

THE GUARDIAN

NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

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NACC DENVER COLORADO / WEBSITE: NACCchildlaw.org

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Sheraton New Orleans Hotel—New Orleans, LA • August 16–19, 2003

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NACC

National Association of
Counsel for Children



MISSION

To achieve the
well-being of children
by promoting
multidisciplinary excellence
in children's law, establishing
the legal interests of children
and enhancing children's
legal remedies

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To join, send application on page 16 to
National Association of Counsel for Children.

THE GUARDIAN
NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

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Access to Justice for Children

The 26th National Children's Law Conference of the
National Association of Counsel for Children

August 16–19, 2003 Sheraton New Orleans Hotel New Orleans, Louisiana



PHOTO: NEW ORLEANS METROPOLITAN CONVENTION AND VISITORS BUREAU | CARL PURCELL

Conference Sponsors

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University
Tulane University School of Law and Juvenile
Law Clinic
Tulane University Law School Student Chapter
of the NACC
University of Michigan Law School, Child
Advocacy Law Clinic

The Conference

Access to Justice for Children is the 26th National Children's Law Conference of the NACC. The conference is designed for professionals from the fields of law, medicine, mental health, social work, and education.

The program focus is the practice of children's law through interdisciplinary training. The conference is comprised of General Sessions and Workshops.

Workshops are organized along four tracks: 1: **Abuse & Neglect**; 2: **Juvenile Justice**; 3: **Custody & Visitation**; and 4: **Policy Advocacy**.

You are free to sign up for and attend sessions in different tracks. The multidisciplinary nature of the conference includes attorney, judicial, law enforcement, social work, physician, and mental health training. NACC conferences are rated highly by participants for content, administration, networking opportunity, and enjoyment. The conference is the product of 25 years of experience in the field of children's law.

New Orleans

This year the NACC conference comes to New Orleans, Louisiana. New Orleans, the Crescent City on the banks of the Mississippi River, is one of the most desirable cities to visit in the world for good reason. The conference will be held in the heart of it all at the Sheraton New Orleans on Canal Street, just across the street from the French Quarter and within walking distance of the Riverwalk. New Orleans offers everything from world-renowned cuisine and jazz to shopping, nonstop nightlife, and family entertainment.

Attractions include: **The Historic French Quarter** — featuring Jackson Square, Bourbon Street, and world-renowned shops and restaurants; **The Central Business District** — including the Mississippi Riverwalk, the Superdome, and the Aquarium of the Americas; **The Warehouse / Arts District** — home to a burgeoning artistic community; and **The Garden District** — highlighting the charm and opulence of mid 19th century New Orleans.

The NACC conference offers attendees and their families an opportunity to experience one of the world's great vacation destinations. For more information, contact the New Orleans Metropolitan Convention and Visitors Bureau at 1-800-672-6124 or 504-566-5003, or visit their website at www.visitneworleans.info.

Accommodations

Sheraton New Orleans Hotel, 500 Canal Street
www.sheratonneworleans.com

The conference will take place at the Sheraton New Orleans, perhaps the best conference hotel in all of New Orleans. The superb location places you on historic Canal Street, bordering the French Quarter, just steps away from the Mississippi River, Harrah's Casino, the Aquarium of the Americas, the Superdome, world-class shopping, entertainment, award-winning restaurants, and much more. Walk out the front door onto the most celebrated parade route in the world or cross the street and step into the legendary



Access to Justice for Children

The 26th National Children's Law Conference of the National Association of Counsel for Children

French Quarter. Having recently completed a \$23 million renovation, the Sheraton New Orleans offers guest rooms with rich and classic New Orleans décor, the Café Promenade restaurant featuring indoor balcony dining, the Pelican Bar with premium cocktails and light fare menu, Starbucks Coffee Store, 24-hour in-room dining, fully-equipped fitness center featuring pool and jacuzzi, sun deck, sauna, steam room, and massage therapy, gift shop, full service business center, and tour desk. A special conference room rate of \$115 single or double has been reserved for NACC attendees from August 14–20, 2003 and the hotel will honor the special rate outside of the block if rooms are available. **Reservations must be made by July 23, 2003 and it is likely that the block will sell out early.** Please submit your conference registration and then make your hotel reservations ASAP to avoid a sold out hotel.

To make reservations, call **1-800-253-6156** or **1-800-325-3535** and identify yourself with the National Association of Counsel for Children.

Discounted Travel

Special discounted travel for conference attendees is available from Delta and American Airlines for travel from August 13–22, 2003. Five percent discounts are offered off most inexpensive fares and an additional 5% discount for tickets purchased 60 days in advance (Delta) and 30 days in advance (American).

Delta: 1-800-241-6760 (Code: 196537A).
 American: 1-800-433-1790 (Code: A8583AK).

Exhibits

Exhibit space will be provided to sponsors, vendors, children's law programs, and NACC affiliates. Space is limited and will be sold on a first-come, first-served basis. Please contact the NACC office for details and reservation of space.

Pre-Conference: Children's Law Office Project Meeting

FRIDAY AFTERNOON, AUGUST 15

The NACC is building a national Children's Law Office Project. The project is designed to bring together the leaders of children's law offices throughout the country in order to build a collaborative network and create best practice models for delivering legal services to children. This pre-conference meeting is open to all children's law offices. There is no charge. The meeting will be held from 12:00 NOON to 4:00 PM Friday, August 15, 2003. Lunch will be provided. Pre-registration is required by completing the Children's Law Office meeting section of the registration form. For more information, contact NACC Staff Attorney Colene Flynn Robinson at robinson.colene@tchden.org.

Conference Lunch Banquet

MONDAY, AUGUST 18

The NACC has arranged a special conference luncheon banquet for all conference attendees on Monday August 18th. **There is no additional**

charge for registered conference attendees, but you must check the banquet box on the registration form. The 2003 Outstanding Legal Advocacy, Student Essay, and Outstanding Affiliate awards will be presented and the banquet will conclude with guest speaker **John E.B. Myers** on *The History of Child Protection in America*. Limited space is available for guests of conference attendees at \$40 per person. Please complete the Conference Banquet section of the registration form.

Luncheons

The following luncheons are scheduled:

LUNCHEON I: SUNDAY, AUGUST 17

A luncheon featuring Child Advocacy Table Discussions. Various children's topics will be assigned for table discussion facilitated by members of the NACC National Board of Directors. This is an excellent opportunity to network. The cost of this luncheon is \$30 per person in addition to the registration fee, and space is limited. Please sign up on the registration form.

LUNCHEON II: TUESDAY, AUGUST 19

Are You Certifiable? The NACC Juvenile Attorney Certification Program. NACC Director Marvin Ventrell and certification program partner Donald Duquette from the University of Michigan Child Advocacy Law Clinic will cover the latest developments in the NACC's new program to certify lawyers as specialists in juvenile law. The cost of this luncheon is \$30 per person in addition to the registration fee, and space is limited. Please sign up on the registration form.

New Member Orientation

A special new member/first time attendee orientation is scheduled for Sunday morning August 17th. Continental breakfast will be available. Newcomers and interested veterans are invited to come and learn more about the NACC.

Disabilities

Please advise the NACC of any meeting access accommodations you may require.

Continuing Education Credits

The following jurisdictions have pre-approved the conference for the following continuing education credits:

	California	Colorado	Louisiana
CLE:	21.5	29.0	19.3
CLE Ethics Available:	1.5	1.8	1.0

Uniform Certificates of Attendance will be provided to allow for credit in other states and disciplines as well. NACC conferences are typically approved by the continuing education agencies in most jurisdictions and disciplines.

Access to Justice for Children

The 26th National Children's Law Conference of the National Association of Counsel for Children

Registration

NACC members receive a registration discount of over 25%. Space at the conference is limited, so please register early.

CANCELLATION POLICY

Cancellations postmarked on or before July 18, 2003 will receive a refund, minus a \$50 processing fee. Cancellations postmarked after July 18, 2003 will not receive a refund.

The NACC accepts checks, purchase orders, and credit cards (Visa or MasterCard). Payment or Purchase Order must accompany registration. Purchase Orders must be paid within 30 days. You may register by mail, fax, phone, or online at www.NACCchildlaw.org.

REGISTRATION

Early Registration (postmarked by July 18)

NACC Member: \$275 Non-Member: \$370

Regular Registration (postmarked after July 18)

NACC Member: \$299 Non-Member: \$399

Non-member registration includes a one-year membership in the NACC. All participants will receive the 2003 NACC Children's Law Manual.

Conference Program

Pre-Conference

Children's Law Office Project Meeting

Friday, Aug 15, 2003

12:00 NOON to 4:00 PM

(Lunch Provided)

There is no charge for this special pre-conference meeting of children's law office leaders. Pre-registration is required. Please indicate attendance on the conference registration form.

Saturday, August 16

2:00 — 5:00 PM

Conference Registration and Exhibits

5:00 — 6:00 PM

Cocktail / Hors d'oeuvre Reception

6:00 — 6:15 PM

Welcome

Marvin Ventrell,
NACC Executive Director
Candace Barr, NACC Board President
Christopher Wu, NACC New Orleans Conference Chair

6:15 — 6:30 PM

Opening Remarks:

Senator Mary Landrieu, United States Senator from Louisiana (invited)
and
Hon. Ernestine Gray, Orleans Parish Juvenile Court Judge and Past President, National Council of Juvenile Family Court Judges

6:30 — 7:30 PM

Keynote Presentation:

Access to Justice for Children



Larry EchoHawk is a Professor of Law at Brigham Young University. He is a member of the Pawnee Indian Tribe and, on January 7, 1999, became Idaho's 30th Attorney General—the first American Indian in U.S. history elected as a state attorney general. Professor EchoHawk grew up in an environment of poverty and neglect and has become one of the most distinguished attorneys of our time. In 1991 he was awarded the prestigious Martin Luther King Medal for his contributions to human rights. His life is a testament to the power and significance of legal advocacy for the unempowered.

7:30 PM

Dinner on Your Own

Sunday, August 17

7:30 AM

Conference Registration Open

7:30 AM

Hospitality / Networking Lounge Open

8:00 — 9:00 AM

New Member / First Time

Attendee Orientation / Continental Breakfast

Facilitators:
David Katner and Marvin Ventrell

8:30 — 9:00 AM

Continental Breakfast

9:00 — 10:00 AM

General Session I

Raising Cain: Implications of Caring for Troubled Youth



Richard Delaney, Ph.D.

10:00 — 10:30 AM

Coffee Break

10:30 AM — 12:00 NOON

General Session II

The NACC Youth Empowerment Initiative: Strengthening Youth Voices and Improving Outcomes through Youth Involvement in Decision-Making

Jennifer Rodriguez and Members of the California Youth Connection

Moderator:
Colene Flynn Robinson, JD

SPONSORED BY NORTHERN CALIFORNIA ASSOCIATION OF COUNSEL FOR CHILDREN AND CALIFORNIA YOUTH CONNECTION

12:00 NOON — 1:30 PM

Luncheon I

Networking / Table Topics Discussion Luncheon

Facilitated by NACC Board of Directors

SEPARATE REGISTRATION AND FEE REQUIRED

or LUNCH ON YOUR OWN

1:30 — 3:00 PM

Concurrent Session A

TRACK 1: ABUSE & NEGLECT
Permutations of Permanence: Making Sensible Post-ASFA Placement Decisions

Richard Delaney, Ph.D.
Moderator: Lucy McGough, JD

TRACK 2: JUVENILE JUSTICE (REPEATED IN SESSION D-2)

Competence to Stand Trial: Implications of the MacArthur Competence Study

Robert Schwartz, JD

TRACK 3: CUSTODY, VISITATION & ADOPTION

Parental Alienation: Current Law and Psychology

John Ciccolella, JD
H.D. Kirkpatrick, Ph.D.
Moderator: Laoise King, JD

TRACK 4: POLICY ADVOCACY

Effective Policy Advocacy Strategies for Child Advocates

3:00 — 3:30 PM

Catered Break

3:30 — 5:00 PM

Concurrent Session B

TRACK 1: ABUSE & NEGLECT

The Law and Practice of Adoption Subsidies

Seth Grob, JD

Access to Justice for Children

The 26th National Children's Law Conference of the National Association of Counsel for Children

TRACK 2: JUVENILE JUSTICE

The Realities of the Criminal Justice System and What is Really Required of Young Courtroom Witnesses

Stephanie Villafuerte, JD

TRACK 3: CUSTODY, VISITATION & ADOPTION

Custody and Visitation Across International Borders

Alice Tarpley, Ph.D.

TRACK 4: POLICY ADVOCACY

The Trend Toward Open Juvenile Court Proceedings: Is it a Good Idea?

Hon. Kathleen Blatz

Moderator: Donald Duquette, JD

SPONSORED BY THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

5:00 — 5:45 PM

2003 Federal Children's Policy Update

Monday, August 18

8:00 AM

Hospitality / Networking Lounge Open

8:30 — 9:00 AM

Continental Breakfast

9:00 — 11:00 AM

Concurrent Session C

TRACK 1: ABUSE & NEGLECT

Models and Challenges of Organizational Representation of Dependent Youth

Miriam Krinsky, JD

Moderator:

Colene Flynn Robinson, JD

TRACK 2: JUVENILE JUSTICE

Detention: The Hidden Closet of Juvenile Justice

Hon. Frank Orlando

Bart Lubow

TRACK 3: CUSTODY, VISITATION & ADOPTION

Corporal Punishment: Toward a Future Without Violence

Joel Wilson, JD / MSW

Tara Forcier, MD

Moderator: Candace Barr, JD

SPONSORED BY NIEMI, BARR & JERABEK

TRACK 4: POLICY ADVOCACY

Developing Caseload and Performance Standards for Children's and Parents' Attorneys in Child Protection Cases

Christopher Wu, JD

Moderator: Janet Sherwood, JD

SPONSORED BY THE NORTHERN CALIFORNIA ASSOCIATION OF COUNSEL FOR CHILDREN

11:00 — 11:30 AM

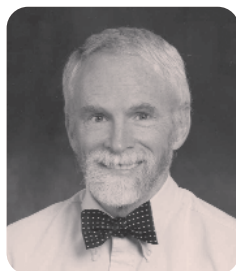
Exhibitors / Coffee Break

11:30 AM — 1:30 PM

Conference Banquet

INCLUDED IN REGISTRATION FEE. PLEASE INDICATE ATTENDANCE ON REGISTRATION FORM.

Presentation of NACC 2003 Outstanding Legal Advocacy Award, Law Student Essay Award, and Outstanding Affiliate Award



Guest Speaker:

John E.B. Myers, JD

The History of Child Protection in America

John E.B. Myers is one of our country's foremost scholars on children and the law. He is also a witty and entertaining presenter who has given more than 200 presentations around the world. He is a law professor at the University of the Pacific McGeorge School of Law where he was recently named Distinguished Professor and Scholar. He has written over 100 chapters and articles and has been cited by over 140 courts including the U.S. Supreme Court. His treatise, "Evidence in Child Abuse and Neglect Cases" is a cornerstone of every juvenile law library. Professor Myers serves on the NACC Board of Directors and recently completed a book, *Child Protection in America: Past, Present, and Future* (Oxford University Press, in preparation).

1:30 — 3:00 PM

Concurrent Session D

TRACK 1: ABUSE & NEGLECT

Early Intervention and Special Education Advocacy: The Missing Link

Katherine Locker, JD

TRACK 2: JUVENILE JUSTICE (REPEATED FROM SESSION A-2)

Competence to Stand Trial: Implications of the MacArthur Competence Study

Robert Schwartz, JD

TRACK 3: CUSTODY, VISITATION & ADOPTION

Immigration Rights of Children: Special Immigrant Juvenile Status and What Attorneys Need to Know About Immigration

TRACK 4: POLICY ADVOCACY

The U.N. Convention on the Rights of the Child and Sexual Exploitation of Children Along International Borders

Jaap Doek

Lisa Kurbiel, JD

Henry Plum, JD

3:00 — 3:30 PM

Catered Break

3:30 — 5:00 PM

Concurrent Session E

TRACK 1: ABUSE & NEGLECT

Advocates' Role in the Federal Child and Family Service Reviews: An Opportunity Lost or Found

William Grimm, JD

Moderator: Angela Adams, JD

TRACK 2: JUVENILE JUSTICE

Guardians Ad Litem & Juvenile Defense Counsel: A Symbiotic Relationship to Serve the Best Interests of the Child

Michael Lajoie, JD

Angela Bullinger, JD

TRACK 3: CUSTODY, VISITATION & ADOPTION

Elimination of Bias: Access, Fairness, and Diversity in Our Courts

Hon. Ken Kawaichi

SPONSORED BY THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

TRACK 4: POLICY ADVOCACY

Creating a Successful Model of Emancipation from Care

Jennifer Kelleher, JD

Augusta Hunt

Moderator: Jennifer Rodriguez

Mediation Law and Practice in Dependency Cases

TRACK 2: JUVENILE JUSTICE

The Runaway Bunny Syndrome: The Problem of Truant Neglect Wards

William Ladd, JD

TRACK 3: CUSTODY, VISITATION & ADOPTION

Alone Without a Home: Advocating for Runaway and Homeless Youth

Patricia Julianelle, JD

SPONSORED BY THE NATIONAL LAW CENTER ON HOMELESSNESS AND POVERTY

TRACK 4: POLICY ADVOCACY

Assessment of Juvenile Defense Representation and Policy Recommendations for Improvement

Lynn Grindall, JD

Ellen Marrus, JD

10:00 — 10:30 AM

Coffee Break

10:30 AM — 12:00 NOON

Concurrent Session G

TRACK 1-A: ABUSE & NEGLECT

Visitation Issues in Dependency Cases

Thomas Carr, MA / LMFT

Melvin Albert, JD

Moderator:

Terri James-Banks, MSW

TRACK 1-B: ABUSE & NEGLECT

Courtroom Testimony for the Child Protection Social Worker: Preparing the Worker for Trial

Colene Flynn Robinson, JD

TRACK 2: JUVENILE JUSTICE

A Holistic Approach to Representing Children in Delinquency Proceedings

Amy Howell, JD

Ellen Marrus, JD

TRACK 4: POLICY ADVOCACY

Identifying and Addressing Domestic Violence in Dependency Court: The Dependency Court Intervention Program for Family Violence

Candice L. Maze, JD

Islem Pardinias, MSW

12:00 NOON — 1:30 PM

Luncheon II

Are you Certifiable? The NACC Juvenile Attorney Certification Program

Tuesday, August 19

8:00 AM

Hospitality Lounge Open

8:00 — 8:30 AM

Continental Breakfast

8:30 — 10:00 AM

Concurrent Session F

TRACK 1: ABUSE & NEGLECT

Access to Justice for Children

The 26th National Children's Law Conference of the National Association of Counsel for Children

Donald Duquette, JD
Marvin Ventrell, JD

SEPARATE REGISTRATION AND FEE REQUIRED

or **LUNCH ON YOUR OWN**

1:30—3:00 PM

General Session III

Presenting Competent and Persuasive Expert Testimony in Children's Cases in the Wake of Frye, Daubert, & Kumho



J. Eric Smithburn is Professor of Law at Notre Dame Law School where he teaches evidence, family law, and juvenile law. He is a nationally recognized trial skills instructor for the National Judicial College and National Institute of Trial Advocacy. In addition to teaching and training, he sits as a Senior Judge in Indiana State Trial Court. He is the author of numerous publications including the 2002 case book "Cases and Materials in Juvenile Law." In 2002 he also developed "Evidentiary Issues in TPR: An Interactive Simulated Trial" on CD-ROM where the user plays the role of judge and rules on evidentiary issues.

3:00—3:30 PM

Catered Break

3:30—5:00 PM

Closing Session*

Ethics and Accountability in Juvenile Law Practice: Providing Children with Access to Justice

*APPROVED FOR ETHICS CLE

David Katner, JD
Henry Plum, JD

Closing Remarks

Distribution of Ethics CLE Certificates, Announcement of 2004 National Conference and Door Prizes including an all-expense-paid scholarship to the 2004 Conference

5:00 PM

Adjourn

Post-Conference

5:00—6:00 PM

Improving the Legal Representation of Children in your Jurisdiction: Creating and Maintaining an NACC Affiliate

David Katner
Christopher Wu

ALL CONFERENCE ATTENDEES ARE WELCOME. PRE-REGISTRATION REQUIRED.

Registration Form

The NACC 26th National Children's Law Conference

Saturday, August 16 — Tuesday, August 19, 2003

MAILING CODE (See mailing label for code)

NAME (MR / MS)

COMPANY / FIRM / AGENCY

ADDRESS

CITY / STATE / ZIP

TELEPHONE / FAX / E-MAIL

DEGREE / OCCUPATION

ETHNICITY (OPTIONAL) / BAR MEMBER NUMBER/STATE

Registration includes tuition, manual, reception, breaks, and banquet (and a 1 year NACC membership for non-member registrants)

Early Registration
(postmarked by 07-18-03)

- NACC MEMBER \$ 275
- NON-MEMBER \$ 370

Regular Registration
(postmarked after 07-18-03)

- NACC MEMBER \$ 299
- NON-MEMBER \$ 399

Registration Fee Enclosed \$ _____

Pre-Conference:

Children's Law Office Project Meeting / Fri Aug 15

Yes, I will attend \$ _____ **0.00**

Luncheon 1: Table Discussions

Sun 17 Aug _____ reservation(s) @ \$30 per person \$ _____

Luncheon 2: Are You Certifiable?

NACC Attorney Certification Program

Tues 19 Aug _____ reservation(s) @ \$30 per person \$ _____

Conference Lunch Banquet / Mon Aug 18

- Yes, I will attend (included in registration fee) \$ _____ **0.00**
- I will bring _____ guest(s) @ \$40 per person \$ _____

Post-Conference: NACC Affiliates Meeting / Tues Aug 19

Yes, I will attend \$ _____ **0.00**

Total amount enclosed or charged \$ _____

I CANNOT ATTEND BUT WISH TO JOIN THE NACC. ENCLOSED IS \$75.

Please charge my VISA MASTERCARD

CARD # _____

NAME AS SHOWN ON CARD

EXPIRATION DATE

SIGNATURE

Please indicate your choice for Sessions A—G by checking the track of your choice:

SESSION A	SESSION B	SESSION C	SESSION D	SESSION E	SESSION F	SESSION G
<input type="checkbox"/> Track 1	<input type="checkbox"/> Track 1	<input type="checkbox"/> Track 1	<input type="checkbox"/> Track 1	<input type="checkbox"/> Track 1	<input type="checkbox"/> Track 1	<input type="checkbox"/> Track 1A
<input type="checkbox"/> Track 2	<input type="checkbox"/> Track 2	<input type="checkbox"/> Track 2	<input type="checkbox"/> Track 2	<input type="checkbox"/> Track 2	<input type="checkbox"/> Track 2	<input type="checkbox"/> Track 1B
<input type="checkbox"/> Track 3	<input type="checkbox"/> Track 3	<input type="checkbox"/> Track 3	<input type="checkbox"/> Track 3	<input type="checkbox"/> Track 3	<input type="checkbox"/> Track 3	<input type="checkbox"/> Track 2
<input type="checkbox"/> Track 4	<input type="checkbox"/> Track 4	<input type="checkbox"/> Track 4	<input type="checkbox"/> Track 4	<input type="checkbox"/> Track 4	<input type="checkbox"/> Track 4	<input type="checkbox"/> Track 4

Space at this conference is limited. Registrations will be filled based on date applications are received. If you will require handicap access to facilities or special assistance at the program, please contact the NACC as soon as possible.



Cases

GAL SUBJECT TO CROSS-EXAMINATION

Ohio Supreme Court Determines Guardian Ad Litem Should Be Subject To Cross-Examination In Termination Of Parental Rights Case. In re Brandon H., 776 N.E.2d 485, 2002 Ohio LEXIS 2572 (2002) (The actual case name includes the full names of the children. The NACC has redacted their names. Please find this case by searching the citation or by calling the NACC).

In April 2000, the County Department of Human Services (DHS) filed an abuse petition against Brenda H. when Brandon, nine months, suffered a skull fracture and an epidural hematoma. Melanie, nine, was also alleged to be a dependent child due to Brandon's injuries and the instability of her biological father. The case was adjudicated in June 2000. The court granted legal custody of Melanie to her paternal grandparents and placed Brandon in non-kinship foster care with a pre-adoptive family, the Millers. In February 2001, DHS filed a termination of parental rights case as to Brandon. The case proceeded under two phases: the first phase focused on the termination of the mother's parental rights, and the second phase focused on what was in Brandon's best interests. DHS called the mother as its sole witness in phase one, and mother presented no witnesses on her case. The best interest phase was contested by the mother's relatives, who wished to be awarded custody, and by the non-kinship foster family. The guardian ad litem participated in the hearing and cross-examined witnesses. She also submitted her own report into evidence.

In June 2001, the trial court issued its order. The court terminated the mother's parental rights, denied the family's custody petition, and placed Brandon with the Millers pending adoption. The court decision was based, in part, on the guardian ad litem's report. The court quoted the report: "The Millers have provided Brandon with a placement which is both

emotionally and physically healthy. While it is true that children can adapt to change, it is equally true that children grieve at the loss of loved ones and that their grieving is commensurate to the attachment they have to their care takers. In this case, the grieving would be lengthy, unnecessary and contrary to Brandon's best interest."

The mother appealed, and the appellate court reversed and remanded the case, finding that the trial court, after permitting the report into evidence, should have allowed the mother to cross-examine the guardian ad litem about the report. Brenda asked the appellate court to certify to the Ohio Supreme Court a conflict between the statute and its rulings. The relevant statute, R.C. 2151.414(c), states: "A written report of the guardian ad litem... shall be submitted to the court... but shall not be submitted under oath." The appellate court agreed with the mother, finding its decision was in conflict with previous decisions interpreting this statute, and certified the conflict to the supreme court.

The supreme court certified the question as: whether, in a termination of parental rights case, "a party may cross-examine the guardian ad litem, notwithstanding the language of R.C.2151.414(c)."

The supreme court acknowledged the grave importance of a termination of parental rights trial, and, accordingly, the importance of affording the greatest due process possible to parents defending such an action. Because this was a case of first impression for the Ohio Supreme Court, the court looked to decisions of other jurisdictions. Specifically, the court relied on decisions from South Carolina, Washington D.C., Minnesota, and California, all requiring cross-examination of a guardian ad litem who submits a report. The court then ruled that in any termination case where the guardian's report will be a factor in the trial court's decision, the guardian must be subjected to cross-examination to

ensure the credibility of those making the statements and the accuracy of the information contained therein.

Thank you to NACC member Judge Leonard Edwards for identifying this case.

JUVENILE DEFENDANTS HAVE CONSTITUTIONAL RIGHT TO PRE-TRIAL COMPETENCY HEARING

Indiana Court of Appeals Finds Juveniles Have Fundamental Due Process Right To Competency Determination During Delinquency Proceedings. In the Matter of K.G., D.G., D.C.B., and J.J.S., 781 N.E. 2d 700, 2002 Ind. App. LEXIS 2199 (2002).

The state of Indiana filed four separate delinquency petitions against K.G., D.G., D.C.B., and J.J.S. from 1999 to 2001. This case addresses the treatment and placement of four children in their early teens each with a variety of emotional, developmental and psychological problems, all adjudicated delinquents for a range of crimes including sexual assault, sexual battery, theft, burglary, child molestation and arson. The juvenile court applied the procedures used for adult criminal competency determinations, Indiana Code Section 35-36-31, and entered an order that none of the juveniles were competent to stand trial. The court also ordered that the children be committed to the division of mental health and placed in appropriate mental health facilities. The Indiana Family and Social Services Administration, Division of Mental Health and Addictions (DMHA) filed a motion to intervene, then a motion for relief of judgment, which the court denied.

DMHA appealed the court's denial of its motion for relief of judgment, raising three issues for appellate review. First, whether Indiana Code Section 35-36-31 should be

applied to juveniles. Second, whether the court's order for DMHA to provide services violated the separation of powers doctrine. The final issue for review was whether DMHA was financially responsible for the costs of competency-related services.

The appellate court first examined whether juveniles are constitutionally protected from being tried while incompetent. The children argued that juveniles should be afforded the same due process right to a pre-trial competency determination as adult defendants are. The court recognized that many other jurisdictions have extended this right to juveniles tried in delinquency proceedings. As the Arkansas Supreme Court stated: "logically, the right to counsel means little if the juvenile is unaware of the proceedings or unable to communicate with counsel due to a psychological or developmental disability." Citation omitted. The Indiana appellate court adopted this reasoning and extended the constitutional protections to juvenile defendants, finding they have a fundamental right not to be tried while incompetent.

Turning to the applicability of the adult competency determination statute, the appellate court applied *de novo* review. Another statute section provides that in the absence of other law, procedures governing adult criminal matters apply in juvenile delinquency matters. While juvenile law provides authority for the juvenile court to order examination and treatment of a child defendant under limited circumstances, no current law addresses procedures for trying incompetent juveniles. Accordingly, the court concluded that because the legislature did not address competency evaluations for children, the procedures governing adult criminal competency determinations applied. Therefore, the juvenile court properly relied on the adult criminal statute.

Next, DMHA claimed the court violated the separation of powers doctrine when it directed DMHA, an executive branch department, to take on responsibilities not included in the department's organic legislation. By statute, DMHA is responsible for emotionally disturbed children. The juvenile delinquents in the instant case are mentally handicapped, and therefore beyond the care of DMHA. The appellate court rejected this argument as fatally flawed. The court found statutory authority to order DMHA to provide services, via the adult criminal competency statute that authorizes the court to order DMHA to provide services. Because DMHA has the responsibility to provide services to

adults undergoing competency evaluations, for the court to order these services for juveniles does not violate separation of powers. The appellate court ordered that DMHA must accept the juveniles for treatment.

Finally, the appellate court denied DMHA's final claim regarding their financial liability because the juvenile court had not issued a specific order yet, so the claim was not ripe.

DEPARTMENT OF SOCIAL SERVICES LIABLE FOR HARM CAUSED BY FOSTER PARENT

Supreme Court of Louisiana Finds Department Of Social Services Strictly Liable For Harm Inflicted By Foster Parents. Miller v. Martin, 803 So. 2d 761, 2003 La. LEXIS 118 (2003).

Charlene Miller, mother of two children sexually and physically abused while in the legal and physical custody of the department of social services (Department), sued the Department alleging it was negligent and strictly liable for the abuse. When the trial court denied the Department's motion for summary judgment, it appealed. The appellate court reversed. The Louisiana supreme court granted certiorari to determine whether the Department could be held vicariously liable for abuse inflicted by foster parents on children in the Department's custody. The court found that the Department's statutory duty is non-delegable and the Department can be held vicariously liable for the harm of children in its custody.

In 1973, under then existing statutory law, the Louisiana Supreme Court imposed strict liability on the Department for abuse of children in its custody. *Vonner v. State through Dept. of Public Welfare*, 273 So. 2d 252 (La. 1973). The question at issue in this case was whether the legislatures' changes to the applicable statute negated the court's previous determination of the Department's liability.

In *Vonner*, the court interpreted the existing statutory definition of "custody" to require the Department to ensure the well being of children in its custody. Furthermore, the Department's duty could not be delegated to its agents. The court found the Department vicariously liable when a foster mother beat to death a five year old, because it constituted a breach of its duty to ensure the well-being of children in the department's custody.

The legislature later enacted the Children's Code, adopting a definition of "legal custody" and moving the statute authorizing the Department to contract with foster parents to a different section of title 46. The supreme court found that this change had no effect on the court's previous findings in *Vonner*. The legislature gave no indication it intended to change the Department's responsibility, so the Department's duty to ensure the well being of children in its care remains non-delegable. Although the Department may contract with foster parents to provide custodial care, ultimately the Department is vicariously liable for acts of foster parents causing a breach of the Department's duty.

The second issue was whether the involvement of Methodist Home for Children (MHC), a licensed agency contracted with the Department to provide training to foster parents, alleviates the Department's responsibility. MHC trained, certified, and supervised the foster parents who abused the Miller children. The court stated, however, that since the Department can be held vicariously liable for the actions of foster parents, clearly it cannot diminish its liability by contracting with other agencies to provide placements for children in its custody. The case was remanded to the trial court for further proceedings.

DOMESTIC PARTNER ORDERED TO PAY CHILD SUPPORT

Pennsylvania Supreme Court Orders Former Lesbian Partner To Pay Child Support For Children Conceived During Relationship. L.S.K. v. H.A.N., 813 A.2d 872 (2002).

In this case of first impression for the Pennsylvania Supreme Court, the court ordered a lesbian parent to pay child support. The parties, H.A.N., the appellant, and L.S.K. (Mother) were a lesbian couple from the mid 1980s until 1997. During that time, the parties agreed to have children together. Mother conceived, through artificial insemination, and birthed 5 children. Neither party signed any written agreement regarding their rights or responsibilities relating to the children.

In 1997, the parties separated, and thereafter, Mother's job transferred her to San Diego, California. She moved with the children, while H.A.N. remained in Cumberland County. In February 1998, H.A.N. filed for custody of the children. In May, Mother filed for child support.

H.A.N. objected, claiming no legal cause of action for support existed absent an order granting Mother legal custody or *in loco parentis* status. The trial court later determined that H.A.N. had *in loco parentis* status as to the five children, and granted legal custody to each party with a schedule for the sharing of physical custody. In May 1998, the trial court issued a final order directing H.A.N. to pay child support to Mother in accordance with the statutory support guidelines. H.A.N. appealed.

The appellate court affirmed, as the trial court had not abused its discretion in making its findings. Because H.A.N. assumed the obligations and privileges of a parental relationship, even without the formality of legal adoption, she was correctly determined to have *in loco parentis* status. This status allowed her standing to petition for custody, and she could not be allowed to reap the benefits of the parental relationship but at the same time deny any of its obligations. The appellate court found H.A.N.'s argument that her status was similar to that of a stepparent disingenuous. H.A.N. intended to and did create a family with Mother, rather than joining a family that another had chosen to create. H.A.N. was a co-parent in every respect regarding the children's upbringing: she was present during their birth, helped select their names, stayed at home and cared for the children while Mother worked, and was present in their daily lives for over eight years. She retained that position in their lives by virtue of the continuing custody arrangement. Accordingly, equity demands that she cannot gain parental rights without any of the responsibilities, and the trial court did not err in entering the support order.

EVIDENCE IN DEPENDENCY CASE

Child's Uncorroborated Out-Of-Court Statements Cannot Be Relied On For Neglect Finding. [New Jersey Division of Youth and Family Services v. L.A.](#), 814 A.2d 656, 2003 N.J. Super LEXIS 33 (2003).

The mother, L.A., appealed from the trial court's finding of neglect based upon the child's uncorroborated out of court statements. The appellate court agreed, and remanded for further proceedings.

The two subject children were K.S., 13, and S.A., 2. The children had been the subjects of a previous dependency case when their father, R.S., sexually assaulted K.S., approximately a year previously. During that case, the children entered

foster care but were eventually returned to the mother. R.S. was barred from entering the home or having any contact with the children, and L.A. was to enforce the no contact order. The instant case arose when the Division of Youth and Family Services (DYFS) filed a new neglect case against the mother for failing to protect the children by enforcing the no contact order.

On January 11, 2002, R.S. entered the family's apartment while a family friend, J.M., was visiting. R.S., unprovoked, grabbed J.M. J.M. immediately ushered the children down the hall and into another room, and called the police. R.S. then left. Later, J.M. informed DYFS of the incident. At trial J.M. testified to these events and also admitted that he had previously owed R.S. money.

During this incident, L.A. took no action while R.S. was present in the home, and never informed DYFS nor sought to file a complaint against R.S. The case against L.A. centered on the fact that she either invited R.S. to the home or told him J.M. would be there, and that she took no action either during or after the incident to protect her children.

At trial, the DYFS caseworker testified that she interviewed J.M. the child K.S. at school, and L.A. at her home. The caseworker testified that K.S. told her that L.A. called R.S. and told him to come get his money from J.M. While interviewing L.A., who is hearing impaired, the caseworker noticed a message on her teletype telephone: "Don't tell them [R.S.] was there or the State will take them. People with sex crimes can't be around kids."

During the trial, the judge refused L.A.'s request for an in camera interview of K.S., reasoning that it would subject the child to additional trauma. At the conclusion of the trial, the judge found that L.A. neglected her children because she understood the orders from the previous neglect case, yet failed to protect her children from contact with R.S. Regarding the evidence, the judge found J.M.'s testimony highly credible, and the statements of K.S., as reported by the caseworker, to be highly credible as well. The judge based this finding on the child's age, her previous experience living in foster care, her desire to remain in her mother's care, and her knowledge of the restraining order. The judge found that the child's statement that her mom called R.S. to come over and get his money from J.M. was corroborated by J.M.'s testimony that

he did in fact owe money to R.S. L.A. appealed the court's ruling.

The appellate court initially indicated that the child's statements were admissible under N.J.S.A.9:6-8.46a(4), which provides that "previous statements made by the child relating to any allegations of abuse or neglect shall be admissible in evidence; provided, however; that no such statement, if uncorroborated, shall be sufficient to make a fact finding of abuse or neglect." Accordingly, while K.S.'s statements may come in, to support a finding they must be corroborated. DYFS argued that the child's statement was corroborated by J.M.'s testimony that he owed R.S. money, or alternatively, that the court did not rely on K.S.'s statements in making its findings.

The appellate court found both arguments unpersuasive. While noting that corroborative evidence "need only provide support for the out-of-court statements", several effective methods include eyewitness testimony, confessions, admissions, medical or scientific evidence. J.M.'s testimony acknowledging a debt was too indirect to provide the necessary support for admitting K.S.'s statements. Moreover, J.M. testified that he had repaid the debt long before January 11th. Lastly, he testified that he had been with L.A. the entire evening, and did not see her use the telephone. Accordingly, his testimony refutes, rather than corroborates, K.S.'s statements.

The trial court's decision plainly relied on K.S.'s statements, so the court found DYFS' second argument meritless. Because little evidence remained to support the neglect finding, the court remanded for further proceedings, including K.S.'s testimony as to the events of January 11th and her preferences and concerns for her living arrangements.

CHILD CANNOT SELECT GAL

Minnesota Court of Appeals Finds That Child Cannot Choose Guardian Ad Litem In Custody Proceeding. [Weber v. Dalbec](#), 653 NW 2d 804 (2002).

This case arises from a bitter custody battle. The father, Alan Weber, and the mother, Beth Dalbec, were divorced in 1998. The court gave Dalbec custody of the children, W.P.W., 15, and C.W.W., 10, and liberal visitation to Weber. On December 21, 2001, W.P.W. moved the court to appoint his maternal uncle, Bradley Dalbec, as his guardian ad litem (GAL). W.P.W. wished to have a guardian ad litem

for assistance in moving the court for a change of custody to his father. In January 2002, Beth Dalbec moved to dismiss W.P.W.'s motion and sought supervised visitation between Weber and W.P.W. due to Weber emotionally harming W.P.W. In February, W.P.W. filed a motion for change of custody to his father, and his father filed for custody of both children and sought a GAL for both children. The trial court denied W.P.W.'s motions because he lacked standing to bring a motion for change of custody and the appointment of GALs is governed by statute.

The court also dismissed, as untimely, Weber's motion for custody. The court ordered the appointment of a neutral GAL—not Bradley Dalbec—and set the matter down for a hearing regarding the request for supervised visitation. The court also ordered that the attorneys were not to discuss the litigation with the children without first obtaining the court's permission.

In April, the GAL expressed concern that W.P.W. and his father used the same language when discussing Dalbec and the court proceedings. The child also appeared to be heavily influenced by his father's manipulation, to the extent of

following instructions to use misbehavior at home in hopes that Dalbec would be forced to "throw him out". After hearing all the evidence, the trial court found that there had been a significant change of circumstances based on W.P.W.'s change in preference to live with Weber; but that the change resulted from Weber's manipulation of W.P.W.; Weber insisted on involving W.P.W. in the custody dispute, despite a court order prohibiting such conduct; Weber failed to hold W.P.W. accountable for bad behavior; Weber's lack of support for W.P.W.'s ongoing involvement with Dalbec endangered W.P.W.'s emotional health and development; there was no showing of endangerment of W.P.W. while in Dalbec's home; and custody to Weber would allow him to further manipulate W.P.W. and alienate him from Dalbec. Because Weber failed to make out a prima facie case, the court then denied his motion for an evidentiary hearing on the change of custody case.

Weber appealed, claiming the court improperly denied W.P.W.'s request for a GAL of his choice under the Minnesota probate statute; Weber's request for an evidentiary hearing; and erred in making the order prohibiting attorneys from discussing the case with W.P.W.

W.P.W. argued that the statute provides that the court shall appoint the GAL of the minor's choosing, "if the minor is 14 years of age or older, unless the court finds the appointment contrary to the best interests of the minor". The appellate court disagreed, finding that the statute did not apply to the appointment of a GAL in a custody proceeding because the role of the GAL in each type of proceeding is very distinct. In the family law context, the purpose was the "prompt appointment of an independent guardian ad litem to advocate for the best interests of the child." The trial court properly appointed an independent GAL, rather than the one W.P.W. selected.

The court also concluded that the trial court did not abuse its discretion in deciding that Weber failed to establish his prima facie case, therefore, entitling him to a hearing. The court also concluded that W.P.W. had access to counsel, and was merely prevented from talking about the custody case without court permission. This order was to protect W.P.W. from becoming further manipulated or used as a pawn in the custody battle. As such, the order was not improper. The appellate court affirmed the trial court's rulings.

GUARDIAN CASES — NOTICE TO READERS

Decisions reported in *The Guardian* may not be final. Case history should always be checked before relying on a case. Cases and other material reported are intended for educational purposes and should not be considered legal advice.

Cases reported in *The Guardian* are identified by NACC staff and our members. We encourage all readers to submit cases.

If you are unable to obtain the full text of a case, please contact the NACC and we will be happy to furnish NACC members with a copy at no charge.

The NACC Youth Empowerment Initiative

by Jennifer Rodriguez

NACC Youth Board Representative

Nearly 9 years ago I emancipated from foster care with little hope for my future and few of the tools necessary to be successful in the adult world. Although I had spent the majority of my childhood under the care of the state's child welfare system, I had never been given the opportunity to be an active partner in the case planning for my life or future. I couldn't remember a time when any of the adult professionals who worked with me had consulted me about my opinions and wishes or my perspective on the effectiveness and quality of the



services provided to me. Having left foster care with no high school diploma, no connections with family or committed adults, no place to live and no sense of agency over my own life, I had plenty of recommendations for others working with youth like myself. However, like too many other young people involved in the children's legal system, I lacked the forum to offer my perspective and recommendations as someone who had experienced the system firsthand.

Today, I reflect on the amazing philosophy shift that is slowly taking place nationwide regarding client and youth input and participation. Many disciplines and agencies are realizing that

youth that currently or formerly experienced the system are valuable members of decision-making teams, and a critical part of child law policy and reform. The NACC's Youth Empowerment Initiative is an exciting project that recognizes that the children and youth who are involved in the child law system are key stakeholders in improving the lives of children and families through legal advocacy, as they will experience the actual impact of those changes. Through the Youth Empowerment Initiative, children's voices within the NACC and in the children's law community will be strengthened in multiple ways including board participation, an ongoing article in the *Guardian*, youth presentations at conferences and training and ongoing efforts to achieve youth empowerment goals. Engaging youth to contribute their perspective and recommendations is an essential part of realizing the NACC's important mission of achieving child well being.

I have been so impressed by the commitment of the NACC Board of Directors, staff and membership to ensuring that youth are engaged in the organization and are part of the development of policies and projects that impact their lives and futures. I feel extremely privileged to be a part of the NACC's Youth Empowerment Initiative by serving as the first NACC "Youth Board Member". My responsibilities as the "Youth Board Member" are to provide a youth perspective on the issues that the NACC considers and to assist with the ongoing development and implementation of the Youth Empowerment Initiative. One important new feature that we are excited about introducing is an ongoing *Guardian* column focusing on and written by youth

across the nation. I encourage you to engage the youth you work with to submit their viewpoints about issues important to them to include in this column.

I have seen the incredible power and impact of youth participation and engagement in California through my work as the Legislative and Policy Coordinator for the California Youth Connection. The California Youth Connection is a statewide foster youth empowerment and advocacy organization that is driven by current and former foster youth. I am fortunate enough to work on a daily basis with hundreds of current and former foster youth who share their powerful wisdom and insight to impact child welfare policy and practice. I also am completing my second year of law school at UC Davis, as I truly believe in the impact of legal advocacy on child law systems. I believe that combining the powerful forces of legal advocacy and youth participation will result in changes that most effectively improve child well being. I look forward to working with the board, staff and membership to realize these goals over the next years!

Jennifer Rodriguez joined the NACC as its first Youth Board Representative in January 2003. Ms. Rodriguez is a former foster youth. She is a student at UC Davis Law School and serves as Legislative and Policy Coordinator for California Youth Connection in San Francisco.



Federal Policy Update by Miriam A. Rollin, JD

FY 2004 BUDGET

As described in the last *Guardian* policy update, on February 3, President Bush released his proposed FY04 Federal Budget, and related legislative proposals. Most child welfare programs would be kept at current funding levels (Child Welfare Services, Child Abuse Prevention and Treatment Act, and the Social Services Block Grant). The Promoting Safe and Stable Families program would be funded at the authorized level (\$505 million); similarly, the Independent Living education voucher program would be funded at the authorized level (\$60 million).

The most potentially damaging proposal in the child welfare part of the budget is a proposal for "optional" state block grants for foster care under Title IV-E. This would allow states to elect "fewer administrative burdens" and "flexible grants", in exchange for losing the open-ended entitlement — and child protection guarantee — nature of Title IV-E. (Under current law, states get federal foster care reimbursements for however many children are eligible, and states must abide by certain federal requirements as to how they address the needs of those children.) There is still no proposed legislation on this child welfare

proposal yet (just some vague descriptions), so we have more questions than answers about it at this point.

In the Education Department budget, proposals would cut after-school investments by 40% (from \$1 billion to \$600 million) — a dangerous prospect from a delinquency prevention perspective. In fact, as to delinquency: in the Department of Justice, the proposed budget would *eliminate* the newly-authorized (and newly-improved) \$249 million Juvenile Accountability Block Grant program, and would fund the Title V Delinquency Prevention Grants program at \$77 million.

On April 11, the House and Senate (on largely party-line votes) adopted a final FY04 Budget (House/Senate Conference Report version) that included funding levels similar to those in the President's proposed budget. The budget sets funding levels for broad categories of spending; any program specifics in the budget are merely non-binding assumptions. Shortly, Congress will begin considering FY04 appropriations bills with specific funding levels for all federal discretionary (i.e., non-entitlement) programs.

SOCIAL SERVICES BLOCK GRANT

The Social Services Block Grant, despite its generic and unappealing name, is the largest single source of federal support for child welfare services (bigger than "Child Welfare Services", or "Promoting Safe and Stable Families", or CAPTA funds); further, child welfare expenditures are the biggest category of SSBG spending (other categories include child care, youth services, senior services, etc.). Restoration (over two years) of the Social Services Block Grant (SSBG) program from the current level of \$1.7 billion to the previously-authorized level of \$2.8 billion is included in the latest incarnation of the federal "faith-based initiative" legislation in the Senate (S. 476, a bi-partisan bill), which was approved by the Senate on 4/9/03, with a vote of 95-5. Companion legislation in the House — H.R. 7, which includes the charitable contribution deduction for non-itemizers provision, but not the SSBG restoration provision — could be marked-up in the House Ways and

Means Committee in the near future. Also pending (awaiting action by) the House Ways and Means Committee is H.R. 1858, the Social Services Block Grant Restoration Act, introduced on April 29 by Rep. Nancy Johnson (R-CT) and Rep. Sander Levin (D-MI).

SSBG (Title XX) is also being utilized as a vehicle for state fiscal relief: S. 138, another bi-partisan bill, includes a one-time \$10 billion payment to states through SSBG — an appropriate vehicle to (1) help states experiencing sudden, massive deficits, (2) help children, families, and others experiencing greater challenges due to the recession, and (3) help stimulate the economy through payments/benefits/ salaries to modest-income individuals who are more likely to spend the funds (as opposed to higher-income individuals more likely to save the funds). While no Congressional action on this proposal has occurred yet, the tax cut bill expected to be on the floor of the Senate the week of May 12 does include \$20 billion in state fiscal relief; depending on behind-the-scenes negotiations about how the \$20 billion will go out to states, half of the state fiscal relief package may be devoted to SSBG.

CHILD ABUSE PREVENTION AND TREATMENT ACT (CAPTA)

CAPTA reauthorization legislation (which had gone through the House of Representatives last year, and had gone through Senate Committee but had not been enacted) is back on the

Congressional "plate" this year. The Senate passed a CAPTA reauthorization bill (S. 342) by unanimous consent on March 19, and the House passed its CAPTA reauthorization bill, H.R. 14, on March 26. The bills make only modest changes (including some improvements) in the CAPTA programs; the bills add to the GAL requirement that a GAL "has received training appropriate to the role" — a positive change. This legislation is expected to move rapidly into House/Senate Conference and towards enactment.

WELFARE / CHILD CARE REAUTHORIZATION

Welfare Reform (TANF) and Child Care (CCDBG) Reauthorization: As noted in the last *Guardian* update, the House passed legislation to reauthorize these programs (H.R. 4) in mid-February. The Senate Committee on Health, Education, Labor and Pensions — which has jurisdiction over the discretionary CCDBG funding authorization — reported out reauthorization legislation (S. 880) in April. The TANF/Mandatory CCDBG part of reauthorization is awaiting bill introduction and mark-up in the Senate Finance Committee.

CRIMINAL CHILD ABDUCTION AND CHILD SEXUAL EXPLOITATION

On April 30, President Bush signed into law a bill (S. 151) that included "Amber Alert" provisions, enhanced crimes and

NACC – Federal Policy Network

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penalties against child sexual exploitation, etc.; the bill became Public Law 108-21.

RUNAWAY / HOMELESS YOUTH, MISSING CHILDREN REAUTHORIZATION

On May 7, the Subcommittee on Select Education of the House Education and Workforce Committee sent H.R. 1925 — a bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act — to the full Committee for mark-up. No Committee mark-up has been scheduled, yet.

LIFESPAN RESPITE CARE

The Lifespan Respite Care Act, to assist families in accessing affordable respite care (S. 538) passed the Senate by unanimous consent on 4/10/03; and H.R. 1083, a House bill on the subject, was introduced March 5, 2003.

OTHER LEGISLATION OF INTEREST

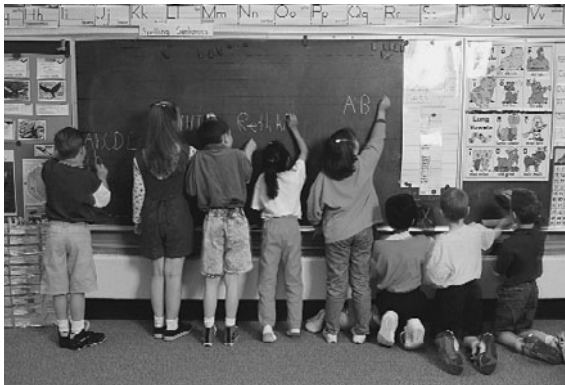
There has been no Committee or floor action on the following:

- Legislation to amend Title IV-E of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas (H.R. 443, S. 331);
- The Child Protection and Alcohol and Drug Partnership Act (S. 614, introduced 3/13/03 by Senators Snowe and Rockefeller);
- The Adoption Equality Act, to promote the adoption of children with special needs, by "de-linking" eligibility from the old AFDC standards (S. 862, introduced 4/10/03 by Senators Rockefeller and DeWine);
- The Child Protective Services Improvement Act (H.R. 1534, introduced 4/1/03 by Representatives Miller and Cardin as an alternative to the Administration-proposed foster care block-granting);

- Several bills providing for loan forgiveness for personnel in the child welfare system (for social workers: S. 409 by Senators DeWine and Rockefeller; and House companion bill H.R. 734; for attorneys: S. 407 by Senators DeWine and Rockefeller; and for child welfare workers, certain teachers, nurses, etc.: H.R. 1306 by Rep. Miller); and
- A bill (H.R. 1378) to amend Title IV-E of the Social Security Act to increase payments to States for expenditures for short term training of staff of certain child welfare agencies (introduced March 20, 2003 by Rep. Weller).

Don't Forget: You can access all bills (including the text of legislation and public laws), committee reports, floor votes and debates, and budget/appropriations funding charts via the Internet at thomas.loc.gov.

Miriam Rollin is the NACC Policy Representative in Washington, D.C.



Children's Law News

CONFERENCES & TRAINING

August 16-19, 2003

NACC 26th National Children's Law Conference, Sheraton New Orleans Hotel, New Orleans, LA. NACC members receive a 25% registration discount. Brochures will be mailed in May. For more information contact the NACC at 1-888-828-NACC or visit our web site at www.NACCchildlaw.org.

PUBLICATIONS

Model Court Approaches to Information Technology: A Dependency Court Data

System Implementation Guide, NCJFCJ Permanency Planning Technical Assistance Bulletin, Vol. VI, No. 5, December 2002. To obtain copies, call 775-327-5300 or email ppp@ppncjfcj.org.

By NACC Board Member Robert Fellmeth — *Child Rights and Remedies: How the U.S. Legal System Affects Children*, Clarity Press, Inc. 2002. Provides a comprehensive rights-based analysis of how the U.S. legal system, in both its legal and political dimensions, is affecting American children. 1-800-729-6423. Also available at amazon.com.

Legal Representation of Children: Recommendations and Standards of Practice for the Legal Representation of Children in Abuse and Neglect Cases, by NACC. This document provides comprehensive guidance to children's attorneys including descriptions of the attorney's role and duties. The NACC encourages jurisdictions and courts to use this publication to create local guidelines that will improve the quality of legal representation in your jurisdiction. To obtain a copy, contact the NACC or use the publication order form in this issue. The two documents contained in this publication are also available online

at: www.naccchildlaw.org/training/standards.html.

25 Years of Child Advocacy — the 2002 Edition of the NACC Children’s Law Manual Series. The manual is 307 pages and includes 24 articles covering a wide range of children’s legal issues including reflections on the practice of law for children, same sex adoption, social worker witness preparation, appellate advocacy, UCCJEA, children of incarcerated parents, the impact of domestic violence on children, and principles of collaborative law. Copies may be ordered from the NACC by calling toll free 1-888-828-NACC or using the Publications Order Form on the back page of this issue.

The Children’s Legal Rights

Journal (CLRJ) is a quarterly professional practice journal for child welfare, juvenile justice, and family law professionals.



Now in its 22nd year, CLRJ is published by William S. Hein & Co., Inc., under the editorial direction of the ABA Center on Children and the Law, Loyola University of Chicago School of Law, and the National Association of Counsel for Children. CLRJ is indexed in the *Current Law Index* and *Index to Legal Periodicals* and runs approximately 60 pages per issue. The annual subscription rate is \$67 but is available to NACC members at a 30% discount (\$47 annually). To subscribe, contact Hein toll free at 800-828-7571, ISSN 0278-7210, or contact the NACC for more information.

NACC’s Better Public Policy for Children, Youth and Families — An Advocacy Guide, by NACC Policy Representative Miriam

Rollin. A comprehensive guide to policy advocacy for children and families. Available on line at www.NACCchildlaw.org/policy/policy_guide.html, or call the NACC at 888-828-NACC.

The Adoption and Child Welfare Law Reporter is published monthly by i-net Publishing Solutions LLC. The Reporter is available in Adobe PDF and is distributed by e-mail 12 times per year. Subscriptions include online access to cases and supplementary materials on adoption and child welfare. NACC members can subscribe at the special rate of \$249 per year. New individual subscribers who are not currently members of the NACC receive a complementary one-year membership in the NACC. For more information, contact Stacey Lightman Cohen, 888-447-1432 or staceycohen@i-lawpublishing.net. NACC members can subscribe online at www.i-lawpublishing.net/naccbookstore.htm.

NEWS

NACC 2003 Law Student Essay

Competition. The NACC is accepting essays for the 2003 Law Student Essay Competition. The winning essay will be published in the 2003 Children’s Law Manual, and the winner will be given \$100, a one-year NACC membership and a scholarship to the 2003 conference in New Orleans. Essays will be evaluated on the importance of the topic to advancing the legal interests of children, persuasiveness and quality of research and writing. Mail essays with contact information and a \$10 application fee to: NACC Student Essay Competition, 1825 Marion Street, Suite 340, Denver, CO 80218 by July 15,

2003. Essays should be submitted on disk together with a hard copy, not to exceed 15 pages single-spaced. For more information, please call the NACC toll free at 1-888-828-NACC.

2003 NACC Outstanding Affiliate

Award. Nominations are being accepted for the NACC 2003 Outstanding Affiliate Award. The award will be presented to the affiliate that best fulfills the mission of the NACC on the local level. The mission of the NACC is to achieve the well being of children by promoting multidisciplinary excellence in children’s law, establishing the legal interests of children and enhancing children’s legal remedies. Affiliates should submit an application in letter form together with supporting documentation to NACC Affiliate Award, 1825 Marion St., Suite 340, Denver, CO 80218. Submission Deadline is July 15, 2003.

NACC Children’s Law Office Project.

The NACC continues to develop its children’s law office project to address the ongoing, institutional needs of children’s law offices. We are forming a national umbrella group capable of addressing the operational and representation needs of these offices. Surveys are currently being completed to assess project parameters. Contact NACC Staff Attorney Colene Flynn Robinson for more information (303/864-5323 / robinson.colene@tchden.org).

Join the NACC Children’s Law Listserv

Information Exchange. All NACC members are encouraged to become part of the NACC Listserv which provides a question, answer and discussion

NACC – Members Get Members Program!

EARN “NACC BUCKS” BY NOMINATING YOUR COLLEAGUES FOR MEMBERSHIP!

Participate in the NACC “Members Get Members” program and earn valuable NACC Bucks redeemable on your NACC member dues, publications and conferences. For every prospect who becomes an NACC member, you will receive 20 NACC Bucks. Save 100 NACC Bucks and receive a complimentary registration to the NACC Annual National Children’s Law Conference (a \$300 value).

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Mail to: NACC Membership, 1825 Marion Street, Suite 340, Denver, CO 80218

format for a variety of children's law issues. It is an excellent way to improve your advocacy skills and share your expertise with your NACC colleagues.

To join, simply send an e-mail to advocate@NACCchildlaw.org and say "Please add me to the NACC Listserv."

NACC Web Site / Member Directory Now Open to Public.

Visit the NACC's member services web site at www.NACCchildlaw.org. The site is comprised of four sections: About the NACC; Technical Assistance and Training; Children and the Law; and Policy Advocacy. The site includes members-only sections that allow you special access to resources. Passwords are mailed to all NACC members with their welcome packets. Contact the NACC if you don't know your password. Additionally, the NACC online membership directory, formerly a member only section, is now open to the public. Please contact the NACC if you do not want your listing made public.

The NACC National Child Advocacy Resource Center is available for member use. The Resource Center provides referrals, resource information, and consultation. NACC members may access the resource center online (www.NACCchildlaw.org), by phone (toll-free 1-888-828-NACC), fax (303/864-5351), and e-mail (advocate@NACCchildlaw.org).

NACC Members Get Members Program. Earn "NACC Bucks" by nominating your colleagues for membership. Participate in the NACC "Members Get Members" program and earn valuable NACC Bucks redeemable on your NACC member dues, publications, and conferences. For every prospect who becomes an NACC member, you will receive 20 NACC Bucks. Save 100 NACC Bucks and receive a complimentary registration to the NACC Annual National Children's Law Conference (a \$300 value). Complete and return the form on page 13 of this issue and start earning now.

AMICUS CURIAE ACTIVITY

There is no new amicus activity. To request NACC amicus participation, contact the

NACC or go to www.NACCchildlaw.org/training/amicus.html.

JOBS

Child Protective Services Social Worker, Charlotte, North Carolina, Investigates allegations of abuse, neglect, and dependency. Conducts comprehensive assessments, implements protection plans, and provides on-going protective services. Qualifications include: MSW and one year social work experience; BSW and two years social work experience; Master's degree in related field and two years social work experience; or Bachelor's degree in related field with 15 hours of social work/counseling experience and three years of social work experience. Please contact Mecklenburg County Department of Social Services, (704) 432-0291, email burripa@co.mecklenburg.nc.us.

Senior Policy Analyst, Prevent Child Abuse America, CT, Responsible for implementing various advocacy activities under the direction of the Vice President. Job description posted at www.preventchildabuse.org. For more information or to apply contact Robert Allen (312) 663-3520 or mailbox@preventchildabuse.org.

Staff Attorney, Center for Public Interest Law/Children's Advocacy Institute, Sacramento CA. CPIL is seeking temporary (2 Year) full time, benefit-based position of Staff Attorney. For more information visit www.admin.is.sandiego.edu/hr/jobdetail.asp?jid=487.

Director of Planning, The Vera Institute of Justice, New York, NY. \$60,000 plus benefits. Senior Planner to develop and implement innovations in the juvenile justice system. Send resume to: Vera Institute of Justice, Director of Planning, 233 Broadway, 12th Floor, NY, NY 10279.

Staff Attorney/Supervisor, St. Louis City CASA, St. Louis, MO. Responsible for supervision of lay Guardians ad litem and legal representation of children in foster care. For more information contact Mary Taylor, 920 N. Vandeventer, St. Louis, MO 63108, telephone: (314) 552-2352, fax: (314) 533-2617, email: mztaylor@stlcitycasa.org.

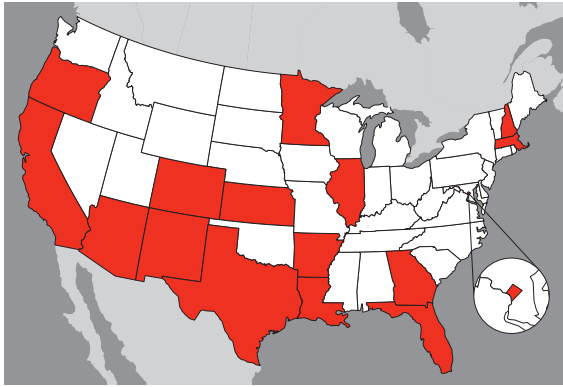
Citizen Panel Program Administrator, DeKalb County Juvenile Court, Decatur, GA. \$34,752-\$53,916 with benefits. The Program Administrator supervises and manages all functional areas of The Citizen Panel. For more information, contact Deborah Nance, DeKalb County HR & Merit System, 1300 Commerce Drive, Suite 100, Decatur, GA 30030, telephone: (404) 371-3081, fax: (404) 371-4993, email: ddnance@co.dekalb.ga.us.

Staff Attorney, Ohio State University Moritz College of Law, Columbus, OH. Attorney for the Justice for Children Practicum with at least three years litigation experience and interest/experience in children's legal advocacy. Responsibilities include supervising students, representing clients in juvenile matters, and classroom teaching on lawyering skills. The preferred start date is July 1, 2003 and salary ranges from \$48,000 - \$51,000. Please send resume, references, and cover letter to Professor Mary Beth Beazley, Chair, Search Committee, The Ohio State University Moritz College of Law, 55 West 12th Avenue, Columbus, Ohio 43210. Send e-mail applications to beazley.l@osu.edu.

Children's Court Attorney, Child Protective Services, Clovis, NM. CYFD is accepting applications for a children's court attorney in Clovis, NM. Attorney will represent the department in abuse and neglect and termination proceedings. Looking for applicants with at least four years experience, but will consider candidate with less experience for employment at entry level. New Mexico licensure required, but will consider candidate admitted elsewhere, subject to sitting for next bar exam and gaining prompt admittance to NM bar. Salary: \$36-65K yearly, DOE. Contact Nick Kennedy, Managing Attorney, at 505-763-0014, nlkennedy@cyfd.state.nm.us, CYFD Children's Court Attorneys, P.O. Drawer 1829, Clovis NM 88102-1829; fax 505-763-5211. Closing date is 06/01/03.

Visit the NACC Child Law and Advocacy National Job Web Site. You can access the information online at www.NACCchildlaw.org/childrenlaw/jobs.html. If you wish to post a job on the web site, follow the online directions or call the NACC at 1-888-828-NACC.

If you have "Children's Law News," please send it to: *The Guardian*, 1825 Marion Street, Suite 340, Denver, CO 80218
You can e-mail information to: advocate@NACCchildlaw.org.



Affiliate News

NACC affiliates help fulfill the mission of the national association while providing members the opportunity to be more directly and effectively involved on the local level. If you are interested in participating in NACC activities on the local level, or simply want contact with other child advocates, please contact the organization in your area. If there is no affiliate in your area and you would be interested in forming one, please let us know. The formation of an NACC affiliate is simple, and we can provide you with an affiliate development packet to get you started. Affiliate development materials are available on our website at www.naccchildlaw.org/about/affiliates.html.

ARIZONA

Arizona Association of Counsel for Children (AACC)*

Ann M. Haralambie, President
3499 N. Campbell, #901
Tucson, AZ 85719
Phone: 602/327-6287 Fax: 520/325-1374
Email: acacnacc@aol.com
Website: members.aol.com/naccaz

ARKANSAS

Arkansas Association of Counsel for Children (AACC)*

Janet Bledsoe, President
121 N. 7th St.
Rogers, AR 72756-3742
Phone: 501/631-7136

CALIFORNIA

Northern California Association of Counsel for Children (NCAACC)*

Recipient of the NACC Outstanding Affiliate Award (2001)
Christopher Wu, President
AOC/ Center for Children,
Families and the Courts
455 Golden Gate Avenue
San Francisco, CA 94102
Phone: 415/865-7721 Fax: 415/865-7217
Email: Christopher.Wu@jud.ca.gov

Los Angeles Affiliate of the National Association of Counsel for Children (LANACC)*

Recipient of the NACC Outstanding Affiliate Award (2001)
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201 Centre Plaza Drive, Suite 8
Monterey Park, CA 91754
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COLORADO

Colorado Association of Counsel for Children (CACC)*

John Ciccolella, President
405 South Cascade Avenue, Suite 205
Colorado Springs, CO 80903
Phone: 719/636-1561 Fax: 719/444-0155
Email: John@coloradofamilylaw.net

FLORIDA

Florida Association of Counsel for Children (FACC)**

Gerard F. Glynn
Barry University School of Law
6441 East Colonial Drive
Orlando, FL 32807
Phone: 407-275-4451 Fax: 407-275-0701
Email: gglynn@mail.barry.edu

GEORGIA

Georgia Association of Counsel for Children (GACC)**

Dee Simms
Office of the Child Advocate
3330 Northside Drive, Suite 100
Macon, GA 31210
Phone: 478-757-2670 Fax: 478-757-2666
Email: dsimms@gachildadvocate.org

ILLINOIS

Illinois Association of Counsel for Children (IACC)*

Contact the NACC for information.

KANSAS

Kansas Association of Counsel for Children (KACC)*

Larry R. Rute, President
212 SW 8th Avenue, Suite 102
Topeka, KA 66603
Phone: 785/357-1800 Fax: 785/357-0002
Email: staff@adrkscoxmail.com

Congratulations to KACC whose affiliate charter was recently approved by the NACC Board of Directors.

Together with the Kansas Trial Lawyers Association and the Washburn Center for Children and Family Law, KACC hosted its first event, the first annual "Representing the Child Seminar" on May 9, 2003. Please contact Larry Rute to become involved in the new Kansas affiliate.

LOUISIANA

NACC Student Chapter of Tulane Law School****

David Katner, Faculty Advisor
Tulane Law School
7031 Freret Street
New Orleans, LA 70118
Phone: 504/865-5153 Fax: 504/862-8753
Email: Dkatner@clinic.law.tulane.edu

MASSACHUSETTS

Central & Western Massachusetts Association of Counsel for Children (CWMACC)*

Larri Tonelli Parker
490 Shrewsbury St., Suite C
Worcester, MA 01604
Phone: 508/795-0200 Fax: 508/791-0325
Email: lamparker@aol.com

MINNESOTA

Minnesota Association of Counsel for Children*

Contact the NACC for information.

NEW HAMPSHIRE

New Hampshire Chapter of the National Association of Counsel for Children (NHNACC)*

Contact the NACC for Information.

NEW MEXICO

New Mexico Association of Counsel for Children (NMACC)*
Contact the NACC for information.

OREGON

Oregon Association of Counsel for Children (OACC)*
Contact the NACC for Information

TEXAS

Central Texas Association of Counsel

for Children (CTACC)**

Bree Buchanan
727 East Dean Keeton Street
Austin, TX 78705
Email: Bbuchanan@mail.law.utexas.edu

Houston Association of Counsel for Children (HACC)** / ***

Ellen Marrus, Faculty Advisor
University of Houston Law Center
100 Law Center
Houston, TX 77204

Phone 713/743-0894
Email: Emarrus@uh.edu

WASHINGTON, DC

Washington DC Metro Chapter of NACC*

Anne E. Schneiders, President
2828 Wisconsin Avenue NW, #314
Washington, DC 20007
Phone: 202/363-7916 Fax: 202/244-7693
Email: aeschild@aol.com

* Officially Chartered NACC Affiliate ** Petition for Charter Pending *** Affiliate Forming **** Student Chapter
NACC Affiliates are encouraged to send announcements and news of their activities and meetings to The Guardian.
Deadlines for submission are February 1, May 1, August 1, and November 1.

National Association of Counsel for Children Development Fund

Support your profession and America's children by contributing to the NACC's future.

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NACC – Application for Membership

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I wish to become a member. Enclosed is my check for \$ _____

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 I would like \$10 of my membership dues to support my local NACC affiliate.

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Agency 1 \$375 = 10 individual memberships (50% savings)
Agency 2 \$750 = 20 individual memberships (50% savings)

Please send additional information on the NACC.

Please send information on establishing an affiliate.

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<input type="checkbox"/> Serving the Needs of the Child Client (1998)	\$20	\$25
<input type="checkbox"/> Child Advocacy at a Crossroads (1996)	\$20	\$25
<input type="checkbox"/> Children's Law, Policy & Practice (1995)	\$20	\$25
<input type="checkbox"/> Current Issues in Pediatric Law (1993)	\$20	\$25

Other Publications:

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<input type="checkbox"/> NACC Recommendations for Representation of Children in Abuse and Neglect Cases	\$10	\$15
<input type="checkbox"/> NACC's Better Public Policy for Children, Youth and Families: An Advocacy Guide	\$10	\$15

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The NACC office receives many requests for legal services. Because the NACC does not provide direct legal services, we need to refer these people to counsel. Please fill out the following form and return it to the NACC so that we can include you in our referral network. Non-attorneys are also asked to participate.

AREAS OF PRACTICE:

- | | |
|---|--|
| <input type="checkbox"/> abuse, neglect, dependency | <input type="checkbox"/> guardianship, conservatorship |
| <input type="checkbox"/> delinquency, status offenses | <input type="checkbox"/> civil litigation |
| <input type="checkbox"/> custody, visitation | <input type="checkbox"/> mental health |
| <input type="checkbox"/> child support | <input type="checkbox"/> health care |
| <input type="checkbox"/> adoption | <input type="checkbox"/> jurisdiction |
| <input type="checkbox"/> Other: _____ | |

I will consider *pro bono* referrals.

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