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CONGREGATE CARE, COLLECTIVE TRAUMA

By Chelsea Maldonado, Kayla Muzquiz, Amanda Simmons, and Annette Smith

HISTORY AND OVERVIEW OF THE TROUBLED TEEN INDUSTRY

At any given time, as many as 200,000 children and teens are housed in residential treatment facilities (RTFs) across the United States.¹ Although many youth are placed privately by parents, an increasing number of system-involved youth are also housed in RTFs, including foster youth, court-adjudicated youth, and children involved in the U.S. immigration system. RTFs in the United States utilize a variety of treatment models, including wilderness therapy programs, therapeutic boarding schools, congregate care facilities, psychiatric residential treatment facilities, bootcamps, and religious reform schools. Due in part to their aggressive marketing tactics that target at-risk youth, RTFs are often referred to as part of the “troubled teen industry”² by journalists and advocates.

The bulk of RTFs in the United States are for-profit facilities. Some of the largest providers, including Universal Health Services and Acadia, are publicly traded. Others, such as Sequel Youth and Family Services and Vivant Behavioral Healthcare, are backed by private equity.³ Nonprofit providers, including Devereux Advanced Behavioral Health,

1 <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/five-facts-about-troubled-teen-industry/#:~:text=It%20is%20estimated,by%20their%20parents>

2 <https://www.wboy.com/only-on-wboy-com/my-parents-were-taken-advantage-of-by-evil-people-how-the-troubled-teen-industry-manipulates-parents/>

3 <https://pestakeholder.org/reports/the-kids-are-not-alright-how-private-equity-profits-off-of-behavioral-health-services-for-vulnerable-and-at-risk-youth/>

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The report confirms that institutional child abuse and neglect are common in RTFs across the United States, with the Senate Committee on Finance concluding in the report that, “these harms are endemic to the RTF operating model.”

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also play a large role in the industry. RTFs utilize at least \$23 billion in public funds annually, including dollars earmarked for public education, Medicaid, and Title IV.⁴

Beginning as early as the 1970s,⁵ RTFs began to be investigated by various government agencies for allegedly subjecting youth to institutional child abuse and neglect. Reports of maltreatment in RTFs continued over the next several decades, with reputable journalists, protection and advocacy organizations, and even the Government Accountability Office (GAO) finding that RTFs regularly subjected youth to harmful and sometimes even deadly conditions with little to no oversight or repercussions.⁶

In August 2023, the American Bar Association House of Delegates approved Resolution 605, a statement in support of the Stop Institutional Child Abuse Act (SICAA)⁷ and other state and federal legislation aimed at preventing and treating institutional child abuse and neglect in RTFs. A multi-page report released by the ABA in conjunction with Resolution 605 documented widespread abuse and neglect in RTFs throughout the United States, as well as the many legal and policy challenges that prevent proper oversight of these facilities and the vulnerable youth housed within them.⁸

In 2024, the Senate Committee on Finance released its own detailed report, *Warehouses of Neglect: How Taxpayers are Funding Abuse in Residential Treatment Facilities*,⁹ that documented the findings of a multiyear investigation into allegations of institutional child abuse and neglect at RTFs operated by four providers — Universal Health Services, Acadia Healthcare, Devereux Advanced Behavioral Health, and Vivant Behavioral Healthcare. The report confirms that institutional child abuse and neglect are common in RTFs across the United States, with the Senate Committee on Finance concluding in the report that, “these harms are endemic to the RTF operating model.”

LEGAL AND REGULATORY OVERVIEW OF THE TROUBLED TEEN INDUSTRY

Understanding the legal and regulatory landscape for RTFs is a daunting task. The troubled teen industry developed in the wake of de-institutionalization within state hospitals, and the early iterations of facilities were often religious, or cultlike, and very secretive about their practices. There were few consistent licensing standards or reporting requirements, and RTFs were often able to bypass regulatory demands by self-identifying their business as exempt from such requirements.

However, as facilities have shifted from a private-pay to a public-pay business model, they face increasing regulation from federal and state agencies, accrediting bodies, and independent oversight organizations. The Department of Health and Human Services has jurisdiction over RTFs through the Administration for Children and Families, which administers Title IV-E funds for youth in the child welfare system. HHS also has oversight through the Centers for Medicare and Medicaid Services which is the largest

4 <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/five-facts-about-troubled-teen-industry/#:-:text=The%20%E2%80%9Ctroubled%20teen%E2%80%9D%20industry%20is%20a%20big%20business>

5 <https://files.eric.ed.gov/fulltext/ED188371.pdf>

6 <https://www.nytimes.com/interactive/2022/10/11/opinion/teen-mental-health-care.html>; <https://www.disabilityrightsokio.org/news/dro-investigates-systemic-and-cultural-issues-at-sequel-pomegranate-health>; <https://www.gao.gov/products/gao-08-146t>

7 <https://www.stopinstitutionalchildabuse.com/sicaa>

8 <https://www.americanbar.org/content/dam/aba/directories/policy/annual-2023/605-annual-2023.pdf>

9 https://www.finance.senate.gov/imo/media/doc/rtf_report_warehouses_of_neglect.pdf



Courts are increasingly addressing how laws apply to children placed in residential care through the child welfare system

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provider of behavioral health care for youth and has a critical role in addressing complex behavioral health needs.

The Department of Justice also has oversight of facilities when youth are placed in diversion programs through juvenile court proceedings. The Juvenile Justice and Delinquency Prevention Act (42 U.S.C. § 5601 et seq.) established the Office of Juvenile Justice and Delinquency Prevention (OJJDP), tasked with overseeing the rehabilitation and education of detained and committed youth. However, facilities intended for youth in detention often held youth for a variety of purposes including foster care, special education, and inpatient mental health care.

The Department of Justice also has jurisdiction over RTFs through the Office of Civil Rights, which is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance. OCR also has jurisdiction through Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) which extends anti-discrimination protections to all public entities, including public schools, and requires them to provide reasonable modifications and accommodations to avoid excluding students with disabilities from participation in or benefit from their services, programs, or activities.

The Department of Education has federal oversight and jurisdiction through the Individuals with Disabilities Education Act (IDEA) which requires schools to provide a Free Appropriate Public Education (FAPE) to students with disabilities, which includes tailored educational plans and support services designed to meet each student's unique needs. The law emphasizes the importance of the Least Restrictive Environment (LRE), meaning students with disabilities should be educated with their non-disabled peers to the greatest extent possible (20 U.S.C. § 1400 et seq.).

Courts are increasingly addressing how laws apply to children placed in residential care through the child welfare system. In Maine, a landmark settlement on November 26, 2024, addressed the over-institutionalization of children with disabilities.¹⁰ The settlement requires the state to expand community-based behavioral health services for these children. Similarly, on November 13, 2024, Disability Rights Rhode Island, the American Civil Liberties Union of Rhode Island, and Children's Rights filed a federal class action lawsuit.¹¹ This lawsuit followed a May 13, 2024, Department of Justice finding that the state violated the ADA by unnecessarily segregating children with disabilities. Additional cases in various states are also pending, collectively shaping the evolving case law on the over-institutionalization of children and youth.

PRACTICE TIPS AND EFFECTIVE ADVOCACY FOR YOUTH AT RISK OF CONGREGATE CARE PLACEMENT

As awareness grows in the legal system about the harms of youth institutionalization, another important consideration in protecting children's rights is the role of the attorney

¹⁰ <https://www.justice.gov/opa/pr/justice-department-secures-agreement-maine-ensure-children-behavioral-health-disabilities>

¹¹ *J.“E.”L. et al. v. Richard Charest, in his official capacity as Secretary of Health and Human Services, and Ashley Deckert, in her official capacity as Director of the Department of Children, Youth, and Families*, C.A. No. 1:24-cv-471, pending in the United States District Court for the District of Rhode Island (Nov. 13, 2024).



Attorneys should especially meet with children subjected to congregate care placements in person, in confidence, and regularly.

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for the child, who has the ability to tell the child's story and ensure that all applicable laws are strictly followed, and appropriate referrals are made. It is important that lawyers for children meet with their clients personally and not outsource client visits and legal conversations to social workers, or worse, rely solely on review of discovery or conversations with foster parents, relatives, or department representatives.

While employing defense-hired social workers or experts to consult with or even meet with the child to help advise on the case can be helpful, it should not replace the attorney's own contact with the child client. If a child's attorney is unfamiliar or unable to meaningfully meet with and consult with the child due to their lack of skill, time, familiarity, or comfort with talking to children, they should not be representing children in these matters. Whether one is a best interests attorney, guardian ad litem, or practicing under a directed representation model, these personal contacts are the most important aspect in understanding their client and their position in court.

Both NACC¹² and the ABA¹³ have developed extensive resources to support the legal skills necessary to represent vulnerable youth. U.S. Department of Health and Human Services¹⁴ has provided high-quality administrative guidance, and organizations such as the National Council of Juvenile and Family Court Judges have also developed guidelines and standards for representing youth. Collectively, this guidance consistently states that the child's attorney should elicit the child's preferences in a developmentally appropriate manner, advise the child, and provide guidance. The child's attorney should represent the child's expressed preferences and follow the child's direction throughout the litigation. This necessarily requires that the child's attorney meet with the child to establish and nurture an individual attorney-client relationship to meet those goals.

This can be particularly challenging when children are placed far away, or attorneys have high caseloads. Attorneys should advocate for children to be placed as close to home as possible and inform the court of the importance of the child having meaningful access to counsel. Appointed attorneys should access public defense funds to travel to see children placed far away and should advocate for constitutionally appropriate caseloads to allow them to handle each child's case sufficiently. Attorneys who represent children should evaluate whether they can ethically accept or continue the representation if they feel they do not have enough time to meet with and advise their child client. Counsel should also seek necessary continuances if they have not met with the child to elicit their position before the court.

Attorneys should especially meet with children subjected to congregate care placements in person, in confidence, and regularly. Telephone or video conferences should not replace in-person contact because the child may not be free to express themselves if contact is monitored on their end. Video or phone meetings between in-person contact is encouraged but should not entirely replace visiting the facility. The attorney for the child should tour the facility, meet staff including floor staff and not just the case manager or therapist, and get a sense of the program. The attorney should also read

12 <https://naccchildlaw.org/wp-content/uploads/2024/01/NACC-Recommendations-Final.pdf>

13 https://www.americanbar.org/groups/public_interest/child_law/resources/practice-standards/

14 U.S. Department of Health and Human Services, Administration of Children and Families. (2019, August 1). *Engaging, Empowering, and Utilizing Family and Youth Voice in All Aspects of Child Welfare to Drive Case Planning and System Improvement*, Log No: ACYF-CB-IM-19-03. <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1903.pdf>



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online reviews of the facility, check for any litigation or news articles about the facility, and become familiar with the reputation of the facility and its standing in the community. Emphasis should be paid to lived experience experts, meaning those who have been through the program or facility themselves.¹⁵

LIVED EXPERIENCE PERSPECTIVE AND A SURVIVOR'S CALL TO ACTION

One of the most pervasive issues and concerns within congregate care facilities is medical neglect. Kayla Muzquiz is an advocate and a lived experience expert who spent time in foster care in Texas and in multiple congregate care facilities during her youth.

In her own words, she describes what she believes is a critical health consideration that all attorneys representing youth in congregate care should consider.

As I bounced around from one facility and program to the next, I can tell you that the signs of my autoimmune disease were there. From dry skin with rashes, super-fast weight gain, and mood swings, to fainting and losing consciousness. I was suffering from fevers and my body was going into shock. I remember being scared, just not knowing what was wrong with me. As I was forced to be on bedrest and further isolated from everyone, my fainting and weight gain continued. Even after being reprimanded for "attention-seeking behaviors," and banned from seconds on food and snacks, Island View finally took me to see an endocrinologist. That is when I was diagnosed with Hashimoto's Disease [autoimmune thyroiditis] at age 14, which had progressed to Stage 4 due to neglect.

The biological health of the child ought to always be put first. Preventative care should be at the forefront of every case and never be compromised due to lack of insurance or economic status. Too many children have lost their lives to misdiagnosis and/or neglect of biological conditions.

My call to action would be to implement safeguards for disabled foster children in state custody and or conservatorship. Furthermore, I would like to see a basic autoimmune panel be prescribed and administered to children going through these processes; this ought to be done every 3-6 months to monitor cortisol levels that can trigger genetic components that may be causing autoimmune dispositions. For too long, my underlying issue was a biological one. One that could have been treatable. Now I must deal with the consequences of neglect and malpractice. I accept that there will be no accountability for me, but I would like us to do better in practicing more preventative care and ruling out biological factors before resorting to biased mental evaluations that can lead to misdiagnosis or exacerbate pre-existing conditions and cause unnecessary new ones.

Preventative care should be at the forefront of every case and never be compromised due to lack of insurance or economic status.

¹⁵ <https://www.americanbar.org/content/dam/aba/administrative/news/2020/08/2020-am-resolutions/115.pdf>



CONGREGATE CARE, COLLECTIVE TRAUMA — CONTINUED

CONCLUSION

Research, case law, and policy is growing to a unanimous consensus that the institutionalization of youth is incredibly harmful and that we must continue to develop community resources to protect the health and well-being of vulnerable youth. We encourage you to take this information and incorporate it into your practice, seeking out lived experience perspectives and growing your skillset as attorneys and child welfare advocates. ■

ABOUT THE AUTHOR:



CHELSEA MALDONADO is a survivor of the “troubled teen industry” and accomplished lived experience advocate working to eliminate Institutional child abuse and neglect in youth residential programs. Chelsea currently works as a consultant for Paris Hilton’s nonprofit, 11:11 Media Impact, as well as the Lead Researcher for the podcast *Trapped in Treatment*. Chelsea has been writing and researching abuse in residential programs for youth for over 15+ years. She currently lives in Atlanta, Georgia.



KAYLA MUQUIZ is a survivor of the “troubled teen industry.” Born in Brownsville, Texas, Kayla is a foster alumni and current college student that has defied common statistical outcomes, joining the less than 3% of foster youth that obtain a college degree, with an associate of science in psychology. They are one of Bexar county’s precinct coordinators encouraging voting in their local area. They decided to become a professional student, one that is focused on getting degrees correlated with advocacy, to further foster youth justice initiatives. They have advocated on both the federal and local levels of government to improve these demographics, and their access to education in our country, all with the help of 11:11 Media organization as well as Paris Hilton herself. They currently live in San Antonio, Texas.



AMANDA SIMMONS is a compassionate and highly effective lawyer, specializing in children’s rights and special education law. As the founder of Ambika Law PC, she provides comprehensive legal services for families with special needs children. Amanda’s leadership extends to her roles as an ABA Presidential Fellow, and as a member of the executive boards of the Utah State Bar Young Lawyers Division and the Los Angeles County Bar Association New Barristers Division. She is also a prominent public speaker, featured in national conferences and webinars on juvenile justice and institutional child abuse.



ANNETTE SMITH is a family defender in Oregon appointed to represent children and parents in child welfare proceedings. For more than a decade, Annette has advocated for the safety of children in the custody of the state, including those forced into congregate care settings. Annette is a national advocate against institutional child abuse and promotes State and Federal legislation aimed at bringing accountability to the troubled teen industry. She also teaches “Children and the Law” at the University of Oregon.



KIM DVORCHAK, JD
CHIEF EXECUTIVE OFFICER,
NATIONAL ASSOCIATION OF
COUNSEL FOR CHILDREN

Kim.Dvorchak@NACCchildlaw.org

CHIEF EXECUTIVE OFFICER'S MESSAGE REFLECTIONS AND RESOLVE

As the year winds down, we see catalogs of reviews — from the top news stories of 2024, to the best books, to Spotify Wrapped, to the word of the year (demure, rizz, polarization, or brain rot, depending on your dictionary), to [NACC's 2024 Year in Review](#). We look back to get a bit of perspective, to bear witness to our times, and discover patterns or trends we might not otherwise observe in the bustle of our day-to-day lives.

Looking back is a study of the known: of experiences lived, celebrated, and/or survived. Our minds can find comfort organizing the past, so we can better understand the world around us and the role we play in it. Then we look forward, face the unknown, and set our intentions for the new year ahead. These annual customs help anchor us in the practices we want to keep, cast off unwanted habits, and give us the courage to initiate new activities and routines.

We each have a perspective on the coming year and what the national political transition will mean for our personal and professional lives. Amid these headwinds of change, there are many unknowns, particularly regarding potential new policies and practices impacting the children, parents, and families our community serves.

What we do know is that, come January 2025, child protection investigations will continue, family separation will continue, dependency courts will continue — and most importantly, zealous legal advocacy will continue to be a necessity, for children, parents, communities, and tribes.

As a legal community, we may not agree on every policy, practice, or approach. Yet we are united around a single goal: to do better as lawyers. To authentically engage clients with compassion and to use our specialized legal skills to fight for justice. We may not have chosen this moment to do this work, but we can choose to move this work forward in the time we are called to serve.

In this journey, you are not alone. NACC's work continues until every child, parent, and family is well-supported in their community and has equitable access to justice through culturally responsive, client-centered legal representation. Your practice is our purpose, and our team will continue to build timely resources and deliver guidance to the field.

This holiday season, we wish you the time to reflect and rejuvenate. And we resolve to continue in this journey together in 2025. ■



LANGUAGE ACCESS IN CHILD WELFARE PROCEEDINGS

By Jessica Gonzales, 3L Law Student

OVERVIEW OF RECENT IMMIGRATION TRENDS IN THE U.S.

Over the past few years, the United States has experienced a sharp increase in immigrant arrivals.¹ In 2021, approximately 45.3 million immigrants lived in the United States and approximately 25% of children in the United States lived with at least one immigrant parent.² Immigrants from Mexico, India, and China accounted for 35% of the total immigrant population.³ Other top countries of origin include El Salvador, Vietnam, Cuba, Guatemala, and Korea.⁴ Approximately 46% of immigrants self-identify as individuals with Limited English Proficiency (LEP). The top languages spoken by LEP individuals include Spanish, Chinese, Tagalog, Vietnamese, Arabic, and French.⁵ However many regions have experienced a recent increase in LEP individuals who speak other languages, such as Haitian Creole, Hmong, Swahili, Somali, and Portuguese.⁶

These changing demographics have important implications for U.S. legal systems, particularly child welfare systems. Immigrant families can enter the child welfare system not only when there are reports of abuse or neglect, but also in cases where U.S. Immigration and Customs Enforcement arrests, detains or deports an immigrant parent.⁷ In addition to family separation, child welfare courts have also even terminated parental rights partly based on the parent's immigration status, citing that immigrant status would result in instability for the child.⁸ Although there is a lack of reliable data on the

1 Muzaffar Chishti & Colleen Putzel-Kavanaugh, *After Crisis of Unprecedented Migrant Arrivals, U.S. Cities Settle into New Normal*, Migration Pol'y Inst., August 01, 2024, <https://www.migrationpolicy.org/article/us-cities-innovations-integrate-arrivals>.

2 Nicole Ward & Jeanne Batavia, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, Migration Pol'y Inst., March 14, 2023, <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-202#children-immigrants>; The Annie E. Casey Found., *Children in Immigrant Families in United States*, <https://datacenter.aecf.org/data/tables/115-children-in-immigrant-families?loc=1&loc=1#detailed/1/any/false/1095,2048,1729,37,871,870,573,869,36,868/any/445,446> (January 2024); Migration Pol'y Inst., *Children in U.S. Immigrant Families*, <https://www.migrationpolicy.org/programs/data-hub/charts/children-immigrant-families> (last visited October 21, 2024).

3 Nicole Ward & Jeanne Batavia, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, Migration Pol'y Inst., March 14, 2023, <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-202#children-immigrants>.

4 *Id.*

5 *Id.*

6 Jeanne Batavia & Elijah Alperin, *Immigrants in the U.S. States with the Fastest-Growing Foreign-Born Populations*, Migration Pol'y Inst., July 10, 2018, <https://www.migrationpolicy.org/article/immigrants-us-states-fastest-growing-foreign-born-populations#Languages>.

7 Mark Greenberg et al., *Migrant Families and Child Welfare Systems: Emerging Needs and Promising Policies*, Migration Pol'y Inst., May 2019, at 1, <https://www.migrationpolicy.org/sites/default/files/publications/ImmigrantFamiliesChildWelfare-FinalWeb.pdf>; Robin Hernandez-Mekonnen & Dawn Konrady, *Exploring the Needs of Children and Families who are Immigrants and Involved in Child Welfare: Using a Title IV-E Learning Community Model*, 96 Child Welfare, 47, 51 (2018).

8 Angela Morrison & David Thronson, *Beyond Status: Seeing the Whole Child*, 33 Evaluation & Program Plan., 281, 287 (August 2010); *In re Interest of Margarita T.*, No. A-95-53, 1995 WL 749701, at *5-6 (Neb. Ct. App. Dec. 19, 1995).

ABOUT THE AUTHOR:

JESSICA GONZALES is a law student at University of Denver Sturm College of Law, where she is actively pursuing her passion for child welfare law. Jessica was a fall intern at NACC and previously interned at Denver Juvenile Court. Prior to law school, Jessica was a paralegal for 10 years, where she worked closely with attorneys representing children in person injury claims. Jessica is committed to advocating for the rights and well-being of foster children and their families.



An immigrant parent who is involved in child welfare proceedings is entitled to the same legal protections as their native-born counterparts, including a due process right to a fundamentally fair procedure.

LANGUAGE ACCESS — CONTINUED

number of immigrant children and families involved in the child welfare system,⁹ a 2011 study estimated that 5,100 children in foster care had a detained or deported parent.¹⁰

Contact with the child welfare system creates special challenges for immigrant families. The U.S. legal system may vastly differ from that of their country of origin. Parents and children may have general mistrust towards legal systems or may have limited capacity to be able to understand and participate in the proceedings.¹¹

LEGAL PROTECTIONS FOR IMMIGRANT FAMILIES IN CHILD WELFARE PROCEEDINGS

In the United States, parents have a constitutional right to the companionship, care, custody, and management of their children,¹² regardless of immigration status.¹³ An immigrant parent who is involved in child welfare proceedings is entitled to the same legal protections as their native-born counterparts, including a due process right to a fundamentally fair procedure.¹⁴ In many states, children and parents involved in the child welfare system also have a statutory right to counsel.¹⁵ To understand and participate fully in child welfare proceedings, immigrant families with limited English language proficiency must have access to language services at all stages of the case.

At the federal level, Title VI of the Civil Rights Act of 1964 imposes language access requirements on state and county courts that receive federal funds.¹⁶ Many child welfare courts receive federal funding through the Court Improvement Program, which aims to improve court processes and legal representation in child welfare proceedings.¹⁷ States that accept funds from the Court Improvement Program are therefore federally mandated to provide language access services to families going through child welfare proceedings, including competent interpreters and translation of vital documents.¹⁸

State courts have also consistently recognized that individuals with limited English proficiency have a Constitutional right to interpreters for legal proceedings in a variety of contexts.¹⁹ In the context of child welfare, the Supreme Court of Hawai'i held in *In re Doe*, that due process required that parents with an inability to understand English have

9 Ctr. On Immigr. & Child Welfare, *Child Welfare Systems' Response to Immigrant Children and Families: Indicators of Advancement and Emerging Challenges*, April 2012, <https://cimmcw.org/wp-content/uploads/18th-National-Immigration-Final.pdf>.

10 Seth Wessler, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System*, Applied Rsch. Ctr., November 2011, at 22 https://www.immigrationresearch.org/system/files/Applied_Research_Center---Shattered_Families.pdf.

11 Mark Greenberg et al., *Migrant Families and Child Welfare Systems: Emerging Needs and Promising Policies*, Migration Pol'y Inst., May 2019, at 2; Cecilia Ayon et al., *Learning How to Dance with the Public Child Welfare System: Mexican Parents' Efforts to Exercise Their Voice*, 4 J. Public Child Welfare, 263, 266 (2010); Cecilia Ayon, *Shorter Timelines Yet Higher Hurdles: Mexican Families' Access to Child Welfare Mandated Services*, 31 Child. & Youth Serv. Rev., 609, 610 (November 27, 2008).

12 *Santosky v. Kramer*, 455 U.S. 745, 753–54 (1982); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972); *Peirce of Soc'y of Sisters*, 268 U.S. 510, 534–35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923).

13 *In re Interest of Angelica L.*, 767 N.W.2d 74, 94 (Neb. 2009); American Immigration Council, *U.S. - Citizen Children Impacted by Immigration Enforcement*, June 2021, https://www.americanimmigrationcouncil.org/sites/default/files/research/us_citizen_children_impacted_by_immigration_enforcement_0.pdf.

14 *Lassiter v. Dep't of Soc. Servs.*, 452 U.S. 18, 27 (1981).

15 Nat'l. Ass'n. Couns. for Child., *State Models of Children's Legal Representation*, <https://counselforkids.org/wp-content/uploads/2024/10/Model-of-Rep-Chart-October-2024.pdf> (October 2024); Nat'l. Coal. for Civ. Right to Couns. *State Status Map: Abuse/Neglect/Dependency - Accused Parents*, <https://civilrighttocounsel.org/map/> (last visited November 08, 2024).

16 42 U.S.C. §§ 2000d, 2000d-4a; Laura K. Abel, *Language Access in State Courts*, 44 Clearinghouse Rev. J. of Poverty L. & Pol'y. 43 (May-June 2010).

17 42 U.S.C. §§ 620-629m; Children's Bureau, *Court Improvement Program*, May 31, 2022, <https://www.acf.hhs.gov/cb/grant-funding/court-improvement-program>; Child Welfare League of America, *What are IV-B Programs?* <https://www.cwla.org/what-are-the-iv-b-programs/> (last visited October 25, 2024).

18 Laura K. Abel, *Language Access in State Courts*, 44 Clearinghouse Rev. J. of Poverty L. & Pol'y. 43 (May-June 2010).

19 *Strook v. Keding*, 766 N.W.2d 219, 227 (Wis. Ct. App. 2009) (action for trespassing); *Daoud v. Mohammad*, 952 A.2d 1091, 1093 (N.J. Super. Ct. App. Div. 2008) (landlord-tenant); *Sabuda v. Ah Kim*, No. 260495, 2006 WL 2382461 (Mich. Ct. App. Aug. 17, 2006) (protection order); *Caballero v. Seventh Judicial Dist. Court ex rel. Cnty. of White Pine*, 167 P.3d 415 (Nev. 2007) (small claims); *Figueroa v. Doherty*, 707 N.E. 2d 654, 659 (Ill. App. Ct. 1999) (employment).



When children in dependency cases are asked to interpret, they are put in the unfairly vulnerable position of translating for parents, foster parents, or other adults who may have caused them harm, compounding trauma to the child.

LANGUAGE ACCESS — CONTINUED

interpreter assistance at hearings where parental rights are substantially affected.²⁰ The Court noted that without an interpreter, individuals with limited English proficiency going through the child welfare system were not being afforded a meaningful opportunity to be heard.²¹ Similarly, in *In re Valle*, the Tennessee Court of Appeals found the District Court's failure to inquire whether the respondent parents required an interpreter was a reversible error.²² The Court of Appeals noted that "considering the drastic nature of a termination of parental rights case, it is imperative that parents be in a position to understand the nature of the case and the testimony of the witnesses."²³

However, some courts have been more reluctant to find due process violations for lack of interpreters in hearings that don't involve a termination of parental rights decision.²⁴ In *In re Kafia M.*, the Supreme Judicial Court of Maine held that the respondent mother's due process rights were not violated when she was not provided a Somali language interpreter at all stages of child protection proceedings.²⁵ The Court reasoned that because the respondent father understood English and was able to interpret for the mother, no due process violation had occurred, and that providing an interpreter at the termination hearing itself alleviated any risk of an erroneous termination that might have been engendered by the lack of an interpreter at an earlier point.²⁶

The decision in *In re Kafia M.* illustrates the challenges that individuals with limited English proficiency face in child welfare proceedings, especially those who speak uncommon languages or dialects. Courts, attorneys, and child welfare agencies often defer to their bilingual staff, family members, or acquaintances to interpret important meetings and court proceedings.²⁷ However, these practices raise important concerns about ethics and confidentiality, as well as the accuracy and validity of the information being transmitted. From an ethical standpoint, family members and acquaintances are unfairly placed in a position of bearing responsibility for important legal matters with serious consequences. When children in dependency cases are asked to interpret, they are put in the unfairly vulnerable position of translating for parents, foster parents, or other adults who may have caused them harm, compounding trauma to the child.²⁸

LANGUAGE ACCESS CHALLENGES FOR IMMIGRANT FAMILIES

Even when translators are in place, challenges persist. For example, some legal concepts and legal rights that exist in the United States may not exist in the LEP individual's country of origin, and therefore, a direct and exact translation may not exist. Certification programs bridge that gap by allowing the interpreter to have a thorough understanding of linguistic nuances and cultural context, which aids in the accurate and reliable transmittal of information.²⁹ Courts and attorneys should use only

²⁰ *In re Doe*, 57 P.3d 447, 457 (Haw. 2002).

²¹ *Id.* at 458.

²² *In re Valle*, 31 S.W.3d 566, 573 (Tenn. Ct. App 2000).

²³ *Id.*

²⁴ *In re Kafia M.*, 742 A.2d 919, 927 (Me. 1999).

²⁵ *Id.*

²⁶ *Id.*

²⁷ Layla Suleiman, *Beyond Cultural Competence: Language Access and Latino Civil Rights*, 82 Child Welfare, 185, 192–93 (March–April 2003).

²⁸ *Id.*

²⁹ Administrative Office of the United States Courts, *Federal Court Interpreter Certification Examination*, <https://www.prometric.com/test-takers/search/aousc> (last visited November 04, 2024).



LANGUAGE ACCESS — CONTINUED

interpreters who are certified through a federally or state-recognized certification program, such as the Federal Court Interpreter Certification Examination,³⁰ the American Translator's Association Certification Program,³¹ or the National Center for State Court's Oral and Written Interpreter Examination.³²

Uncommon languages and dialects may require additional procedures to ensure that they are fully accommodated. States should work with indigenous organizations or consulates to find individuals who can provide interpretation services to indigenous populations or individuals who communicate in dialects. Native-speaking interpreters should still be certified to ensure that they have an in-depth understanding of legal terminology and legal processes. Further, state legislatures should mandate that courts work to identify future language needs and begin recruiting interpreters and updating technology to be prepared to meet this increased demand.

ENHANCING LANGUAGE ACCESS SERVICES FOR LEP INDIVIDUALS IN COURT

States should take legislative action to guarantee that all LEP individuals experiencing child welfare proceedings are provided with certified interpreters at all stages of the case at no cost to the individual. Critical decisions are made at hearings well before a termination of parental rights petition. For example, at dispositional hearings, Courts determine whether an appropriate treatment plan has been developed.³³ Since failure to comply with such treatment plans directly impacts the decision of whether to terminate parental rights, LEP individuals should be afforded an interpreter to be able to fully understand what is being asked of them and be able to object to any provisions they may not find appropriate or feasible.

Courts should also provide translation services free of charge to LEP individuals involved in child welfare proceedings. This includes the translation of vital documents, notices, court orders, and informational documents. Documents that relate to important child welfare matters, such as treatment plans, permanency planning, reasonable efforts findings, and other court orders should automatically be translated to the party's native language to ensure they are fully informed and can participate fully in the proceedings. Like interpretation, translation of documents should always be certified. Machine translation, such as Google Translate, should never be used for the translation of legal documents because the risk of error is significant. These tools can only perform one-to-one direct translations and fail to account for nuances or instances when no direct translation exists. A study conducted in 2023 revealed that in the context of legal translation, 30.2% of sentences contained errors when machine-translated.³⁴

Courts and attorneys should use only interpreters who are certified through a federally or state-recognized certification program...

30 Administrative Office of the United States Courts, *Federal Court Interpreter Certification Examination*, <https://www.prometric.com/test-takers/search/aousc> (last visited November 04, 2024).

31 American Translators Association, *What is a Certified Translation?* (December 2018) <https://www.atanet.org/client-assistance/what-is-a-certified-translation/>.

32 National Center for State Courts, *Interpreter Certification*, <https://www.ncsc.org/education-and-careers/state-interpreter-certification/interpreter-certification> (last visited November 04, 2024).

33 Colorado Judicial Branch, *The Purpose of the Dispositional Hearing*, November 02, 2018, https://www.coloradojudicial.gov/sites/default/files/2024-06/11_2_18%20Supplement.pdf.

34 Eman Alkhatheery, *Google Translate Errors in Legal Texts: Machine Translation Quality Assessment*, 7 AWEJ for Translation & Literacy Stud., 208, 213-16 (February 24, 2023) <https://awej-tls.org/wp-content/uploads/2023/02/16.pdf>.



Using family members and acquaintances to interpret robs individuals of confidentiality. When an attorney uses interpreters who are not organizational employees, it also jeopardizes attorney-client privilege.

LANGUAGE ACCESS — CONTINUED

BEST PRACTICES FOR ATTORNEYS REPRESENTING LEP CLIENTS

Attorneys who represent immigrant families going through child welfare proceedings must adhere to the Rules of Professional Conduct. This includes reasonable communication,³⁵ confidentiality,³⁶ diligence,³⁷ and competent representation.³⁸ If attorneys are to fulfill these ethical obligations to their LEP clients involved in child welfare proceedings, attorneys must ensure that a certified interpreter is available for every communication with that individual. Using family members and acquaintances to interpret robs individuals of confidentiality.³⁹ When an attorney uses interpreters who are not organizational employees, it also jeopardizes attorney-client privilege.⁴⁰ This puts both the attorney and the person who interpreted at risk of having to reveal the contents of the conversation in court, which can have devastating effects on the outcome of the proceedings.⁴¹ Attorneys should also use in-person interpreting whenever possible and reserve telephonic interpreting for rare circumstances, such as public health emergencies or when no in-person interpreter can be secured due to the uncommon nature of the language or dialect spoken by the client. Although telephonic interpreting is more convenient, it often loses the nuance and non-verbal aspects of communication.⁴²

If the client speaks an uncommon language or dialect, the attorney should reach out to consulates or indigenous organizations to find qualified individuals who can provide interpretation services.⁴³ If no qualified interpreter can be found, the attorney can then, as a last resort, use friends and family members of the client to interpret, so long as the attorney has screened the person interpreting for any potential conflicts of interest, communicates to the person interpreting that the information is confidential and should not be disclosed to anyone, and instructs the interpreter not to give their own legal advice to the client.⁴⁴

Attorneys representing respondent parents can also meet their ethical duties of thorough and competent representation by ensuring that language access services are available for any treatment plan provisions proposed and objecting when those services are not available. This ensures that parents are not put in an unfair position of not being able to comply with a treatment plan they do not understand. Likewise,

35 Model Rules of Pro. Conduct r. 1.4 (Am. Bar Ass'n, Discussion Draft 1983).

36 Model Rules of Pro. Conduct r. 1.6 (Am. Bar Ass'n, Discussion Draft 1983).

37 Model Rules of Pro. Conduct r. 1.3 (Am. Bar Ass'n, Discussion Draft 1983).

38 Model Rules of Pro. Conduct r. 1.1 (Am. Bar Ass'n, Discussion Draft 1983).

39 Model Rules of Pro. Conduct r. 1.6 (Am. Bar Ass'n, Discussion Draft 1983).

40 Am. Bar Ass'n., *Standard 2.3 on Promoting Language Justice* https://www.americanbar.org/groups/legal_aid_indigent_defense/resource_center_for_access_to_justice/standards-and-policy/updated-standards-for-the-provision-of-civil-legal-aid/standard-2-3-on-promoting-language-justice/#:~:text=The%20organization%20must%20maintain%20a,telephonic%20interpreting%20in%20those%20situations (last visited November 04, 2024).

41 *State v. Shire*, 850 S.W.2d 923, 931-32 (Mo. Ct. App. 1993).

42 Am. Bar Ass'n., *Standard 2.3 on Promoting Language Justice*, https://www.americanbar.org/groups/legal_aid_indigent_defense/resource_center_for_access_to_justice/standards-and-policy/updated-standards-for-the-provision-of-civil-legal-aid/standard-2-3-on-promoting-language-justice/#:~:text=The%20organization%20must%20maintain%20a,telephonic%20interpreting%20in%20those%20situations (last visited November 04, 2024).

43 Sophia Sepp et al., *Serving Immigrant Children & Families with Child Welfare System Involvement: Promising Models for Meeting Complex Needs at the Intersection of Immigration & Child Welfare*, Ctr. on Immigr. & Child Welfare, December 2023, at 9; Cntr. on Immigr. & Child Welfare, *State-Specific Resources* <https://cimmcw.org/resources/state-specific-resources> (last visited November 06, 2024).

44 Am. Bar Ass'n., *Standard 5.4 on Protecting Client Confidences*, https://www.americanbar.org/groups/legal_aid_indigent_defense/resource_center_for_access_to_justice/standards-and-policy/updated-standards-for-the-provision-of-civil-legal-aid/standard-5-4-on-protecting-client-confidences/ (last visited November 06, 2024); Rene Valladares, *Using Interpreters: Practical Tips and Ethical Considerations*, Nev. Law., October 2017, at 24-25 https://nvbar.org/wp-content/uploads/NevadaLawyer_Oct2017_UsingInterpretersCLE.pdf.



Adopting these policies and practices will ensure that LEP families involved in child welfare proceedings receive a fundamentally fair procedure and can meaningfully participate in the proceedings.

LANGUAGE ACCESS — CONTINUED

attorneys representing children and parents should also advocate for services, such as mental health treatment, in their native language or through an interpreter.

STATE EFFORTS TO IMPROVE LANGUAGE ACCESS IN COURTS

Some states have begun to pass legislation expanding language access services for LEP families involved in court proceedings. In Hawai'i, the legislature has required that court interpreters be certified, pass an ethics exam, and clear a background check.⁴⁵ Interpreters must be available for in-person interpretation and courts may only consider using telephone interpreters for limited purposes, such as non-evidentiary proceedings under 15 minutes in duration.⁴⁶ When no in-person interpreter is available and a telephone interpreter is not appropriate, the courts have adopted the best practice standard of continuing the hearing to a future date to ensure that an interpreter is available.⁴⁷

Washington, D.C. had adopted a language access plan which includes a policy of providing LEP individuals interpretation services free of charge for all court proceedings and ancillary services.⁴⁸ Certified interpreters are given priority and if no certified interpreter is available, a qualified interpreter may be engaged.⁴⁹ Courts may also hire telephonic or video remote interpreters for uncommon languages or dialects from private agencies.⁵⁰ Washington D.C.'s language access plan requires that these services are free of charge for LEP individuals for vital documents, court notices, and court orders.⁵¹ Court notices and orders are translated into any language upon request by a judge or an LEP party to a case.⁵²

Adopting these policies and practices will ensure that LEP families involved in child welfare proceedings receive a fundamentally fair procedure and can meaningfully participate in the proceedings.⁵³ Children and parents alike deserve excellent legal representation from an attorney who adheres to the highest standards of ethics. Attorneys who follow these practices will not only meet their ethical obligations but will also be providing high-quality legal representation that every child and parent deserves. ■

⁴⁵ Haw. Rev. Stat. § 321C (2023); Hawai'i State Judiciary, *Language Access Plan for Persons with Limited English Proficiency FY 2022 – 2024*, July 05, 2022, at 18 – 21 https://www.courts.state.hi.us/wp-content/uploads/2022/07/language_access_policy.pdf.

⁴⁶ Hawai'i State Judiciary, *Language Access Plan for Persons with Limited English Proficiency FY 2022 – 2024*, July 05, 2022, at 14 https://www.courts.state.hi.us/wp-content/uploads/2022/07/language_access_policy.pdf.

⁴⁷ *Id.* at 12.

⁴⁸ District of Columbia Courts, *Language Access Plan*, June 29, 2022, at 6 https://www.dccourts.gov/sites/default/files/divisionspdfs/Language_Access_Plan_DC_Courts.pdf.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.* at 7.

⁵² *Id.*

⁵³ Nat'l. Ass'n. Couns. for Child., *Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings*, 2022 at 17 <https://naccchildlaw.org/wp-content/uploads/2024/01/NACC-Recommendations-Final.pdf>.

LAW OFFICE **CORNER**

ARE YOU A LEADER OF A CHILDREN'S LAW OFFICE AND NACC MEMBER? JOIN CLOP!

The Children's Law Office Practice Group (CLOP) is a space designed specifically for leaders like you — leaders of children's law offices navigating the challenges and opportunities of child welfare advocacy.

This group meets monthly for one hour, offering a mix of:

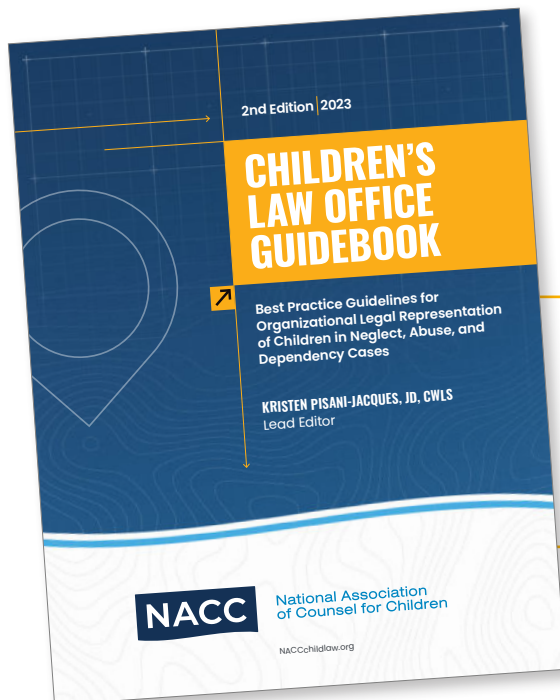
- Guest Presenters sharing expertise on relevant topics
- Open Discussions for peer-to-peer connection and support
- Timely Conversations on current issues affecting our work

CLOP provides a community where you can share milestones, access resources, and learn alongside other leaders committed to improving outcomes for children and families.

NACC thanks our current members for their contributions and invites new members to join us!

Ready to connect with peers and grow as a leader?

Email Josephine.Vanderhorst@NACCchildlaw.org to learn more and join the group. ■



**DON'T FORGET TO CHECK OUT
NACC'S NEW CHILDREN'S
LAW OFFICE GUIDEBOOK!**

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NEXT
GEN
NEWSNEXT 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.

INTERESTED IN
BRINGING NACC
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KENNEDY MCGHEE

NACC NATIONAL
LAW SCHOOL
STUDENT ORGANIZER

Kennedy.McGhee
@NACCchildlaw.org

FELLOWSHIP CAREER PANEL

NACC recently hosted a panel for law students featuring three distinguished fellows who shared their experiences. The panelists included Alisa Hoban for Stanford Law, Deane F. Johnson Fellow at Juvenile Law Center; Dana Matsunami for Skadden at National Center for Youth Law; and Hannah Stommel for Zubrow Fellowship at Juvenile Law Center. Together, they provided valuable insights into the rewarding opportunities that child welfare fellowships offer.

The discussion covered the two main fellowship models: those with pre-established projects proposed by host organizations, known as “in-house” fellowships, and fellowships that require candidates to design and pitch their own project proposals. Each panelist reflected on how they selected their specific fellowship and shared details about their application processes. Their stories illuminated the diverse paths to becoming a fellow and the impactful work that these roles entail. NACC is grateful to Hoban, Matsunami, and Stommel for inspiring and educating our student members about unique career opportunities.

NEW STUDENT CHAPTERS

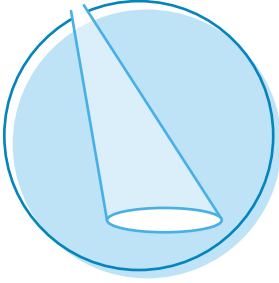
This semester, NACC is thrilled to welcome three new student chapters to our community. **Southern University Law Center** launched a chapter under the leadership of Destinique Fulgence, while **Western New England University School of Law** formed its chapter with support from Allison Russo. **West Virginia University School of Law** also joined this initiative, with Christina Houston spearheading their efforts.

These new chapters represent a growing commitment among law students to child welfare and family advocacy. If you're interested in starting an NACC chapter at your own law school, we'd love to help you make it happen. Please reach out to Student@NACCchildlaw.org if you want to create an NACC student chapter at your law school. ■

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

Student@NACCchildlaw.org

RESOURCE SPOTLIGHT



TURNING PAGES: INSIGHTS AND REFLECTIONS ON THE CHILD CATCHER BY ANDREW BRIDGE

By Judge Leonard Edwards (Ret.)



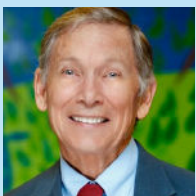
Some of you may remember *Hope's Child* by Andrew Bridge. It told the story of a young boy growing up in foster care who longed for his mother. Sadly, she was mentally ill and placed in a mental health facility. Building on the foundation laid in *Hope's Child*, Bridge continues telling his story in *The Child Catcher*. He secured a fellowship to attend Wesleyan University in Connecticut, graduated from Harvard Law School, was involved with several child-serving agencies in Los Angeles, and ended up as an attorney in the Justice Department.

He was assigned to work on *Wyatt v. Stickney*, a long-standing lawsuit against Bryce Hospital in Alabama (*Wyatt v. Stickney*, 325 F. Supp. 781 (M.D. Ala. 1971)). The case had once been heard by Judge Frank Johnson, the famous federal judge who made several important decisions about the hospital. The story tells of Andrew's efforts to build a case that the placement was not providing inadequate care, but actively abusive care to the hundreds of children living there. Andrew often had to travel from his office in Washington D.C. to Alabama to visit the children placed at the facility in Eufaula.

When Andrew met with the staff at Eufaula, he learned quickly that they were resistant to his participation in the lawsuit and uncooperative in assisting with his efforts. Their strategy was to delay the proceedings so that no changes would be made. Discovery was not provided, his attempts to talk with staff were obstructed, and his efforts to speak with some of the children were frustrated. The book follows Andrew making some contact with children and, finally, trying the case before a federal judge. In the trial, Andrew examines a young child who was willing to describe his life at Eufaula. His preparation and examination of the child witness are a highlight for all attorneys working with children.

This is a dramatic book with a powerful ending. I highly recommend it. ■

ABOUT THE AUTHOR:



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



**ALLISON GREEN,
JD, CWLS**

LEGAL DIRECTOR

Allison.Green
@NACCchildlaw.org



**NATALECE WASHINGTON,
JD, CWLS**

POLICY COUNSEL

Natalece.Washington
@NACCchildlaw.org

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](#).

POLICY NEWS & AMICUS UPDATES

FEDERAL UPDATES

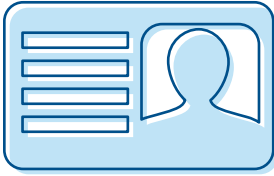
NACC has recently joined with partners in several child welfare reform efforts. Specifically, we supported the [Protecting Foster Youth Resources Act](#), the [bipartisan Protecting America's Children by Strengthening Families Act](#) and the [Recruiting Families Using Data Act](#). We also partnered to [highlight concerns about hidden foster care and signal support for the Foster Care Placement Transparency Act](#).

In October, NACC [submitted comments to the Bureau of Justice Statistics](#) recommending modest changes to the proposed information collection tool for the Department of Justice's Census of Public Defender Offices. In December, NACC [submitted a comment](#) to the Department of Health and Human Services and the Social Security Administration in response to a request for information on use and conservation of Social Security benefits for youth in foster care.

Outside of the child protection system, NACC has also promoted policies to improve outcomes for children and families. We joined sign-on letters endorsing [\\$150 Million for Full Service Community Schools for FY 2025](#), the [Homeless Children and Youth Act](#), and the [Housing for Homeless Students Act](#). Senators Whitehouse and Grassley posted a press release on the [Juvenile Justice and Delinquency Prevention Reauthorization Act of 2024](#) that recognized NACC's support of the bill. NACC also advocated to [meaningfully and permanently improve the Child Tax Credit](#).

NEW RESOURCE: STATE UTILIZATION OF TITLE IV-E FUNDING TO SUPPORT HIGH-QUALITY LEGAL REPRESENTATION

NACC partnered with the American Bar Association to release a new resource on [State Utilization of Title IV-E Funding to Support High-Quality Legal Representation](#). ■



MEMBERSHIP MATTERS

THANK YOU TO OUR PLATINUM LIFETIME AND SAPPHIRE MEMBERS!



EDENNE GROSS

MEMBERSHIP AND
SALES ASSISTANT

Edenne.Gross@NACCchildlaw.org

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

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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

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Chatham County Child Advocate Office GEORGIA	Idaho Supreme Court IDAHO	New Mexico Children, Youth and Families Department's Children's Attorneys NEW MEXICO
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Children's Legal Services of San Diego CALIFORNIA	Law Office of Darshann M. Wienick CALIFORNIA	Rhode Island Office of the Child Advocate RHODE ISLAND
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Colorado Office of the Child's Representative COLORADO	Legal Aid Society of Southwest Ohio – Children's Practice Group OHIO	Tulsa Lawyers for Children OKLAHOMA
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CHILD WELFARE LAW SPECIALIST CERTIFICATION

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Atlanta Circuit Public Defender's Office
ATLANTA, GA

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Sandusky County Dept. of
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DANIEL TRUJILLO

DIRECTOR OF
CERTIFICATION, SALES,
AND TECHNOLOGY

Daniel.Trujillo@NACCchildlaw.org



GINGER BURTON

CERTIFICATION
ADMINISTRATOR &
TECHNICAL WRITER

Ginger.Burton@NACCchildlaw.org

CWLS IN THE NEWS!

Congratulations to **CWLS Syndey Batch** on her [election as Senate Minority Leader for the North Carolina General Assembly \(NC\)](#)!

Congratulations to **CWLS Cynthia Chen** on her [appointment to the Santa Clara County Superior Court \(CA\)](#)!

Congratulations to **CWLS Brenda Dabney** on her [appointment to the Sacramento County Superior Court \(CA\)](#)!

Congratulations to **CWLS Maggie Ellis** on her [election to the 3rd District Court of Appeals \(TX\)](#)!

Congratulations to **CWLS Kelly Ranasinghe** on receiving the [prestigious Judge L. Michael Clark Excellence and Professionalism Award in Child Welfare Law \(CA\)](#)!

Congratulations to **CWLS Cas White** on her [appointment to the 7th District Juvenile Court \(UT\)](#)!

Are you a CWLS or have a CWLS colleague whose achievement should be highlighted? **Email us at Certification@NACCchildlaw.org** with the name of the CWLS and a link where we can learn more about their success! ■

QUESTIONS?

Email us at
Certification@NACCchildlaw.org.

2024 CONFERENCE *to go*

EVEN IF YOU MISSED IT, YOU HAVEN'T MISSED IT!

If you missed NACC's 2024 online conference but still hoped to get the training and info you need to enhance your child welfare law practice, you're in luck! Registration is now open for NACC's **2024 Conference to Go** package.

Conference to Go gives you access to the 2024 Conference Hub and all session recordings and materials from the 2024 Online Conference. As a Conference to Go registrant, you can watch and listen to recordings at your leisure and download conference materials.

You can access the recordings and materials on your computer, tablet, or smartphone; in your office, home, or on the go! Check out the **2024 Conference Program** to see the online recorded conference session descriptions. ■

NACC 2025 CLEVELAND+ ONLINE

SAVE THE DATES!



**ONSITE IN
CLEVELAND, OH
MON, AUG 11 THRU
WED, AUG 13, 2025**
PRECONFERENCE AUG 10



**+ONLINE
WED, NOV 12 THRU
FRI, NOV 14, 2025**

AND YOU WON'T WANT TO MISS OUR 48TH NATIONAL CHILD WELFARE LAW CONFERENCES!

Catalysts for Change: Innovating Advocacy through Power Sharing and Transformational Leadership.

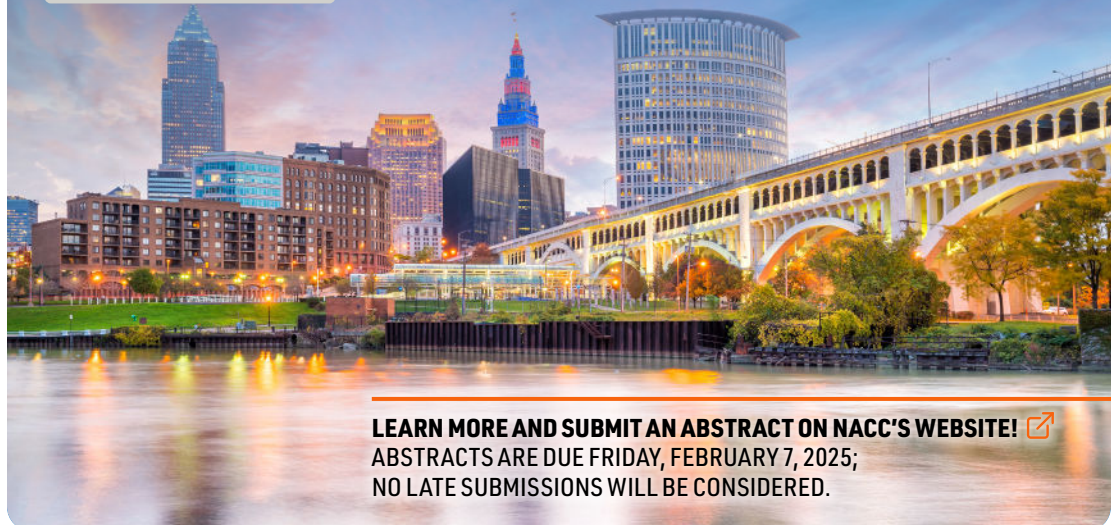
CALL FOR ABSTRACTS

NACC seeks abstracts for its 48th National Child Welfare Law Conferences! The annual conferences bring together professionals from child welfare law and intersecting fields and further NACC's mission by exchanging ideas, information, and collective efforts.

The conference will be in-person at the Hilton Cleveland Downtown in August and a second, separate conference will be held virtually in November. NACC seeks abstract submissions from presenters willing to present in-person, online, or in both formats.

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.

This year's theme underscores the need to rethink traditional advocacy models, actively share power, and harness the creativity and resourcefulness of all involved in child welfare systems to drive lasting, meaningful practice and policy reform.



LEARN MORE AND SUBMIT AN ABSTRACT ON NACC'S WEBSITE!
ABSTRACTS ARE DUE FRIDAY, FEBRUARY 7, 2025;
NO LATE SUBMISSIONS WILL BE CONSIDERED.

TRAINING & MEMBER WEBINARS



**SHANNON FELDER,
JD, CWLS**

TRAINING DIRECTOR

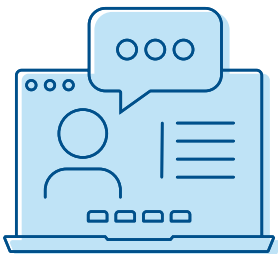
Shannon.Felder@
NACCchildlaw.org



**JOSEPHINE
VANDERHORST,
JD, CWLS**

SENIOR STAFF ATTORNEY

Josephine.Vanderhorst@
NACCchildlaw.org



RACE EQUITY VIRTUAL TRAINING SERIES 2025

February 26–28, 2025

**REGISTER
NOW** ▶

NACC envisions a future where every child, parent, and family has equitable access to justice and culturally responsive legal representation. Through this series, NACC seeks to advance children's and parents' rights, support a diverse community of child welfare lawyers, and advocate for equitable, anti-racist solutions designed by people with lived experience. This series aims to:

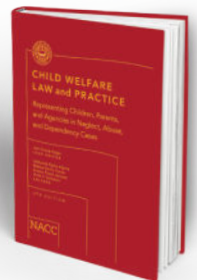
- Bridge progressive ideas around race and racism with practical skills and strategies for daily practice, both in and outside of the courtroom.
- Provide actionable tips to identify and interrupt individual, attorney, judicial, and systemic bias; practice through a culturally humble, anti-racist lens; and improve outcomes for youth, parents, and families disproportionately affected by systemic involvement.
- Promote transparent, solution-focused dialogue around race and racism in child welfare.
- Model authentic inclusion of experts with lived experience in race equity training and discussions.

This training series will be six 1.5-hour sessions — the agenda will be released in January.

IT'S TIME TO ORDER YOUR COPY OF THE FOURTH EDITION RED BOOK!

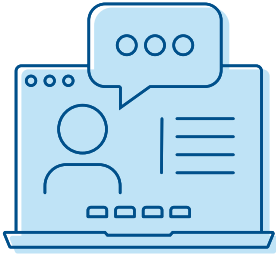
NACC is proud to announce the fourth edition of *Child Welfare Law and Practice: Representing Children, Parents, and Agencies in Neglect, Abuse, and Dependency Cases*, also known as "the Red Book". We've gathered both new and experienced practitioners and child welfare advocates to revise and re-envision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

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.



**ORDER
RED BOOK** ▶

**SAVE ON IMPERFECT
CONDITION** ▶



INTERESTED IN PRESENTING AN NACC MEMBER WEBINAR?

[Click to learn more
about the submission
and selection process.](#)

TRAINING & MEMBER WEBINARS – CONTINUED

JANUARY WEBINAR – OPEN TO ALL

YOUR CASE, YOUR RIGHTS

January 10, 2025 • 1:00–2:30PM ET

**REGISTER
NOW** ▶

Presented by a child welfare professional with lived experience as a foster youth, adoptee, and indigenous ties, this webinar will explore [Your Case, Your Rights](#) tools, a package of guidance and resources to help young people in the child welfare system learn AND exercise their rights across a wide variety of domains and scenarios – including cultural and heritage resources, housing, behavioral health, visitation, basic needs, and more. These evolving resources were developed by youth and child welfare professionals for use by youth and child welfare professionals independently or collaboratively. Attendees will engage in discussion, live interaction with the tools, and calls to action. Participants will take away immediately applicable tools and a model of lived-experience-led data collection and tool creation and distribution.

PRESENTERS: GINA CABIDDU, MSW – NACC’S NATIONAL ADVISORY COUNCIL
ON CHILDREN’S LEGAL REPRESENTATION
PARKER, MSW – NACC’S NATIONAL ADVISORY COUNCIL
ON CHILDREN’S LEGAL REPRESENTATION ■



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.



TRAINING & MEMBER WEBINARS – CONTINUED

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

TOPICS AND PRESENTERS	PRESENTED	CLE ACCREDITATION
Congregate Care, Collective Trauma PRESENTERS: Chelsea Maldonado -- Kayla Muzquiz -- Amanda Simmons, JD -- Annette Smith, JD	Dec 2024 90 mins	CA: 1.5 General CO: 1.8 General
Resilience through Compassion: Navigating Setbacks with Deep Listening and Humility PRESENTERS: Vivek Sankaran, JD, CWLS -- Kathleen Creamer, JD -- Matt Anderson	Nov 2024 90 mins	CA: 1.5 General CO: 1.8 General
Court Reform Efforts for Child Welfare-Involved Families: The Case Management Model PRESENTERS: Christina Bazak, JD, CWLS -- Rosario Reyes, MSW Candidate	Oct 2024 90 mins	CA: 1.5 General CO: 1.8 General
Counsel for Kids: Victories, Trends, and Challenges PRESENTERS: Rob Geen, MA • Natalece Washington, JD, CWLS	Jul 2024 90 mins	CA: 1.5 General CO: 1.8 General
Humility as an Act of Compassion PRESENTERS: Sheri Freemont, JD • Vivek Sankaran, JD, CWLS • Shrounda Selivanoff, BAS	Jun 2024 90 mins	CA: 1.5 Wellness CO: 1.8 General
Compassionate Advocacy: Integrating Trauma-Informed Practices for an Enhanced Legal Practice PRESENTER: Josephine Vanderhorst, JD, CWLS	May 2024 90 mins	CA: 1.5 General CO: 1.8 General
The Role of Foster/Resource Parents in Dependency Proceedings PRESENTER: Shannon Felder, JD, CWLS	Apr 2024 90 mins	CA: 1.5 General CO: 1.8 General
Balancing Acts: Navigating Suffering with Self-Compassion PRESENTERS: Sheri Freemont, JD • Vivek Sankaran, JD, CWLS	Mar 2024 90 mins	CA: 1.5 Wellness CO: 1.8 General
Advancing Equity in Legal Representation: Culturally Humble Representation & Actively Challenging Inequitable Treatment PRESENTERS: Gina Cabiddu, MSW • Louie Gasper, BA	Feb 2024 90 mins	CA: 1.5 Bias CO: 1.8 EDI
NACC's Child Welfare Law Year in Review: 2023 PRESENTER: Allison Green, JD, CWLS	Jan 2024 90 mins	CA: 1.5 General CO: 1.8 General
Concession-Based Cross Examination and Expert Witnesses PRESENTER: Margaret Fent Bodman, JD	Dec 2023 90 mins	CO: 2 General
Your Feelings Make Sense: Using Validation to Build Client Rapport and Improve Interview Outcomes PRESENTERS: Elissa Duncan, JD, CWLS • Christina Milburn, JD, CWLS	Nov 2023 90 mins	CO: 2 General
Defining "Services" Within Reasonable Efforts through a Safety Lens PRESENTERS: Todd Darling, MSW • Lindsay Hanson, JD • Tarrin Reed, MSW	Oct 2023 90 mins	CO: 2 General
Protecting Financial Futures: Prevent, Identify & Resolve Identity Theft in Foster Care PRESENTERS: Melanie Delgado, JD • Kyra Endoso • Mona Terry, MBA	Sep 2023 90 mins	CO: 2 General
Supporting and Advocating for LGBTQI+ Youth: In and Out of the Courtroom PRESENTERS: Tamar Alexanian, JD • Daniel Bisuano • Danielle (Danny) King, JD • Gina Payne	Jul 2023 90 mins	CO: 2 EDI
Closing Time: The Grand Finale PRESENTERS: Victoria Bleier, JD • Eleanor Wilkinson, JD	Jun 2023 90 mins	CO: 2 General
Racial Justice in Education: Part 2 PRESENTERS: Sherry Bradford • Alexis Ramsey, JD • Jill Rowland, JD • Elana Zada, JD	May 2023 120 mins	CO: 3 EDI
Racial Justice in Education: Part 1 PRESENTERS: Alexis Ramsey, JD • Jill Rowland, JD • Elana Zada, JD	Apr 2023 120 mins	CO: 3 EDI
Dismantling the Master's House: Committing to a Culture of Antiracism in the Workplace PRESENTERS: Brittany Mobley, JD • Tiffany Reid-Collazo, JD	Mar 2023 90 mins	CO: 2 EDI



NACC IS EXCITED TO WELCOME EDENNE GROSS TO TEAM NACC!

Edenne Gross joined NACC in November of 2024. Edenne works to provide high-quality sales and membership support for the organization.

Edenne previously worked as a program and property manager for local nonprofits, directly serving marginalized communities. In this role, Edenne developed and demonstrated skills related to increasing client engagement and outreach.

Edenne graduated with a Bachelor of Arts from Colorado State University, with a degree focused on political science and legal studies.

In her free time, Edenne loves to hike with family and friends, and volunteer in Denver. She is dedicated to advocacy for children and families nationwide through her position at NACC.

Welcome, Edenne!

SUPPORT NACC

Platinum
Transparency
2024

Candid.

GIVE with Confidence

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.

Will you help us maintain our momentum and impact?

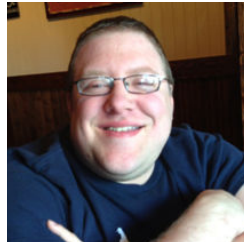
Consider arranging a future gift to help secure NACC's future impact by providing a charitable bequest for a specific amount or a percentage of one's estate, naming NACC as a beneficiary of all or a portion of remaining assets in a retirement plan or life insurance, or through a gift of property, including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

Make a cash gift on [NACC's website](#), or donate through Charity Navigator, Candid, or Venmo (@NACCchildlaw). Thank you!

NACC WELCOMES NEW STATE COORDINATORS!



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Stearns, JD



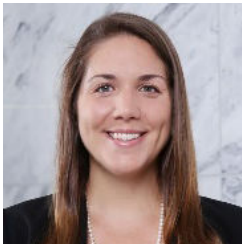
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Sartor, JD



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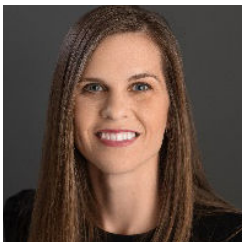
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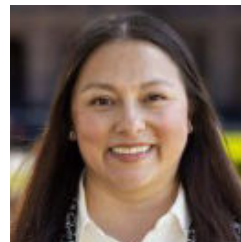
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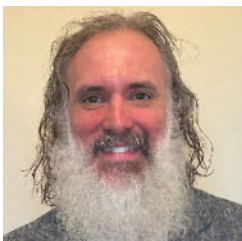
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Odeneal, JD, CWLS



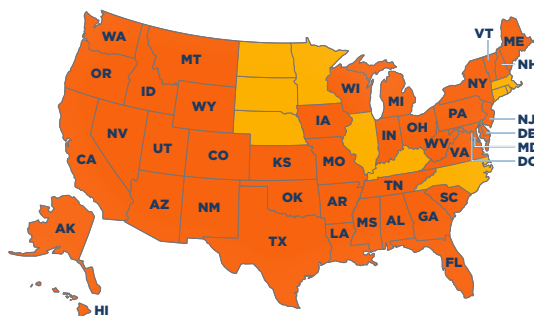
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NACC congratulates our newest cohort of State Coordinators who will help us lead outreach efforts and provide localized support to the growing networks of practitioners in their respective communities.

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Kim.Dvorchak@NACCchildlaw.org**Ginger Burton**Certification Administrator
& Technical WriterGinger.Burton@NACCchildlaw.org**Shannon Felder, JD, CWLS**

Training Director

Shannon.Felder@NACCchildlaw.org**Allison Green, JD, CWLS**

Legal Director

Allison.Green@NACCchildlaw.org**Edenne Gross**Membership and
Sales AssistantEdenne.Gross@NACCchildlaw.org**Kennedy McGhee**National Law School
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Evan.Molinari@NACCchildlaw.org**Breanna Smith, MSW**Policy and Communications
AssociateBreanna.Smith@NACCchildlaw.org**Daniel Trujillo**Director of Certification,
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JD, CWLS**

Senior Staff Attorney

Josephine.Vanderhorst@NACCchildlaw.org**Natalece Washington,
JD, CWLS**

Policy Counsel

Natalece.Washington@NACCchildlaw.org**Sara Willis, MA**Business and
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TOGETHER WE ARE NACC

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

PROMOTING EXCELLENCE # BUILDING COMMUNITY # ADVANCING JUSTICE

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