system with their clients. Having an understanding that system-involved families of color statistically have a higher rate of negative outcomes than their white counterparts, due in part to lack of cultural respect, is paramount to addressing this fundamental issue. When we know that families are better served by keeping their cultural and familial integrity intact, we can begin to demonstrate culturally respectful practice. ■

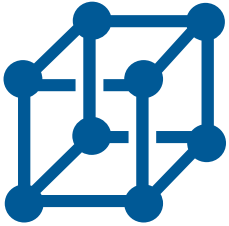
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MJ (Maleeka Jihad) is a social worker and international psychology professional specializing in intergenerational cultural family dynamics as it relates to racial trauma within the family regulation system. She is the director of MJ Consulting (<https://www.mjconsultingdenver.com/>) and the nonprofit MJCF: Coalition (<https://www.mjcfcoalition.com/>), an agency focused on dismantling systemic racism in the family regulation system through education, advocacy, and policy reform. MJ also works as an adjunct faculty member at the Graduate School of Social Work with the University of Denver and is obtaining a PhD in Organizational Development and Change specializing in Social Justice (at Fielding Graduate School) with a foundation of International Psychology courses from the Chicago School of Professional Psychology.



Jessica Handelman is a Licensed Clinical Social Worker in Colorado. She is currently in private practice specializing in parent-child evaluations, therapeutic placement transitions, and consultation in dependency and neglect matters as well as domestic relations cases. As an infant and early childhood mental health specialist, Jessica regularly provides services and consultation throughout Colorado on issues concerning the psychological impact of child welfare involvement on children in out-of-home care and the manner in which permanency outcomes impact a child's physical, mental, and emotional well-being. She is actively involved in various organizations and agencies that seek to abolish structural racism in child welfare. Jessica has testified in over a dozen jurisdictions in areas such as childhood trauma, attachment and bonding, child development, and best interest of the child.



YOUTH PERSPECTIVE

EXTRA! EXTRA! Here's a SEAT... with Exceptions

by Aliyah Zeien

In a world where agencies constantly reiterate the importance of authentic youth engagement, we must have true inclusivity as well. I am a foster care alumnus who aged out of care in Louisiana. When I was in foster care, often times, I didn't feel heard, and I didn't feel like I had control over what happened in my case.

While in care, I met several fellow foster youths who were silenced, mistreated, neglected, and abused. Their stories and my own experiences are what ignited my passion to become a social worker and transform the system through writing, advocating, and speaking. Since aging out, I have dedicated my career to being a legislative policy advocate on state and national levels and providing social services with youth in foster care. Due to my personal and professional experiences along the way, social work has become more than just a job for me. It's a lifestyle. Throughout this article multiple techniques, testimonials, and proposed strategies will be explored that caseworkers, attorneys, and legal professionals can utilize in everyday work to ensure youth feel included, engaged, and uplifted.

Through my own experiences as well as my direct youth engagement work, I have partnered with several former foster youth who felt they were left out of all the "good opportunities." Those "good opportunities" include national or statewide foster youth internships, shadow days or "hill day" programs, conference speaking engagements, panel sessions, or becoming a state youth advisory board member. While completing national child welfare work, I've had the opportunity to network with former foster youth from across the country, and many have shared they feel they will never get a chance to truly share their voice and impact change since they don't fit into the cookie-cutter mold that many advocacy organizations and child welfare agencies have put in place. Even when youth do get a chance to walk through the door, many stringent restrictions guide the level of impact they are allowed to make.

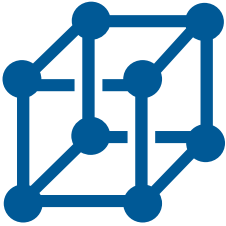
Although agencies and organizations develop programs with these types of opportunities, all come with visible and invisible expectations. Even if you meet all the guidelines and require-



ABOUT THE AUTHOR:

Aliyah Zeien is a 26-year-old foster care alumnus from Louisiana who previously served on the NACCLR. She currently serves as a State Youth Ambassador with DCFS/Empower 225, utilizing her social work degree to positively impact the lives of current and former foster youth. She regularly advocates and raises awareness at conferences and through her involvement in the National Policy Council, Foster Club, and more. Aliyah currently attends LSU working to complete a Master's in Social Work with an anticipated completion date of December 2022.

► *Youth Perspective* from previous page



ments to obtain positions or opportunities, there are still several glass ceilings and subliminal barriers in place. In comparison to non-foster youth staff who are working on the same project, we are expected to walk a certain line to remain in high regard with agencies and continue being viewed as an asset rather than a liability. It only takes one bad day, one slip-up, one unprovoked word to go from being viewed as a professional asset to a traumatic liability. Everyone has bad days, right? However, when you're someone who already has their traumatic background and experiences aired out through the nature of their work, mistakes are seen not as just another bad day but as a counseling opportunity, a ticking time bomb, or an ongoing liability for the agency. It's as if some of the service providers who used to work with us have their own stigmas surrounding how we will behave or perform or fear that we will disrupt the typical order of procedures within systems that are aiming to be 'youth-focused.'

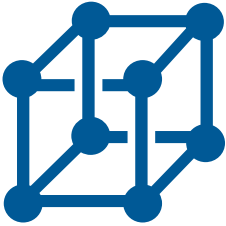
To truly put authentic youth engagement at the forefront of this work, we must provide the tools to our youth who want to be involved to ensure they are afforded equitable opportunities to develop professionally just like anyone else. Those tools may include strategic sharing workshops, support measures, and training.

When first starting out in the peer support/mentor area of the child welfare field in Louisiana, I struggled to adapt for several reasons. Although I was a full-time student at the time working to obtain my bachelor's in social work, when entering the agency, I was treated differently by the other staff members, referred to as an intern, and given menial paper-pushing tasks to complete. When I first began work there, I was not afforded the opportunity to complete real youth engagement activities with the foster care population in that region, which is what my job description actually outlined.

I was passionate about advocacy and making a difference. With their several years of experience in the field, my colleagues could have shared their knowledge to uplift me and help me obtain skills for future social work practice. I often felt belittled and like I didn't matter. When I finally mustered up the courage to tell my supervisor, she worked to put an end to it and held meetings to improve the work atmosphere. However, the damage to my personal image was already done. I did not feel worthy or like I belonged. After returning to the agency in a higher position, and those workers now gone, I continued to experience the imposter syndrome just like so many former foster youths who finally get a chance in the advocacy world. I struggled to adapt professionally until I was provided with adequate engagement opportunities. While this is just my story, this is the reality for so many other former foster youths who are literally just fighting for the chance to make a difference in the world, and to be valued while doing so.

For true inclusivity, we need youth with juvenile justice experience, foster care experience, and residential placement experience, and we need people who have struggled to overcome multiple challenges. Over the past five years, I have witnessed firsthand the lack of diverse perspectives in various organizational spaces and a lack of opportunities preventing youth from accessing life-changing pathways to development. We need youth with seasoning and from difficult backgrounds so they can truly uplift and assist other youth aging out who are also fighting difficult barriers. We need different and unique perspectives at the table because we can't make changes about issues we don't know about!

► *Youth Perspective* from previous page



Cookie-cutter models and tokenization aren't helping anyone thrive or grow. How can we have authentic youth engagement and adequate data if only 20% of youth who have aged out are sharing their stories, voices, and opinions? Those 20% cannot possibly represent the needs and stories of the over 4,000 youth who age out of the system in the U.S. each year. To adequately improve our service models and regimens, we need people who have had those tough experiences to share their stories — and impact the way to re-design service delivery in the future.

There are often many seats made available, but with exceptions. How can some organizations require a semester of college experience or professional development attributes, when we know the outcomes are slim for youth aging out? Only 3% percent of foster youth even graduate college, and about 48% don't graduate high school by age 19. Does that mean they are any less deserving to be engaged than you or me? Does that make their experience any less valid? Age requirements for opportunities, such as a cutoff at age 24, have limited many youth from taking advantage of advocacy and political opportunities. Our lived experience in foster care will never expire. So why is there an age limit for certain advocacy opportunities?

It is also important to be mindful of how youth engagement with your agency is being publicized. If you currently release photos or media regarding the projects youth have worked on, be mindful of how youth are referred to in these articles. Ensure that they are referred to by a professional title first, then foster youth second.

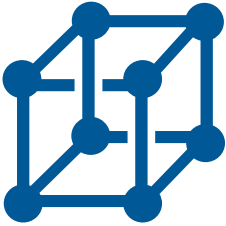
Many youth also want continuous support and connections. As agencies, we often preach the importance of the development of permanent connections. How about we take the step to become those permanent connections we know they need? Continue to call, check in and motivate, even after a project or workgroup has ended. Youth want to know they have more value than just spewing out their story. It's important to invest in youth so that when they leave whichever opportunity they have engaged with through your agency, they will have developed or grown in some way. No youth should leave an engagement unchanged.

As humans, for anyone who continually gives out or shares without any return investment, it can quickly lead to burnout and resentment. Sometimes youth with lived experience don't even receive a check or paid incentive for their efforts. Payment sometimes comes in the form of a gift card or commendations rather than solid compensation for the work they have done. If you would compensate any other professional speaker or consultant with a real check for their hard work and time, then why not provide this to our youth as well?

In summary, here are some key takeaways and suggestions for improvement:

- Take a long, hard look at the current requirements of your youth engagement programs, internships, or peer support positions. Are these requirements truly inclusive? Will they recruit diversified youth voices and perspectives from multiple ethnic, cultural, educational, and racial backgrounds?
- Is your work atmosphere truly welcoming and unbiased when working with the same population that may have previously been clients of the agency? Does your agency push the importance of holding all people with high regard and professional esteem?

► *Youth Perspective* from previous page



- Do you currently have an orientation, training, and strategic sharing curriculum developed within your organization that will adequately prepare our youth on the journey from foster care to a professional career? Does this training prepare youth for public speaking and advocacy, and offer professional development?
- Does your agency offer non-judgmental supportive services for youth having difficulties transitioning into the role of an advocate or peer support professional? Does your agency currently check in on youth from previous engagements to ensure they are doing well and offer ongoing opportunities?
- Is your agency transparent about exactly what a project will entail from beginning to end?
- Does your agency adequately compensate youth with checks or direct deposits, rather than gift cards, for their hard work and time?
- Are you providing youth with tools they need to thrive well after their engagement with you ends?

If the answer to any of these questions is no, it may be time to have an in-depth look at how to redevelop how your agency approaches and uplifts authentic youth engagement.

I don't want to be considered "just a foster youth" everywhere I go. We all want to be genuinely valued as professionals. Yes, foster care is a journey that changed my entire life. I found my chosen family, and I developed strengths and resiliency that have propelled me into the social work field that I love. However, this is not everyone's story. Many age out haunted by the labels that have been placed on them and feel like they will never be good enough or smart enough to make it. Take away the labels and see people for who they are. I always say I was in foster care, but now, "I'm Aliyah the social worker, the policy advocate, the grad student." While this experience is a part of my story, it's not the only part of my identity, and it is not the only part of who I am.

In closing, redefining how we label our youth, how we engage them, and how we partner with them can truly change the entire face of advocacy and help us provoke meaningful change well into the future. ■

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*



EXECUTIVE DIRECTOR'S MESSAGE

Fall 2022

Opening Remarks Delivered at NACC's 45th National Child Welfare Law Conference



Kim Dvorchak
Executive Director

Welcome to the National Association of Counsel for Children's 45th National Child Welfare Law Conference. My name is Kim Dvorchak, my pronouns are she/her, and I am honored to be the Executive Director of NACC. We are so excited to be here with you in Baltimore, a little bit later than the 2020 conference we planned, but right on time to engage in the critically important discussions this moment demands.

NACC acknowledges this conference takes place on the ancestral and unceded homelands of the Piscataway and Susquehannock peoples, NACC also acknowledges that Maryland colonizers used captive and enslaved Africans to grow crops, trade, and accumulate wealth. We commit to educating ourselves about these histories, their impact on racism and inequality today, and our collective responsibility to heal and repair harm.

The theme of this year's conference is *Bridging Theory to Practice: Learning and Unlearning to Drive Effective Advocacy*. The concept of "unlearning" emerged in our closing plenary last year as we discussed dismantling racist structures in the child welfare and intersecting systems. Unlearning is an intentional rewiring of the brain, which starts with interrogating our own bias, and consciously choosing to reject time-worn pathways in favor of new anti-racist strategies in our practice and in our institutions.

Bridging Theory to Practice means we are not here to discuss abstract ideas or have theoretical conversations. This conference has been designed for you to have concrete, practical takeaways you can apply to your work as soon as you return home. We know the pull of "business of usual" is strong, but the power of advocacy is stronger. And the power of an advocacy community working together can literally change the way business is done.

From a cause to a profession to a movement, attorneys in this field must press forward to advance civil and human rights in the child welfare system and beyond. And no matter what this Supreme Court says, we cannot accept an interpretation of civil rights through the lens of the 1800's. Not on our watch.

As said best by Ivory Bennett and Corey Best in their Introduction to the upcoming Fourth Edition NACC Red Book: ***"It is time to become more than your position. It is time to become a liberated agent of law, justice, and humanity."***

In this journey, you have a partner in NACC.

NACC recently revised our five-year strategic plan to ensure that our mission, vision, and goals explicitly reflected our values and commitments. Today, 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. With this refreshed plan, NACC's staff and board

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

will hold itself accountable to authentically engaging experts with lived experience in the child welfare system as we work to build a more diverse, inclusive community of zealous advocates.

We want to take a few minutes to express our gratitude. Thank you to this year's abstract work group for participating in the development of this two-conference program. Our faculty comes from 23 states and jurisdictions, with 22 presenters with lived experience in the child welfare system thank you sharing your time and insights with us, for inspiring us to try something new and teaching us how to do it.

Thank you to our conference sponsors and exhibitors for making this event possible in a year of rising costs. Please take a moment to visit this year's exhibitors while you are here and learn more about their services and programs. Thank you to the hotel staff for your hospitality. They are working tirelessly behind the scenes to make the next few days run smoothly for us, so please give thanks to the Marriott staff when you see them. Thank you to Team NACC for your incredible work putting this event together, including the very organized Business and Conference Manager Sara Willis and our outstanding Training Director Kristen Pisani-Jacques.

The NACC community is growing, and I'd like to introduce you to some folks. First, Team NACC. This is an incredible team. Thank you for your collaboration and your commitment to NACC's mission and goals. Second, NACC Board of Directors and Emeritus Board. Thank you for your partnership and for sharing your time, talent, and treasure with NACC. Third, NACC State Coordinators. We launched this network in 2019 and are now pleased to have 41 states and districts represented. Thank you for helping NACC build community at the local level. And now I'd like to introduce you to the 2nd cohort of NACC's National Advisory Council on Children's Legal Representation. Formerly known as NACC's National Youth Advisory Board, these 12 young professionals share their insights and expertise across NACC's programs and leadership.

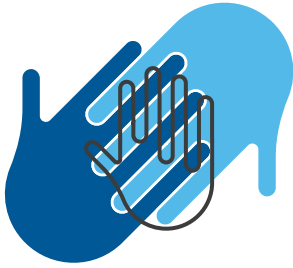
For 45 years the NACC Conference has been a gathering place for advocates. We traveled here from all parts of the country – from Hawaii to Maine, from Alaska to the Virgin Islands, from states, districts, territories, and tribes. We gather here to learn how to better serve children, parents, and communities at the intersection of family crisis and the courts. We gather here because we share this awesome responsibility, shouldering the duties of loyalty, confidentiality, and zealous advocacy, while navigating secondary trauma, a public health crisis, challenges to civil rights, and scant time and resources. In the midst these difficulties we also gather here to disco! To have some fun by dancing to the music of NACC's founding decade. The NACC conference is about recharging as much as learning, to bask in the support of your 600 closest friends and find renewed strength in this advocacy collective.

Congratulations to this year's Promoting Excellence Award recipients, we look forward to recognizing your work during our awards ceremony.

In this 45th Anniversary year, we invite you to share your stories about the development of our field and NACC's impact on your practice, by making a video of your experience using the tribute app. You can find more information in the conference app, alongside CLE information.

Thank you to everyone for being a part of the NACC community, for renewing your commitment to zealous advocacy, and for looking out for each other.

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



Why Children's Attorneys Should Engage with Parents

by Courtney Hughes

Various state legislatures have introduced reforms to the child welfare system in an attempt to implement a system that better supports families.¹ While these reforms are important, children's attorneys and advocacy groups can achieve a system rooted in family support by "changing [their] underlying values and attitudes towards families."² They can start by meeting with parents who are parties to a child welfare case.³ Engaging with parents will help support children's attorneys' independent investigations and their out-of-court advocacy.

Children's attorneys have a duty to zealously advocate and protect their client's liberty.⁴ They should not solely rely on what is contained in the agency's files or their client's statements; they must conduct a thorough and independent investigation.⁵ Children's attorneys should connect and frequently engage with important people in their client's life, especially their parents, to help them understand their client's world.⁶ Attorneys can develop and alter their client's story as the family's needs change throughout the life of the case.⁷ Additionally, children's attorneys must investigate and ensure that the child welfare agency is making reasonable efforts to reunify the family.⁸ By speaking with parents, attorneys can learn what reasonable efforts an agency is making to reunify the family and if such efforts support the family's strengths and needs.⁹

1 Sankaran, Vivek. *The Imprint*. "Changing the Child Welfare System Starts with Reframing Our View of Families." (July 2021). Available at: <https://imprintnews.org/opinion/changing-the-child-welfare-system-starts-with-reframing-our-view-of-families/56633>.

2 *Id.*

3 *Id.* Any communication with a parent must be conducted in accordance with Rule 4.2 of the Model Rules of Professional Conduct: "In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order."

4 Malempati, Suparna. "Ethics, Advocacy, and the Child Client." 12 *Cardozo Public Law, Policy, and Ethics Journal* 633 (2014). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2318020.

5 *Id.*; *Family Justice Initiative*. "Out-of-Court Advocacy Guide." (May 2021). Available at: <https://15ucklg5c821brpl4dycpk15-wpengine.netdna-ssl.com/wp-content/uploads/sites/48/2021/05/out-of-court-advocacy.pdf>.

6 *Family Justice Initiative*, *supra* note 5.

7 *Id.*

8 *Id.*

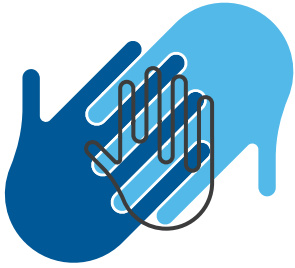
9 *Id.*



ABOUT THE AUTHOR:

Courtney Hughes is a third-year law student at the University of Denver Sturm College of Law. After teaching in Denver Public Schools for five years, Courtney attended law school with the goal of continuing to work for families and kids. She is interested in both criminal defense and representing parents in child welfare cases.

► **Engage with Parents** from previous page



Children’s attorneys must also engage in significant out-of-court advocacy throughout a child welfare case. They not only represent their clients in the courtroom, but they also participate in case planning and placement discussions.¹⁰ Parents know what the family’s strengths are and can suggest less disruptive placement options for their children.¹¹ Children’s attorneys can learn from parents about their client’s family structure and kin relationships, and can use that in their advocacy for placement and family time.¹² Knowing their client’s wishes and engaging with their parents can help attorneys advocate for meaningful family time that provides opportunities for parents to be involved in normative activities, such as attending school and extracurricular activities.¹³ Parents can identify potential barriers to involvement, such as lack of transportation, and children’s attorneys can help find solutions to such barriers.¹⁴

Children’s attorneys’ engagement with parents promotes a child welfare system that is rooted in family support.¹⁵ Parental engagement not only helps center the child’s needs, but it also ensures that every party is working to support the family and meet their needs.¹⁶ ■

¹⁰ Post, Dawn et. al. *National Association of Counsel for Children’s Law Manual*. “Mindfulness of Attorneys for Children When Assessing Parental Capacity.” (2015). Available at: https://cdn.ymaws.com/www.naccchildlaw.org/resource/resmgr/2015_Conference/Children%27s_Law_Manual_2015.pdf.

¹¹ *Administration for Children and Families Information Memorandum (ACYF-CB-IM-19-03): “Engaging, Empowering, and Utilizing Family and Youth Voice in All Aspects of Child Welfare to Drive Case Planning and System Improvement.”* (August 1, 2019). Available at: <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1903.pdf>.

¹² *Family Justice Initiative*, *supra* note 5.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Vivek Sankaran, *supra* note 1.

¹⁶ *Id.*



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

Eight Tools for Maintaining and Building Your Resiliency

By Kay Glidden, MS

Life has been a lot lately. A global pandemic, inflation, social and political unrest, and climate crisis to name a few. You were probably already tired and depleted before all this happened. We know that depression and anxiety is up worldwide.¹ Now is the time, more than ever, to bump up your self-care activities. Ideas for “self-care” are often thought of as taking a bubble bath, drinking hot tea, and eating kale, but that is just not going to cut it anymore. You work in a high-stress, trauma-exposed work environment. You have a difficult job and taking care of yourself is often the last priority after clients, family, and colleagues.

To take good care of others, you must take good care of yourself (this has been said a million times and hardly anyone does it). Take care of yourself. First. Everyday. I am not talking about taking a lot of time or money to do this, but self-care cannot be pushed to after work, weekends, and/or vacation. What do you do every day for your self-care?

In June 2022, Beth Reynolds-Lewis and I facilitated a webinar for NACC, “Self-Care is NOT Selfish: Creative Tools for Transforming Compassion Fatigue and Secondary Trauma.” We outlined many practical tools that you can use for daily self-care, and I will highlight eight here:

Professional Quality of Life Survey (proQOL) is intended for any helper, including attorneys, judges, CASAs, and mental health professionals. The survey is free and takes less than five minutes to complete at proqol.org. The self-score survey measures your compassion fatigue, burnout, and compassion satisfaction. Take the survey now and again in a few months after you put some regular self-care activities in place to see if your scores improve.

1. **Nature.** Research shows that to get the most benefits from nature, we need to spend eight hours per month enjoying it.² Are you getting in your eight hours in nature? Benefits



- 1 World Health Organization. “COVID-19 pandemic triggers 25% increase in prevalence of anxiety and depression worldwide.” (March 2022). Available at: <https://www.who.int/news/item/02-03-2022-covid-19-pandemic-triggers-25-increase-in-prevalence-of-anxiety-and-depression-worldwide>.
- 2 Swaim, E. *Healthline*. “8 Health Benefits of Getting Back to Nature and Spending Time Outside.” (May 2022). Available at: <https://www.healthline.com/health/health-benefits-of-being-outdoors>.



ABOUT THE AUTHOR:

Kay Glidden, MS is a compassion fatigue specialist, trauma informed care trainer, and mindfulness educator. Her experience stems from 30+ years as a mental health professional and working in a public behavioral health system. Her training/consultation company, [Compassion Resiliency](http://www.compassionresiliency.com), promotes the wellbeing of professionals who work in high stress/trauma exposed work environments.

► **Resource Spotlight** from previous page



In June 2022, Beth Reynolds-Lewis and I facilitated a webinar for NACC, “Self-Care is NOT Selfish: Creative Tools for Transforming Compassion Fatigue and Secondary Trauma.”

include stress reduction, improved concentration and mood, boosted immune function, and improved sleep.³

2. **Hot Walk and Talk** is a tool you can use if you experience a stressful traumatizing event at work. Grab a couple of bottles of water and walk briskly with a colleague while explaining what happened (the beginning, middle, and end of the situation) as you are drinking a lot of water. This activity will immediately flush the dangerous chemicals of adrenaline and cortisol out of your system, and you can leave work without ruminating about the situation. As a mental health therapist, I wish I had known about this tool as I worried about many of my clients when I got home from work.
3. **Grounding Techniques** reconnect you with the present moment and help you to self-regulate if you are experiencing stress and anxiety. Three types of grounding include mental, physical, and soothing. **Mental grounding** involves focusing on your mind such as counting colors, naming all the ice cream flavors you can think of, and saying the alphabet backwards. **Soothing grounding** is talking to yourself in a kind way and feeling safe such as picturing yourself in your safe place (your sanctuary), looking at family pictures/videos, and saying to yourself positive affirmations or mantras such as, “This feeling will pass, and I will be ok.” **Physical grounding** includes focusing your senses such as planting your feet firmly on the ground, carrying a worry stone in your pocket, washing your hands/face, popping some bubble wrap, or doing the yoga tree pose.
4. **Books:**
 - Mathieu, Françoise. *The Compassion Fatigue Workbook: Creative Tools for Transforming Compassion Fatigue and Vicarious Traumatization*. Routledge, 2011.
 - van der Kolk, Bessel. *The Body Keeps the Score: Brain, Mind, and the Body in the Healing of Trauma*. Penguin Publishing Group, 2015.
 - van Deroort Lipsky, Laura. *Trauma Stewardship: An Everyday Guide for Caring for Your Self While Caring for Others*. Berrett-Koehler Publishers, 2009.
5. **Meditation App.** Insight Timer has different types of guided meditations with different lengths and teachers (including sleep meditations and body scans). Meditation is a practice, and this helpful app provides you with everything you need to begin. Science-based benefits of meditation include reducing stress and anxiety, enhancing self-awareness, improving sleep, lowering blood pressure, and helping to control pain.⁴ Many people say, “I don’t have time to meditate,” but I would challenge you to replace time scrolling on your phone with meditating.

³ *Id.*

⁴ Thorpe, M. & Link, R. *Healthline*. “12 Science-Based Benefits of Meditation.” (October 2020). Available at: <https://www.healthline.com/nutrition/12-benefits-of-meditation#2.-Controls-anxiety>.

► **Resource Spotlight** from previous page



6. **Sleep.** So many of us are exhausted, but we can't sleep. Research says we need 7–9 hours of sleep per night,⁵ but most of us are not getting that. In Dr. Matthew Walker's book, *Why We Sleep: Unlocking the Power of Sleep and Dreams*, he notes that every major system, tissue, and organ of your body suffers when sleep becomes short. Sleep enhances memory, increases creativity, protects from cancer and dementia, and lowers the risk for heart attacks and strokes. With sleep, you will feel happier and be less depressed and less anxious.⁶ Next time you can't sleep, try the [4-7-8 breathing method](#) developed by Dr. Andrew Weil.

4-7-8 Breath:

- Empty the lungs of air.
- Breathe in the nose for **4 seconds**.
- Hold the breath for **7 seconds**.
- Exhale forcefully through the mouth, purse the lips, and make a “whoosh” sound for **8 seconds**.

7. **Take Mindful Breaks During the Day.** Sitting for over 20 minutes at a time is not good for us. We need to stretch, go outside, wash our hands or face between clients, take a brisk walk, do neck and shoulder rolls, pause, and focus on our breathing. For ideas, watch “[Chair Yoga: Yoga at Work.](#)”

For more resources and tools, please visit [CompassionResiliency.com](https://www.compassionresiliency.com) where you can also schedule an in-person training or webinar for your organization. If you are interested in one of our many trainings, please contact me at KayGlidden@gmail.com. ■

⁵ Walker, Matthew. *Why we Sleep: Unlocking the Power of Sleep and Dreams*. Scribner, 2017.

⁶ *Id.*



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



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.*

Ridgell v. Arizona Dep't of Child Safety, 508 P.3d 1143 (Ariz. App. 2022) **(wrongful placement on central registry)**

The mother was placed on the Arizona Department of Child Safety's (ADCS) central registry for neglect after her newborn tested positive for marijuana. She instituted an administrative appeal, arguing that she had a medical marijuana card and that she used marijuana to treat chronic nausea. Nevertheless, the Director substantiated the neglect allegation, finding that the mother was not under a doctor's care when she was using marijuana and that this created an unreasonable risk to the child's health and safety. The mother sought review with the superior court which ruled that the Director did not abuse its discretion in finding that the mother neglected her child. The mother appealed, arguing that her marijuana use complied with the Arizona Medical Marijuana Act (AMMA) and thus did not constitute neglect.

The Arizona Court of Appeals found that the mother was a "qualifying patient" under the AMMA because she had a medical marijuana registration card and an allowable amount of marijuana. The Arizona Court of Appeals found that under the "AMMA, then, she is presumed to have taken marijuana for 'medical use,' which means taking it to treat or alleviate her medical condition or symptoms. And her marijuana use is the equivalent of taking any other medication under the direction of a physician." Thus, the child's exposure to marijuana was "the result of medical treatment administered to the mother" as allowed under statute. Accordingly, the Arizona Court of Appeals held that the mother did not neglect her child and therefore, should not have been placed on the central registry. The decision of the superior court was **reversed**.

► **Case Digests** from previous page



[In the Matter of the Dependency of K.W., 504 P.3d 207 \(Wash. 2022\)](#) **(preference for relative placements)**

After living with his grandmother for most of his life, the child was suddenly removed from her home and placed in foster care. Despite three relatives requesting that they be considered for permanent placement, the Department of Children, Youth, and Families (Department) placed the child with a prospective adoptive family pending the results of home studies. The child then filed a motion requesting a return to his grandmother's home or the home of another relative. The trial court denied the child's motion and instead granted CASA's request to delay relative placement until they were "fully vetted with a Department approved home study." The child sought discretionary review which the court of appeals denied. He then sought discretionary review with the Washington Supreme Court, which it granted.

The Washington Supreme Court found that the statute that governs placement of dependent children states a strong preference for placing children with their relatives unless "relative placement would jeopardize the child's health, safety, or welfare." According to the Washington Supreme Court, this placement preference continues to apply even when the child's parents' rights are terminated. The Washington Supreme Court ruled that the trial court did not consider whether the child's relatives were "willing, appropriate, and available to care for the child" and "with whom the child has a relationship and is comfortable." The trial court also "overlooked the Department's role in causing instability to [the child's] placement and giving inappropriate weight to factors that serve as proxies for race." For these reasons, the Washington Supreme Court concluded that the trial court did not give meaningful preference to the relative placements. The trial court's decision was **reversed**.

[Adoption of Patty, 186 N.E.3d 184 \(Mass. 2022\)](#) **(due process violation during virtual bench trial)**

During the first day of a termination of parental rights hearing conducted via Zoom, the mother, who was pro se, could only participate by telephone and therefore, could not see the proceedings. She requested an in-person hearing which was denied due to health and safety concerns caused by the COVID-19 pandemic. After the mother lost connectivity during the direct examination of the Department's first witness, the judge subsequently ordered the clerk to disconnect her from the hearing; she missed the testimony of two other Department witnesses.



► **Case Digests** from previous page

The mother was present by telephone for the second day of the Zoom termination hearing and was given an opportunity to cross examine the witnesses whose testimonies she missed. However, she stated that she had evidence that she could not admit virtually. The trial court subsequently terminated the mother's parental rights and denied her motion for a new trial. The mother appealed, and the Massachusetts Supreme Judicial Circuit heard the case sua sponte.

The Massachusetts Supreme Judicial Circuit found that while virtual termination hearings did not present a per se due process violation, the virtual bench trial in this case violated the mother's due process rights. It held that the trial court erred in drawing an adverse inference against the mother for her absence on the first day of the trial. Moreover, the trial court did not put proper safeguards in place prior to the termination hearing; it did not determine whether the mother could properly connect to Zoom or another video conferencing platform, inform the mother of how to access a breakout room with stand-by counsel, explain how documents and exhibits would be shared, or develop a plan to overcome technological issues. The Massachusetts Supreme Judicial Circuit ruled that the mother was not able to meaningfully participate in the termination proceedings. Accordingly, the order terminating the mother's parental rights was **vacated**, and the case was **remanded** for a new trial. ■



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

Next Generation News: THE student section of *The Guardian*

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

Working with Children of Incarcerated Parents: A Tipsheet for Mitigating Trauma and Reducing Intergenerational Incarceration

BY AMANDA WAYNE

Why are children of incarcerated parents at risk?

Parental incarceration is a source of trauma, but also a symptom of a larger and more complex trauma system that is intergenerational. Structural disadvantages tied to racism and classism disproportionately impact children of color and children from low-income families. The absence of a custodial parent or guardian is a precursor for further adverse childhood experiences (ACEs) whose presence can predict future involvement in the juvenile and adult criminal justice systems.¹

Children as young as three years old exhibit signs of emotional distress because of parental incarceration.² Children of incarcerated parents are more likely to develop symptoms of PTSD, depression, anger, aggression, and isolating and self-harming behaviors, which in turn lead to long-term psychological and emotional functioning difficulties.³ These children are also more likely to be truant, drop out, and engage in risky behaviors.⁴

What measures can mitigate the effects of this trauma and reduce the prevalence of intergenerational incarceration?

When a parent becomes incarcerated, the community, court system and its players, and various government agencies should engage in trauma-informed

1 Fagan, Abigail A., et al. *Adverse Childhood Experiences and Adolescent Delinquency in a High-Risk Sample: A Comparison of White and Black Youth*, 16 YOUTH VIOLENCE & JUV. JUST. 395 (2018).
 2 Geller, Amanda, et al. "Parental incarceration and child well-being: implications for urban families." *Social Science Quarterly* 90.5 (2009): 1186-1202.
 3 Phillips, Susan D., et al. "Disentangling the risks: Parent criminal justice involvement and children's exposure to family risks." *Criminology & Public Policy* 5.4 (2006): 677-702.
 4 Murray, Joseph et al. "The effects of parental imprisonment on children." *Crime and Justice* 37.1 (2008): 133-206.



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



ABOUT THE AUTHOR : **Amanda Wayne** is a second-year student and Civitas Child Law Fellow at Loyola University Chicago School of Law. Her areas of interest are child welfare, juvenile justice, and policy reform. She was the child of an incarcerated parent and has lived experience in the foster care system.

NEXT GEN NEWS

care and advocacy, create a system of support that helps prevent criminal behavior, and assess what resources the impacted family needs to ensure that the remaining family members do not resort to criminal behavior.

TRAUMA-INFORMED ADVOCACY

Attorneys are on the frontline of recognizing and advocating for families impacted by incarceration. They can help reduce the incidence of intergenerational trauma by advocating for and referring families to trauma-informed mental health services, childcare programs, rent and food assistance programs, and other resources.

SCHOOL SUPPORT

Underfunded schools often lack the appropriate resources to provide their students with mental health services and food programs. It is, unfortunately, these very resources that are most likely to help children of incarcerated parents. Investing in school mental health programs, providing for children's basic food needs, and reducing the stigma around the use of these programs is a step toward helping those who are most vulnerable.

An estimated 10 million children have experienced having a parent incarcerated at some point in their lives.⁵

70% of these children will enter the juvenile and/or adult criminal system.⁶

Children of incarcerated parents are up to three times more likely to be incarcerated before the age of 25 than their peers.⁷

The juvenile justice system operates like an emergency room. By the time a child finds themselves there, the injury and social harm has already occurred.⁸

Each person who interacts with the juvenile has the potential to promote healing or exacerbate the wounds.

Attorneys operate on the front line, entering the child's life as the trauma is occurring and are ideally placed to guide families in need of services.

5 Johnston, Denise, *The Wrong Road: Efforts to Understand the Effects of Parental Crime and Incarceration*, 5 CRIMINOLOGY & PUB. POLY 703 (2006).

6 Mumola, Christopher J. *Incarcerated Parents and Their Children*. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2000.

7 Huebner, Beth M. et al. *The Effect of Maternal Incarceration on Adult Offspring Involvement in the Criminal Justice System*. JOURNAL OF CRIMINAL JUSTICE 35.3 283-296. (2007).

8 Marsh, Shawn C. et al. *Lessons Learned from Developing a Trauma Consultation Protocol for Juvenile and Family Courts*, 67 JUV. & FAM. CT. J. 5 (2016).

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COMMUNITY INTERVENTION AND ASSESSMENT

Communities can bridge the chasm left by an absent parent. An incarcerated parent's family should be assessed for programs that can assist the family during that parent's absence. Programs that pair youth with mentors and other role models, work to eliminate food insecurity, and offer childcare and supervision are of paramount importance. Additionally, the local government can work to eliminate food deserts, create free extracurricular programs, and encourage the creation of programs that assist low-income families.

TO BE CONTINUED...

Connecting children of incarcerated parents with community resources is just the beginning; it is not enough. Systems (juvenile/criminal justice, education, child welfare, mental health, and legislative) must recognize when a child is in need and respond with the needed resources. It is only then that the cycle of intergenerational incarceration can end.

Every person who interacts with a parent in the criminal justice system can help end the cycle of intergenerational incarceration. ■

The Cost of Incarceration⁹

The aggregate burden of incarceration, borne mostly by communities, families, and taxpayers, is estimated at one trillion dollars per year, nearly 6 of the gross domestic product.

For every dollar in corrections costs, ten dollars of social costs are incurred.

The estimated cost of criminality by children of incarcerated parents is 130.6 million dollars.

The cost of foster care for children of incarcerated parents is estimated at 5.3 billion dollars annually.

9 McLaughlin, The Economic Burden of Incarceration in the United States, INSTITUTE FOR JUSTICE RESEARCH AND DEVELOPMENT Working Paper # IJRD-072016. (2016)

REFLECTIONS

REFLECTIONS ON NACC'S 45TH ANNIVERSARY

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



DEAN CONKLIN,
JD, CWLS,

is the Resource and Training Attorney at Children's Law Center of California (CLC). Prior to his current role, Dean was a staff attorney with CLC. Dean began his legal career at Learning Rights Law Center in Los Angeles, California, where he designed a project aimed at improving education outcomes and ensuring mental health services for court-involved youth.

In 2004, NACC launched the Children's Law Office Project, known as CLOP, which was designed to improve the delivery of legal services to children in abuse and neglect cases through improved child law office operation and management. Children's law office leaders, managers, and supervisors participate in monthly meetings, share resources, and attend a pre-conference convening at NACC's National Child Welfare Law Conference. Next year, NACC will be revising and updating the Child Welfare Law Office Guidebook: Best Practice Guidelines for Organizational Legal Representation of Children in Abuse, Neglect, and Dependency Cases, first published in 2008. NACC spoke to Dean Conklin of the Children's Law Center of California about the benefits of participating in CLOP.

Why do you/does your office participate in NACC's Children's Law Office Project (CLOP)?

I believe it's important to be aware of what's going on in other places around the country—both in a general sense and in practical application. If we're looking to engage with communities about new ways to be advocates, then our advocacy will only be enhanced as we exchange ideas with communities beyond our own. That's not to say there's a "one size fits all" approach here—far from it—but you can't sign up to do this work and still be afraid of exploring new ideas, and there are so many good ideas in different parts of the country that would otherwise be difficult to access.

What benefits do you gain from attending the CLOP monthly meetings?

The bottom line is that I love working with people. That love brought me to this work initially—I absolutely cherished the time I spent with my clients when I had a caseload, and now that I train staff in our organization, I work to ensure that we keep the humanity of those we serve front and center. And I think, in a way, CLOP contributes to that. We're all people, just human beings, who are all invested in this work and trying to figure it out, and it helps to share experiences and perspectives. After spending an hour with some bright, passionate folks talking about something we all love, it's difficult not to feel a sense of optimism.

How do you integrate what you learn from CLOP into your practice?

I think "what I learn from CLOP" falls into a few different buckets:

- Some of it is simply reinforcement. "We're seeing this... are you seeing this, too?" is a familiar starting point. And there's so much value in that. Coming together with an opportunity to compare notes plays a large role in building connectivity and alleviating isolation. Not all discussions are expected to lead to change, and not all change needs to be seismic. There's value in walking away from a meeting knowing you're not an outlier, and that others (often, everyone else) are also scratching their heads or struggling with a specific issue in that moment in time.

► **Reflections** from previous page

- With big ideas—even good ones—we make sure to approach any potential change thoughtfully and carefully at our organization. Like every legal practitioner, advocate, and office in this field, we simply can't afford to just try things out and wing it. So, when I hear about a new approach or initiative from a CLOP meeting, it's important to first take a step back and see how things would fit in our practice. As I said, there isn't a "one size fits all" method to our work when considering differing models of representation, office size, budgets, and geographic region. But we also can't afford to wait for lightning to strike—there's urgency in our work, and we need to be assertive about exploring solutions.
- Finally, there's a bit of a middle bucket with, for lack of a better term, networking. Maybe the takeaway from a meeting isn't learning about a new groundbreaking practice model, but hearing about a new virtual training, or learning someone's name that you've seen before at a conference, or even just meeting someone new. The little things that come from the larger discussion can be incredibly helpful in tapping into the larger professional community and gaining an awareness of what resources are really out there.

What do you hope CLOP does next—what are you looking forward to from CLOP in the future?

I hope it continues to grow! My hope is that more people and organizations get involved with CLOP, and that the communication from the meetings can extend into networks across the country. I also would love to see the expertise that exists within CLOP be used as guidance for those jurisdictions where child representation models are still being developed. In the end, I think this is a really exciting time to be doing this work. So much has changed just in the short time I've been practicing, and the conversations taking place today—not just in CLOP but in all corners of the field—indicate that the next chapter will be full of innovation. If nothing else, CLOP is a frequent reminder of how fortunate I am to be a part of this community and how much I love this work. ■



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.

LAW OFFICE CORNER

Lawyers For Children

The recipient of NACC's 2022 Promoting Excellence Award for Outstanding Children's Law Office is [Lawyers For Children](#). Founded by Karen Freedman in 1984, Lawyers For Children employs an interdisciplinary model that centers voices of people with lived experience in the system to pursue justice for children. To celebrate the groundbreaking work that Lawyers For Children has and continues to do on behalf of children in foster care, we asked Karen Freedman to share more about Lawyers For Children's advocacy, work with youth, and special projects.

NACC : Lawyers For Children (LFC) was the first children's legal organization to assign an attorney-social worker team to every client. How does it feel to have your model replicated and implemented in children's law offices across the country?

LFC : It was clear to me from the very inception of Lawyers For Children that to meet the needs and goals of the young people we planned to represent, it would take a professional partnership. It is enormously gratifying to see how many children's law offices have recognized the benefits of providing both a lawyer and a social worker for every client on every case. This interdisciplinary model is critical to the high-quality advocacy that vulnerable children and youth deserve. We are hopeful that this model can be replicated even more widely through the Title IV-E Federal enhancement funds now available to increase the quality of representation for both children and their families.

NACC : How does LFC empower its clients and enhance youth voice?

LFC : Our approach to advocacy has always been client-directed. Centering our clients' voices empowers them to take an active role in shaping the court decisions that will impact their lives. This means we are always "talking with" our clients and not "talking to" them. The biggest investment we've made to amplify our clients' power is through our staff of full-time youth advocates. For over ten years, staff members with lived experience in foster care have worked alongside our older clients as they face

Lawyers
For Children
Protecting Rights
Changing Lives



Karen Freedman is the Founder & Executive Director of Lawyers For Children. Recognition for her work includes NACC's Outstanding Legal Advocacy Award, ABA's John Minor Wisdom Award, NYSBA Levine Award for Excellence in Juvenile Justice and Child Welfare, and she serves as a Trustee of NYU School of Law.

LAW OFFICE CORNER from previous page

the challenges of living in and transitioning out of foster care. Our youth advocates built and led our Youth Advisory Board and Young Leaders programs, which provide opportunities for our clients to develop their leadership skills and expand their ability to advocate for themselves and others. We have created workgroups with our clients to develop solutions to the problems they face in the system and help us to identify areas of specialization to address the systemic failures they confront every day. Our Youth Advisory Board has been an essential source of advice and guidance in developing a comprehensive set of Know Your Rights videos and handbooks that our clients use as resources when navigating life in foster care. We have also translated their ideas into new policy campaigns, which we pursue collaboratively through our class action litigation practice and through legislative advocacy. And most recently, one of our former clients was elected to our board of directors and will help guide LFC policy from the vantage point of lived experience.

NACC : What can you tell us about the Adolescents Confronting Transition (ACT) Project?

LFC : The ACT Project brings together our attorneys, social work specialists, and youth advocates in one project to develop the expertise necessary to ensure that our clients will not just survive on their own but thrive. This means we will go the extra mile and not wait for a court order or a referral before addressing pressing needs—we will track down a birth certificate or walk our client to the DMV to get an ID, or help clients purchase the furniture, food, and other essentials they need to establish a secure life in their own home. The ACT Project has also been a hub for sharing common challenges and forming the strategies that lead to policy change. One of our clients in the ACT Project became the named plaintiff in a class action lawsuit that ultimately stopped the child welfare system from discharging youth to homelessness. Because of this advocacy, we've essentially reduced homelessness among LFC youth leaving foster care by 100%.

The ACT Project is also an example of the benefits of partnering with the philanthropic community to tackle persistent challenges using tools that go beyond the traditional legal services model. It means framing our work in ways that are responsive to the unique needs of youth who have no adult community resources to support their transition to independence. For the ACT Project, it means ensuring that every young person we represent is poised for success before leaving foster care. It means clients have access to the education that they need and want, that they have a stable source of income, safe housing, health care, and a meaningful connection to an adult in the community.

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LAW OFFICE

NACC : Briefly tell us about some of LFC's other special projects.

LFC : LFC's special projects are driven by the most common needs we see among our clients—including domestic violence, LGBTQ+ affirming services, education, sexual exploitation/trafficking, mental health challenges, substance use, and immigration. We've cultivated in-house expertise to specialize in these areas and become critical resources for our staff to turn to and receive practice advice. All of our special projects feed our Special Litigation & Policy Project, which is a powerhouse in helping to identify and address the challenges that threaten to deprive youth of the successful futures to which they are entitled.

NACC : How does LFC advance race equity?

LFC : There is a growing recognition throughout the advocacy community that children should not be removed from their families unless absolutely necessary for their safety. Unfortunately, the family regulation system disproportionately ensnares Black and Brown families for reasons unrelated to child safety. One of the keys to advancing race equity is to narrow the entryway to care by amending or eliminating neglect statutes so that in situations involving the challenges of poverty rather than safety, teachers, health care professionals, safety officers, child care providers, and other mandated reporters can reframe their role as that of mandated supporters, and reserve mandated reporting for true situations of abuse. In addition, we strive to work with parent advocates and other community advocates to present a united front on the need to reduce unnecessary neglect calls and removals. LFC was co-counsel in the class action case, *Nicholson v. Scoppetta*, which, under the current statutory scheme, shifted the sole focus of child protective workers from safety to a nuanced balancing test measuring the risk and trauma of removal against the risk and trauma of remaining at home.

NACC : Congratulations on winning NACC's 2022 Promoting Excellence Award for Outstanding Children's Law Office! How does it feel?

LFC : All of us at LFC are humbled and enormously grateful to NACC and the community of attorneys for children who are promoting excellence in our field throughout the country. We have an amazing team of professionals at Lawyers For Children, and this award is especially meaningful as a testament to their dedication and commitment to the children we serve. ■



NACC's Inaugural Race Equity Virtual Training Series

MARCH 1 – 3, 2023



CALL FOR ABSTRACTS

Deadline is Monday, October 31st

No late submissions will be considered

APPLY NOW! 

The National Association of Counsel for Children (NACC) is accepting abstract submissions for its inaugural race equity virtual training series. NACC's vision is that 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 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.

The goals of this virtual training series are to:

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

Most race equity training series attendees will be attorneys (representing children, parents, and agencies) and judges who work in child welfare court systems. Training series attendees may also include professionals from other disciplines including medicine, policy and community advocacy, immigration, education, social services, homelessness, and civil rights, as well as law students and other child welfare stakeholders.

Training series sessions should be designed for a national audience, expand attendees' understanding of race equity, antiracism, and racial justice, provide practical tools and resources to support legal advocacy, and provide information and strategies for systems improvement. NACC seeks webinar submissions that will be applicable to attorneys who represent children, parents, agencies, and kinship caregivers, as well as multidisciplinary professionals working in child welfare. Specific topics of interest include:

- Practical, skill-based trainings for out-of-court and in-court advocacy
- Racial and ethnic disparities
- Implicit bias
- Structural racism
- Indian Child Welfare Act (ICWA) and working with/representing Indigenous youth, parents, and families

► **Race Equity Virtual Training Series** from previous page



- Diversity and inclusion in the legal profession
- Addressing and interrupting bias, racism, and micro/macro aggressions in law offices, agencies, and other settings
- Intersectionality

NACC will consider the following in reviewing abstract submissions:

- Diversity, which includes diversity in presenters, topic areas, and geographic representation;
- Authentic inclusion of the voices and experiences of individuals with lived expertise in the child welfare system, including presenters with lived expertise;
- Bold, progressive sessions that advance race equity and justice; dismantle oppressive, white supremacist practices and systems; and center antiracist and culturally humble/responsive legal representation;
- Practical application and concrete tips and takeaways that will elevate legal practice;
- Interactivity and activities that attend to different learning styles.

Recognizing the importance of this work and these topics, NACC is committed to compensating webinar presenters for the race equity series. NACC will provide a stipend per webinar, to be split evenly amongst the presenters. NACC will announce the stipend amount for this inaugural series by February 2023.

In submitting your abstract, please keep in mind that:

- All webinars will be 90 minutes in length;
- NACC recommends including no more than 3 webinar presenters per abstract;
- A minimum of 10 pages of high-quality written materials/handouts must accompany each accepted session. Written materials may include presentation slides, resource lists, draft motions/other court documents, articles, reports, etc.;
- All sessions at the training series will be recorded. NACC will request any presenters to sign a release to consent to the recording and dissemination of their session.

Abstracts are due Monday, October 31st; no late submissions will be considered. All applicants will be notified of NACC's selection decisions by mid-December. ■



CALL FOR ABSTRACTS

Deadline is Monday, October 31st

No late submissions will be considered

APPLY NOW! 

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



READER PANEL

The Indian Child Welfare Act

Next term, the United States Supreme Court will hear a challenge to the Indian Child Welfare Act (ICWA), in Haaland v Brackeen. On August 18, 2022, 31 children's rights organizations with extensive experience in child protection cases filed an amicus brief urging the Supreme Court to uphold ICWA.

How does ICWA help children's attorneys provide high-quality legal representation for children in foster care?

Diane Murphy-Smith, JD
Assistant Attorney General | Iowa

ICWA encourages us or even forces us to look both deeper and wider when asking what is in a child's best interests. We must examine the cultural context of the child and how their heritage is inextricably intertwined with who the child is and what is best for the child going forward. In our area of Iowa, we have an agency unit dedicated specifically and uniquely to serve our Native population when they come into contact with the child welfare system. We've invested stakeholder resources into a Native Urban Center to offer a culturally oriented space and facility for our families to access an array of services and community. We've also developed a method for permanency which can be pursued in Child in Need of Assistance actions involving Native children to whom ICWA applies. This method, Tribal Customary Adoption (TCA), allows Indian children to achieve permanency in a manner consistent with their tribal heritage in cases where reunification efforts have been unsuccessful despite the provision of active efforts. TCA requires concurrent jurisdiction in both the Iowa juvenile court and a partnering tribal court. Through this cooperation, the Indian child can receive the benefits of adoption, including applicable IV-E subsidies, without the culturally unsuitable requirement of an accompanying termination of parental rights.

Leisa Pulliam, JD, LLM, CWLS, CPA
Attorney ad litem | Administrative Office of the Courts
NACC State Coordinator for Arkansas

ICWA reflects the history and concerns that Indian Nations experienced through the foster care system. By following ICWA, we can better serve their needs and culture that we cannot fully appreciate. ICWA is in general a reminder that we can't pretend to have all the answers and the "right" way of parenting or of protecting children.

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



Karen Prosek, JD, MSW, CWLS
Director of Legal Services | Children's Legal Services of San Diego

The ICWA and applicable state laws provide very specific requirements for how Indian children are represented in the dependency system. When applicable, the ICWA ensures that children have the statutory protections the ICWA intended and if the tribal representative is willing and engaged in providing information to minor's counsel, this can inform minor's counsel's representation of the child to ensure the child is in an Indian placement, engaged in community events, and if eligible, receives all benefits of tribal enrollment.

John Walsh, JD
Supervising Attorney | Legal Aid Society of Palm Beach County, Inc. | West Palm Beach, FL

My jurisdiction has very few Native American children. However, I recently represented a large group of Seminole children and I worked closely with the tribal social worker and the Seminole tribe's own attorney in trying to fashion a remedy that would work for all of the children. Being completely honest, the Tribe's refusal to consent to TPR held up our conventional route to permanency for some of the children. But the efforts to keep the children as a part of their Tribe was something new to us, and the importance of that is not something Native children can automatically articulate for anyone. The children cycled through several placements while waiting for one of their parents to get their act together. I was finally able to advocate for them to be placed with their father, who had done pretty much nothing in his case plan, but honestly was no risk to them either. He had just never stepped up to the plate before. By this time, I was dealing with just 5 of the kids but when I visited them on the reservation, I could tell they felt more at home than I had ever seen them — just relaxed. I said to them "wow, you guys are really out in the country here", and they said "this is what we're used to. We've always lived in a place like this." That made it occur to me that for Native kids, life as part of the Tribe is something woven into their DNA almost. My 5 clients were no doubt happier where they ended up — all together with their father, on their reservation, still connected to their Tribe, than if I had taken my usual route and had to divide them up — the younger ones adopted by whichever homes would take them, the older ones in group homes.

Carey Haley Wong, JD
Chief Counsel at Child Advocates, Inc. | Indianapolis, IN

For children's attorneys, one benefit is the higher standards in the case. If removal is necessary, the need for removal must be proven to a higher standard. For youth who want to remain placed within the tribe, there is much support both from professionals and in the laws. By allowing tribal intervention in the cases and requiring the tribe to provide input into the necessity of removal, etc., the dependency courts are required to consider the importance of the tribal connection. The information provided by the tribe about opportunities available (cultural and otherwise), and the reminders to ensure certain steps are followed and certain findings are made, has really helped to improve the process. ■

NACC Policy News and Amicus Updates



POLICY NEWS

Counsel for Kids Update: Montana Legislation

COUNSEL FOR KIDS On June 27, NACC submitted [written comments](#) to the Montana Legislature Interim Committee on Children, Families, Health, and Human Services in support of a proposed amendment to [HJR 45](#) to require legal representation for all children in abuse and neglect proceedings. On August 26, NACC Policy Counsel Natalece Washington offered [written and public testimony \(@9:44\)](#) in support of counsel for kids during a hearing before the Montana [Children and Families Interim Committee](#). The committee voted in favor of introducing [House Joint Resolution 45](#), requiring legal representation for all children involved in abuse and neglect proceedings, during the upcoming 2023 legislative session.



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Youth Engagement
Policy Counsel

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NACC Supports Efforts to Promote Health, Safety, and Stability of Youth and Families

NACC signed on to several letters urging congressional leaders to [advance mental health support](#) for people with foster care experience, [protect the rights of immigrant children](#), [reduce racial disparities](#) in the juvenile justice system, [prohibit detention of youth](#) for status offenses, and [fund teen pregnancy prevention](#), programs that [support families with infants and toddlers](#), and [alternative sentencing projects](#) to maintain family integrity. NACC also signed a letter to the U.S. Department of Health and Human Services urging the administration to protect [LGBTQI+ youth](#).

NACC Advocates for Transgender Students, People with Disabilities, Housing Assistance, Expanded Access to Care

NACC signed letters urging congressional leaders to [protect the right of people with disabilities to live where they choose](#), provide [housing assistance for low-income households](#), ensure [transgender students are fully included and supported in school](#), [fund education and training vouchers](#) for youth transitioning to adulthood, and [allow youth up to age 21 to remain in foster care](#) regardless of location. NACC also joined a report from [Children's Rights to the United Nations](#) on racial injustice in American child welfare systems.

NACC Supports Legislation on Data-Driven Foster Parent Recruitment and Foster Care Stabilization

NACC recently joined in support of federal legislation to [better recruit and retain racially diverse foster care families](#) and legislation to [ensure children in pre-placement services get essential supplies](#). "Lack of access to basic resources like clothing and toiletries often compounds the trauma children and youth experience after removal from family and entry into foster care.

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

Young people should not be forced to access the court process to have these basic needs met. The Foster Care Stabilization Act is a step in the right direction to address this endemic problem,” said Allison Green, NACC Legal Director. Separately, NACC and other organizations also urged the Department of Health and Human Services to establish a [Children’s Interagency Coordinating Council](#).



AMICUS UPDATES

NACC Urges Supreme Court to Preserve the ICWA

NACC joined 30 children’s rights organizations across the country to file a [brief with the United States Supreme Court](#) in support of the [Indian Child Welfare Act](#) in the case of *Haaland v. Brackeen*. Read the [press release](#).

NACC Joins Partners to Combat Transphobic Policies in Texas

In August, NACC joined child welfare organizations in an [amicus brief](#) opposing [transphobic policies](#) in Texas.

Continued Advocacy to Protect Social Security Benefits for Youth in Alaska

NACC joined an [amicus brief to the Alaska Supreme Court](#) opposing the Alaska Office of Children’s Services’ [practice of claiming the social security benefits of children](#) in their custody.

Victory in Fourth Circuit Abstention Doctrine Case

On July 20, [the Fourth Circuit reversed the district court’s decision](#) to abstain from hearing the plaintiffs’ federal claims, finding that they did not implicate Younger abstention categories. Furthermore, the Fourth Circuit found that the plaintiffs’ class action suit would not “unduly interfere’ with pending state proceedings”; thus, the district court was “obliged to decide” the plaintiffs’ federal claims.” ■



Amicus Request: The NACC Amicus Curiae Program promotes the legal interests of children through the filing of amicus curiae (friend of the court) briefs in state and federal appellate courts. We submit our own briefs and participate as co-amici in cases of particular importance to the development of law for children. To submit a request for NACC to participate as amicus curiae in a case you are working on, please download and complete [NACC’s Amicus Curiae Request Form](#).



Emily Dufour
Membership Coordinator
Emily.Dufour@NACCchildlaw.org



Would you like to share something with the NACC Membership? [Send it to us!](#)

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

Membership Matters

NEW! NACC Launches STUDENT HUB and Student Chapter Guidebook

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

Additionally, for NACC to continue its work in the 21st century, it requires a new generation of child law advocates to carry on this vital work, both as members and chapter organizers. Bring NACC to your campus and check out [NACC on Campus: NACC’s School Chapter Guide](#).

Profile Update

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

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

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

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

NACC Member Resource Page

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



► **Membership Matters** from previous page

Thank you to our Platinum Lifetime and Sapphire Members!

PLATINUM LIFETIME

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

Consider Elevating Your Support with a Platinum Lifetime Membership

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

SAPPHIRE

Kathryn P. Banks	Lorne S. Hobbs	Lisa Wolford
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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

Deborah Bennett	Robert Fellmeth	Michael Nash	Ivy Shepherd
Cameron Buhl	Josh Gupta-Kagan	Jennifer Newman	Dennis Smeal
Courtney Canova	Laurie Hall	Linnea Nicol	Julia TenEyck
James Cargill	Amy Hayes	Angela Orkin	Judy Waksberg
Meredith Carpenter	Penny Higginbottom	Tisha Ortiz	Jacqueline Williams
Stephanie Charter	Vernon Hosannah	James Ottesen	Wendellyn Wright
Jonathan Conant	Matthew Jarvis	Brittany Radic	
Julie DiVerde	David Katner	Francis Rio	
Jessica Elam		Bob Schwartz	

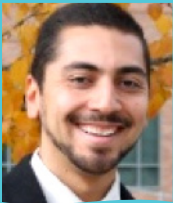
SILVER

Robert Ackley	Amber Drennan	Denise LaFave Smith	Lisa Rutland
Carol Park Aden	Lisa Dube	JulieAnne Leonard	Selina Saenz
W Charlton Allen	Donald Duquette	Greta Locklear	Bonnie Saltzman
Sylvia Andrew	Victoria Gonchar	Bruce McKinnon	Nicholis Schroeder
Rosemary Armstrong	Jennifer Gonzales	Evan Miller	John Sierra
Kelsey Armstrong-Hann	Joseph Gunn	Eva Morales	Tahra Sinks
Jacquelyn Babinski	Michele Hammond	Erin Morgan	Margaret SlySingleton
Crystal Bice	Holly Handler	Jennifer Neal-Jones	Cheryl Smith
Kelly Brandon	Kayla Harrington	Otha Nelson	Jennifer Smith
Kimberly Brown	Gretta Herberth	Thomas Nolan	Cheryl Spano
Karen Bunker	Hollie Hinton	Ann O'Connor	Elizabeth Stanley
Elizabeth Burchell	Robert Holmes	Jane Okrasinski	Gabriela Stear
Chris Calvert	Twila Hoon	Crysta Parkin	Belinda Taylor
Carly Carman	JaNeen Hopkins	Alison Pauk	Adam Trupp
Katherine Chadek	DeAnna Horne	Lauren Petty	Lucy Vazquez-Gonzalez
Jennifer Cochran-Green	Desiree Hosannah	DeVonna Ponthieu	Judy Webber
M. Cook	D'lorah Hughes	Suzanne Queen	Jill Weygandt
Kay Cooper	Sharon Jacksack	Eric Reynolds	Angie Whitford
Ashley Cousineau	Janelle Johnson	Kathleen Richey	Anne Williams
James Cronon	Paula Kaldis	MacKenzie Ridgle	Ashley Williams
	Amy Klauber	Karla Roisum	

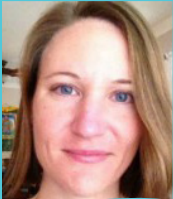


Child Welfare Law Specialist Certification

Congratulations to our newest Child Welfare Law Specialists!



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



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

**Diana Llewellyn,
JD, CWLS**
Advocacy, Inc
ALBUQUERQUE, NM

**Molly Shaw,
JD, CWLS**
Delaware Office of
the Child Advocate
WILMINGTON, DE

**Kathryn Walsh,
JD, CWLS**
McIlveen Family
Law Firm
GREENVILLE, SC

**Mikaela West,
JD, CWLS**
Dependency
Legal Services
WOODLAND, CA

Transitioning to the 4th Edition of Child Welfare Law and Practice (the Red Book) and How It Impacts Current and Prospective CWLS Applicants

The CWLS exam is based on the contents of *Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases* (the Red Book). In the next several months, NACC will be publishing the 4th edition of this legal treatise and will be revising the Red Book Training curriculum and the CWLS exam to incorporate 4th edition contents. What does this mean for current and prospective applicants and the 2022 and 2023 exams?

Current CWLS Applicants

If you started your application in 2021 or 2022 and are already committee-approved or approved by December:

- You are eligible to sit for the 3rd edition exam once in 2022.
- You are eligible to sit for the 3rd edition exam once in 2023.
- You are eligible to sit for the 4th edition exam once in 2023.

If you started your application in 2021 or 2022 and are not committee-approved by December:

- You are eligible to sit for the 3rd edition exam once in 2023.
- You are eligible to sit for the 4th edition exam once in 2023.

Please Note: Depending on when you applied, when you are committee-approved, and whether you attempt both the 3rd and 4th edition exams in 2023, you may also be eligible to sit for the 4th edition exam in 2024.

If you started your application before 2021:

- Your application expires at the end of 2022.
- You must take the 3rd edition exam by 12/31/2022 (if committee-approved).

Prospective CWLS Applicants

If you start your application in 2022 and are committee-approved before the end of the year:

- You are eligible to sit for the 3rd edition exam once in 2022.
- You are eligible to sit for the 3rd edition exam once in 2023.
- You are eligible to sit for the 4th edition exam once in 2023.
- If you order your included copy of the Red Book in 2022, you will receive the 3rd edition.
- If you wait and order your copy in 2023, you will receive the 4th edition.

If you start your application in 2022 and are not committee-approved before the end of the year:

- You are eligible to sit for the 3rd edition exam once in 2023 (assuming approval in 2023).
- You are eligible to sit for the 4th edition exam once in 2023 (assuming approval in 2023).
- If you order your included copy of the Red Book in 2022, you will receive the 3rd edition.
- If you wait and order your copy in 2023, you will receive the 4th edition.

The 3rd edition exam will not be available to any applicant after 2023.

If you start your application in 2023:

- You are eligible to sit for the 4th edition exam only.
- Your included copy of the Red Book will be the 4th edition.

Please email Certification@NACCchildlaw.org if you have questions about your specific situation. ■

ONLINE CONFERENCE



Sep 21–23,
2022

Dual Conference in Baltimore

Thank you to everyone who attended our Dual Conference in Baltimore! We look forward to seeing all of you again at our Online Conference September 21–23, featuring new speakers and agenda. Enjoy from the comfort of your home, office, the park... anywhere you want to be! All sessions will be recorded and available to watch for 9 months.

For those who did not attend in Baltimore, registration is still open for our Online Conference. Check out the sessions and presenters in our [eProgram](#).

ONLINE CONFERENCE REGISTRATION [↗](#)

Child Welfare Law Specialists \$275 | NACC Individual or Organizational Member \$300 | Non-Member \$500

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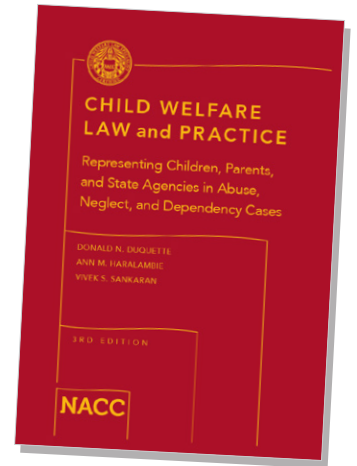


Training

JOIN NACC’S FALL RED BOOK TRAINING COURSE — LAST CHANCE IN 2022!

NACC’s signature online, seven-week 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). The fall Red Book Training Course is the last session that will be based on the 3rd edition of the Red Book!



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

All sessions are on Thursdays and start at 3:00PM MT
Fall: September 8 – October 27 (no session on September 22)
Presenter: Betsy Fordyce, JD, CWLS,
Executive Director, Rocky Mountain Children’s Law Center

REGISTER NOW FOR FALL COURSE 

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 for Fall Course](#) through 10/26 and catch up with recordings on what you missed!

Order your Red Book now!

	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 90-day trial NACC membership.

NACC OCTOBER MEMBER WEBINAR

The Importance of Family Preservation for Black Children in the Foster Care System

[REGISTER HERE](#)

Thursday, October 20, 2022 | 1:00–2:30PM ET / 11:00AM–12:30PM MT

During this webinar, presenters from the National Association of Black Social Workers will discuss:

- The importance of family Preservation efforts for children who are in foster care or those who are in danger of being placed into the foster care system
- The adoption and permanency patterns of Black families
- The history of transracial adoptions in America and the importance of transracial adoptees having connections to their cultures of origin and learning how to deal with racism
- The issues and challenges of transracial adoptions from the perspective of a transracial adoptee
- The role of attorneys and the legal system in promoting permanency and family preservation

Presenters:

April Dinwoodie | Vivian Drayton, LSW | Dr. James Freeman, PhD, LCSW | Leora Neal, LCSW
Clarence G. Nelson, MSW | J. Toni Oliver, MSW | Amina Saunders, MSW

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.

NACC NOVEMBER MEMBER WEBINAR

Authentic Family Engagement to Achieve Optimum Outcomes Using a Family-Centered Approach

[REGISTER HERE](#)

Thursday, November 10, 2022 | 2:30–4:00PM ET / 12:30–2:00PM MT

A family-centered approach is key to authentic family engagement, effective treatment, sustained recovery, and family wellbeing. There is not a universally accepted definition of a family-centered approach. Despite differences in definitions, there are a set of common essential ingredients that are used across the continuum of providers and systems that includes a comprehensive array of clinical treatment and related support services that meet the needs of each family member, not only of the individual requesting care. This webinar will highlight the essential ingredients required to successfully implement a family-centered approach and cover practical strategies, challenges, and successes from experts in the field. In addition, it will review the state and local leadership efforts needed to ensure the implementation and sustainability of a family-centered approach. A series of companion modules

► **Training** from previous page

developed by the National Center on Substance Abuse and Child Welfare, [Implementing a Family-Centered Approach for Families Affected By Substance Use Disorders and Involved with Children Welfare Services](#), will be featured during the presentation. This resource is designed for state, county, and agency-level collaborative partners working together to improve systems, services, and outcomes for children and families affected by substance use disorders.

Presenter:

Kimberly-Ann Coe, BSW, Deputy Program Director for Regional Partnership Programs, National Center on Substance Abuse and Child Welfare

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.

NACC DECEMBER MEMBER WEBINAR

Commercial Sexual Exploitation of Children

Wednesday, December 14, 2022 | 2:00–3:30PM ET / 12:00–1:30PM MT

More information coming soon. ■

Interested in Presenting at an NACC Member Webinar?

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

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

<p>Engaging, Supporting, and Advocating for Incarcerated Parents & Their Children Presenters: Stacey Allen-Chavez • Cameron E. Buhl, JD • D'Adre Cunningham, JD • Richard Pittman, JD, CWLS</p>	
<p>ICWA: Busting Myths & Building Allyship Presenters: Kimberly Cluff, JD • Kathryn (Kate) E. Fort, JD • The Honorable Kathleen A. Quigley • Sheldon Spotted Elk, JD</p>	
<p>Self-Care is NOT Selfish: Creative Tools for Transforming Compassion Fatigue, Secondary Trauma, and Burnout Presenters: Kay Glidden, MS • Beth Reynolds Lewis, BS</p>	
<p>Legal Assistance to Kinship Caregivers Presenters: Sarah B. Hedden, JD, MSW • Gabrielle Markle, JD • Heather Radzikowski, BA</p>	
<p>Racial Disparities in the Child Welfare-to-Prison Pipeline Presenters: Julie McConnell, JD – Fallon Speaker, JD</p>	
<p>Congregate Care and Civil Rights Presenters: Richard Goemann, JD, LLM • Beth Kurtz, JD</p>	
<p>Child Welfare Law Year in Review Presenters: Allison Green, JD, CWLS • Christina Lewis, JD • Kristen Pisani-Jacques, JD, CWLS</p>	
<p>Drug Testing in Child Welfare Cases: Understanding the Chemistry, Methodology, and Legal Implications Presenters: Jerry Bruce, JD • Darice Good, JD, CWLS • Diana Rugh Johnson, JD, CWLS</p>	
<p>COVID-19-Related Challenges & Barriers to Reunification in Dependency Court Presenters: Ashley Chase, JD, CWLS • Hon. Aurora Martinez Jones, CWLS • Ellen Ramsey-Kacena, JD, CWLS</p>	
<p>The Interstate Compact on the Placement of Children (ICPC): An Essential Tool to Providing Permanency Presenters: Robyn Kane, JD, MSW • Lynn Pavalon, JD</p>	
<p>Breaking Stigma and Changing the Narrative: Strategies for Supporting Expectant and Parenting Youth in Foster Care Presenters: TyAsia Nicholson • Lisa Mishraky-Javier, LMSW • Sando Zou-Capuzzi</p>	
<p>Adolescent Brain Science: What is it, and How Can it be Effectively Used to Advocate for and Engage Youth Presenters: Cristal Ramirez, MS • Ashley Ratliff, JD, MSW</p>	
<p>Call to Action for Attorneys: Urgent Advocacy to Harness the Consolidated Appropriations Act for Older Youth* Presenters: Aubrey Edwards-Luce, JD, MSW • Zoe Jones-Walton • Tom Welshonce, JD • Gillian Ruddy Wilcox, JD</p>	
<p>Use of Psychiatric Medication in Foster Children: What Lawyers Need to Know Presenter: Martin Irwin, MD</p>	
<p>Crossover Youth: The Criminalization of Trauma Presenters: Brittany Mobley, JD • Naïké Savain, JD • Veena Subramanian, JD</p>	
<p>2020 in Hindsight: NACC's Child Welfare Law Year in Review Presenters: Allison Green, JD, CWLS • Kristen Pisani-Jacques, JD, CWLS</p>	



Cristal Ramirez, MS
Youth Coordinator
Cristal.Ramirez@NACCchildlaw.org

NACC Welcomes the Second Cohort of NACCLR Members!

NACC is thrilled to introduce the second cohort of lived experience experts on NACC's National Advisory Council on Children's Legal Representation. The council is comprised of young professionals, advocates, and leaders who have navigated the child welfare system and seek to contribute their expertise to advancing NACC's mission and core strategies.



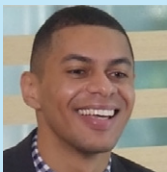
Ivory Bennett, M.Ed. | DALLAS, TX

Ivory Bennett (She/Her/Hers) is a Pittsburgh, Pennsylvania native who is currently a Manager of Teacher Leadership and Development in Dallas, Texas. Additionally, Ivory is an active advocate for both education and foster care equity — she has 17 years of lived experience in foster care. Outside of education, Ivory is an avid writer with a particular passion for poetry and play-writing. Ivory loves international travel, holistic health practices, vegan soul food, and tending to her plant babies.



Jade Garza, JD | QUEENS, NY

Jade Garza is a native-born West Texan, where she spent seven years in kinship foster care. After aging out of care, she attended the University of North Texas, where she received her Bachelor of Arts in English, Writing, and Rhetoric. Though always motivated by her own experiences in care, Jade found her passion for child advocacy through work with CASA of Denton County as a Volunteer Advocate, and later became a Casework Supervisor. In 2022, she received her Juris Doctorate from the Maurice A. Deane School of Law at Hofstra University. During law school, Jade served as a Legal Extern for the National CASA/GAL Association for Children. She has also volunteered with the D.C. Family & Youth Initiative as a Board Governance Committee Member, and interned in Hofstra's Youth Advocacy Clinic. Jade is a passionate advocate for children, families, mental health, and social initiatives with the potential to support families. Jade will begin her post-graduate legal career as an Agency Attorney Interne in the Division of Family Court Legal Services, representing the New York City Administration for Children's Services.



Louis Gasper | ROCKVILLE, MD

Louis Gasper works as the Jurisdictional Project Coordinator for the Capacity Building Center for States (ICF) where he leads project management and coordination efforts for the Tailored Services department. Louie has a bachelor's in political communication from the Evergreen State College and transitioned full-time from his role as a Young Adult Consultant. Louie has worked on reforming the child welfare system since he was 13 years old, collaborating and leading projects ranging from the local to the international level with various organizations. Within these organizations, Louie has served in various capacities as a chapter president/leader, chairman of policy, legislative committee representative, programs and policy intern, "all-star" intern, conference facilitator, peer fellow, change management consultant, and youth trainer. In the scope of his work, Louie has participated in projects based on relationship-building, group home reform, youth advocacy, housing/homelessness, LGBTQIA+ rights, race relations, social worker and foster parent accountability, permanency, mental health, sexual and physical abuse and trauma, and child welfare systems reform. As an agent of change, Louie consistently

► **Youth Advisory Board** from previous page

looks for opportunities to employ strategic planning processes that offer clear, mission-based solutions. Louie also currently holds a position on the National Association of Black Journalists Political Task Force Executive Board as Secretary/Treasurer. His interdisciplinary approaches and skills for analyzing public policy, reviewing legislation, writing and editing, project management, media monitoring and curation, and communications enhances his work to offer a unique approach to solutions addressing child welfare reform.



Stormy Lukasavage | WICHITA, KS

Stormy Lukasavage (he/him/his) is an established professional advocate from Topeka, Kansas who has experience working with FosterClub, National Association of Counsel for Children (NACC), National Foster Youth Institute (NFYI), and the Children's Bureau in the Administration on Children, Youth and Families (ACYF) of the U.S. Department of Health and Human Services. Having joined the Kansas Youth Advisory Council in 2010, Stormy's advocacy journey began by helping craft the Kansas State Legislature's Senate Bill No. 23 which enables foster youth to graduate from any postsecondary institution with an altered, lower minimum curriculum of 21 credits. This is significant because youth in care often struggle with attaining a high school diploma due to the transitional nature of foster care and this lowered credit minimum helps elevate graduation rates without sacrificing critical education requirements. Stormy eventually became president of Kansas' state council and subsequently coordinated two of the biggest youth conferences focused on youth development and life skills in Kansas' history. In 2019, Stormy graduated with his bachelor's degree in criminal justice with a minor in acting, the latter he studied in London. Stormy was the first Kansas participant in the prestigious FosterClub All-Star Internship and now works as part of the organization's National Foster Care Youth and Alumni Policy Council by bringing his experience with the criminal justice system to the policy-making table. Stormy is planning to attend law school in 2023.



Melissa Mayo | HILO, HI

Melissa Mayo, at 22 years old, is an alumna of foster care and a proud Native Hawaiian. Melissa spent five years in foster care and is now the President of the HI H.O.P.E.S. Youth Leadership Board in East Hawai'i. Melissa is also a current Jim Casey Young Fellow with Jim Casey Initiative and has been an ambitious leader, with a passion for creating positive change and empowering her peers in the child welfare system. Melissa also uses her advocacy work in her role as the Pono Process lead, promoting youth self-advocacy and assuring the rights of children and youth are being honored and upheld while in foster care through Hawai'i's grievance process at EPIC 'Ohana Inc. In addition to Melissa's advocacy work, she is currently working on obtaining her bachelor's degree in Political Science and Administration of Justice at the University of Hawai'i at Hilo. She is also currently an adoptive mom and resource caregiver (foster parent). In her free time, she enjoys swimming, playing tennis, and volunteering at her church.

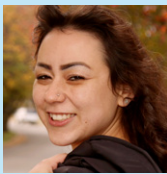


Kayla Powell | URBANDALE, IA

Kayla Powell (she/her) is the National Youth in Transition Database (NYTD) and Youth Development Coordinator for the Iowa Department of Human Rights. In this position, Kayla primarily focuses on overseeing the NYTD data collection on older youth in and transitioning from foster care, advancing authentic youth engagement and positive youth development within state agencies, and contributing to juvenile and criminal justice research activities using participatory models. She is the staff support to Iowa's Youth Justice Council, leads a data team of young adults with lived child welfare experience, coordinates Iowa's Family and

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Youth Engagement Summit and serves on Iowa's Children's Justice Advisory Council. Outside of this role, Kayla is a Young Adult Consultant with the Capacity Building Center for States, a Jim Casey Fellow with the Annie E. Casey Foundation, and a Court-Appointed Special Advocate (CASA). Kayla is a national public speaker, having presented at places like Harvard University, the National CASA Conference, the Coalition for Juvenile Justice Conference, and multiple Annie E. Casey convenings. She also has a degree in Occupational Therapy and is a licensed and board-certified Occupational Therapy Assistant. Kayla has over 9 years of lived child welfare experience and 9 years of professional child welfare experience. She is a proud mom to Kniko Ky and enjoys travelling and practicing yoga.



Kristen Powell | WICHITA, KS

Kristen Nicole Powell is a 24-year-old Mexican American woman from San Antonio, Texas. She is the mother of 3 beautiful children Zachery, Gabriella, and Nicholas and they live in Wichita, KS. Kristen started her career at 18 working with her mentor and friend Dr. Karen Irene Countryman Roswurm as a Prosperity Coach at the Institute for Transformative Emancipation, Center for Combating Human Trafficking. While at ITE-CCHT, Kristen worked to create survivor-informed, survivor-led services and was integral in developing programming that focused on holistic healing for victims and survivors of human trafficking. Kristen currently works as a journalism intern and researcher for author and journalist Nell Bernstein where she researches youth advocacy and the movement to close youth prisons.



Duane Price | PHILADELPHIA, PA

Duane Price is a 20-year-old from Philadelphia, Pennsylvania. He is a Community College of Philadelphia student and a National Youth Advisory Board member with the National Association for the Counsel of Children. Price also serves as a youth advocate for the group Advocates Transforming Youth Systems in the Youth Advocacy Program at Juvenile Law Center.



Jas Snell | CHATTANOOGA, TN

Jas Snell 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, 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 3-20 years old.



Jordan Sosa | SACRAMENTO, CA

Jordan Sosa serves as the Legislative Manager for California Youth Connection (CYC), a youth-led advocacy organization that empowers young leaders to transform systems impacting current and former foster youth through legislative, policy, and practice change. His passion for youth voice in child welfare comes from his motivation to increase equity and dismantle the structural oppression that exists within the systems that impact children and youth. He supported the passage of Assembly Bill 46 (California Youth Empowerment Act), Senate Bill 512 (Supporting Foster Youth in California Community Colleges), Assembly Bill 1061 (Placement Stability for Probation-Supervised Youth Placed in Foster Care), and Assembly Bill 175 (Modernizing the Foster Youth Bill of Rights). In 2018, Jordan interned with the U.S. House

► **Youth Advisory Board** from previous page

of Representatives Committee on Ways and Means working on the Family First Prevention Services Act (FFPSA) policies impacting states' child welfare systems. He published a policy report with the Congressional Coalition on Adoption Institute (CCAI) to present a briefing to Congress and the White House on how the federal government can improve the U.S. child welfare system. Jordan obtained a Bachelor of Arts in Business Administration with a Minor in Human Services at California State University, Fullerton with the support of the Guardian Scholars Program. He is a father of an amazing boy and a caregiver of two very powerful and independent girls. He loves camping and traveling with his wife.

NACC

YOUTH
ENGAGEMENT

Ariella Stafanson | ANN ARBOR, MI

Ariella H. Stafanson is entering her last year of graduate school, pursuing a JD/MPP at the University of Michigan. In law school she gives back to the local community by representing youth in school disciplinary proceedings and representing clients through clinical settings. Within the child welfare sphere, she has helped develop new guidelines for social workers to understand the cultural identity of the youth they serve and in turn strengthen and protect that identity through advocacy and data collection. These guidelines are currently being piloted in 4 states. Prior to law school, she worked for a consulting firm that used data and survey methodology to inform nonprofits and government agencies how to better serve their constituents. Previously, she was the Public Policy Fellow for California CASA where she assisted in drafting bills, attended stakeholder meetings, edited All County Letters, and worked with the state Ombudsman's office. She additionally has trained county social workers and CDSS on how to make environments youth-friendly and led individual living skills classes for local foster youth. When not studying she enjoys taking friends backpacking, trying new recipes, riding her bike, and is constantly looking for the best breakfast burrito.



Nicole Wong, JD, MST | QUEENS, NY

Nicole Wong grew up in the New York City foster care system, living with several diverse families. She holds a BA in Political Science from Queens College, a Master of Science in Teaching from Fordham University, and a Juris Doctorate from Maurice A. Deane School of Law at Hofstra University. During her legal academic career, Nicole represented indigent clients in the Hofstra Law Criminal Justice Clinic, worked as a Research Assistant to Professor James J. Sample, and was a member of Hofstra Law Review, Moot Court Board, and the Christian Legal Society. As a 2022 Pro Bono Scholar, Nicole spent her last semester of law school taking the bar exam early and doing full-time pro bono work with a national non-profit organization that advocated for prisoners' rights. Nicole was selected as a LatinoJustice CLASP intern, providing her legal internships with Goldman Sachs in 2020 and Paul Hastings, LLP in 2021. Nicole will begin working at Paul Hastings, LLP full-time in Fall 2022. Upon graduation, Nicole was selected by her esteemed law school faculty to receive the Christopher G. Gegwich Outstanding Law Student Award.

NACC thanks Shéar Avory, Courtney Canova, LilCrystal Dernier, Tram (Jen) Ha, Tisha Ortiz, Alexandra Talsky, Aliyah Zeien for their service during the first cohort of the NACCLR! ■

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