

THE QUARTERLY LAW
JOURNAL PUBLISHED BY THE
NATIONAL ASSOCIATION
OF COUNSEL FOR
CHILDREN EXCLUSIVELY
FOR ITS MEMBERS.

THE GUARDIAN



THIS ARTICLE IS THE SECOND IN A SERIES FOR THE GUARDIAN FOCUSED ON THE ROLE OF COMPASSION IN THE CHILD PROTECTION SYSTEM, WRITTEN BY SHERI FREEMONT AND VIVEK SANKARAN. YOU CAN FIND THE FIRST ARTICLE IN THE FALL 2023 GUARDIAN, AND LOOK FOR FUTURE ARTICLES ON THIS TOPIC IN 2024.

EMBRACING SELF-COMPASSION: A PATH TO WELLBEING FOR LAWYERS

By Sheri Freemont, JD and Vivek Sankaran, JD, CWLS

In our challenging journey through the human experience, we will inevitably encounter suffering. The legal profession, with its emphasis on codes of conduct and emotional restraint, sometimes exacerbates rather than alleviates this suffering, contributing to our collective wellbeing crisis. A startling 2016 study by the American Bar Association revealed that 28% of lawyers experienced depression, 19% grappled with anxiety, and 11.4% had contemplated suicide in the previous year.¹ These figures were pre-pandemic, and it is unlikely that the situation has improved significantly since then — it has probably gotten worse.

For those of us practicing child welfare law, the stakes are even higher. Working closely with families in crisis who are facing the potential permanent separation of parents and children exposes us to the risks of secondary trauma, stress, compassion fatigue, and empathetic distress. For Black and Indigenous lawyers, the risk of burnout may be even higher, as advocating for racial justice and equality often comes at the expense of mental and physical health.

¹ Krill, Patrick R, Johnson, Ryan, & Albert, Linda. *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*. *Journal of Addiction Medicine* 10(1):p 50-51, January/February 2016.

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EMBRACING SELF-COMPASSION — CONTINUED

Additionally, persons with lived experience in the system, as well as those with their own childhood traumas, may be at an even greater risk of secondary trauma and burnout. For example, 23.6% of social workers report exposure to four or more adverse childhood experiences (ACEs).²

Moreover, the legal culture of competitiveness and zealous advocacy exacerbates these issues, as does the culture of selflessness encouraged by social justice and family-serving areas of the law. Long hours and overwhelming caseloads can normalize neglecting our own needs, such as rest, healthy relationships, joy, and perspective.

Bubble baths and momentary indulgences may provide temporary relief, but they will not heal our collective wellbeing. The path to healing begins with acknowledging our humanity, suffering, and essential human needs. Compassion for ourselves, for others, for our clients, and for all of humanity worldwide is paramount.

So, what is self-compassion?

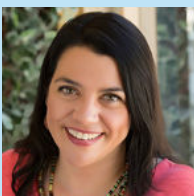
Self-compassion expert Kristen Neff suggests that self-compassion involves treating ourselves with the same kindness and care we would offer a good friend. It centers on asking ourselves, “What do I need right now to alleviate my suffering?”³ This question’s answer varies with circumstances, sometimes requiring self-acceptance and at other times action. Self-compassion is not always soft and gentle; it can be both tender and fierce.

Instead of harsh self-criticism, we can practice self-talk that acknowledges our imperfections and worthiness of forgiveness, rest, and self-compassion. Self-compassion has value for child welfare lawyers who often believe they do not deserve such due to the challenging

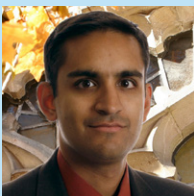
2 Steen, J. T., Senreich, E., & Straussner, S. L. A. (2021). *Adverse Childhood Experiences Among Licensed Social Workers*. *Families in Society*, 102(2), 182–193. <https://doi.org/10.1177/1044389420929618>.

3 Neff, Kristin. *Fierce Self-Compassion*. (2021).

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Sheri and Vivek are graduates of the Applied Compassion Certification Program through CCARE (Center for Compassion and Altruism Research and Education) at Stanford University, where they are developing materials, workshops, and retreats to support compassion for lawyers in child welfare practice.



EMBRACING SELF-COMPASSION — CONTINUED

circumstances faced by the families we work with. When we recognize our own suffering, we can respond with compassion and, in turn, extend compassion to others.

Self-compassion starts with mindfulness, noticing our body's signals and our emotional responses. By interpreting these signals and reflecting on past experiences, we can better understand our reactions. Human feelings are valid and not our fault, as they are often the result of our brains trying to keep us safe.

This process empowers us to choose how to respond, calming our bodies and minds and acting with compassion, not only toward ourselves but also toward others. Even in adversarial situations, understanding the suffering in others can foster compassion and empathy.

Many jurisdictions are now recognizing the need to address lawyer wellbeing in professional rules of conduct. Although this is a positive development, embracing self-compassion as a practice is equally essential for a compassionate legal world.

Here are some recommendations from The Center for Compassion and Altruism Research and Education at Stanford University and thoughts on what lawyers can do:

1. Explore mindfulness and meditation to calm your mind.
2. Practice self-awareness, reflecting on your responses and suffering.
3. Gain a better understanding of how the human brain develops, adapts, and heals.
4. Seek joy and prioritize rest.

Embracing self-compassion can lead to a more compassionate world for all of us, lawyers and beyond. ■



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.



EXECUTIVE DIRECTOR'S MESSAGE

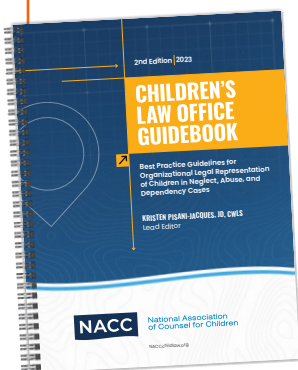
NACC RELEASES NEW CHILDREN'S LAW OFFICE GUIDEBOOK



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The National Association of Counsel for Children (NACC) is honored to present the *Second Edition Children's Law Office Guidebook* to advance best practices in organizational representation of children and youth in neglect, abuse, and dependency proceedings.

The First Edition was released in 2006 as the *Child Welfare Law Office Guidebook: Best Practice Guidelines for Organizational Legal Representation of Children in Abuse, Neglect, and Dependency Cases*. The Guidebook set the standard for the delivery of high-quality legal services to children: a dedicated law office with an institutional structure that allows multiple attorneys to focus their attention and resources on the representation of children and youth. Providing a step-by-step plan for model law office operation, administration, and funding, the Guidebook laid the foundation for organizational representation in this specialized area of law.

The Guidebook was developed following the launch of NACC's Children's Law Office Project in 2006. Known as "CLOP," the project helped children's law offices across the country come together to engage in shared learning and to create guidance for both established children's law offices and those seeking to develop organizational representation. NACC recognizes and thanks the inaugural CLOP National Advisory Board and First Edition Guidebook contributors who broke new ground and helped expand and support children's law office leaders and delivery systems across the country. CLOP continues to provide a forum for discussion through monthly meetings, a national listserv, and an annual convening to identify and advance best practices to support high-quality children's legal representation.

The Second Edition Guidebook demonstrates the growth of specialized legal representation over the past fifteen years and features new voices and contributors leading the field today. The new edition includes thirty-eight chapters and fifty-six contributors who represent a diverse set of voices — in race, gender, geography, type of office, and years and types of experience. NACC is incredibly grateful for their time, insights, and dedication to advancing high-quality lawyering, equity, and the voices of children and youth served. NACC Training Director Kristen Pisani-Jacques, editor of the Second Edition Guidebook, developed the contributor and style guide, engaged contributors in two rounds of editing, and led the book through its completion and publication. The value of her skillful leadership and commitment cannot be overstated. NACC also thanks Certification Administrator and Technical Writer Ginger Burton for copyediting the Guidebook.

NACC extends its gratitude to the funders and advisors who shared their time and expertise during this two-year project. Development of the Second Edition was funded



EXECUTIVE DIRECTOR'S MESSAGE — CONTINUED

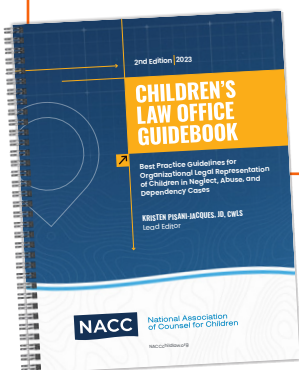
by Casey Family Programs, guided by a planning team led by NACC Executive Director Kim Dvorchak and Trenny Stovall of 4J Consulting, and included Tania Anaisie of Beytna Design, Angela Orkin of True North Child Advocates, Rob Wyman of Casey Family Programs, NACC Training Director Kristen Pisani-Jacques, and NACC Legal Director Allison Green. The planning group finalized the scope of the project, conducted research on the landscape of children's legal representation delivery systems, and selected a National Advisory Committee to develop the structure and content of the Guidebook.

A diverse National Advisory Committee was convened, adding Leslie Starr Heimov, Janet Bledsoe, Cathy Krebs, Erin Lovell, Lynda McGhee, Dawne Mitchell, and Jim Walsh to the planning group. The National Advisory Committee developed and reviewed a national children's law office survey to identify and explore the needs, concerns, and issues currently impacting children's legal service delivery. Re-envisioning this landmark resource, the Committee developed the outline and chapters of this expanded Second Edition and identified contributors. Sections of the book were also workshoped and/or co-written by lived experience experts and members of NACC's National Advisory Council on Children's Legal Representation (NACCLR): Jade Garza, Louie Gasper, Kristen Nicole Powell, and Nicole Wong. They ensured that the collective experience and wisdom of the young people the profession serves was valued, uplifted, and incorporated throughout.

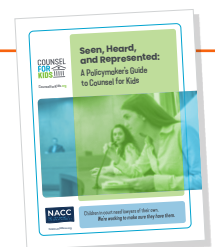
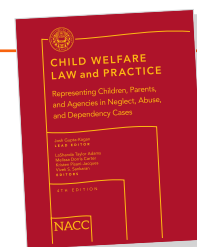
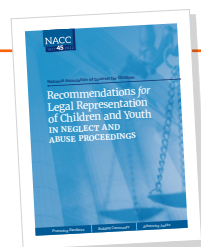
The resulting *Second Edition Children's Law Office Guidebook* provides a timely resource at a pivotal moment in our field and in the broader movement to ensure access to high-quality legal representation for children and youth. This Guidebook is complemented by a suite of new and revised NACC publications: [*NACC Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings* \(2021\)](#), [*Child Welfare Law and Practice: Representing Children, Parents, and Agencies in Neglect, Abuse, and Dependency Cases, Fourth Edition* \(2022\)](#), and [*Seen, Heard, and Represented: A Policymaker's Guide to Counsel for Kids* \(2023\)](#) — see below. Collectively, these resources provide the field a wealth of information to ensure the rights and wellbeing of children, parents, and families navigating the child welfare system.

At NACC, your practice is our purpose. Visit NACCchildlaw.org for more information about participating in the Children's Law Office Project, attending the Children's Law Office Convening, and joining the listserv. ■

TAKE A LOOK AT CHAPTER TOPICS AND CONTRIBUTORS ON THE FOLLOWING PAGES, VIEW THE PDF ONLINE, AND GET READY TO ORDER YOUR HARDCOPY VERSION IN THE NEW YEAR!



AND DON'T MISS THESE ADDITIONAL NEW AND REVISED NACC PUBLICATIONS!



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LEARNING FROM LIVED EXPERIENCE

BEYOND DATES AND DEADLINES: LEVERAGING THE CALENDAR FOR CULTURALLY RESPONSIVE ADVOCACY IN CHILD WELFARE

By April Dinwoodie

Like it or not, managing our calendar is something we all have to do in one way or another. Growing up as a Black/bi-racial transracially adopted person who was named two different months (June and then April), neither one of them the one I am born in (October), I have a unique relationship with the calendar. In the early years, my connection to the calendar was generally transactional and I had little sense of what certain times of year might actually mean to my identity, my relationships, and my sense of belonging. Over time, I have come to learn that being separated from my family of origin and connected to a new family through adoption, meant that some days like Mother's Day, Father's Day, and my birthday, while celebratory in some ways, were also confusing and emotionally activating.

Today, after having investigated the layers and done very deep personal healing, I have come to learn that leveraging the calendar as a tool can be a gateway for parents, caregivers, and professionals to proactively make space for the unique experiences of children and youth that are separated from one family system and enfolded into another through adoption, foster care, and guardianship.

Here are some very practical ways that today's child welfare legal professionals can leverage the calendar to move from the transactional to the transformational.

First, we must understand a child's and young person's calendar before there was a separation from the family of origin. We need to know what happened in their life, and when, in order to get a sense of an overall arc from their happiest to their hardest days. With this information, the new caregivers they are entrusted to can be aware of the joys and the pains that dot the calendar.

The timestamp on something that happened in a child's life is not simply what is written in a file. It is also what that child felt on or around those days and what emotion

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For nearly 30 years, **APRIL DINWOODIE** has been both a branding and marketing executive at corporations including Nine West, Kenneth Cole, J.C. Penney, and JetBlue as well as an adoption, foster care, and racial justice advocate. April was a featured plenary speaker at NACC's 46th National Child Welfare Law Conference online. Guided by her lived experience as a transracially adopted person, April is fiercely dedicated to being part of a collective effort to face and embrace differences in order to find even more purpose in our work with children and families. April created and hosts *Born in June, Raised in April: What Adoption Can Teach the World!* a podcast about identity, family, and differences of race, class, and culture. Learn more about April's work at aprildinwoodie.com.



LEARNING FROM LIVED EXPERIENCE — CONTINUED

and connection they carry with them as a result of what happened during that life event. For far too long, the archiving of events for children and youth engaged in child welfare have become a series of occurrences and facts instead of being understood as impactful moments that may need softness as their anniversaries replay over time. And as professionals and parents learn about a child's past and put the necessary archive together, they should do so with the thought that the child or youth they are writing about might one day read what they write.

Next, along with the details of the timeline, there needs to be a curiosity of the culture and lifestyle of the child's family of origin. Professionals and caregivers can ask questions about what holidays were celebrated (and how) and can gather the important days in a family system including birthdays, anniversaries, and family traditions that will not show up on our universal calendars. These days that are important to a family, especially parents' birthdays, can be grounding for children and youth. Too often, they become missed opportunities for growth and awareness. Even if there is no way to know the birthday of the parents that a child is born to, adoptive parents and caregivers can work with a child to pick a day that honors the child's parents of origin.

Even when access to some information cannot be obtained, there is still a way to honor the simple fact that there are countless people that share in a connection to the child. And as we do this, there are simple ways to tie a child to the best parts of themselves that may have been inherited while also managing the elements that they may not embody, and do not have to, simply because there is a genetic connection. Ensuring a healthy identity for children and youth begins with acknowledging the truth in age-appropriate ways; adults have a responsibility to guide this process with care, grace, and with a centering of the child, not their own comfort.

Another important and useful aspect of the calendar is our ability to set aside time. Given the complexities of life and the added layers that may come as we advocate for others, seeing the calendar as more than mechanics can be beautiful and practical. As we schedule meetings, activities, holidays, and special days we can also think about how we want to proactively make time and space for intentional conversations about the uniqueness of family related to foster care, adoption, and guardianship. While we know that sometimes the best conversations happen unplanned, reserving time for these meaningful connections will make sure these important moments are not missed.

And finally, as professionals, parents, and caregivers work to use the calendar as a tool to love and support the children and youth entrusted to them, making time for our own personal care and self-love must be a priority. Think about your anniversaries, special days, and life moments that you want to honor and celebrate. And in addition to that, make sure you are marking the times of the year that will be harder or more challenging. Could you send a reminder to a friend or loved one that you might need some support on a particularly tough day? Sometimes the best thing you can do is to show children and youth that it is okay to take care of oneself. Combining all of these tactics and tools can create a pathway to transformation and offer the love and support we all need 365 days of the year. ■



TERMINATION OF PARENTAL RIGHTS: THE TENSION BETWEEN FEDERAL EXPECTATIONS OF CHILD WELFARE AGENCIES AND AGENCY ATTORNEYS AND THE COURTS AND CASE LAW

By Buffy Jo Okuma, JD

Most people reading this are familiar with the Adoptions and Safe Families Act (ASFA) and the regulations to implement its provisions.¹ One of the goals of ASFA was to ensure timely permanency for children in foster care. To that end, ASFA requires the child welfare agency to file a petition to terminate parental rights by the end of the child's fifteenth month in foster care, if the child has been in foster care for 15 of the most recent 22 months, unless certain exceptions apply.² ASFA requires that a permanency hearing be held within 12 months (shortened from 18 months) of the child's entry into foster care, and that the agency be required to use reasonable efforts to finalize the permanency plan.³

Nevada, which only has a legislative session every two years for approximately 120 days, made statutory changes to implement ASFA in 1999.⁴ The Nevada legislature also heard from a number of interested stakeholders, including foster and adoptive parents, who raised concerns about the length of time it took to conclude a termination of parental rights (TPR) proceeding. Accordingly, the bill as passed included the following provision: "If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 [TPR proceedings] of NRS [Nevada Revised Statutes] are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures."⁵ Additionally, the legislature modified several rebuttable presumptions in the TPR statutory scheme to coincide with the changes made to the dependency statutes. One presumption is that it is in the child's best interest for parental rights to be terminated if the child has been in foster care for 14 out of 20 consecutive months.⁶ Another

¹ P.L. 105-89; 45 C.F.R. 1356.21

² 45 C.F.R. 1356.21(i)(1)(i)

³ 42 U.S.C. 675(5)(C)(i)

⁴ A.B. 158, 70th Leg. (Nev. 1999)

⁵ NRS 432B.590(6)

⁶ NRS 128.109(2)

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presumption is that the parent made only “token efforts”, one of several parental fault bases, if the child has been in foster care for 14 out of 20 consecutive months.⁷ All of these changes were designed to provide a framework for timely permanency when the permanency plan of adoption (through TPR) was established.

The Children’s Bureau began conducting Child and Family Services Reviews (CFSR), with a primary purpose of determining each state’s conformity with Title IV-E plan requirements, including the changes made by ASFA.⁸ The CFSR measured, among other things, the timeliness of TPR filings and timeliness of adoption.⁹ CFSR Round 1 concluded that in Nevada, there were “excessive delays that preclude meeting the ASFA provisions pertaining to the timeliness of these proceedings.”¹⁰ Key barriers to timely permanency were: “(1) a frequent practice of the courts and the agency of maintaining the goal of reunification even when the prognosis is poor; (2) agency-related delays in preparing the paperwork necessary for TPR or for transfer to the adoption unit; (3) a reluctance to seek TPR if the child is not in an adoptive home; ... and (5) a lack of understanding of concurrent planning by the agency workers, courts, biological parents, and foster parents.”¹¹

Similarly, in CFSR Round 2, it was found that the agency did not timely achieve the goal of adoption or finalize adoption after TPR was attained.¹² Additional concerns included caseworkers’ lack of understanding of concurrent planning, courts’ reluctance to consider TPR unless the child was in an adoptive placement, and parents’ lengthy substance abuse treatment which made it difficult to file for TPR within ASFA’s timeframes.¹³ Stakeholders expressed concerns that “despite the fast track of 180 days implemented at the Supreme Court, there [were] delays in finalizing adoptions due to TPR appeals; and Court continuances and docketing concerns delay[ed] finalizing TPR and adoption.”¹⁴

The findings of CFSR Round 3 were almost identical; Nevada did “not effectively use concurrent planning” and that permanency delays “may be due, in part, to the case review system court processes that support permanency. In some cases, there [were] court continuances, delays in filing termination of parental rights (TPR) petitions, and court or attorney delays in permanency decision making.”¹⁵ Delays in filing TPR petitions “were attributed to a lack of resources at the prosecutors’ offices; court decisions to provide parents with additional time to comply with service plans; agency difficulties in locating parents; lack of provision of services to parents; backlogs in the courts; and an insufficient number of adoptive parents.”¹⁶

After each of the CFSR cycles, agencies and agency attorneys were pressed to “just do TPRs faster” and threatened with findings that the agency has failed to make reason-

7 NRS 128.109(1)(a)

8 45 C.F.R. 1355.31 et seq.

9 Children’s Bureau. *Final Report: Nevada Child and Family Services Review* (2010), p. 20–21, Table 3: Permanency Outcome 1: Items 7 & 9; Case Review System: Item 28

10 Children’s Bureau. *Final Report: Nevada Child and Family Services Review* (2004), p. 9

11 *Id.* at 29

12 *CFSR Final Report, supra* note 9, p. 8.

13 *Id.* at 25

14 *Id.* at 30

15 Children’s Bureau. *Child and Family Services Review, Nevada Final Report* (2018), p. 4

16 *Id.* at 16



TERMINATION OF PARENTAL RIGHTS — CONTINUED

able efforts to finalize permanency if petitions are not filed more quickly, even in cases when the agency did not believe it could ultimately prove the TPR petition.¹⁷ However, other than the actual filing of the TPR petition, few other delays are within the control of the agency attorney (or the agency itself). As identified in the three prior CFSRs, additional delays are attributed to court dockets, judges who feel parents should be given more time to complete case plans, and judges who are reluctant to terminate parental rights unless the child is in an adoptive placement.¹⁸

While federal and state laws and regulations, three CFSRs, and Program Improvement Plans have sought ways to timely resolve TPR actions, a recent case from the Nevada Supreme Court has struck a blow to a regulatory scheme that emphasizes timeliness in permanency. In the *Matter of G.R.S.*,¹⁹ the child was placed into foster care in July 2019. In July 2020, the child welfare agency initiated proceedings to terminate parental rights. By November 2020, the child’s father, who was the subject of the termination action, was arrested for a parole violation; trial had not yet commenced. In March 2021, the father was released to a sober living home through a drug court program. Trial started in or about April 2021. Four days later, the court sua sponte discussed continuing the trial to give the father more time to address his substance abuse issues but proceeded with the next day of trial since it was already scheduled. The court continued the remainder of the trial for 90 days to see if the father continued to make progress. At the status hearing 90 days later, evidence was presented that the father had made progress, though not to the extent of being able to immediately reunify, and would not be able to achieve permanency for at least another eight to nine months. The trial resumed in August 2021. During that time, the father continued to make progress but could not complete services due to the requirements of his treatment program.

The court made it clear that evidence of the parent’s actions “at the end of the termination trial” was important, noting that by the end of the trial, the father had maintained almost a year of sobriety. The agency asserted that federal law and regulations “requires States to timely resolve termination of parental rights actions.” The court acknowledged that state law “encourages courts to conduct termination proceedings within six month[s] of the request to terminate parental rights” but concluded that both federal and state law did not require a termination proceeding to conclude by a certain time period. The court found that each case must be considered on a case-by-case basis and “if additional time is needed in a particular case to assess a parent’s progress toward completion of a case plan, the court is not legally constrained from taking that time... No statute or caselaw prevented the district court from continuing the trial another eight months so that it would have a complete picture of [the father’s] progress[.]”

The TPR trial concluded in late 2021. An initial appeal was filed on October 11, 2021, but the decision was not published until July 6, 2023. However, an Order Granting En Banc Reconsideration was issued on October 20, 2023, which means the matter has a long way to go before being resolved.

¹⁷ Numerous meetings were held from June 2021 through August 2021 in response to the 2018 CFSR to identify the specific barriers to timeliness of filing and concluding TPRs wherein agency attorneys were asked to identify why they could not speed up the filing and prosecution of TPRs. The agency attorneys repeatedly expressed that while some structural changes could be made, ultimately, it is not a matter of “just doing a TPR” due to service issues and the complexity of TPR trials with numerous witnesses.

¹⁸ CFSR Final Report, *supra* note 10; CFSR Final Report, *supra* note 9; CFSR Final Report, *supra* note 15.

¹⁹ 531 P.3d 1249 (2023)



TERMINATION OF PARENTAL RIGHTS — CONTINUED

If this decision is upheld, Nevada child welfare agencies are no closer to having the CFSR Round 4 findings improve with respect to achieving timely permanency involving TPR/adoption. Agency attorneys can file more TPR actions (meeting one measurement), only to have matters continued indefinitely and essentially continuing the permanency considerations in the underlying dependency cases indefinitely. This case highlights several issues that must be addressed if there are going to be any different outcomes on these CFSR measurements in future years, and more importantly, timely permanency. First, unlike most other areas of law, the facts of the case in a TPR action are “moving targets” when the court can consider ever-changing facts up to the end of the trial, and the target moves even further if courts grant continuances of TPR trials for the parent to continue making progress. Agencies and agency attorneys are now in a position of “chasing tails” in filing and then prosecuting TPR actions.²⁰ Second, rules for processing TPR actions must be specific and binding on dependency courts, as “encouragement” or “best efforts” to conclude the proceedings timely can be disregarded. Lastly, rules for concluding appeals involving TPR actions must be specific and provide for true “expediting.” The circumstances of the parties — child, parent, and prospective adoptive parent(s) — cannot wait for more than two years for a decision.

Terminating parental rights is not fast, nor should it be. The Nevada Supreme Court has described the termination of parental rights as “tantamount to imposition of a civil death penalty.”²¹ However, it becomes demoralizing after three rounds of CFSRs that the results in these measures are relatively the same. I do not believe this is a Nevada issue. As recognized by the Children’s Bureau after Round 3:

“Permanency Outcome 1, which assesses whether children have permanency and stability in their living situations, is the lowest performing of the 7 CFSR outcomes. The Case Review System, which focuses on the child welfare dependency court process, is one of the lowest performing systemic factors. When the Case Review System is functioning well statewide, the structures are in place to support positive permanency outcomes. The low performance in these two areas during Round 3 point to the need for a call to action for legal and judicial communities and child welfare agencies to collaborate to strengthen systems and permanency outcomes for children and families.” (citation omitted).²²

We can’t keep doing the same thing. ■

²⁰ Having a “moving target” makes counseling your client, whether the agency, parent, or child, nearly impossible.

²¹ *In re Parental Rights as to A.L.*, 337 P.3d 758, 761 (2014)

²² Children’s Bureau. *CFSR Round 3 Report for Legal and Judicial Communities* (2021).



THE TRAUMA OF REMOVAL

By Judge Leonard Edwards (Ret.)¹

Removing a child from home is a traumatic event for the child and family members. Even when the child has been abused or neglected, separation from family may have a lifelong negative impact on all family members, but most significantly on the child.² As a part of any hearing when removal is possible, the parties and judge must consider the impact of removal on the child. Surprisingly, no state has statutory law focusing on the impact of removal on the child.³ To ameliorate this trauma the parties in juvenile court proceedings should spend time addressing the impact of removal on the child as well as the steps to take to reduce that trauma.

First, state law should require that the court address the trauma of removal at any hearing when removal from parental care may take place. Second, the court should focus on the legal requirement that the agency provide reasonable efforts to prevent removal from parental care.⁴ Third, if removal is ordered by the court, the parties should address several additional issues, and caseworker reports should address each of these issues so that those attending the court hearing can express their views:

- *Placing the child with relatives, which is preferable to foster and institutional care.*⁵ Relative placement is also preferred in the law.⁶ In addition, studies demonstrate that relative placement improves outcomes for children, including fewer medical and mental health problems, improved academic performance, and a longer life for the child.⁷
- *Maintaining the child in their current school.* Other than a child's family, the most significant social group a child experiences is at school. Changing schools disrupts friendships, interrupts learning, and ends relationships developed in clubs and sports.
- *Placing siblings together.*

1 The author wishes to thank Judge Christopher Marshall for his assistance in the preparation of this article.

2 Wan, William, "What Separation from parents does to children: The effect is catastrophic," *The Washington Post*, June 18, 2018. Trivedi, S., "The Harm of Child Removal," *43 New York University Review of Law & Social Change*, 523 (2019).

3 See *supra* note 2, Trivedi, p. 567.

4 45 CFR §1356.21(b)

5 Edwards, L., "The Urgency of Placing Children with Relatives," *The Guardian*, Vol. 42, No. 04, Summer 2020.

6 Fostering Connections Act, P.L. 110-351; Edwards, L. *Reasonable Efforts: A Judicial Perspective*, NCJFCJ, Reno 2022 at pp 56-61.

7 See *supra* note 5. See also Washington, T., and Mihalec-Adkins, B. "Kinship Care Supports the Academic Performance of Children," *Child Trends*, September 2023. <https://doi.org/10.56417/6688s365k>

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THE TRAUMA OF REMOVAL — CONTINUED

- *Placing the child in the neighborhood where friends live.*⁸
- *Providing mental health services to the child to address the trauma of removal.*
- *Ordering a family time schedule that maximizes contact with parents and family members and includes medical, dental, religious, educational, and sports events where family members can be present.*⁹
- *Appointing a Court Appointed Special Advocate (CASA) for the child in addition to legal representation.*

Many of these issues are a part of existing state and federal laws, but they are frequently not discussed in court when a child is removed from parental care. Perhaps it is assumed that the social service agency will address these issues effectively.¹⁰ Yet children continue to be housed in social service offices, hotels, detention facilities, and other inappropriate placements. And most children are not placed with relatives or siblings, are removed from their neighborhood, their education is interrupted, and family time occurs once a week or less.¹¹

Often judges do not know about the details of the child's placement or if they do, there is little they can do about it. Some would call this unfortunate reality an abrogation of the judge's duty to oversee the wellbeing of the child. After all, when judges declare a child a dependent of the court, under the doctrine of *parens patriae* the judge has the legal responsibility for the care and control of the child. The judge may rely on others — usually the child welfare agency — to implement the judge's orders, but the responsibility for those actions ultimately resides with the judge.

Attention to the trauma a child suffers when removed from home should be addressed at the time the removal order is made. That is why a new bill in California and a court rule in the District of Columbia are so important.¹² The California bill, in relevant part, reads:

(2) (A) In determining whether continuance in the parent's or guardian's home is contrary to the child's welfare under paragraph (1), the court shall consider the short-term and long-term harms to the child that may result from the continued removal. In making this determination, the court shall review the social worker's report and any other evidence in considering factors that include, but are not limited to, all of the following:

(i) The child's perspective on removal and a description of the existing relationship between the child and their parents, guardians, or Indian custodians.

⁸ See 45 C.F.R. §1356(g)(3)

⁹ See *supra* note 6, Edwards, p. 49–56.

¹⁰ In a discussion with the Director of the Santa Clara County children's services agency about SB 578, he stated that "I'm not seeing any financial impact as this should be incorporated into current practice." Daniel Little, MSW, Director, Social Service Agency, County of Santa Clara.

¹¹ See *supra* note 6, Edwards, p. 49–61.

¹² The District of Columbia Rule of Court reads in part that the pre-disposition report provided to the judge include information regarding "the likely harm the child will suffer as a result of the separation from his or her parent, guardian, or custodian and recommended steps to be taken to minimize this harm" D.C. Super. Ct. R. Neglect & Abuse Proc. 13(a). See also *supra* note 2, Trivedi, p. 568–569. New York relies on a Court of Appeals decision mandating the court consider these issues. Trivedi also mentions state statutes that address this issue, but only indirectly (New Mexico, Hawai'i, Minnesota, and South Carolina).



THE TRAUMA OF REMOVAL — CONTINUED

(ii) The existing relationship between the child and other members of the household, including, but not limited to, siblings.

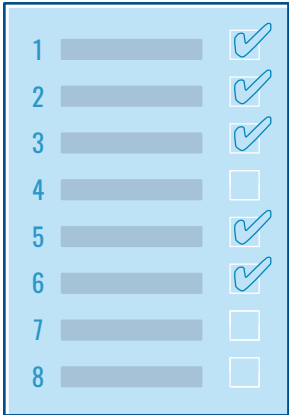
(iii) The disruption to the child’s schooling, social relationships, and physical or emotional health that may result from placement out of the home, and in the case of an Indian child, the child’s connection to their tribal community.¹³

A judge may feel helpless to keep track of the placement of a child after the court removes the child. However, there are several ways in which early attention to placement can make a difference for the child. First, the judge should receive timely updates on the child’s placement. The agency will then realize that the judge is monitoring their actions and may be more attentive to each child’s case. Second, the attorneys for the child and parents may monitor the child’s placement and call attention to the court about any egregious developments. Third, some judges review cases thirty to forty-five days after the disposition hearing.¹⁴ This review is intended to ensure that the judge’s orders are being carried out. The child welfare agency may complain that this involves too much work, but the court is able to ensure that an appropriate placement has been accomplished. *In other words, judicial oversight does not stop after a removal order is made.*

Children experience significant trauma when removed from their parents’ care. All participants in the child welfare system need to recognize this fact and take action to reduce the impact of that trauma once removal has been ordered. Passing legislation or creating court rules addressing the trauma of removal is an important first step in this process. ■

¹³ 2023 CA S.B. 578 (NS).

¹⁴ This is a best practice. See *supra* note 6, Edwards, p. 120-122.



MAKING THE CASE FOR REASONABLE EFFORTS

By Wendy S. Ross, JD

“Reasonable efforts” is most often the focus of juvenile dependency proceedings. The federal government first included the requirement for states to make reasonable efforts to reunify families in federal law over forty years ago in the Adoption Assistance and Child Welfare Act (AACWA).¹ In 1997, Congress passed the Adoption and Safe Families Act (ASFA), again requiring states to provide reasonable efforts to return children to their homes.² Neither AACWA nor ASFA defined “reasonable efforts” or provided guidance on what constituted “reasonable efforts,” leaving states to make their own interpretations.³

States have taken different approaches to implementing the “reasonable efforts” requirement in state law. Many states adopted similar language to the federal legislation without providing additional definition.⁴ Some states, though, have included language to define “reasonable efforts.”⁵ These statutory provisions range from including language that refers to the diligence of the reunification efforts to detailing the types of efforts states must provide.⁶ Without more precise definitions of “reasonable efforts,” courts are left without guidance on how to measure the reasonableness of a state’s reunification efforts.⁷ Lack of a precise definition similarly leaves state child welfare agencies without direction on how they should work with and reunify families.⁸

Minnesota’s statutes provide a particularly helpful approach: a factor-test to help assess whether the state’s reunification efforts are reasonable.⁹ In its current format, the statute contains eight factors that require courts to consider whether services provided were: (1) selected in collaboration with the child’s family and, if appropriate, the child; (2) tailored to the individualized needs of the child and child’s family; (3) relevant to the safety, protection, and well-being of the child; (4) adequate to meet the individualized needs of the child and family; (5) culturally appropriate; (6) available and accessible;

1 Adoption Assistance and Child Welfare Act of 1980, Pub. L. No. 96-272, § 101(a)(1); 42 U.S.C. § 671(a)(15).

2 Adoption and Safe Families Act of 1997, Pub. L. NO. 105-89.

3 See Will L. Crossley, *Defining Reasonable Efforts: Demystifying the State’s Burden under Federal Child Welfare Child Protection Legislation*, 12 B.U. Pub. Int. L.J. 29, 261-62 (2003).

4 See generally *id.* at 293-97 (discussing state legislation implementing ASFA’s reasonable efforts provision).

5 *Id.* at 295-96.

6 Kathleen Bean, *Reasonable Efforts: What State Courts Think*, 326 U. Tol. L. Rev. 321, 329-30 (2005).

7 Jeanne M. Kaiser, *Finding a Reasonable Way to Enforce the Reasonable Efforts Requirement in Child Protection Cases*, 7 Rutgers J.L. & Pub. Pol’y 100, 128 (2009).

8 *Id.* at 128-29.

9 Minn. Stat. Ann. § 260.012(h)(1)-(8) (2022).

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MAKING THE CASE — CONTINUED

(7) consistent and timely; and (8) realistic under the circumstances.”¹⁰ While the first two factors are recent additions to the statute, Minnesota courts have interpreted the remaining factors for years, giving clearer meaning and guidance to states agencies.¹¹ Practitioners can use the Minnesota statutory factors and appellate court guidance as examples of how to assess the reasonableness of efforts in their cases to provide better outcomes for parents, families, and children.

(1) COLLABORATION WITH THE CHILD’S FAMILY

Several states consider parents’ willingness to complete reunification services in assessing reasonable efforts.¹² The Wyoming Supreme Court stated, “[t]here is a limit to what we ask of [the agency] in the absence of parental cooperation.”¹³ Parents who are involved in creating a case plan and identifying services they need may be more receptive to working with the agency and, therefore, more successful. Practitioners should be mindful that parents may “need extra measures of outreach, patience and aggressiveness” to get on board with a reunification plan.¹⁴

(2) TAILORING TO INDIVIDUALIZED NEEDS

Parents who come into contact with child welfare agencies may struggle with challenging issues, including mental health and cognitive diagnoses. A Minnesota appellate court recently addressed whether the state agency tailored services to address parents’ cognitive limitations in *In re Welfare of Children of R.T.*¹⁵ In *R.T.*, the agency accounted for the parents’ cognitive limitations by, among other things: purchasing wall calendars and marking down the children’s appointments, showing videos instead of providing verbal instruction to parents for nonphysical discipline methods, and helping with financial concerns by creating a chart to track and monitor parents’ expenses so they could pay rent on time.¹⁶ The court found that the agency had reasonably tailored those services to the parents’ needs.

(3) SAFETY, PROTECTION, AND WELLBEING OF THE CHILD

ASFA added language to the reasonable efforts requirement that the child’s health and safety was the paramount concern for a court in determining whether an agency had provided reasonable efforts.¹⁷ Minnesota’s third factor incorporates that safety provision. One court determined that services addressing a parent’s chemical dependency took the child’s safety into account because the original incidents of neglect resulted

¹⁰ *Id.*

¹¹ 2022 Minn. Sess. Law Serv. Ch. 98 (H.F. 4065) (WEST); *see, e.g., In re Welfare of Child of S.H.*, No. A07-808, 2007 WL 3343078, at *4-5 (Minn. App. Nov. 13, 2007), *review denied* (Minn. App. Jan. 19, 2008); *In re Welfare of Children of C.R.P.*, Nos. A06-1609, A06-1635, 2007 WL 447241, at *4-5 (Minn. App. Feb. 13, 2007); *In re Welfare of Child of J.D.C.*, Nos. A06-436, A06-654, 2006 WL 3290612, at *4-5 (Minn. App. Nov. 14, 2006), *review denied* (Minn. App. Jan. 16, 2007).

¹² Bean, *supra* note 6, at 362-64.

¹³ *SD v. Carbon Cnty. Dep’t of Family Servs.*, 57 P.3d 1235, 1241 (Wyo. 2002).

¹⁴ *Id.*

¹⁵ *In re Welfare of Children of R.T.*, Nos. A22-1348, A22-1361, 2023 WL 3295848, at *5 (Minn. App. May 8, 2023)

¹⁶ *Id.*

¹⁷ 42 U.S.C. § 671(a)(15)(A).



MAKING THE CASE — CONTINUED

from the mother’s chemical dependency.¹⁸ Another court found the suspension of visitation between the mother and her children reasonable because the visits emotionally damaged the children.¹⁹ Finally, a court found it reasonable to deny an increase in supervised visits because the parents physically abused the children during visits.²⁰

(4) ADEQUATE TO MEET INDIVIDUALIZED NEEDS

Courts have interpreted this factor to mean that services provided address the conditions which led to the removal of the children from the home.²¹ One court found this factor satisfied when a mother with chemical dependency issues received a referral for a chemical dependency assessment and coordination for outpatient treatment.²² Another court found services adequate to meet the family’s needs when the state provided the mother with several mental health services after the state removed her child due to the mother’s initial suicide attempt and hospitalization.²³ Finally, a court held this factor fulfilled when the state identified issues affecting the mother’s ability to manage her son’s diabetes and provided services to assist the mother.²⁴

(5) CULTURALLY APPROPRIATE SERVICES

Ensuring that families receive culturally responsive services helps protect families’ rights within the child welfare system.²⁵ One court found culturally appropriate services when the state referred the mother to African American Family Services, a mental health organization serving African American families.²⁶ Another court found that culturally appropriate services included obtaining interpreters for each service provided and efforts by service providers to comprehend the Oromo culture.²⁷ Finally a court found culturally appropriate services when the agency sought out the Office of the Asian Ombudsperson to locate an appropriate psychologist to complete an evaluation for a Vietnamese family.²⁸

(6) AVAILABLE AND ACCESSIBLE SERVICES

States must refer or provide services that are available and accessible to demonstrate genuine help. One court found services accessible and available when a mother received in-home visits and transportation to out-of-home appointments because she did not have a driver’s license.²⁹ Another court held available and accessible services

18 *In Welfare of N.V.*, No. C8-00-1949, 2001 WL 682589, at *2-3 (Minn. App. June 19, 2001).

19 *In re Welfare of Children of F.M.P.*, No. A07-1162, 2008 WK 223677, at *4 (Minn. App. Jan. 29, 2008), *review denied* (Minn. App. March 26, 2008).

20 *In re Welfare of A.P.*, No. C7-99-171, 1999 WL 710623, at *2 (Minn. App. Sept. 14, 1999), *review denied* (Minn. App. Nov. 23, 1999).

21 See, e.g., *In re Welfare of Children of J.K.*, No. A05-203, 2005 WL 1804904, at *2 (Minn. App. Aug. 2, 2005); *In re Whelan*, Nos. A03-247, A03-275, 2003 WL 22952207, at *2 (Minn. App. Dec. 16, 2003), *review denied* (Minn. App. Feb. 17, 2004); *In re Welfare of Child of Kuschill*, No. C0-03-311, 2003 WL 22176702, at *2 (Minn. App. Sept. 23, 2003).

22 J.D.C., 2006 WL 3290612, at *4.

23 *Kuschill*, 2003 WL 22176702, at *3.

24 *In re Welfare of Child of E.L.*, No. C6-01-938, 2002 WL 798260, at *6 (Minn. App. April 30, 2002).

25 Nell Clement, *Do “Reasonable Efforts” Require Cultural Competence? The Importance of Culturally Competent Reunification Services in the California Child Welfare System*, 5 *Hastings Race & Poverty L.J.* 397, 430 (2008).

26 *S.H.*, 2007 WL 3343078, at *5.

27 *In re Welfare of M.A.*, No. CX-01-98, 200 WL 881642, at -7 (Minn. App. Aug. 7, 2001).

28 *In re Welfare of T.N.L.*, No. C4-00-1947, 2001 WL 379114, at *4 (Minn. App. April 17, 2001).

29 *J.K.*, 2005 WL 1804904, at *3.



MAKING THE CASE — CONTINUED

included informing the mother about transportation assistance for drug screenings.³⁰ Finally, a court found available and accessible services when the agency facilitated contact between children and an incarcerated parent by providing writing materials and postage and scheduled visits at the prison in conjunction with court appearances.³¹

(7) CONSISTENT AND TIMELY SERVICES

The agency’s continuous engagement of parents starting from the beginning of a case will likely lead to better outcomes for families. Parents struggling with substance abuse, mental health, and incarceration will likely need repeated attempts to engage.³² One court found that the agency provided consistent and timely services by working with a family for over two-and-a-half years to address the basis of the child protection referral.³³ Another court found consistent services when a caseworker visited the mother over fifty times and continued to initiate services after the mother’s repeated failure to attend appointments.³⁴

(8) REALISTIC UNDER THE CIRCUMSTANCES

Courts in Minnesota have generally defined this factor in the negative by detailing what constitutes unrealistic services.³⁵ One court determined it unrealistic to provide family therapy when visits with the mother emotionally damaged the children.³⁶ Another court found it unrealistic for the parents to participate in counseling programs with the child until each parent received treatment for their chemical dependency problem.³⁷

CONCLUSION

While many states continue to operate without precise definitions of “reasonable efforts,” practitioners can take examples from other states to use during their practice. Assessing the reunification efforts using Minnesota’s eight factors provides a rational way to evaluate case services and a direction for agencies to determine their efforts in a case. ■

³⁰ *In re Welfare of Child of A.D.B.*, Nos. A21-0949, A21-0950, 2022 WL 200356, at *4 (Minn. App. Jan. 24, 2022).

³¹ *In re Welfare of D.P.*, 2002 WL 1792052, at *4-5 (Minn. App. Aug. 1, 2002).

³² Kaiser, *supra* note 7, at 118.

³³ *In re Welfare of Child of J.V.*, No. A19-0300, 2019 WL 3889795, at *5 (Minn. App. Aug. 19, 2019).

³⁴ *J.K.*, 2005 WL 1804904, at *3.

³⁵ See, e.g., *F.M.P.*, 2008 WL 223677, AT *4; *In re Welfare of Child of H.E.P.*, No. A07-299, 2007 WL 1982259, at *5 (Minn. App. July 10, 2007).

³⁶ *F.M.P.*, 2008 WL 223677, at *4.

³⁷ *H.E.P.*, 2007 WL 1982259, at *5.



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

CHAPTER 19: PREVENTING CROSSOVER AND REPRESENTING DUAL-STATUS YOUTH

By Brittany Mobley, JD

NACC HAS PUBLISHED THE FOURTH EDITION OF CHILD WELFARE LAW AND PRACTICE: REPRESENTING CHILDREN, PARENTS, AND AGENCIES IN NEGLECT, ABUSE, AND DEPENDENCY CASES (AKA “THE RED BOOK”). AS A PREVIEW FOR OUR MEMBERS, WHAT FOLLOWS IS AN EXCERPT FROM A BRAND-NEW CHAPTER TO THE RED BOOK: PREVENTING CROSSOVER AND REPRESENTING DUAL-STATUS YOUTH.

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§ 19.3 • COMPLICATING FACTORS AFFECTING CROSSOVER YOUTH

Crossover youth face a myriad of complicating factors that are far beyond their control but should absolutely be addressed, including attorney–client privilege, services, placements, and information sharing. They may be represented by separate attorneys, one representing their best interest and the other their expressed interest, which can lead to confusion and challenges, particularly regarding confidentiality. Attorneys representing youth in child protection cases are often appointed to represent the child’s best interest; other jurisdictions allow for expressed–interest representation instead.¹ Child protection cases focus on the best interest of the child, so even expressed–interest attorneys must tailor their advocacy to ensure that the court believes their advocacy will result in an outcome consistent with the child’s best interest. A juvenile defense attorney is bound by attorney–client privilege.² Therefore, if the attorney representing the child’s best interest seeks information that would otherwise be privileged within the defense attorney–client relationship, the defense attorney must not share it without the client’s expressed consent. Additionally, the defense attorney may advocate for a different goal than the best-interest attorney.

For example, imagine that a fifteen-year-old client informs their defense attorney that they want to stay with a neighbor. The client further shares that this neighbor smokes marijuana and does not object to the client smoking in the house. The defense attorney will likely be hesitant about sharing the information about marijuana with the best-interest attorney because that could lead to the best-interest attorney advocating for an alternate placement and/or sharing this information with the court. The defense attorney would be bound to keep that information confidential and may even advise against sharing this information with the best-interest attorney. This could lead to confusion for the child, since they would have advocates arguing for different results. Ensuring that information is shared in a way that balances the need for appropriate confidentiality is the best method to ensure that the child’s needs are met.

These young people are often also caught in the crosshairs of agencies who punt responsibility to another agency to provide for the child’s needs. This unfortunate game

¹ See generally ch. 31, *infra*.

² NAT’L JUV. DEFENDER CTR., NATIONAL JUVENILE DEFENSE STANDARDS (2013), <https://njdc.info/wp-content/uploads/2013/09/NationalJuvenileDefenseStandards2013.pdf>.



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

of “not it” shows up in placement and services, and it only serves to harm the child. Having two different court proceedings may mean youth are ordered to engage in distinct services and subject to different expectations. Child protection agencies typically view the child through a trauma-informed lens and focus on ensuring that the child receives appropriate and tailored treatment. Despite the juvenile legal system balancing public safety with rehabilitation, the child is inherently colored by allegations of wrongdoing. Therefore, services are often decided based on the need to modify or address behaviors. The harsh reality, however, is that when multiple agencies are involved, it is fiscally beneficial to an agency for another agency to provide the services and supports. When this unavoidable factor exists, the child may no longer be the sole priority.

Crossover youth also face extraordinary challenges with placement disruption, and they may experience additional hurdles related to permanency. This instability leads to an increased likelihood that the child will have some juvenile system involvement.³ Due to the many risks facing crossover youth, they have a higher likelihood of recidivism, which leads to further detention.⁴ An Arizona-based study conducted a robust review of cases of crossover youth that showed that these youth were more likely to be detained and removed from the home in their juvenile matter.⁵ Placement disruptions coupled with the harms of detention creates natural delays to permanency if a crossover youth is not in a stable, long-term placement option.

Notably, teenagers in the child protection system have less chance of being placed in foster homes.⁶ A 2017 study showed that 95% of children aged twelve and under were in foster homes, but only 58% of teenagers aged thirteen and older were in foster homes.⁷ This disparity is worse among youth of color.⁸ Therefore, it is not uncommon for the child protection agency to look to the juvenile legal system for placement assistance. However, this is not often appropriate, as the mission and goals of the juvenile system focus on public safety and rehabilitation after “delinquent” behaviors. This system does not focus on viewing the child as a victim as the child protection system does. Therefore, by shifting the burden to the juvenile agency, the child protection system also reneges on its mission to protect the child.

3 Intersection of Juvenile Justice and Child Welfare Systems: Predictors of Juvenile Justice System Involvement Among Child Welfare Youth, OFF. OF JUV. JUST. & DELINQ. PREVENTION, <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/Intersection-Juvenile-Justice-Child-Welfare-Systems#4> (last visited May 3, 2022).

4 Savannah Felix, *Improving Multisystem Collaboration for Crossover Youth*, ADVOCATES’ F. 17, 20 (2016), <https://crownschool.uchicago.edu/improving-multisystem-collaboration-crossover-youth>.

5 *Intersection of Juvenile Justice and Child Welfare Systems: The Relationship Between Child Maltreatment and Juvenile Justice*, OFF. OF JUV. JUST. & DELINQ. PREVENTION, <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/Intersection-Juvenile-Justice-Child-Welfare-Systems#3> (last visited May 3, 2022).

6 ANNIE E. CASEY FOUND., *KEEPING KIDS IN FAMILIES: TRENDS IN U.S. FOSTER CARE PLACEMENT* (2019), <https://www.aecf.org/resources/keeping-kids-in-families>.

7 *Id.*

8 *Id.*



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

This possible abdication of duty is a prime example of why child-serving agencies must improve with respect to collaboration and information sharing. “The lack of structural relationships necessary to coordinate access to and delivery of services across systems may be due to legal regulations or different organizational capacities that limit information sharing across systems.”⁹ Additionally, these agencies have raised confidentiality concerns regarding information sharing. “Questions around data can stymie collaboration between child welfare and juvenile justice because systems often don’t know how much and what types of information they can share with one another without breaching privacy laws.”¹⁰ When parties and team members in both matters are not involved in or knowledgeable about both cases, youth are often left to bear the harmful burden. ■

⁹ Sarah Vidal et al., *Multisystem-Involved Youth: A Developmental Framework and Implications for Research, Policy, and Practice*, 4 *ADOLESCENT RSCH. REV.* 15–29 (2019).

¹⁰ Christina Reardon, *Caught in the Middle: The Plight of Crossover Youth*, 21 *SOC. WORK TODAY* 1, 14 (2021).

ABOUT THE AUTHOR:



BRITTANY MOBLEY, J.D. is the Juvenile Services program deputy chief within the Community Defender Division of the Public Defender Service (PDS) (*note: the organization is listed for identification purposes only. The views expressed in Brittany’s chapter are her own and do not necessarily reflect the position of PDS*). Before joining PDS, Brittany was an attorney at the Children’s Law Center of Washington, D.C. within their Guardian ad Litem Program. Brittany is the vice chair of the Juvenile Justice Committee of the American Bar Association, the national secretary of the Black Public Defender Association, and a 2021 Ambassador for Racial Justice.



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.



**CHRISTINA LEWIS,
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IN RE G.G., 2023 WL 3881273 (2023) (DENIAL OF RELATIVES' MOTION TO INTERVENE AT THE PERMANENCY STAGE OF ABUSE AND NEGLECT PROCEEDINGS)

After the parents' rights were terminated, the one-year-old child's foster parents, with whom she had been living for four months, filed a motion to intervene in the abuse and neglect proceedings, seeking to adopt her. The child's maternal aunt and uncle (hereinafter "relatives") also filed a motion to intervene, seeking permanent placement of the child. A hearing on the motions was held nine months after the child was placed with her foster parents. The circuit court found that both families were suitable for the child and were willing to accept placement of the child's older siblings; however, given the time the child spent with the foster parents and the attachments that had been made, the circuit court granted the foster parents' motion, finding that it was in the child's best interests to remain in that placement. The relatives appealed, arguing that the circuit court's decision was contrary to the preference for relative placement set forth in the Foster Child Bill of Rights.

At the outset, the Supreme Court of Appeals of West Virginia noted that the Foster Child Bill of Rights states that foster children have "the right to be placed in a kinship placement" when it "meets the objectives set forth in this article." However, the court explained that the applicable statutory provision does not create an adoption placement preference for the child's blood relatives. Instead, it "requires a circuit court to conduct a best-interest-of-the-child analysis before removing a foster child from his or her foster family home and placing that child in a kinship placement." The Supreme Court of Appeals of West Virginia explained that that the "best interests of a child are served by preserving important relationships in that child's life." Because the child had resided with the foster parents for almost half of her life and "had developed an 'extreme bond' with them", the Supreme Court of Appeals of West Virginia **affirmed** the circuit court's decision.

IN RE LEACH, 2023 WL 3555071 (2023) (FATHER'S INCARCERATION DID NOT POSE A SUBSTANTIAL RISK OF HARM TO CHILDREN'S MENTAL WELLBEING)

The father was arrested for first-degree child abuse and remained incarcerated on a high bond. The alleged child victim and their sibling lived with their mother, who had sole custody. The Department of Health and Human Services (DHHS) filed to terminate the father's parental rights; however, the petition was denied because the children lived with the mother and the father was incarcerated. DHHS filed a second termination petition, which was again denied; the trial court found that the father was still incarcerated with no foreseeable release and there was no risk of harm to the children who were safely residing with their mother. DHHS appealed, arguing that the petition should have



CASE DIGESTS — CONTINUED

been authorized because the father posed a substantial risk of harm to the children’s mental wellbeing.

The Court of Appeals of Michigan explained that to determine whether jurisdiction exists under the applicable statute, “the trial court must examine the child’s situation at the time the petition was filed[.]” It noted that neither the petition nor the evidence submitted at the preliminary hearing established that either child, at the time the petition was filed, faced a substantial risk of harm to their mental wellbeing. The Court of Appeals of Michigan found that DHHS did not meet its burden of “establish[ing] probable cause that the allegations in the petition ‘could support the trial court’s exercise of jurisdiction’” under the statute. Accordingly, the trial court’s decision was **affirmed**.

IN RE E.R.; IN RE H.R., 2023 WL 4240398 (2023) (TERMINATION OF MOTHER’S PARENTAL RIGHTS WAS NOT IN CHILDREN’S BEST INTEREST)

E.R. and H.R. are the youngest of the mother’s five children. Pursuant to an adjudicatory consent order, the mother was found to have neglected four of her children including E.R. and H.R. The New Hampshire Division for Children, Youth and Families (DCYF) was granted legal supervision of the children, but they remained in the mother’s care. However, due to the mother’s partial compliance with her case plan, E.R. and H.R. were removed from her care and legal custody was transferred to DCYF. At a permanency hearing, the permanency plan was changed to adoption. DCYF filed petitions to terminate the mother’s parental rights, alleging that she failed to correct the conditions of neglect within twelve months of the finding. Following a hearing, the circuit court found that it was not in E.R. and H.R.’s best interests to terminate their mother’s parental rights. Finding that their best interests “require[s] substitution or supplementation of parental care and supervision”, the circuit court awarded guardianship to the Department of Health and Human Services (DHHS) and ordered that the mother be responsible for temporary child support. DCYF and CASA appealed the denial of their motions for reconsideration.

The Supreme Court of New Hampshire stated that once DCYF proves a statutory ground for termination beyond a reasonable doubt, the circuit court must decide whether termination or an alternative dispositional order is in the children’s best interests. It stated that after finding that termination was not in the children’s best interests, the circuit court was not prohibited from awarding guardianship to DHHS. The Supreme Court of New Hampshire noted that when a termination petition is denied, there must be a new permanency hearing to determine a new permanency plan. As a second permanency hearing had already occurred, guardianship to DHHS was meant to be a temporary disposition.

The Supreme Court of New Hampshire noted that the circuit court considered the “contemplation of adoption” and several other factors when awarding guardianship to DHHS: the children’s lack of a stable placement at the time the termination petitions were denied, their ages, the mother was the only parent that the children have ever known, and the mother always exercised her parenting time and behaved and parented appropriately during those visits. Given this evidence, the Supreme Court of New Hampshire **affirmed** the circuit court’s judgment that termination was not in the children’s best interests “based upon their prior life and bond with their mother[.]” ■

**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.

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BRINGING NACC
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**LEYDA GARCIA-
GREENAWALT**
NACC NATIONAL
LAW SCHOOL
STUDENT ORGANIZER

Leyda.GarciaGreenawalt@NACCchildlaw.org

**IF YOU HAVE SOMETHING
YOU'D LIKE TO SHARE WITH
NEXT GENERATION NEWS,
CONTACT:**

Student@NACCchildlaw.org

NACC WELCOMES ITS NEWEST STUDENT CHAPTER!

NACC is excited to welcome Mercer University School of Law as our newest student chapter. Members of the Child Welfare and Family Law Society (CWFLS) joined NACC in October. CWFLS strives to be a community for students passionate or simply interested in the intersect of families and the law. From hosting panels with seasoned legal professionals to partnering with local nonprofit organizations, serving Mercer University School of Law and Macon-Bibb County is the heart of CWFLS. By becoming an NACC student chapter, CWFLS will be able to broaden its scope and connect on a greater scale with the national child welfare community. NACC is eager to work with the students at Mercer to support their endeavors.

Petitions for new chapters will be accepted now through February 29, 2024. For more information, refer to the [NACC Student Chapter Guide](#) or email questions to our National Law School Student Organizer at Leyda.GarciaGreenawalt@NACCchildlaw.org. ■

SUPPORT NACC WITH A GIFT THIS YEAR



In 2023, the National Association of Counsel for Children expanded the right to counsel for kids in three states, published landmark resources for the field, delivered new training programs, and deepened its commitment to the vision, mission, and goals of its 2019–2023 Strategic Plan. Please see [NACC's 2023 Impact Report](#) for more information.

NACC relies on grants and contributions for its Counsel for Kids campaign and to support our engagement of lived experience experts on the National Advisory Council on Children's Legal Representation (NACCLR). Your gift helps NACC continue these impactful programs.

THERE ARE MANY WAYS TO GIVE TO SUPPORT NACC THIS SEASON:*

- Make a cash gift on [NACC's website](#), or donate through Charity Navigator, Candid, or Venmo (@NACCchildlaw)
- Contribute through donor advised funds, such as Fidelity or Vanguard*
- Make a gift from your IRA. If you are over age 70½, and you have an IRA, you can authorize your plan administrator to transfer funds and the amount you transfer will not be added to your taxable income, and it will count towards your minimum required distributions*
- Make a contribution of securities (maximum contribution of 30% of your adjusted gross income)*

You may also consider arranging a future gift to help secure NACC's ongoing impact by providing a charitable bequest for a specific amount or a percentage of one's estate, naming NACC as a beneficiary of all or a portion of remaining assets in a retirement plan or life insurance, or through a gift of property, including real estate.*

As stated by our founder, Don Bross: *Members of the National Association of Counsel for Children demonstrate daily their belief in good beginnings for children, even though children can't demand our assistance. Each action we take is an effort to support a better future, beginning with our clients. Another 'small' step of committing funds to the long-term mission of NACC, especially by individuals not richly compensated financially for serving their clients, is a uniquely important personal endorsement of the mission we all share through NACC.*

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

Thank you for your partnership and for considering NACC in your charitable contributions this season.

Thank you!

*Please see a professional to provide financial and tax advice specific to your circumstances.

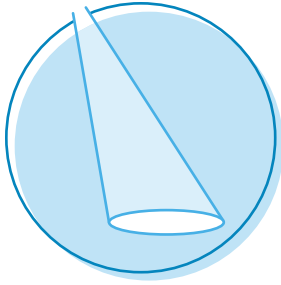


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COLORADO FRIENDS & FAMILY

Now you can donate your old car to NACC! NACC is a participating nonprofit with [Driven to Donate](#), which helps Colorado nonprofits accept vehicle donations.

Driven to Donate does all the work for you — all you have to do is [sign up online](#) or call 303-296-9020. You get a tax-deductible contribution for 100% of the net proceeds and *Driven to Donate* sends 50% to NACC.



RESOURCE SPOTLIGHT

ENGAGING PRESENTERS WHO ARE LIVED EXPERIENCE EXPERTS: A TIPSHEET FOR NACC WEBINAR AND CONFERENCE SESSION PRESENTERS

NACC values authentic engagement of lived experience experts — those with experience as a child/youth, young adult, parent, or kinship caregiver in the child protection or juvenile legal system. We seek to offer webinars and conference sessions that are co-designed with, and feature lived experience experts as presenters. NACC is committed to the intentional and respectful inclusion of lived experience experts in our programming and offers this tipsheet as a guide to aid all presenters in these efforts.

- + The first part of this tipsheet is geared toward presenters without lived experience and provides guidance on how to engage and work with lived experience experts.
- + The second part is designed for presenters who are lived experience experts and offers planning and presentation tips.
- + Finally, we outline NACC’s role in the process and what presenters who are lived experience experts can expect from NACC.

WORKING WITH LIVED EXPERIENCE EXPERTS

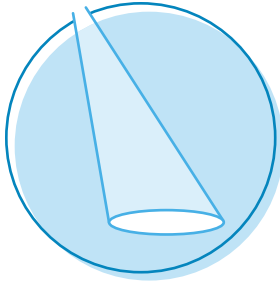
ABOUT THE NACC AUDIENCE

Some lived experience experts may not be familiar with NACC; therefore, it is important to explain who the audience is for typical presentations. Most NACC members are attorneys who practice in the child protection system, either representing children, parents, or the agency, but our membership also includes law students, judges, and other professional stakeholders in the system, including CASAs, doctors, and mental health professionals. NACC has approximately 2,000 members across the country.

IDENTIFYING PRESENTERS WHO ARE LIVED EXPERIENCE EXPERTS

When identifying partners for a webinar or conference session, one effective method is to directly consult with a lived experience expert that you already know and have a relationship with. If that is not possible, there are other avenues to explore:

- NACC’s National Advisory Council on Children’s Legal Representation (NACCLR) is composed of young professionals with lived expertise in the child protection system. If interested in possibly partnering with an NACCLR member, please contact [Cristal Ramirez](#), NACC’s Youth Engagement Manager.
- Many national **child protection organizations** such as FosterClub and the Jim Casey Initiative work with lived experience experts.
- Most states and jurisdictions have **nonprofits, youth boards, or foster care alumni associations** connected to youth pursuing statewide advocacy efforts.
- Colleagues or other professionals in the child protection arena may be able to connect you to lived experience experts that they know.



RESOURCE SPOTLIGHT — CONTINUED

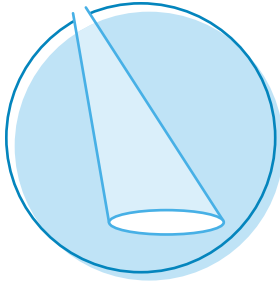
ENGAGING LIVED EXPERIENCE EXPERTS

The presentation topic can help guide the engagement of lived experience experts. Consider how the presentation topic has an impact on children, youth, parents, and families within the system and how framing the issue through the expert's lens and their articulation of personal experiences will bolster the presentation. For example, a presentation on the Family First Prevention Services Act could be co-presented with a lived experience expert discussing how access to, or lack of, prevention services impacted their experience, or a lived experience expert could be included in a presentation on high-quality legal representation to discuss their experience with attorneys.

Regardless of the topic, **whenever possible, lived experience experts should be identified prior to the application for a webinar, conference session, or other presentation.** It displays more thoughtfulness to identify someone based on their expertise at this early stage of the process.

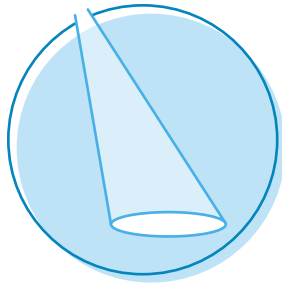
Some tips to consider when engaging presenters who are lived experience experts:

- ✓ **Engage lived experience experts as soon as possible!**
 - Lived experience experts should be consulted as early as possible in the brainstorming and planning stages of a webinar or conference session so they can be a part of the decision-making process.
 - If presenters are not engaged from the very beginning, they should be briefed on the plans and decisions that have already been made and asked for their opinions regarding their role and participation in the webinar or conference session.
 - Presenters should be able to modify presentation plans within reason based on the expertise and insights they bring, as well as their preferences on how to share their insights/expertise.
 - Presenters should be briefed on anything that does not make sense to them, including attorney practice or legal jargon, in order to promote inclusivity and equality of understanding.
- ✓ **Consult with lived experience experts on the dates and times of presentations and any preparation meetings.**
 - Ensure that there are no conflicts with work, school, or other commitments, including times outside standard business hours.
 - Ensure that they can be present for the entire presentation (not just for their section) as well as any preparation meetings, as applicable.
 - Schedule ample time for preparation before and debrief after the presentation.
- ✓ **Although those involved in session design may have an idea as to what they would like lived experience experts to speak about, ensure that they are comfortable sharing certain pieces of information in the format that they choose (orally, slides, pictures, video, etc.).**



RESOURCE SPOTLIGHT — CONTINUED

- ✓ **Lived experience experts should be regarded as more than just their lived experience and as full and equal experts/partners. Recognize that no person with lived experience represents all people with lived experience, and not all lived experience is the same.**
 - Ensure lived experience experts are equal participants with an opportunity for an equal amount of time to present/share, equal opportunity to add to and edit content, and equal decision-making power.
- ✓ **Develop meaningful presenter roles with lived experience experts.**
 - Lived experience experts should not be given a script or told what to say.
 - Lived experience experts should not be “added on” at the end.
 - Lived experience experts should be valued for their professional experience and expertise, as well as lived experience.
- ✓ **Do not use video or other forms of media citing or telling the story of lived experience experts without their permission. This includes media that may exist publicly but that you do not have specific permission from them to use.**
- ✓ **Ensure there is a plan in place to compensate the lived experience expert and an agreed upon, competitive rate from the beginning of the process. For more guidance on compensating lived experience experts, reach out to NACC’s Youth Engagement Manager.**
- ✓ **Fully prepare or ensure the lived experience experts feel fully prepared and supported, both in what they plan to share as well as the presentation format and topical areas as a whole.**
 - This includes preparing for how to support lived experience experts if someone in the audience asks an inappropriate/uncomfortable question (e.g., facilitating difficult conversations in the moment, offering panelist peer-to-peer support, etc.).
- ✓ **Do not expect lived experience experts to share intimate details about their time in care.**
 - Get consent from lived experience experts when sharing their stories or discussing sensitive topics that involve them.
- ✓ **Debrief the experience with the lived experience expert and provide space for feedback and to process anything that may have come up for them. Invite feedback from the lived experience expert about how the presentation went for them as well.**
 - Feedback that is positive and constructive can be very helpful to the lived experience expert’s professional development, as well as the professional development of the other presenters.
 - Do not be afraid to give constructive feedback while preparing or debriefing. Lived experience experts want to be seen as equal professionals and this is part of the important process of gaining professional experience. Be encouraging and respectful, but give feedback to the lived experience expert on how they could improve their parts of the presentation as you would for any other panelist.



RESOURCE SPOTLIGHT — CONTINUED

- ✓ Be mindful of the fundamental framework of authentic engagement. There are many models of engagement to explore — FIGURE 1 included here has been adapted for this tipsheet and shows the most inauthentic levels of engagement at the bottom and more inclusive, authentic forms of participation and engagement going up.

LADDER OF ENGAGEMENT

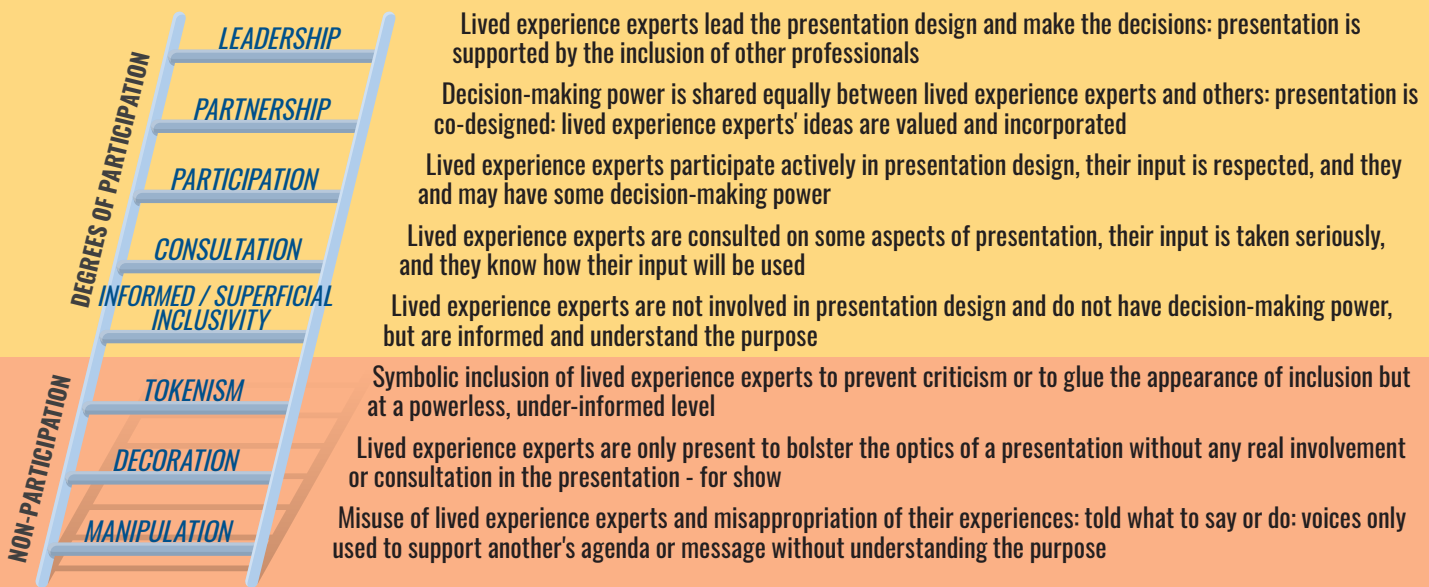
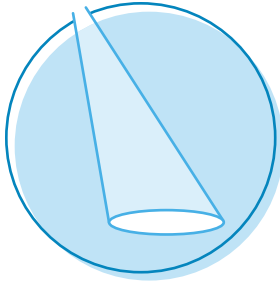


FIGURE 1 : Adapted from Hart, R. A. (1992). Children's Participation: From Tokenism to Citizenship. Florence, Italy: United Nations Children's Fund International Child Development Centre.

PLANNING AND PRESENTATION TIPS FOR LIVED EXPERIENCE EXPERTS

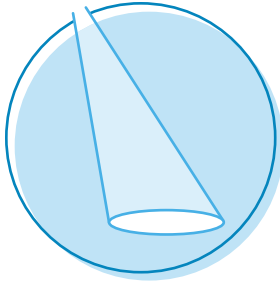
- ✓ Ask for what you need to make the presentation, and your participation in it, comfortable and successful.
- ✓ If you do not feel comfortable, you do not need to go along with what is being said or done. It is okay to disagree. Decline questions you are not comfortable answering. This can be done simply by stating you are not comfortable or having an "exit strategy."
 - For example, if you are on a panel and asked a question you do not want to answer and are unsure if someone else is comfortable answering, you can state, "I'm not comfortable answering that. Maybe my co-presenter would like to answer, or we can take a different question."
 - You can "pass" on questions you don't have enough information on.
 - Exit strategies do not necessarily mean you have to outright reject a question – although you reserve that right. You may also reframe your answer in a way that makes you more comfortable. For example, someone may ask you to share your experiences, but you can answer more generally stating, "The experiences of many foster youth I know include..." or "The data shows..."



RESOURCE SPOTLIGHT — CONTINUED

- ✓ **Discuss your boundaries and any sensitive topics with your co-presenters as well as the person who is hosting or moderating your presentation (NACC staff). Co-presenters and moderators can help reinforce your boundaries and off-limit topics if raised by the audience.**
 - A boundary might be that you would not like to be asked specific information about your time in care.
 - A sensitive topic could be anything discussed by any presenter that may activate emotions or feelings related to trauma (e.g., homelessness, family separation).
- ✓ **Ask and prepare for the anticipated audience size.**
 - It is okay to feel nervous; if you are comfortable, discuss those feelings with the moderator and co-presenters to ensure you feel prepared and supported.
 - Practice as much as you need to in order to best show up, especially if there are areas where you can enhance your expertise.
- ✓ **Be mindful of *strategically sharing your lived experience*. You do not need to share your lived experiences to validate your expertise.**
 - Avoid oversharing as this can be harmful to your wellbeing or the wellbeing of members of the audience by retraumatizing or triggering self or others.
 - It is not appropriate to “trauma dump.” Trauma dumping is the unsolicited, one-sided sharing of traumatic or intensely negative experiences or emotions with people who are unprepared or unwilling to listen.
 - Provide trigger warnings when appropriate.
 - It can be helpful to share an experience in third person to distance yourself. For example, “I know someone who experienced [xyz]...” can be a powerful statement and also not directly self-identify with that experience.
- ✓ **Make a plan to ground yourself when emotions come up while you are sharing.**
 - Feeling overwhelmed when sharing parts of your lived experience can be expected, and many emotions may also come up unexpectedly.
 - Know what strategies help to ground you in real-time when feeling emotions (e.g., deep breathing techniques).
- ✓ **Do not share personal or identifiable information (e.g., names) about another person’s experience without their consent.**
 - This includes siblings, children, or other members of your family. Not everyone is comfortable sharing their experience and it is important to get consent to share personal/identifiable information, and/or stay away from speaking for others.
 - For example, you might share the reasons you were separated from your parents, siblings, or children because that is your experience. But without permission, you should not share identifiable details about your parents, children, or siblings, and should not share their individual experiences.

RESOURCE SPOTLIGHT — CONTINUED



- ✓ **Speak from your own experience; avoid blanket statements and do not speak on behalf of any group.**
- ✓ **Be aware of the intersectionality of your identities and how that might show up for you. FIGURE 2 is an intersectionality wheel which has examples of core identity traits within the inner circle, as well as many potential identity traits on the outer circle based on life experiences, views, or statuses. Any or all of these may impact your perspectives and the perspectives of others.**

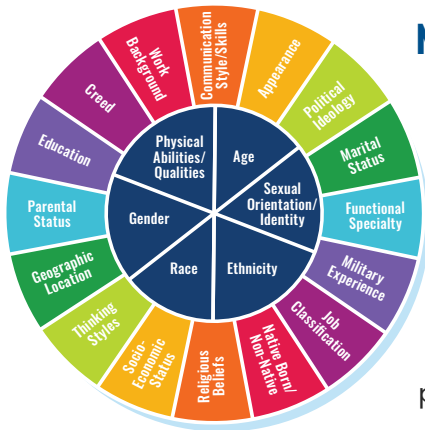


FIGURE 2

NACC'S ROLE

NACC is committed to elevating the voice of lived experience experts. We take our role in encouraging successful presenter partnerships seriously and we believe those partnerships result in exceptional content. Here is what presenters who are lived experience experts can expect NACC to do:

Provide Compensation to Lived Experience Experts

NACC recognizes the time and effort it takes to plan, prepare, and present at a webinar or conference session. For webinars, presenters with lived expertise will receive a \$75 stipend within 30 days of the conclusion of the webinar. Conference presenters with lived expertise receive full scholarships for conference registration.

Record the Webinar or Online Conference Session

NACC records all webinars and online presentations for later viewing by our members and registrants. It is important to remember that what you're sharing (including hand-outs) can be viewed for an indefinite period of time. Lived experience experts should only share information that will not cause them to feel uncomfortable in the future.

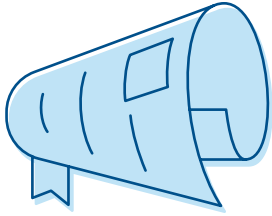
Moderate the Webinar or Online Conference Session

Please tell the NACC moderator during the dry run or pre-broadcast:

- How you would like to be introduced (name/nickname, current title/position, student status, pronouns, etc.).
- If there are certain topics or questions that you do not feel comfortable answering, as well as preferred language, guidance, or approaches for asking about generally sensitive topics.

Gather Feedback

We would love to hear your feedback! Please tell us about your experience as a presenter. NACC staff are available to schedule a debrief with interested presenters. NACC also collects presentation evaluations from participants and can share that feedback with presenters upon request. ■



We know that this line of work is very challenging, and it's sometimes hard to find some bright spots to keep us going.

Therefore, we are featuring success stories and positive perspectives from state coordinators and members, no matter how big or small. For example, you may have helped with getting a mother into an inpatient treatment facility that will allow her child to stay with her. Or maybe one of your child clients, who moved from foster home to foster home, maintained a 4.0 GPA. Or maybe you located a relative that is willing to have a child placed with them. The possibilities are endless! If you have a success story you would like to share, please email it to Ginger.Burton@NACCchildlaw.org.

Please remember to respect confidentiality and attorney-client privilege.

TELL ME SOMETHING GOOD

WHY MORE LAWYERS SHOULD PRACTICE JUVENILE LAW

By Erin E. Romar, JD, CWLS

It is no secret that throughout the State of Iowa (and other states) the lists of court-appointed attorneys are barren. It is also no secret that becoming and remaining a lawyer is not cheap. We have all paid an exorbitant amount of money to go to law school, take the bar exam, and pay for continuing legal education courses every year. There is a reason that lawyers ask for the hourly fee that they do. And for some Iowans, this fee is affordable. Those Iowans can hire private counsel and have a choice of the attorney they want to represent them.

But other Iowans, many who find themselves involved in either criminal or juvenile matters, do not have the ability to choose who they want to represent them. They do not have the money to hire a lawyer to help them throughout some of the most important, and stressful, moments of their lives. Everyone seems to know that there are court-appointed lawyers who represent Iowans in criminal matters, but there are also lawyers who represent indigent people involved in juvenile court. The problem is that there are actually very few on the current list of court-appointed lawyers in the juvenile arena, which is causing widespread issues throughout Iowa. As of the date of publication, there are only roughly sixty attorneys on the court-appointed list in Polk County, Iowa that are willing to represent parents and children in juvenile matters. Those sixty are the reservoir from which to choose to cover six courtrooms. In August 2023, there were 2,785 cases open in Polk County alone.

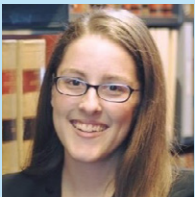
Juvenile court matters are sometimes looked down upon by other attorneys as not being real court or being "kiddie" court (as it has been referred to for many years). However, juvenile court deals with some of the most important and life-altering experiences for children, parents, and families. Attorneys have the opportunity to represent and assist parties with these life-altering moments. Attorneys have the chance to make a difference in children's, parents', and families' lives. In juvenile court, attorneys act as advocates for their clients, striving to protect their rights and interests. They play a crucial role in their lives. They counsel them on legal strategies, ensure understanding and compliance of requests from professionals, and help to either keep children with parents or help parents get their children returned to them.

Without quality legal representation, parents are losing their children – forever. Children are losing their parents – forever. As of 2016, 1 in every 100 children had experienced a termination of parental rights. Research says that termination of parental rights is the most ambiguous loss a child can experience. The inability to resolve situations such as a termination causes "pain, confusion, shock, distress, and often immobilization" and pain that can become chronic. When parents and children do not have the appropriate

and quality legal representation, unnecessary and detrimental decisions are made for families; children do not reunify as soon as they should, parents and children do not see each other as often as they should, and parental rights are terminated more often than they should.

There is no doubt that being a lawyer is hard. It is physically, mentally, and emotionally draining. Being involved in juvenile court can result in vicarious trauma for the professionals involved, including the lawyers. However, these families deserve quality representation. They deserve to have their rights protected under the law just as much as those who can afford to pay for private counsel. Working with individuals in juvenile law can be extremely rewarding. A lawyer could potentially make the difference between a family being torn apart forever or put back together forever. A lawyer could potentially make the difference between a child going to a group home or a family member's home. A lawyer could potentially make the difference in multiple people's lives (for the better) in one single court case. A lot of people become lawyers because they want to help people and make a difference in their lives. Putting your name on the juvenile court-appointed list and working hard on behalf of your client in juvenile court can make that difference. ■

ABOUT THE AUTHOR:



ERIN E. ROMAR, JD, CWLS is a staff attorney with Youth Law Center in Des Moines, Iowa. Erin specializes in representing children in the area of child welfare. She received her Juris Doctorate from Drake University in December 2017 and was admitted to the Iowa State Bar shortly thereafter. While at Drake Law School, Erin worked closely with a group of professionals in the legal community to pass a law that would criminalize revenge porn. She helped draft the bill and spoke at both subcommittee and committee meetings at the Capitol. She successfully lobbied for the bill, where it received bipartisan support and passed in both the House and Senate before being signed into law by the Governor of Iowa. Erin is an active member of the NACC, the juvenile law and legislative law groups of the Iowa State Bar Association, and the Polk County Women Attorneys and Young Lawyer Division.

READER PANEL

REFLECTING ON 2023

WHEN YOU THINK ABOUT YOUR WORK/CASES THIS PAST YEAR,
WHAT WAS THE SINGLE BEST THING THAT HAPPENED?



STACY L. MILLER, JD, CWLS
 ASSISTANT DISTRICT ATTORNEY,
 JUVENILE COURT TEAM LEADER
 20TH JUDICIAL DISTRICT
 OF TENNESSEE

Having a youth come back to court for a probation review and having them report how much better things are for them. Equally as great, having their parent say the same thing. It is nice to see that the services are working for our kids and families.

BUFFY JO OKUMA, JD
 CHIEF DEPUTY DISTRICT
 ATTORNEY
 WASHOE COUNTY, NEVADA

The past year brought many challenges to the child welfare system as a whole, and my jurisdiction was not spared. However, the single best thing that happened through it all... my team of agency attorneys and our clients, the caseworkers, supported each other daily, showed grace, provided encouragement, and jumped in to help. Within our larger legal system, the agency, parents', and child's attorneys also demonstrated support and grace when possible. While most of my career has been spent in child welfare, I have experience in a few other areas of law, and I can say without a doubt that the support and positive encouragement when things are difficult is something that truly sets this work apart.

CARA NORD, JD, CWLS
 YOUTH EMPOWERMENT ATTORNEY
 COLORADO OFFICE OF THE
 CHILD'S REPRESENTATIVE

The single best thing that happened this past year is the work I got to do with the Office of the Child's Representative's [\(OCR's\) Lived Experts Action Panel \(LEAP\)](#). LEAP members are young people with lived expertise in dependency and neglect, truancy, and juvenile delinquency systems. In the past year, LEAP members trained OCR attorneys, testified at the state capitol about legislation affecting children/youth, spoke at and attended OCR's annual conference, and provided input about a bill aiming to create enforceable rights for young people in foster care. They also spoke at local, state, and national trainings about permanent connections, Colorado's shift from attorney Guardians Ad Litem (GALs) to Counsel for Youth (CFY) for young people aged 12 and older, [access to activities for young people in care](#), and meaningful child/youth court participation. Additionally, they created checklists for young people transitioning out of foster care (available in [paper](#) and [online survey](#) formats) and a [two-pager](#) outlining nine things they want stakeholders do know about delinquency adjudications and sentences.

It has been incredible to see them treated as the experts they are, witness their connections, and celebrate their successes. One LEAP member was granted early release from Colorado's Department of Youth Services (DYS); LEAP members wrote narratives on his behalf and attended his release hearing. He now resides with his family in another state, has remained a stellar LEAP member, is working in sales and at a university propulsion

lab, and has applied to the undergraduate program at that same university. Another LEAP member who participated in the Foster Youth Internship Program overseen by the Congressional Coalition on Adoption Institute last summer, has been accepted to two law schools.

NEHA GOGATE, JDASSISTANT DEPUTY
PUBLIC DEFENDEROFFICE OF LAW GUARDIAN
– APPELLATE & SPECIAL
INTERESTS ADVOCACY SECTIONNACC STATE COORDINATOR,
NEW JERSEY

As I reflect on the past year, the most noteworthy moment was reading the decision in the New Jersey Supreme Court case, DCP v. D.C.A. The Court addressed a significant question that trial courts had grappled with since the 2021 amendment to New Jersey's guardianship statute. The question presented before the Court was whether the amendment excluded evidence of the child's relationship with their caregiver when analyzing a petition to terminate parental rights. As the appellate attorney assigned to represent the four children in the case, it was especially impactful for the Supreme Court to determine that the child's relationships and experiences in foster care not only admissible, but a crucial consideration in the trial court's analysis. The decision amplified the importance of conducting a comprehensive evidentiary evaluation that includes both the parents' and the child's circumstances when making a determination as consequential as whether to terminate parental rights. The decision solidified that children and their unique circumstances cannot be left out of an analysis regarding their future – that made it the single best thing. ■

JOIN THE PANEL!

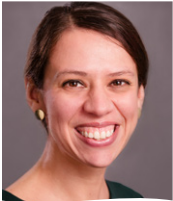
Guardian readers are invited to join our Reader Panel. You'll receive an email asking for your responses to questions about child welfare legal practice. Selected responses will be featured in **The Guardian**. Please send an email to Ginger.Burton@NACCchildlaw.org letting us know you are interested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



POLICY NEWS & AMICUS UPDATES

NACC RELEASES UPDATED POLICY FRAMEWORK

Our updated policy framework reaffirms NACC's founding beliefs in high-quality legal representation and access to justice in child protection court proceedings. It also reflects our ongoing commitments to youth voice, race equity, and family integrity, and the urgent need for change in a system that has too often caused harm in the name of protection. Thank you to our national membership community who offered ideas and feedback throughout this process. NACC's work to advance justice continues!



**ALLISON GREEN,
JD, CWLS**

LEGAL DIRECTOR

Allison.Green
@NACCchildlaw.org



**NATALECE WASHINGTON,
JD, CWLS**

POLICY COUNSEL

Natalece.Washington
@NACCchildlaw.org

FEDERAL POLICY UPDATES

NACC urged Congress to reduce child poverty, strengthen families, make the children's health insurance program permanent, fund programs that prevent delinquency, and feed children and families through the WIC program. We signed on to federal legislation to improve access to food and nutrition for youth experiencing homelessness or the foster care system, to prevent trafficking, and to end family separation for parents facing potential incarceration. NACC endorsed legislation to support people with fetal alcohol spectrum disorders, strengthen Temporary Assistance for Needy Families, and make the Northern Mariana Islands eligible for programs funded by Title IV of the Social Security Act.

NACC also joined coalitions that urged Secretary of Health and Human Services Xavier Becerra to continue supporting the Children's Interagency Coordinating Council, and responded to proposed HHS rulemaking to ensure non-discrimination protections for LGBTQIA+ people. NACC opposed efforts to discriminate against transgender people seeking emergency shelter, and opposed an amendment that jeopardizes funding for federal programs that ensure protections for LGBTQIA+ children.

NACC also provided comments on proposed federal rules to protect the civil rights of children and parents with disabilities, promote safe and appropriate placements, protocols, and services for LGBTQIA+ youth, and codify and expand funding for legal representation. Thank you to all who submitted comments in support of the proposed rule on foster care legal representation; the Children's Bureau heard widespread support from the field! NACC will continue to monitor this rulemaking process and looks forward to its ultimate finalization and implementation.

AMICUS UPDATES

NACC filed an amicus brief before the Supreme Court of Utah focused on the importance of sibling connections and relative placement. ■

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.



MEMBERSHIP MATTERS

THANK YOU!

Team NACC would like to thank those of you who took the time to complete our annual Community Survey. Survey results are reviewed and influence our programming decisions for the next year. Your voices are heard!



EMILY DUFOUR
MEMBERSHIP COORDINATOR

Emily.Dufour@NACCchildlaw.org

QUESTIONS ABOUT MEMBERSHIP NEWS ITEMS OR EVENTS?

HAVE SOMETHING TO SHARE WITH NACC MEMBERSHIP?

FORGOT YOUR USERNAME OR PASSWORD?

CONTACT:

Membership@NACCchildlaw.org

DON'T MISS OUT ON TRAININGS AND DISCOUNTS!

CLICK TO UPDATE YOUR MEMBER PROFILE



THANK YOU TO OUR PLATINUM LIFETIME AND SAPPHIRE MEMBERS!

PLATINUM LIFETIME

Candace Barr	Arique Dross III	Gerard Glynn	Janet G. Sherwood
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Donald C. Bross	Leonard Edwards	Yali Lincroft	Cynthia Spencer
Irma Carrera	John D. "Jay" Elliott	Charles Masner	John H. Stuemky
John Ciccolella	Amanda Engen	Kathleen McCaffrey	Smith Williams
Amanda Donnelly	Donna Furth	Henry J. Plum	Christopher Wu

CONSIDER ELEVATING YOUR SUPPORT WITH A PLATINUM LIFETIME MEMBERSHIP

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

SAPPHIRE

Lorne Hobbs

Priya Konings

Jessie McGlaughlin

HELP SUPPORT NACC'S COUNSEL FOR KIDS CAMPAIGN

When you join or renew at the Sapphire level, you get all the benefits of Gold Membership while making an important \$150 contribution to NACC's Counsel for Kids campaign, a national effort dedicated to ensuring that children in the nation's foster care systems have access to attorneys of their own to ensure that their voices are heard and respected.



MEMBERSHIP MATTERS — CONTINUED

THANK YOU TO OUR GOLD AND SILVER MEMBERS!

G O L D

Jessica Camargo	Salihah Denman	Vernon Hosannah	Francis Rio
Courtney Canova	Robert Fellmeth	David Katner	Bob Schwartz
James Cargill	Debra Finch	Michael Nash	Carissa Seidl
Stephanie Charter	Kristyn Gilmore	Jennifer Newman	Dennis Smeal
Tamiko Chatman	Josh Gupta-Kagan	Brittany Radic	Julia TenEyck
Kelsey Cunningham	Penny Higginbottom	Ronald Richards	Jacqueline Williams

S I L V E R

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Robert Ackley	Charles Golbert	Dennis McFall	Bonnie Saltzman
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Alicia Fortson	Greta Locklear	DeVona Roseberry	
Steven George	Marikaye Long	Sarah Rothman	
Tom Gjostein	Elaine Martens		



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

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SUZANNE BARKER, JD, CWLS

CASA of Franklin County
COLUMBUS, OH

KIRBY KENNY CASCIATO, JD, CWLS

Southeast Louisiana Legal Services
NEW ORLEANS, LA

ANDREW POTTER, JD, CWLS

Potter Law LLC
ANDERSON, SC

COMING IN 2024!

Be the first certified Child Welfare Law Specialist in Indiana!

NACC is excited to be expanding the Child Welfare Law Specialist certification program to Indiana in 2024! Please review the Indiana-specific eligibility criteria below to see if CWLS certification is right for you! Indiana-specific application guidance and a link to the online application will be posted to NACC's [Applicant Resources webpage](#) in 2024.

INDIANA-SPECIFIC ELIGIBILITY AND APPLICATION COMPONENTS AT A GLANCE:

- Three or more years practicing law
- Time spent practicing child welfare law must be at least 30% or more of the total practice of a lawyer engaged in a normal full-time practice throughout the three-year period immediately preceding application
- A resume/CV detailing your involvement in the field
- 36 hours of continuing legal education within the last three years in courses relevant to child welfare law (courses must be accredited by the Indiana Commission for CLE)
- A writing sample from the last three years that demonstrates legal analysis in the field
- Your public and private disciplinary history
- Peer review responses (4 attorneys and 1 judicial officer)
- Review and approval of your application by the CWLS Certification Committee
- Passage of a 4-hour, online child welfare law exam (60 multiple choice questions, 2 essays)

QUESTIONS?

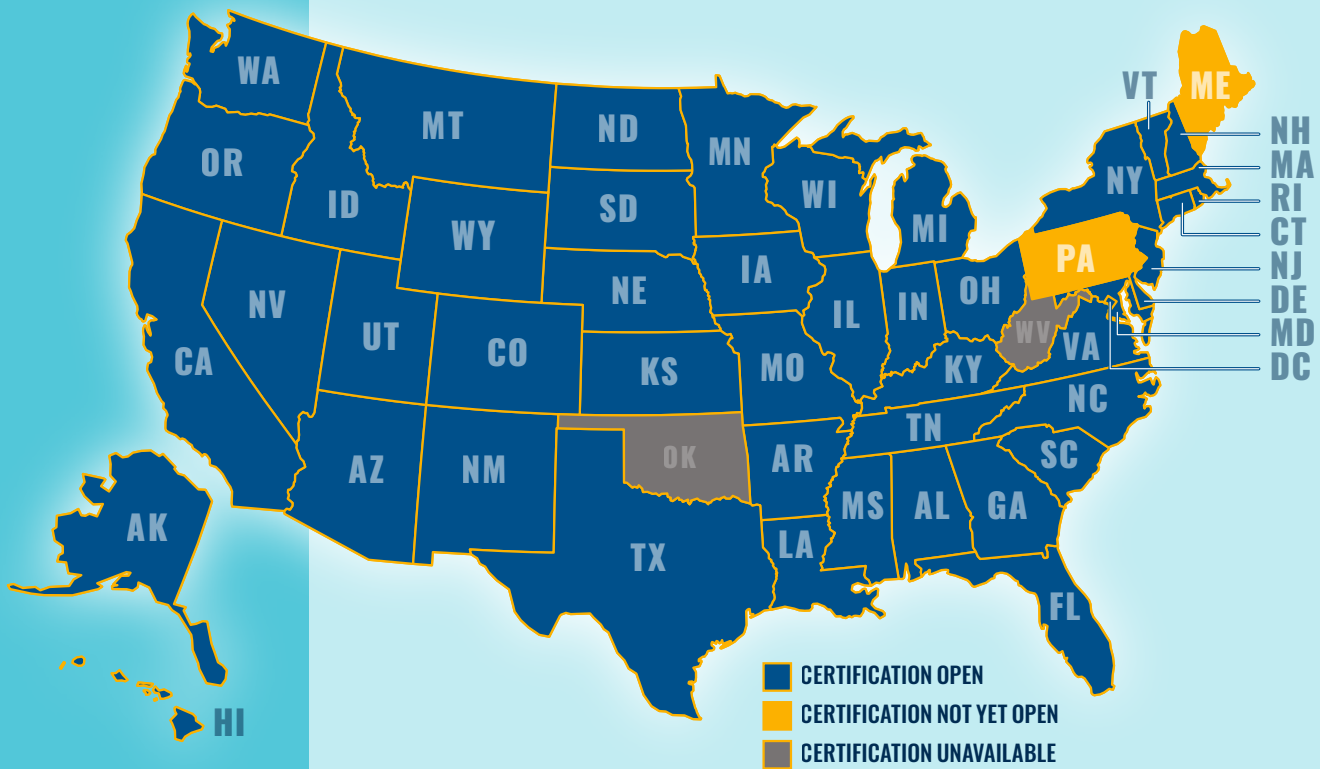
Email us at Certification@NACCchildlaw.org.



CHILD WELFARE LAW SPECIALIST CERTIFICATION — CONTINUED

Please note: In Indiana, NACC is only able to certify practicing lawyers spending at least 30% of their time in child welfare. We are not able to waive this requirement for attorneys serving as child welfare judges, law professors, or in non-case-carrying management, policy, or training positions.

Stay tuned for further guidance and information — or email us at Certification@NACCchildlaw.org. ■



Save the Date
for 2024!



The 47th National Child Welfare Law Conference
Working Together, Working Differently: Justice, Compassion, and New Tools for Modern Advocacy

We will meet in person at the Hyatt Regency Salt Lake City August 12–14, 2024 with our Pre-conference sessions and [Child Welfare Law Career Fair](#) August 11, 2024, and online September 11–13, 2024.

CALL FOR ABSTRACTS – DEADLINE JANUARY 31, 2024

NACC is accepting abstracts for the 47th National Child Welfare Law Conference through 1/31/2024. The conference is an opportunity for us to bring together professionals from child welfare law and intersecting fields and further NACC's mission through the exchange of ideas, information, and collective efforts. NACC encourages submissions that will apply to attorneys who represent children, parents, agencies, and kinship caregivers, as well as judges and multidisciplinary professionals working in child welfare. NACC also seeks abstracts for its pre-conference Children's Law Office Convening.

The theme of the 2024 conferences is *Working Together, Working Differently: Justice, Compassion, and New Tools for Modern Advocacy*. The theme reminds us that if we truly want the child protection legal system to look different, we must be different. This begins by centering the voices, wellbeing, and rights of children and parents in our daily work. From there, emerging trends in high-quality legal representation, harm reduction, compassion-based practice, technology, and preventive advocacy help chart the course forward. Looking inward plays a role as well – embracing discomfort, challenging established narratives, and leveraging privilege for a purpose. NACC seeks abstract submissions that build on these ideas and convey concrete tips and skills for attorneys and practitioners. As a community of advocates, if we want to end at a different destination, we must start from a different place. [Learn more and submit your abstract!](#)

SPONSOR, EXHIBIT, ADVERTISE

Sponsorship, Advertising, and Exhibiting are excellent ways to promote your organization, products, and services to a wide range of multi-disciplinary legal professionals serving children and families.

We offer the option to designate all or a portion of your sponsorship to scholarships for attendees with financial need, who are students, and/or who advance diversity in the child welfare legal profession. [Learn more and apply.](#) ■



ONSITE CONFERENCE
August 12-14, 2024

PRE-CONFERENCE
AUGUST 11

Hyatt Regency
Salt Lake City, UT



Lock in a fantastic room rate at the Hyatt Regency Salt Lake City! [Click to book now.](#)



ONLINE CONFERENCE
September 11-13, 2024

From the comfort of your home or office

...and 2025!
MONDAY, AUG 11 THRU WEDNESDAY, AUG 13, 2025 • PRECONFERENCE AUG 9 • HILTON CLEVELAND DOWNTOWN • CLEVELAND, OH





TRAINING & MEMBER WEBINARS

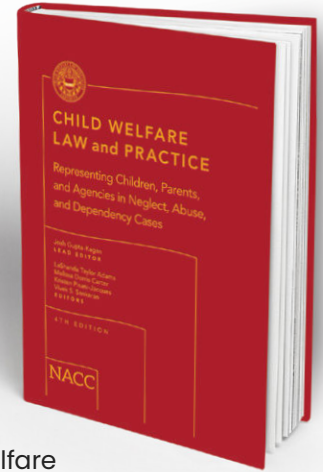
ORDER THE FOURTH EDITION RED BOOK!

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

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

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

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



ORDER NOW ▶

ANNOUNCING 2024 RED BOOK TRAINING COURSE DATES!

NACC’s signature online Red Book Training Course is based on the Fourth Edition of *Child Welfare Law and Practice: Representing Children, Parents, and Agencies in Neglect, Abuse, and Dependency Cases*. The 8-week online 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.

Registration includes access to live sessions, recordings, the electronic Red Book, and the RBTC workbook.

Check back in early 2024 for registration information!

Tuesdays, 5:00–6:30PM ET

Spring RBTC: April 16 through June 4

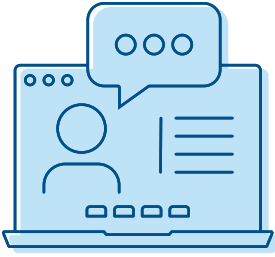
Fall RBTC: September 24 through November 12



**KRISTEN
PISANI-JACQUES,
JD, CWLS**

TRAINING DIRECTOR

Kristen.Pisani-Jacques@NACCchildlaw.org



TRAINING & MEMBER WEBINARS – CONTINUED

UPCOMING 2024 MEMBER WEBINARS

JANUARY NACC WEBINAR: NACC'S CHILD WELFARE LAW YEAR IN REVIEW: 2023

REGISTER NOW ▶

January 5, 2024 • 12:00–1:30PM ET

2023 was a busy and important year for child welfare law & practice. Join us for NACC's 5th Annual Child Welfare Law Year in Review webinar, where Legal Director Allison Green will recap need-to-know updates. We'll review key Supreme Court decisions, important regulatory changes, developments in state case law, and more. Tune in to get the recap of last year and start the new year off strong!

PRESENTER: Allison Green, JD, CWLS

This webinar is OPEN and FREE for all attendees.

FEBRUARY NACC MEMBER WEBINAR: ADVANCING EQUITY IN LEGAL REPRESENTATION: CULTURALLY HUMBLE REPRESENTATION & ACTIVELY CHALLENGING INEQUITABLE TREATMENT

REGISTER NOW ▶

February 22, 2024 • 12:30–2:00PM ET

Attorneys for children and youth should engage in culturally humble representation and actively challenge inequitable treatment. The child protection system is rife with bias and discrimination based on race, ethnicity, religion, disability status, socioeconomic status, immigration status, sexual orientation, gender identity, worldview, and values. This training aims to inform attorneys around strategies and practices for equitable engagement and legal advocacy for their clients. This training recognizes that inequity, systemic racism, and implicit and explicit bias shape and perpetuate the system where practitioners operate. Attendees will learn how to better recognize implicit and explicit bias, acknowledge various points of the child protection system where disproportionality and disparity occur, and answer reflective questions to move forward as an anti-racist and identity-affirming attorney.

**PRESENTERS: Gina Cabiddu, MSW
Louis (Louie) Gasper, BA**

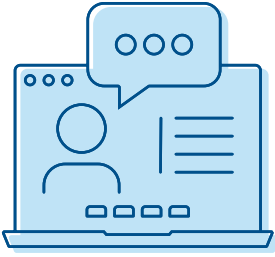
This webinar is FREE for NACC Members. Members, please log in when you register for this event. This webinar is \$45 for non-members.

MARCH NACC MEMBER WEBINAR: HUMAN-CENTERED LAWYERING: A COMPASSION-BASED FRAMEWORK TO LAWYERING

March 12, 2024 • 12:00–1:30PM ET

Check back soon for details and registration information!

**PRESENTERS: Sheri Freemont, JD
Vivek Sankaran, JD, CWLS**



TRAINING & MEMBER WEBINARS – CONTINUED

INTERESTED IN PRESENTING AT AN NACC MEMBER WEBINAR?

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

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

Webinar submissions will be reviewed on a rolling basis. If your webinar is selected, NACC staff will contact you to discuss your submission further. 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!](#) ■

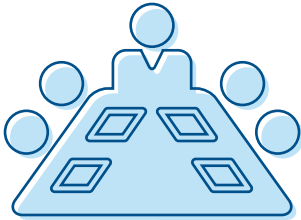


TRAINING & MEMBER WEBINARS – CONTINUED

PAST WEBINARS AVAILABLE TO NACC MEMBERS.
[CLICK HERE TO ACCESS ALL WEBINARS AND CLE DOCUMENTS](#)

Accredited for CLE in Colorado

<p>Concession-Based Cross Examination and Expert Witnesses PRESENTER: Margaret Fent Bodman, JD</p>	
<p>Your Feelings Make Sense: Using Validation to Build Client Rapport and Improve Interview Outcomes PRESENTERS: Elissa Duncan, JD, CWLS • Christina Milburn, JD, CWLS</p>	
<p>Defining “Services” Within Reasonable Efforts through a Safety Lens PRESENTERS: Todd Darling, MSW • Lindsay Hanson, JD • Tarrin Reed, MSW</p>	
<p>Protecting Financial Futures: Prevent, Identify & Resolve Identity Theft in Foster Care PRESENTERS: Melanie Delgado, JD • Kyra Endoso • Mona Terry, MBA</p>	
<p>Supporting and Advocating for LGBTQI+ Youth: In and Out of the Courtroom PRESENTERS: Tamar Alexanian, JD • Daniel Bisuano • Danielle (Danny) King, JD • Gina Payne</p>	
<p>Closing Time: The Grand Finale PRESENTERS: Victoria Bleier, JD • Eleanor Wilkinson, JD</p>	
<p>Racial Justice in Education: Part 2 PRESENTERS: Sherry Bradford • Alexis Ramsey, JD • Jill Rowland, JD • Elana Zada, MD</p>	
<p>Racial Justice in Education: Part 1 PRESENTERS: Alexis Ramsey, JD • Jill Rowland, JD • Elana Zada, MD</p>	
<p>Dismantling the Master’s House: Committing to a Culture of Antiracism in the Workplace PRESENTERS: Brittany Mobley, JD • Tiffany Reid-Collazo, JD</p>	
<p>Algorithms in Child Welfare and Juvenile Justice PRESENTERS: Matthew Trail, JD</p>	
<p>NACC’s Child Welfare Law Year in Review: 2022 PRESENTERS: Christina Lewis, JD, CWLS • Kristen Pisani-Jacques, JD, CWLS</p>	
<p>Integrating Evaluations in Practice: Lessons Learned from Representing Survivors of CSEC within a Treatment Court Model PRESENTERS: Kasandra Dodd, MSW, LICSW, LCSW • Dr. Allison Dunnigan, MSW, PhD • Emma Hetherington, JD, CWLS</p>	
<p>Authentic Family Engagement to Achieve Optimum Outcomes Using a Family-Centered Approach PRESENTER: Kimberly-Ann Coe, BSW</p>	
<p>The Importance of Family Preservation for Black Children in the Foster Care System PRESENTERS: April Dinwoodie • Vivian Drayton, LSW • Dr. James Freeman, PhD, LCSW Leora Neal, LCSW • J. Toni Oliver, MSW • Amina Saunders, MSW</p>	
<p>Engaging, Supporting, and Advocating for Incarcerated Parents & Their Children PRESENTERS: Stacey Allen-Chavez • Cameron E. Buhl, JD • D’Adre Cunningham, JD • Richard Pittman, JD, CWLS</p>	
<p>ICWA: Busting Myths & Building Allyship PRESENTERS: Kimberly Cluff, JD • Kathryn (Kate) E. Fort, JD • The Honorable Kathleen A. Quigley • Sheldon Spotted Elk, JD</p>	
<p>Self-Care is NOT Selfish: Creative Tools for Transforming Compassion Fatigue, Secondary Trauma, and Burnout PRESENTERS: Kay Glidden, MS • Beth Reynolds Lewis, BS</p>	
<p>Legal Assistance to Kinship Caregivers PRESENTERS: Sarah B. Hedden, JD, MSW • Gabrielle Markle, JD • Heather Radzikowski, BA</p>	
<p>Racial Disparities in the Child Welfare-to-Prison Pipeline PRESENTERS: Julie McConnell, JD • Fallon Speaker, JD</p>	



2023 NACC BOARD ELECTION

DEADLINE TO VOTE: JANUARY 5

Under NACC's bylaws, members of the Board of Directors are elected and re-elected by the membership. For this election, there are two candidates for renewal terms of four years.

CANDIDATES:

M. Currey Cook, JD – Candidate for Re-Election



RELEVANT BACKGROUND

I began my law career as a guardian ad litem and juvenile defense attorney in Anchorage, Alaska in 1994. I have represented children continuously since then working for government agencies and local and national nonprofit doing both direct representation and systemic reform work. My experience has included nearly all aspects of the representation of children in juvenile court, including minor guardianship, domestic violence and custody cases.

WHY THE NACC BOARD?

My law school did not have a child advocacy clinic and ended up representing children as my first job out of law school by happenstance. My very first NACC conference was a revelation to me. Seeing so many attorneys committed to the rights of children was humbling and inspiring. Since then, I have been fortunate to be both a participant and presenter at the NACC conference. Every time, I leave recommitted and reminded of how I can do more and better. I have also seen how hetero- and cisnormativity play out even in progressive circles. And how as attorneys for children we must do more to address racial disparities in our system and ensure the civil rights of our clients, including discrimination they face around sex, race, ethnicity and religion as well as sexual orientation and gender identity. Affirmation of identity and connection with affirming community are cornerstones of well-being and normalcy and would like to work with other members of NACC and the board to help us do an even better job ensuring that our clients are safe and treated equitable while in care.

SKILLS/REPRESENTATION

The various roles I have played – trial attorney, consultant, professor, policy advocate – have allowed me to develop varied skills that will, hopefully, inform my role as a board member. In particular, I hope to bring a voice to LGBTQ youth in care and, by virtue of representing children in rural Alaska and New York City and now working across the country, a perspective that is informed by the realities of practice across the country.

TERM GOAL

I would like to continue to elevate the role of practice by attorneys for children across the country so they are all truly zealous advocates for individual LGBTQ clients and are also equipped to play a role in systemic reform.



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BALLOT
NOW!**

Amy Harfeld, JD – Candidate for Re-Election



RELEVANT BACKGROUND

Amy serves as the National Policy Director and Senior Staff Attorney for the Children's Advocacy Institute (CAI), based at the non-profit University of San Diego School of Law. In addition to representing CAI before federal policymakers in Washington, D.C., Harfeld advances CAI's national policy agenda independently as well as within the National Child Abuse Coalition, The National Foster Care Coalition and other advocacy collectives. She has been an advocate, educator, and public interest attorney for over 20 years. Inspired into advocacy during three years of teaching 7th grade in Los Angeles during the early years of Teach For America, she has dedicated her career to advocating on behalf of vulnerable children. After obtaining her BA from the University of Michigan and her JD from the City University of New York Law School, she went on to litigate child abuse and neglect cases for New York City's Administration for Children's Services, founded a legal services program for incarcerated New York parents at the Fortune Society, and served as the Executive Director of First Star, a child welfare advocacy organization in Washington D.C. She has directed the American Bar Association's Commission on Youth at Risk, led the Children's Leadership Council, provided strategic assistance to SparkAction and Every Child Matters and done pro-bono government affairs work for the National Association of Council for Children. She also serves as the coordinator for the National Coalition to End Child Abuse Deaths

WHY THE NACC BOARD?

Amy has been engaged in NACC for over a decade, and served as NACC's pro bono government affairs advocate for 5 years. She is deeply committed to the organization's mission and members and has a vision for its future.

SKILLS/REPRESENTATION

Amy brings a uniquely diverse perspective to the Board. She has represented the State, children, and parents in dependency and other family court cases and has also engaged deeply in policy and legislative advocacy at the local, state, and federal levels.

TERM GOAL

Amy's goal is to strengthen NACC's impact and footprint in the children's, civil rights, and human needs communities, and help to activate the power and potential of its diverse and widespread membership. ■



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A TRIBUTE TO



JOHN STUEMKY, MD

By Henry Plum, JD and Chris Wu, JD, NACC Emeritus Board Members

It is with immense pleasure that Chris Wu and I give tribute to Dr. John Stuemky and reflect on his extraordinary contributions to NACC for 30 years of board service and 50 years as a distinguished physician whose impact on the NACC Board and the broader medical community has been immeasurable. John's journey with NACC has been extraordinary, being the first non-lawyer and physician to join the NACC Board. His retirement from the Board marks the conclusion of an era marked by his unwavering commitment, profound insights, and compassionate service.

John's commitment to serving the interests of children dates to his experience as a young Navy lieutenant serving as a physician at the Naval Hospital at the Great Lakes Training Center in Great Lakes, Illinois. Intending to make a child abuse report and encountering systemic barriers, his initial frustrations generated a ripple that turned into a tsunami as John began his journey and commitment to work for children needing medical care and treatment with an emphasis on child abuse and neglect.

As a Board-certified expert in Pediatric Emergency Medicine and Pediatric Child Abuse, John was a beacon of excellence in his field. His representation on the Accreditation Review Commission for the Education of the Physician Assistant (ARC-PA) highlighted his commitment to maintaining high standards in medical education. His specialization in Child Abuse Pediatrics underscored his dedication to the wellbeing of the most vulnerable members of society. Serving as the Director of Outpatient and Emergency Services for Children at the University of Oklahoma Children's Hospital and Director of the Oklahoma City Child Protection Team underscore John's skill, knowledge, expertise, and commitment to teaching the next generation of doctors as well as the current generation of medical and legal professionals about the various aspects of child abuse and neglect.

John's personal qualities are as noteworthy as his professional achievements. Soft-spoken, possessing gravitas, a sense of humor amidst demanding work, and an unwavering willingness to share knowledge characterize John. He is thoughtful, kind, generous, bright, interesting, and always ready with a quick smile and quick mind. His positive energy and kindness on the Board were infectious, creating an atmosphere of collaboration and support. His leadership, service to NACC, and commitment to reducing child abuse and neglect had an undeniable impact and an enduring legacy on NACC.

Although John served on multiple committees through his NACC Board tenure, one of his impactful roles was in suggesting topics for conferences, particularly in the medical domain. His influence extended to shaping conference content and suggesting policy directions for lawyer education and accountability from a non-lawyer professional perspective.

His presentations at NACC conferences are part of John's legacy. They were not just informative; they brought with them an interdisciplinary perspective that resonated deeply with our members. John had the remarkable ability to synthesize

A TRIBUTE TO JOHN STUEMKY, CONTINUED



complex ideas, offering a holistic view that enriched our discussions and elevated the discourse within our community. He brought other physicians to our conferences as speakers, and by doing so, expanded the range of expertise at our disposal and fostered an environment of collaboration and shared knowledge. John was always willing to consult with Board members to discuss child abuse and neglect issues, providing a medical perspective.

John brought his experience as a physician to bear on getting one of NACC's core programs off to a successful start. His advice on numerous elements of the Child Welfare Law Specialist (CWLS) certification program, based on many years as a certified specialist in medicine, was invaluable.

John brought a unique gravitas and a wealth of strengths to the NACC Board with his time, talent, treasure, knowledge, expertise, and wisdom. His participation went beyond attendance; it was a commitment of the heart and mind. His wisdom and expertise served as a steady hand that guided us through the complexities of decision making. He excelled in separating the wheat from the chaff, offering clarity in times of uncertainty. His contributions were not confined to ideas and teaching about medicine and child abuse; he played an essential role in fiscal management, providing complex and sober recommendations that guided NACC's budget relationships with boards and donors. His financial support set a sterling example for us, ensuring the organization's stability and growth.

Beyond his contributions to the NACC Board, John dedicated himself to serving his community by serving the Variety Health Care Clinics and the Variety HealthCare Foundation board. His involvement with the Oklahoma Lawyers for Children (OLFC) as a volunteer demonstrated a commitment to the most vulnerable among us. As a part of the OLFC team of volunteer lawyers and citizen volunteers, he played a crucial role in protecting and supporting children within the foster care system. I recall being recruited by John to travel to his home state of Oklahoma to help him conduct joint training for the fledgling OLFC team of volunteer lawyers, giving crash courses on the legal and medical aspects of child abuse and neglect. It was admirable how the participants respected John's work and contributions.

John's dedication and commitment to serving children's wellbeing within his community was recently recognized as he received the Bertha Levy Memorial Award for his extraordinary lifetime contributions to children, education, and quality in medicine.

We honor John not only for his NACC Board service and as a remarkable physician but also for being a compassionate individual who dedicated his life to the service of others. His legacy will continue to inspire and guide NACC. We all celebrate Dr. John Steumky's many achievements but also express our deepest gratitude for his indelible mark on our Board and the lives he has touched.

As John enjoys his retirement with his partner, Jim, sailing and navigating the rivers and lakes of Europe on the Double Ann, we wish him calm seas and fresh winds. I look forward to many more enjoyable meals, discussions, and history lessons from John as he joins us on the NACC Emeritus Board. Thank you, John, for a job well done. ■

A TRIBUTE TO

**SONIA VELAZQUEZ**

NACC thanks Sonia Velazquez for her years of service on NACC's Board of Directors. Sonia joined the Board in 2010 and is retiring from her last term at the end of 2023.

For over 20 years Sonia has been a senior executive in several national and international child welfare and child wellbeing organizations. From 2012 to 2017 as Executive Director of a Foundation based in Switzerland she advanced an end to child labor, modern slavery, and exploitation through project implementation, national policy influence, and global advocacy. Previously, as Senior Vice President at the American Humane Association and Family Support America for over 14 years, she advanced policy, practice, and research, advocated on behalf of children and families in the US and abroad, and was project director/principal investigator for large state and federal government projects and private foundations.

Her academic publications have focused largely on immigrant children, child rights, and fathers; through more recent speaking engagements and social media she has worked to advance efforts to end child labor and contemporary slavery, promote decent work for all, support progress toward UNICEF's Global Sustainable Development Goals, and promote gender and human rights. As a child welfare advocate and a global child wellbeing advocate, Sonia has been committed to improving policies and legal systems that protect children and to proposing approaches that improve child-serving systems around the world.

As a Board member she has shared her advice and expertise during Board discussions and events in the areas of strategic planning, policy, financial management, fundraising, and staffing. Sonia has brought expertise and ideas to the Board, is a reliable member of task forces and committees, and is very supportive of the staff and her colleague Board members. NACC has undertaken a comprehensive process of racial equity training that includes the Board, and the staff and Sonia was an active participant in the numerous activities of this program. Sonia also regularly served on the policy committee.

NACC is delighted Sonia will remain engaged as a NACC Emeritus Board member!

Thank you, Sonia, for your service to NACC's mission and programs. ■

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KRISTEN PISANI-JACQUES, EDITOR
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Denver, CO 80203
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TOGETHER WE ARE NACC

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

PROMOTING EXCELLENCE # BUILDING COMMUNITY # ADVANCING JUSTICE

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