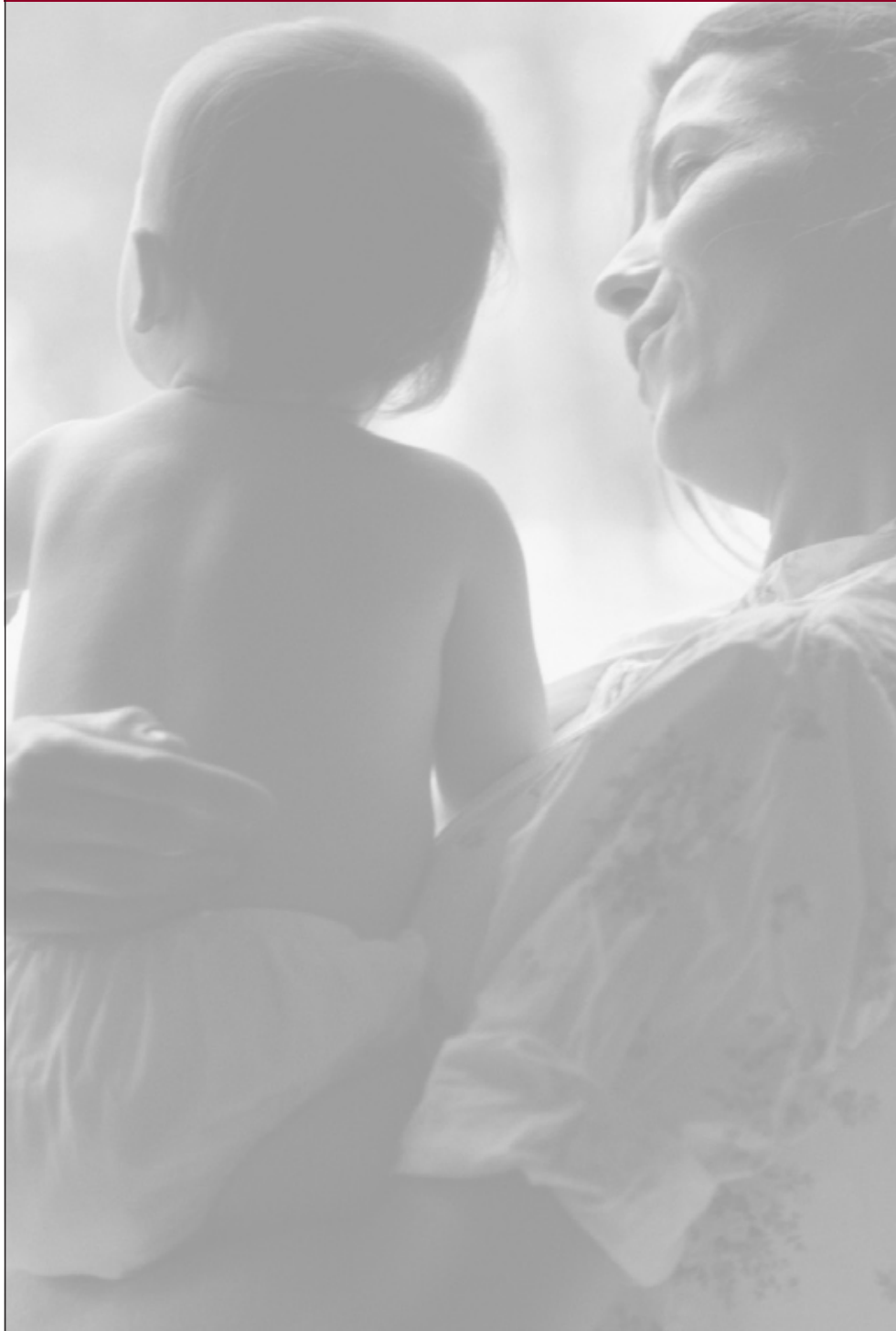


THE GUARDIAN

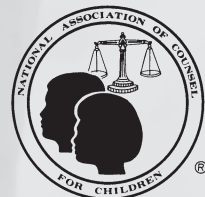
NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

Vol. 27, No. 1 ■ Winter 2005



IN THIS ISSUE

- 01 NACC BOARD CHAIR MESSAGE
- 02 WELCOME NEW NACC BOARD OFFICERS AND DIRECTORS
- 04 CASE LAW
 - Dependency / Children's Right to Representation (Federal District Court for Georgia)
 - Dependency / Domestic Violence (Federal District Court for New York)
 - Criminal / Child Victim's Right to Representative (Arizona)
 - Dependency / Best Interests Standard of Proof (Illinois)
 - Delinquency / Strip Searches Violate Fourth Amendment (2nd Circuit Court of Appeals)
 - Delinquency / Dark Poetry Not A Criminal Threat (California)
 - Custody / Natural Mother Petitions for Custody (Ohio)
 - Custody / Court Appointed Attorney Entitled to Quasi Judicial Immunity (Massachusetts)
- 05 10TH ANNUAL ROCKY MOUNTAIN CHILD ADVOCACY TRAINING INSTITUTE
May 16-20, 2005 • Denver, CO
- 11 NACC YOUTH EMPOWERMENT COLUMN
Warning
- 12 NACC FEDERAL POLICY UPDATE
President's Proposed FY2006 Budget
- 13 CHILDREN'S LAW NEWS
 - 2005 Outstanding Legal Advocate Award
 - 2005 Law Student Essay Competition Open
 - NACC Juvenile Attorney (Child Welfare) Certification Update
 - 2005 National Children's Law Conference News
- 14 NACC BOOK SALE — FOR MEMBERS ONLY!
- 15 AFFILIATE NEWS
Northern California / Georgia / Central Texas



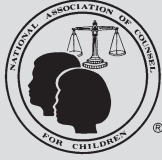
NACC 28th National Children's Law Conference
State of the Art Advocacy for Children, Youth, and Families
Renaissance Hollywood Hotel • Los Angeles, CA • August 25-28, 2005

**NACC
DENVER COLORADO**

www.NACCchildlaw.org

NACC

**NATIONAL ASSOCIATION
OF COUNSEL FOR CHILDREN**



Mission

THE MISSION OF THE NACC IS TO:

Strengthen the Delivery of
Legal Services for Children

Enhance the Quality of
Legal Services Affecting Children

Improve Courts and Agencies
Serving Children, and

Advance the Rights
and Interests of Children

Executive Committee

CHAIR

Christopher N. Wu, Esq.
San Francisco, California

VICE CHAIR

John H. Stuemky, MD
Oklahoma City, Oklahoma

TREASURER

Donald N. Duquette, Esq.
Ann Arbor, Michigan

SECRETARY

Robert C. Fellmeth, Esq.
San Diego, California

PAST CHAIR

Candace J. Barr, Esq.
Minneapolis, Minnesota

PRESIDENT/CEO

Marvin Ventrell, Esq.
Denver, Colorado

POLICY REPRESENTATIVE

Miriam Rollin, Esq.
Washington D.C.

Table of Contents

NACC BOARD CHAIR MESSAGE ----- **01**
Christopher N. Wu

WELCOME NEW NACC BOARD OFFICERS AND DIRECTORS ----- **02**

CASES ----- **04**

Dependency / Children's Right to Representation
(Federal District Court for Georgia) ----- 04

Dependency / Domestic Violence
(Federal District Court for New York) ----- 04

Criminal / Child Victim's Right to Representative (Arizona) ----- 05

Dependency / Best Interests Standard of Proof (Illinois) ----- 06

Delinquency / Strip Searches Violate Fourth Amendment
(2nd Circuit Court of Appeals) ----- 07

Delinquency / Dark Poetry Not A Criminal Threat (California) ----- 08

Custody / Natural Mother Petitions for Custody (Ohio) ----- 08

Custody / Court Appointed Attorney Entitled to
Quasi Judicial Immunity (Massachusetts) ----- 09

CASE UPDATES ----- 09

AMICUS CURIAE ACTIVITY ----- 10

**10TH ANNUAL ROCKY MOUNTAIN
CHILD ADVOCACY TRAINING INSTITUTE** ----- **05**
May 16-20, 2005, Denver, CO

NACC YOUTH EMPOWERMENT COLUMN ----- **11**
Warning, by L.V.

GIVE TO THE NACC ----- **11**

FEDERAL POLICY UPDATE ----- **12**
President's Proposed FY2006 Budget

CHILDREN'S LAW NEWS ----- **13**

News ----- 13

Conferences & Trainings ----- 14

Publications ----- 14

Jobs ----- 14

BOOK SALE – MEMBERS SAVE! ----- **15**

AFFILIATE NEWS ----- **16**
Northern California / Georgia / Central Texas

NACC CONTRIBUTORS ----- **17**

NACC MEMBERSHIP APPLICATION ----- **BACK PAGE**

REFERRAL NETWORK ----- **BACK PAGE**

The Guardian is published quarterly by
the National Association of Counsel for Children

Kempe Children's Center
1825 Marion Street, Suite 242
Denver, Colorado 80218
Tel: 303-864-5320 Fax: 303-864-5351
E-Mail: advocate@NACCchildlaw.org
Website: www.NACCchildlaw.org
Editor: **Marvin Ventrell**
Managing Editor: **Beth Wicht**
Law Editor: **Amanda George Donnelly**

© Copyright 2005 NACC

Subscription Price:
The Guardian is sent to all
members of the National
Association of Counsel for
Children. Membership in the
organization is \$75 annually.
To join, complete and return the
application found in this issue.

The Guardian is printed
on recycled paper.

THE GUARDIAN

NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

Vol. 27, No. 1 • Winter 2005



NACC Board Chair Message

CHRISTOPHER N. WU, ESQ.

Greetings! It gives me great pleasure to kick off my tenure as Chair of the NACC Board of Directors. I follow in a line of terrific Chairs and I particularly want to thank immediate past Chair, Candace Barr of Minneapolis, Minnesota, for her wonderful work and hospitality for the past two years. I look forward to continuing to work with her and all of our board members.

I am one of the lucky few lawyers of my generation who was able to begin learning about children's issues in law school. As a student at the University of Michigan in the early 1980's I was desperate for an escape from traditional law school classes after the first year and found the Child Advocacy Law Clinic and Professor Don Duquette (we've stayed connected — Don is the NACC's current Board Treasurer). During law school I also worked as a law clerk at the National Center for Youth Law in San Francisco.

After a short detour into civil litigation (there was no clear career path in child advocacy at the time), I was fortunate to land an attorney position at Legal Services for Children in San Francisco, one of the only law offices in the country providing comprehensive direct representation for children. I stayed for ten years, serving as Managing Attorney and Director along the way.

For the last ten years I have been at the California Administrative Office of the Courts (AOC), working exclusively on family and children's issues. Several years ago, the AOC brought together all of its projects dealing with families and children and created the Center for Families, Children & the Courts, a unique entity within American court administration, providing statewide leadership and assistance to the judicial branch on family and children's issues.

One of my cases at the University of Michigan clinic helped to develop my view of the proper role of a child's attorney. We represented Crystal, an 11-year old who had been placed with her grandparents for a number of years. Her case was up for a routine review hearing and the social work report showed no significant changes. In interviewing Crystal before the hearing she told us that her grandparents had used corporal punishment and had wrongfully accused her of stealing from them and locked her in her room. She wanted us to inform the court but did not want us to discuss these allegations with her grandparents first.

My partner and I frankly weren't convinced that Crystal was being totally truthful with us and we feared the repercussions of raising these issues because she had been with her grandparents for a long time and didn't have any other relatives available to take her in.

We finally decided to inform the court of what Crystal had told us and let the chips fall where they may. Crystal wanted

us to speak in court for her and we told the court what she had told us in front of our client and her grandparents. The judge listened carefully and asked the grandparents to respond. They denied using corporal punishment or locking her in her room but admitted that they had recently punished her for stealing.

The judge spoke directly to Crystal and said that he had heard her concerns but thought that continuing to stay with her grandparents was clearly the best thing for her. He told her to make sure to let us, her attorneys, know if there were any other incidents such as we had described. He also made sure that the grandparents agreed to let her contact us whenever she wanted.

After the hearing we talked to Crystal, both alone and with her grandparents. We gave her our card again and made sure she knew how to contact us. The grandparents looked appropriately weary but didn't seem angry about how the hearing unfolded. Crystal seemed much happier now and wasn't frightened about going home with her grandparents. She had her "day in court." Although this was a long term case, the review hearing was our first appearance as Crystal's student attorneys, since the clinic was only a one semester course. I got the feeling that they'd all (including the judge) been through this sort of thing before. The family went off together and when we called Crystal a couple of months later to check in on her, she said everything was fine.

The case taught me the fundamental meaning of establishing a confidential relationship with a client and keeping your word. If we had told the court our personal belief that Crystal might be exaggerating or had we played judge and stayed silent about her allegations, the end result in court might have been the same, but she would probably never trust us again and would never have seen that we had a different role than other people in her life.

This experience was the first of many I have had as an attorney for children that lead me to believe strongly in the client-directed approach to representation embodied in the ABA and NACC standards of practice for children's attorneys. The point of having a confidential relationship with a client is to build a *relationship of confidence* so that there is at least one person the client can trust to be on his or her side. Protecting that confidential relationship for clients whose trust has often been betrayed time and time again may, in the long run, be "in the best interests of the child."

This is an exciting time to be a member of the NACC with so much happening, including the certification of attorneys as specialists in child welfare law and the new children's law office project which is helping to build dedicated specialized model children's law offices.

Neither the Attorney Certification Project nor the Children's Law Office Project would have been feasible for this young profession just a few years ago. It is a sign of the maturing professional practice of children's law that the attorneys and organizations that have done the work for many years can begin to be recognized alongside those in the "mainstream" legal specialties. The NACC has led the way in helping the profession to reach this point of development.

The two major ambitions I have for the NACC as your new Board Chair are to increase the membership base and to develop more state and local affiliates. NACC membership is currently at or near an all-time high. Yet, to be representative of the lawyers engaged in children's law nationwide we need more members from more jurisdictions. The NACC could be a much stronger force in many regions in the country. So tell your friends about the NACC and sign them up. The NACC will even give you a bonus for referring new members.

In addition to my role as national Board Chair, I am proud to be the President of the Northern California Association of Counsel for Children (NCACC), the NACC affiliate in the San Francisco Bay Area. We are one of the two active NACC affiliates in California. Thanks to a core of dedicated and extraordinary members, the NCACC conducts regular training events

and has active *amicus curiae* and legislative committees. These activities mirror the major functions of the NACC on the national level.

Affiliates do not have to conduct all of the same activities. They can largely choose their own course within the broad mission of the NACC. The important thing is to get colleagues together, form the group, start to meet regularly, and set an agenda. The NACC stands ready to help. And once a group's charter is approved, and it officially becomes an NACC affiliate, part of the NACC's annual dues from members within the region can be forwarded to the affiliate to help support it.

The NACC has a great staff in Denver with an inspirational and dedicated CEO whom I have immensely enjoyed working with over the years and look forward to working even more closely with as Board Chair.

I look forward to the next two years. Please feel free to contact me with questions or comments about the NACC any time. My direct line and email address are 415-865-7721 and christopher.wu@jud.ca.gov.

I hope to see you in Hollywood this August at the annual conference. ■



Welcome New NACC Board Officers and Directors

Officers of the Board

Christopher N. Wu, JD

Board Chair, 2005–2006

*Supervising Attorney
Judicial Council of California
Center for Family, Children
& the Courts*

SAN FRANCISCO, CA

Chris begins his term as the Chair of the Board of Directors after having completed the Vice Chair term in 2004. He also serves on the NACC Juvenile Attorney Certification National Advisory Board, the Children's Law Office Project Board, and is Chair of both the NACC Program Committee and the 2005 National Conference Committee. Chris is President of the San Francisco Bay Area affiliate of the NACC, the Northern California Association of Counsel for Children (NCACC). Chris was previously a Managing Attorney and Director at the Legal Services for Children in San Francisco.

John H. Stuemky, MD

Board Vice Chair 2005–2006

*Chief of the Section of General
Pediatrics & Pediatric Medicine
Children's Hospital of Oklahoma*
OKLAHOMA CITY, OK

John Stuemky has been involved in the diagnosis and care of abused and neglected children since 1975. He was one of the founders of the Child Protection Team at Children's Hospital of Oklahoma. Today, this team evaluates approximately 1,000 children a year for abuse and neglect. John also serves as an Associate Professor of Pediatrics at the University of Oklahoma, College of Medicine.

Donald N. Duquette, JD

Board Treasurer 2005–2006

*Clinical Law Professor/Director
University of Michigan Law School
Child Advocacy Law Clinic*
ANN ARBOR, MI

Don Duquette has taught at the University of Michigan Law School since 1976. He has written and taught extensively on interdisciplinary approaches to child welfare law and has published over 30 articles and book chapters on the subjects of child protection, foster care, and child advocacy. Don also serves as Director of the Michigan Child Welfare Law Program and is co-director of the NACC Juvenile Attorney Certification program.

Robert Fellmeth, JD

Board Secretary 2005–2006

*Executive Director/Professor
University of San Diego Law School
Children's Advocacy Institute*
SAN DIEGO, CA

Bob leads the Children's Advocacy Institute in its work as an academic center and statewide law firm which advocates for children in the courts, legislature, and agencies. Bob also holds the Price Chair in public interest law and teaches Child's Rights and Remedies, directs a

dependency court clinic representing abused children, and writes the annual California Children's Budget. Bob has served as a state and federal prosecutor and has devoted his career to public interest and child advocacy.

Candace J. Barr, JD
Board Past Chair 2005–2006

Attorney at Law
Niemi, Barr & Jerabek
MINNEAPOLIS, MN

Candace has a law practice limited to juvenile and family law with an emphasis on representing children. Candace is certified by the National Board of Trial Advocacy and has been named one of the top 40 family lawyers in Minnesota. She served as the Chair of the NACC Board of Directors for the past two years.

Board of Directors

John Ciccolella, JD

Attorney at Law
Ciccolella & Weston, P.C.
COLORADO SPRINGS, CO

John has over thirty years of experience in family law and served on the NACC board in the association's formative years. In addition to his law practice, he sits as Municipal Judge for the towns of Palmer Lake and Monument, Colorado. As an active lawyer, he lectures to professional groups in all areas of family law including numerous local and state bar associations. In 2002 he was awarded the Stephen M. Cahn Award from the NACC for career achievement in juvenile law.

Donna Furth, JD

Attorney at Law
SAN FRANCISCO, CA

Donna represents child clients in dependency appeals and teaches Juvenile Law at the University of San Francisco School of Law. She also serves on the Board of Directors of the Northern California Affiliate of the NACC (NCACC) and is a member of the Juvenile Attorney Certification Project National Advisory Board, the NACC Program and Amicus Committees, and the NCACC Amicus Committee. She became interested in child welfare law while working as a clerk at the California Supreme Court. Thereafter Donna was as a staff attorney at both Legal Services for Children and the Children's Law Offices before starting her own practice in 1992.

Leslie Starr Heimov, JD

Director of Special Projects
Children's Law Center of Los Angeles
MONTEREY PARK, CA

Leslie has been with the Children's Law Center (CLC) since 1992. She served as a staff attorney, representing thousands of children in dependency court until 1997 when she moved into a supervising attorney position. As a supervisor Leslie trained and directed a team of case carrying attorneys, while continuing to handle complex and high profile cases. In her current position Leslie directs CLC's statewide and national legislative and policy agenda including drafting legislation and working closely with elected officials, their staff, lobbyists and other advocates to support important legislative reforms. Leslie also serves on the Children's Law Office Project National Advisory Board.

H.D. "De" Kirkpatrick, Ph.D. / ABPP

Forensic Psychologist
Kirkpatrick and Hadler
Forensic Evaluation
CHARLOTTE, NC

De is a licensed psychologist in North Carolina and California and is one of a select number of psychologists in the U.S. with the designation Diplomate in Forensic Psychology granted by the American Board of Forensic Psychology. De has written and trained extensively for the NACC over his many years of membership.

John E. B. Myers, JD

Professor of Law
University of the Pacific
McGeorge School of Law
SACRAMENTO, CA

John is a nationally recognized expert on investigation and litigation of child abuse and neglect. He has authored numerous books and articles discussing evidentiary and constitutional issues in child abuse and litigation. His writing has been cited by more than 140 courts including the United States Supreme Court and numerous federal and state courts. John is a sought after speaker at conferences for judges, attorneys, and mental health professionals and has made more than 200 presentations in the U.S. and abroad.

James W. Payne

Director
Department of Child Services
INDIANAPOLIS, IN

Jim has been one of the nation's leading juvenile court judges presiding over the Marion Superior Court Juvenile Division. He is a nationally recognized speaker and educator in the fields of child abuse and neglect and court improvement. Jim was recently appointed by the governor of Indiana to be the Director of the Department of Child Services for the State of Indiana.

Theresa Spahn, JD

Executive Director
Office of the Child's Representative
DENVER, CO

Theresa has been the Executive Director of the Colorado Office of the Child's Representative since its creation in 2001. She has long been a devoted and successful advocate of children's issues through her work as a Deputy District Attorney, District Court Magistrate and particularly in her current position. She was awarded the NACC 2003 Outstanding Legal Advocacy Award and serves on numerous committees and boards, including the Colorado Women's Bar Association Board, Co-Chair of the CWBA Public Policy Committee, the Colorado Supreme Court Family Issues Committee, the Colorado Bar Association Domestic Violence and Children Committee, and the Colorado Alliance for Drug Endangered Children.

Shannan Wilber, JD

Executive Director
Legal Services for Children, Inc.
SAN FRANCISCO, CA

Under Shannan's leadership, LSC provides comprehensive, holistic legal and social services to children and youth in the San Francisco Bay Area. Shannan formerly worked as a Staff Attorney at the Youth Law Center, a national organization promoting systemic reform on behalf of children in out-of-home care. She also helped establish Legal Advocates for Children and Youth in San Jose, and served as its first Directing Attorney. She has litigated and advocated on behalf of children in gay and lesbian families, and is currently coordinating a project to develop model professional standards governing the care of lesbian, gay, bisexual and transgender youth in state custody. Shannan was the 2004 recipient of the NACC Outstanding Legal Advocacy Award. ■



Cases

Dependency / Children's Right to Representation

Federal District Court Holds That Children Have A Constitutional Right To Representation. Kenny A. ex rel. Winn v. Perdue, 218 F.R.D. 277 (N.D. Ga. 2005); U.S. District Court, Northern District of Georgia (February 8, 2005).

The case involves a class action brought on behalf of foster children in DeKalb and Fulton Counties (counties) for the counties failure to provide adequate and effective legal representation to children in their care. The Federal District Court issued an order denying the defendants' motions for summary judgment. In its opinion, the court stated that foster children have both a statutory and constitutional right to representation.

In both counties child advocate attorneys are appointed to represent children in deprivation and termination of parental rights hearings. Together the counties have over 2000 children in foster care and they employ a combined total of nine child advocates. The plaintiffs contend that they have a right to legal counsel and that high caseloads make effective representation impossible. NACC CEO Marvin Ventrell provided expert testimony on standards of practice in child welfare cases based on the NACC Recommendations and Standards of Practice for the Legal Representation of Children in Abuse and Neglect Cases. His testimony was accepted by the court and cited in its opinion. The court concluded that both the Georgia Constitution and State statute provide a right to counsel for children in deprivation and termination of parental rights cases.

Dependency / Domestic Violence

United States Second Circuit Court Of Appeals Limits Removal of Children

Based Solely On Witnessing Domestic Violence Against Their Caretaker. Nicholson v. Scoppetta et al., 2004 N.Y. LEXIS 3490 (October 26, 2004).

This §1983 action was brought by Nicholson against the New York City Administration for Children's Services (ACS) on behalf of mothers and children that were separated because their mothers were victims of domestic violence. Plaintiffs alleged that ACS, as a matter of policy, removed children from mothers who were victims of domestic violence, because as victims they were engaged in domestic violence. The plaintiffs argued that as a result of this practice, ACS removed and detained children without probable cause or due process of law. The District Court ruled that ACS policies violated both substantive due process and procedural due process. ACS appealed the decision to the Second Circuit, which held that the District Court had not abused its discretion.

In January 2002, the District Court granted a preliminary injunction, concluding that the City may not penalize a battered mother, who is not otherwise unfit, by separating her from her children. Furthermore, the court found that children may not be separated from their mother solely because of domestic violence because it punishes them for the batterer's actions. The Court found that ACS unnecessarily, routinely charged mothers with neglect and removed their children when the mothers had been victims of domestic violence. The District Court found, therefore, that ACS practices and policies violated the rights of mothers and children not to be separated by the government without due process unless the parent is unfit to care for the child.

On appeal, the Second Circuit held that the District Court had not abused its discretion. The Second Circuit concluded that the evidence supported

the District Court's finding that ACS had a practice of removing children based on the parent's failure to prevent exposure to domestic violence against a parent, and that in some circumstances the removals may raise serious questions of federal constitutional law. To avoid unnecessary constitutional adjudication the Second Circuit, by three certified questions, put the open state statutory law issues to the Court of Appeals for resolution.

First, the Court considered whether a parent could be found responsible for neglect based only on evidence that the parent was a victim of domestic violence and that the child had been exposed to domestic violence. The Court concluded that exposure to domestic violence alone did not establish neglect. To establish neglect New York law requires proof of actual (or imminent danger of) physical, emotion or mental impairment to the child, and there must be a connection between the basis for the neglect petition and the child's impairment.

The Court next considered whether exposure to domestic violence can rise to a level that establishes an imminent danger or risk to a child's life or health, making removal appropriate. The Court stated that removal based on domestic violence is appropriate under four circumstances: 1) temporary removal with consent; 2) preliminary orders after a petition is filed; 3) preliminary orders before a petition is filed; and 4) emergency removal without a court order. The Court held that emergency removal is appropriate only when a child is in imminent danger and his or her life or safety will be at risk before an ex parte order can be obtained.

The third question invoked process. The Court considered whether the fact that the child witnessed abuse demonstrates that removal is appropriate based on exposure

to domestic violence. The Court stated that there can be no blanket presumption favoring removal of a child witness to domestic violence, and that each case is fact specific.

Therefore the Court ruled that it is not constitutional to remove a child solely because the child witnessed a parent or caretaker as a victim of domestic violence. The court also held that there can never be a presumption to remove a child because of domestic violence. In December 2004, New York City settled this class action and reformed the way it handled cases involving domestic violence exposure.

Criminal / Child Victim's Right to Representative

Arizona Court of Appeals Holds That Minor Victims Of Criminal Conduct Have A Right To A Representative. Arizona ex rel Richard M. Romley v. Dairman et al., 95 P.3d 548; 2004 Ariz. App. LEXIS 113; 432 Ariz. Adv. Rep. 21 (August 10, 2004).

The Arizona Court of Appeals considered whether a representative, other than a legal guardian, may be appoint-

ed for a minor when the defendant is not part of the victim's "immediate family." The Court held that Arizona's Victims' Bill of Rights requires the appointment of a separate representative when the minor's legal guardian is unable or unwilling to adequately represent the minor victim's interest.

The defendant was charged with six counts of child molestation, class 2 felonies, and dangerous crimes against children. The victims are two children that are cousins aged four and eight. The victims lived in the same house as the defendant when the offenses took place and up until his arrest. The legal guardians live there as well. The four-year old victim's legal guardian is both victims' grandmother and the defendant's sister. The eight-year old victim's mother is her legal guardian and the defendant's niece. Both legal guardians admitted that the victims had informed them of the alleged molestation.

The State filed a petition requesting that independent representatives be appointed for the victims other than their legal guardians. The State argued that the legal guardians were not accurately expressing the views

of the victims and they were trying to protect the defendant. The trial court denied the State's request to appoint representatives for the victims. The trial court concluded that the law did not authorize it to appoint a representative because although the defendant lived in the same home as the victims, he was not part of the victim's immediate family. The state appealed the trial court decision.

After the appeal, the defendant pled guilty to two counts of child molestation, class 3 felonies. The legal guardians claimed that the case was moot since the need to cooperate with the prosecution no longer existed and because the victims did not need to participate in the sentencing hearings.

The Court of Appeals first considered whether the issue was moot. Pursuant to the Arizona constitution, any victim has the right to be heard at any proceeding involving a post-arrest release, a negotiated plea, or sentencing. The victim's right to be heard is also asserted in the Arizona Rule of Criminal Procedure and by the Arizona Legislature. Additionally, the court is mandated to consider the



The Tenth Annual Rocky Mountain Child Advocacy Training Institute 2005

A Premier Skills Training Program for Lawyers Who Represent the Interests of Children

May 16–20, 2005 NITA National Education Center • Louisville, Colorado

The Rocky Mountain Child Advocacy Training Institute is a unique hands-on, learning-by-doing trial skills training. You will learn through lecture, demonstration, discussion, and participatory workshops. The combination of formats helps to ensure the most effective learning for each of the variety of trial skills presented over the course of five days. The majority of workshops place you in a simulated courtroom setting where you will perform as a trial lawyer. You will receive feedback from instructors with significant courtroom and teaching experiences. Expert regional and national teachers, judges and trial lawyers serve as faculty for this special advocacy training program.

Specific workshops include:

- Questioning techniques for direct and cross examination
- Case analysis and organization
- Examination of expert witnesses
- Evidentiary foundations – testimonial foundations for refreshing recollection & impeachment and foundations for exhibits and demonstrative aids
- Using exhibits in direct and cross examination
- How to control difficult witnesses
- Ethics and professionalism

Presented by:

The National Association of Counsel for Children
The National Institute for Trial Advocacy
The University of Denver College of Law
The Rocky Mountain Children's Law Center

SPACE IS LIMITED — REGISTER NOW! FOR A BROCHURE OR MORE INFORMATION, CALL TOLL FREE 1-888-828-NACC. NACC MEMBERS RECEIVE A 20% REGISTRATION DISCOUNT.

physical, emotional, and financial harm caused to the victim at sentencing.

The children's legal guardians did not believe that the children had been molested, and maintained that the defendant was innocent. Since there was an issue as to whether the present legal guardians would permit the victims to present the harm caused by the offenses, the Court concluded that the issue was not moot because the trial court must take into account the impact the crime had on the victims when sentencing.

The next issue was whether Arizona law provided the trial court with the authority to appoint a representative to the victims in this case. The statute provides that the victim's parent or other immediate family member may exercise all of the victim's rights on behalf of the victim. It further states that when a defendant is a member of the victim's immediate family a representative other than a parent or immediate family member may be appointed on behalf of the minor. Immediate family includes spouse, parent, child, sibling, grandparent or lawful guardian. Neither party contended that the defendant was an immediate family member to the victims.

The Court stated that no rule expressly gave the trial court authority to appoint a representative in a situation where the defendant does not meet the definition of "immediate family," but that does not mean that the trial court lacks the authority to do so. The Court found that the rules and statutes that express the court's authority to appoint guardians *ad litem* are not exclusive sources of power. The Court held, therefore, that the statute in question did not limit the court's equitable power to appoint a representative to a minor victim in circumstances where the defendant does not meet the definition of "immediate family." It reversed the trial court decision, and concluded that the ability to appoint representatives for minors is not just a power, but a right of the victim. Furthermore, the parties before the court have a right to insist that the court exercise this power on a minor victim's behalf.

Thank you to NACC Iowa member Rita Swan of CHILD, Inc. for identifying this case.

Dependency / Best Interests Standard of Proof

Illinois Supreme Court Holds That Preponderance Of The Evidence Standard Applies At Best Interest Hearing After Parental Rights Have Been Terminated. In re D.T. v. Brenda T., 212 Ill.2d 347, 818 N.E.2d 1214, 2004 Ill. LEXIS 1617, 289 Ill. Dec. 11 (October 21, 2004).

This case determined the standard of proof during the best interests portion of a proceeding to terminate parental rights. The trial court terminated respondent mother's parental rights based on its sound discretion, rather than a clear and convincing evidence standard. The Illinois Appellate Court reversed. It held that the State failed to demonstrate by a preponderance of the evidence that termination of parental rights was in the minor's best interests. The Supreme Court of Illinois remanded the case to the trial court for a new best interests hearing to be conducted under a preponderance of the evidence standard.

Brenda T. took her four-year old son, D.T., to the emergency room because D.T. was in severe pain from an injury to his scrotum inflicted by respondent's boyfriend. The injury was at least two days old. D.T. was transferred to Children's Memorial Hospital and had surgery to determine whether castration would be necessary. D.T. had additional injuries including multiple bruises on his face, arm, back, buttock, and thigh. He also had a bruise on his cheek that was consistent with an open hand slap.

After D.T. was discharged from the hospital, he was taken into protective custody. He was originally placed in a group home and then moved to a foster home. D.T. participated in therapy and performed well academically in his new placement, however he had social problems at school. D.T.'s foster mother expressed interest in adopting him.

The State filed a petition to terminate the parental rights of Brenda T. The trial court determined that the State had demonstrated by clear and convincing evidence that Brenda T. was unfit and that she had failed to protect D.T. A month later the best interests hearing took place. The trial court found within its sound discretion that it was in D.T.'s best interests

to terminate respondent mother's parental rights. The Appellate Court affirmed the finding of unfitness and held that a preponderance of the evidence standard applied at the best interests hearing and the State failed to satisfy that burden. The case was remanded for further proceedings.

Under the Juvenile Court Act of 1987 (JCA) the State must first establish by clear and convincing evidence that the parent is unfit, then the court determines whether it is in the child's best interest to terminate parental rights. The JCA does not expressly state the standard for the best interests hearing although it does give some guidance. It provides that the standard of proof and rules of evidence in civil proceedings applies to the section titled Abused, Neglected, or Dependant Minors, which includes the section under which the termination was filed. The standard of proof in civil proceedings is either preponderance of the evidence or clear and convincing evidence. Therefore, the JCA suggests that one of these two standards will apply. The appellate court determined that a preponderance of the evidence standard is appropriate.

The State and the GAL argued that sound discretion allowed the court too much discretion. If courts applied sound discretion as a standard of proof, a judge would have the authority to reject evidence submitted by a party. Additionally, the judge's ruling would be presumptively correct on review.

The Court found that although sound discretion is tied to a standard of review, it is not a standard of proof. A trial judge's evidentiary rulings during a best interests hearing are subject to an abuse of discretion standard of review. The Court held that sound discretion does not define the State's burden of proof at the best interests stage of a proceeding to terminate parental rights.

To decide whether the preponderance standard or the clear and convincing evidence standard applied the court looked at *Santosky v. Kramer*. The Court stated that parents are not entitled to the same standard of proof at the unfitness hearing as they are at the best-interests hearing. The clear and convincing evidence standard is appropriate at the unfitness hearing because the focus is on the private interests of

the parents. However, in a best interests hearing the focus shifts to the child. There is no issue as to whether the parent's rights can be terminated, only as to whether, in light of the child's needs, the rights should be terminated.

The Court concluded that the trial court erred, and that remand was appropriate, but that the appellate court should not have conducted its own review of the evidence. Therefore, the Court remanded the case to the trial court for a new best interests hearing under a preponderance of the evidence standard.

Thank you to NACC Chicago member Rich Cozzola for identifying this case.

Delinquency / Strip Searches Violate Fourth Amendment

The United States Second Circuit Court Of Appeals Holds That Strip Searches Of Minors Without Reasonable Suspicion Violate Fourth Amendment. N.G. and S.G. v. Connecticut, 382 F.3d 225, 2004 U.S. App. LEXIS 188834 (October 5, 2004).

This case involves an appeal from the United States District Court for the District of Connecticut that after a bench trial dismissed a complaint alleging that the strip searches of two girls in a juvenile detention center violated the Fourth Amendment. The Court concluded that the searches upon each initial entry into the custody of the State's juvenile facilities were lawful. However, additional searches conducted while the girls remained in custody violated the Fourth Amendment in the absence of reasonable suspicion that contraband was possessed. The judgment was vacated and the case remanded to determine what relief should be awarded.

The State policy of Connecticut's Judicial Branch of Juvenile Detention Services provided for various searches, including frisk searches, general facility searches, area searches, perimeter searches, vehicle searches, and strip searches. The policy specifically stated that strip searches would be conducted during the initial intake of a juvenile at a juvenile detention center (JDC). Additionally, the policy states that a juvenile would be searched upon readmission or after any detainee left

the supervision of the JDC. It also authorized strip searches upon a reasonable belief that a juvenile may be carrying dangerous contraband. The policy set forth specific steps for conducting strip searches. In this case, the strip search is without visual or manual body-cavity inspections.

S.C., 14, was adjudicated by the Superior Court as a result of repeated failures to obey court orders to stay at home or in institutions. She was strip searched a total of eight times. The first search occurred when she was arrested for running away from home in violation of a court order and was brought to a JDC. The second was after she was presented in front of the judge that ordered her detained. She had been handcuffed and shackled during the time away from the JDC. The third search was after another transport where she again was handcuffed and shackled. During the second and third searches she was instructed to squat and cough to check and see if anything might fall out of her cavities. The fourth was after she was released and then brought back to the JDC. The fifth was on admission to JDC and the sixth and seventh were during institutional searches because of a missing pencil. No contraband was found during any of the searches.

T.W., 13, was strip searched twice. The first search was when she violated orders requiring her to attend seventh grade and was brought to a JDC, and then again after her transfer. She was handcuffed and shackled during the transfer.

The lawsuit was brought by the parents of S.C. and T.W. for damages and injunctive relief against the State of Connecticut on behalf of all juveniles that were members of families in need of services arrested for noncriminal offenses or charged with minor offenses who were all strip searched in a JDC. The District Court denied class certification stating that the strip search policy violated the Fourth Amendment but ruled that the strip searches of S.C. and T.W. were reasonable because of the girls' histories and that the behavior would suggest that they may have contraband.

On appeal the Second Circuit stated that a warrantless search generally required a belief that identified items would be found. Additionally, the Court stated that a search may be appropri-

ate when special needs make the warrant and probable cause requirements impracticable. Special needs require a fact-specific balancing of intrusion against the promotion of legitimate government interests. When considering this case, the Court acknowledged that in the past it had held that strip searches were permitted in penal institutions and on prison inmates. On the other hand, the Court had also ruled that they are improper when performed on adults confined after arrest on a misdemeanor, absent reasonable suspicion of the possession of contraband.

The Court held that the adverse psychological effect of a strip search is likely to be more severe to a child than an adult, especially one that has been the victim of sexual abuse. Therefore, the Second Circuit overruled the lower court and held that searches upon entry to the State's juvenile facilities were lawful, but the additional strip searches were a violation of the Fourth Amendment. The judgment was vacated and remanded as to damages.

Delinquency / Dark Poetry Not A Criminal Threat

California Supreme Court Holds That Dark Poetry Written By High School Student Did Not Constitute Criminal Threat. In re George T.; THE PEOPLE v. George T., 33 Cal. 4th 620; 93 P.3d 1007; 16 Cal. Rptr. 3d 61; 2004 Cal. LEXIS 6629; 2004 Daily Journal DAR 8906 (July 22, 2004).

In this case the Supreme Court of California considered whether a poem written by a high school student constituted a criminal threat. The Court concluded that the poem was ambiguous and in light of the circumstances surrounding its dissemination the poem was not a criminal threat. Therefore, it reversed the juvenile court and appellate court orders and overturned the juvenile's conviction.

G.T., 15, had been at Santa Teresa High School for about two weeks when he gave three of his classmates a piece of paper labeled "dark poetry." The poem stated in part "I am Dark, Destructive, & Dangerous. I slap on my face happiness but inside I am evil!! For I can be the next kid to bring guns to kill students at school. So parents watch your

children cuz I'm BACK." (16 Cal. 3rd at 63). Upon reading the poems, one of the students became frightened. She gave the poems back to G.T., and immediately left campus in fear. She emailed her English teacher to notify him of the poems. The matter was reported to the police and officers went to G.T.'s uncle's house, where he and his father were living. When asked about the poem, he handed the officers a paper that contained a poem entitled "Faces in My Head." This poem was labeled "dark poetry" but was never handed out at school. He was then taken into custody.

Police officers investigated at the school and interviewed the girls. G.T. gave his poem. One of the girls reported that she felt threatened by the poem. The other girl stated that she had not actually read the poem, the police then gave her a copy to read and she became terrified and stated that she read the poem as a personal threat. The third girl stated that she did not think the poem was threatening and she later testified on G.T.'s behalf.

G.T. testified that the poem was not intended to be a threat because he believed that the girls were his friends. He stated that he thought of poetry as art and that it was the medium he used to describe his feelings. Furthermore, G.T. testified that he labeled the poems "dark poetry" to identify the type of expression the poems were. G.T.'s classmate testified that the poem made her feel sad and that G.T. seemed to be mild, calm, and very serene. The juvenile court adjudicated G.T. a ward of the court and ordered him to a 100 day commitment in juvenile hall. G.T. appealed based on the sufficiency of evidence to support the court's findings that he made criminal threats.

The Court of Appeals affirmed the juvenile court order with the exception of remanding the matter to determine whether the threats were felonies or misdemeanors. The Supreme Court of California reversed.

The California Supreme Court discussed the elements of a criminal threat. To establish criminal threat the prosecution must prove 1) that the defendant willfully threatened to commit a crime that would result in death or great bodily injury; 2) that the defendant made the threat with the specific intent that the statement was to be taken as a threat;

3) that the threat was so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and immediate prospect of execution of the threat; 4) that the threat actually caused the person threatened to be in sustained fear for his or her own safety; and 5) that the threatened person's fear was reasonable under the circumstances. (16 Cal. 3rd at 630).

The Court first considered the proper standard of review. Usually claims challenging the sufficiency of evidence are reviewed under the substantial evidence standard. Under this standard an appellate court reviews the entire record in the light most favorable to the prosecution to determine whether the record contains reasonable, credible evidence that the trier of fact could find the elements of the crime beyond a reasonable doubt. G.T. contended that because the First Amendment was implicated the court should apply the independent review standard. The Court adopted G.T.'s reasoning. It therefore deferred to the juvenile court's credibility determinations, but independently examined the record as a whole.

The Court found that the poem was not on its face and under the circumstances so unequivocal, unconditional, immediate and specific as to convey to (the girls) a gravity of purpose and an immediate prospect of execution of the threat. The Court concluded that while the poem may be discomfiting, it did not constitute an actual threat to kill or cause great bodily harm. Since the Court concluded that the poem was not an unequivocal threat, it did not discuss G.T.'s specific intent. The Court reversed the judgment of the Court of Appeals and held that the dark poetry did not constitute a criminal threat.

Custody / Natural Mother Petitions for Custody

Ohio Court Of Appeals Affirms Juvenile Court Order Permitting Natural Mother To Petition Court For Custody Of Her Child. In re Salina M., Court of Appeals of Ohio, 158 Ohio App. 3d 572; 2004 Ohio 5269; 817 N.E.2d 459; 2004 Ohio App. Lexis 4860 (Oct. 2004).

The Ohio Court of Appeals affirmed the juvenile court's order that a natural parent who had lost her parental

rights could petition the state as a legal stranger for custody of the child. P.F. is the natural mother of Salina M. who was born in 1990. In 1997, P.F. lost custody of Salina because of her repeated incarcerations and cocaine addiction. The court terminated P.F.'s parental rights and awarded custody of Salina to Hamilton County Jobs and Family Services (HCJFS) with the expectation that Salina would be adopted by her foster family.

Salina was not adopted by her foster family; instead she spent seven years in numerous foster homes and institutions. In 2003, P.F. learned that Salina did not have a permanent family environment and she petitioned the juvenile court for custody of her daughter. P.F. argued that Ohio law permits "any person" to seek custody of a child who is a ward of the state. She contended that she had the same right as any other non-parent to seek custody of Salina and to demonstrate to the court that it would be in Salina's best interests to be placed with P.F. The juvenile court found that there was no legal bar to a natural parent petitioning the court for custody of a child after their parental rights to that child had been terminated. It concluded that HCJFS could not exclude a former mother from the group of people who could pursue placement of Salina. Furthermore, the juvenile court noted that the issue was not whether P.F. should be awarded custody of Salina, but whether she had standing to argue for custody in court.

On appeal, HCJFS argued that P.F. lacked standing because her right to parent Salina had been terminated. HCJFS contended that P.F. was attempting to relitigate the determination of permanent custody. Additionally, HCJFS argued that permitting P.F. to proceed would make permanent custody determinations meaningless, because any parent could later challenge grants of permanent custody to HCJFS.

The Court of Appeals rejected HCJFS arguments. It noted that the purpose of committing a child to HCJFS is placement of the child in a permanent family environment, had Salina been adopted P.F. would not have standing. However, since Salina had not been placed in a permanent family environment and there were no plans for her to be adopt-

ed, any person could petition for custody of her. The Court found that P.F. was not attempting to relitigate the award of permanent custody to HCJFS, but to have the opportunity to demonstrate that changes over the past seven years would make placement with her in Salina's best interests. It concluded that P.F. was not barred from petitioning the court for custody of Salina, although she stands no better than a legal stranger, she also stands no worse.

Custody / Court Appointed Attorney Entitled to Quasi Judicial Immunity

Massachusetts Court Of Appeals Holds That Court Appointed Child's Attorney Is Entitled To Absolute Immunity From Suit Because She Was Acting In A Quasi Judicial Capacity. Sarkisian v. Benjamin, 820 N.E. 2d 263; 2005 Mass. App. LEXIS 13 (Jan. 2005).

The Massachusetts Court of Appeals affirmed the Superior Court's order granting the defendant's motion for summary judgment. This case came before the Superior Court on a motion filed by the child and his father as next of friend. The plaintiff argued that the child's attorney, Ms. Benjamin, negligently made recommendations to the court, which resulted in harm to the child.

In this case, Ms. Benjamin was appointed by the Probate and Family Court as a child's attorney for the plaintiff, J.S. As the child's attorney, Ms. Benjamin had the same rights of any other attorney in the action. Her duties included investigating the case and filing a written report and recommendations to the court. She met with both parents, the parties' therapists, the department of social services investigator, and reviewed all medical and psychiatric reports, in addition to the case file. In her report to the court Ms. Benjamin recommended that both parents retain legal custody of J.S., and that the father retain physical custody of J.S. and pay the mother \$850 a month in alimony for five years, in order for her to find a place to live and exercise visitation rights. Additionally, the child's attorney recommended that the mother have visitation rights with

the child, which would be expanded when she found a suitable place to live.

In January 1997, at a hearing before the probate and family court judge, the parties adopted the recommendations of the child's attorney. The judgment provided that the child's attorney would monitor the exercise of visits between J.S. and his mother and make recommendations about visits after the mother obtained housing. In December 1997 the father sold the home he and J.S. lived in to meet his financial obligations. In November 1999 the father filed suit on behalf of himself and his child in Superior Court against Ms. Benjamin for legal malpractice.

Plaintiffs argued that Ms. Benjamin should have foreseen that her recommendations would force the father to sell his house. Additionally, plaintiffs alleged that based on the mother's psychiatric history, Ms. Benjamin should have known that the visitation plan she recommended would cause emotional harm to the child. Ms. Benjamin filed a motion to dismiss on grounds that her work was performed in a quasi judicial capacity, and therefore she was entitled to immunity from suit. The Superior Court dismissed the father's claims against Ms. Benjamin, because she owed him no duty and disqualified the father from representing his child. The judge denied the motion to dismiss the child's claims against his attorney, and appointed a guardian *ad litem* to investigate the merits of the claim. The guardian *ad litem* concluded that the claim did not have sufficient merits and that pursuing the claim was not in the child's best interests. The child's new attorney, however, pursued the claim and filed an amended complaint alleging that the defendant was negligent in making recommendations regarding fiscal and visitation matters and her negligence resulted in harm to the child. The Superior Court granted the defendant's motion to dismiss and the child appealed.

On appeal the child argued that the defendant was not entitled to quasi judicial immunity because she was appointed to act as the child's attorney, therefore, she owed him the same duty as a privately retained attorney. The Court of Appeals noted that it must look at the duties the defendant was asked to perform and not merely

the fact that she was appointed as the child's attorney. The Court concluded that the child's claims rested on the grounds that the defendant's report and recommendations were negligent. Both the report and recommendations were duties performed by the defendant as a guardian *ad litem* or in a quasi judicial capacity. Therefore, the Court found that Ms. Benjamin was entitled to immunity from the child's claims for damages.

CASE UPDATES

Gonzales v. City of Castle Rock, 366 F.3d 1093; 2004 U.S. App. LEXIS 19049 (10th Cir. 2004). Previously reported in the Winter 2003 issue of *The Guardian*.

The U.S. Supreme Court agreed to review the 10th Circuit's decision that a restraining order created a property interest protected by the Due Process Clause of the Fourteenth Amendment. The plaintiff, Ms. Gonzales filed an action on behalf of herself and her deceased daughters against the City of Castle Rock and the three police officers she had asked to enforce a restraining order against her husband on the night he killed their daughters. She claimed that her due process rights had been violated because of the police's failure to enforce the restraining order. The trial court dismissed the complaint. The 10th Circuit Court of Appeals affirmed the dismissal of the substantive due process claim, but reversed the court's dismissal of the procedural due process claim.

The 10th Circuit relied on *Roth* to determine whether the restraining order was a property interest. In *Roth*, the U.S. Supreme Court noted that property was a "broad and majestic term" and that it protects more than actual ownership of real property, chattels, or money. A property interest is created when a person has secured an interest in a specific benefit to which the person has a specific claim of entitlement. In this case, the restraining order itself mandated that it be enforced. Additionally, the Colorado Legislature passed a series of statutes to ensure its enforcement. If the officers had probable cause to believe the court order was being violated, they were required to enforce the order by arresting the offending party or seeking a warrant

to arrest him/her. The Court concluded therefore, that the restraining order and its enforcement statute took away the officers' discretion to do nothing and mandated that they use every reasonable means, up to and including arrest, to enforce the order's terms.

Lofton v. Secretary of the Dep't of Children and Family Servs., 358 F.3d 804 (11th Cir. 2004).
Previously reported in the Spring 2004 issue of *The Guardian*.

The U.S. Supreme Court refused to hear the appeal in this case, brought by the American Civil Liberties Union on behalf of Florida men who sought to adopt their long-term foster children. The appeal was based on the 11th Circuit Court of Appeals decision that the Florida statute banning gay couples from adopting was constitutional. The Florida statute banning adoptions by gay individuals will therefore remain intact.

AMICUS CURIAE ACTIVITY

**State ex. rel. CYFD v. Frank G.,
New Mexico Court of Appeals,
Docket Nos. 23,497/23,787.**

The New Mexico Court of Appeals ruled in support of the NACC's position in the case *In re Pamela G.* The NACC filed an *amicus curiae* brief in support of admitting the child victim's statements in August 2003. The New Mexico Court of Appeals ruled that statements made by a child to various social and medical workers regarding sexual abuse were properly admitted in abuse and neglect case under the catch-all exception to the hearsay rule and medical diagnosis exception. The court concluded that the trial court did not abuse its discretion in ruling that the child could not testify in court but that prior hearsay was reliable and evidence of abuse and neglect is sufficient. Furthermore, the court pointed out that the confrontation clause does not apply to civil cases. Similar analysis, however, shows that due process was not violated because an

adjudication of abuse and neglect prior to termination of parental rights was sufficiently final for appeal. The trial court retained jurisdiction to continue with judicial review and termination aspects of the case. The respondent is appealing the court's decision to the New Mexico Supreme Court.

**In re CHINS petition of D.G.,
Supreme Judicial Court for the
Commonwealth of Massachusetts.**

The NACC joined the Massachusetts Committee for Public Counsel Services Children and Family Law Program in an *amicus curiae* brief to the Supreme Judicial Court for the Commonwealth. D.G. appealed the juvenile court's order readjudicating her a child in need of services, without providing her an evidentiary hearing. In Massachusetts, juveniles are provided with a due process hearing at the initial CHINS hearing. The language of the state's CHINS statute requires a hearing before a juvenile is readjudicated. The *amici* argue that due process requires an evidentiary hearing at the six-month review because the juvenile involved has a liberty interest at stake.

**In the Interest of S.J., Pennsylvania
Supreme Court, Superior Court
No. 1593 WDA 2004.**

The NACC joined the Juvenile Law Center in filing an *amicus curiae* brief to the Pennsylvania Supreme Court in support of a foster youth's right to continue to receive services until her 21st birthday. The Pennsylvania Supreme Court is reviewing a provision of Pennsylvania's Juvenile Act that allows older youth in foster care to continue to receive services until age 21 when they are in a course of instruction or treatment. This case involves S.J., an 18-year old foster youth who is currently attending a four-year college in Pennsylvania. The juvenile court allowed S.J.'s dependency case to remain open so that she could receive case management, modest financial support, and her foster family could receive funds to provide her room and board when S.J. returns home on college breaks. The county children

and youth agency appealed the juvenile court's order, arguing S.J.'s case should have been discharged when she completed high school and that the agency is no longer responsible for her well-being. The *amicus curiae* brief argues that youth entrusted to the care of children and youth agencies require the opportunity to receive support until they acquire skills to support themselves, and that foster youth face extremely poor outcomes when they are discharged from the system without adequate proportion and support.

**In the Interest of Christopher K.,
Supreme Court of Illinois,
No. 98597.**

The NACC joined the Juvenile Law Center in filing an *amicus curiae* brief to the Illinois Supreme Court. The Illinois Supreme Court is reviewing the decision of the Appellate Court of Illinois regarding the application of the Extended Juvenile Jurisdiction (EJJ) provision of the Illinois Juvenile Court Act. The Illinois EJJ statute allows the juvenile judge to impose a dual or blended sentence (a juvenile sentence and an adult sentence), with the adult sentence stayed. In this case, the juvenile was arrested for homicide at the age of 14. The State's motion to transfer the case to adult court was denied, however, the State designated the case as an EJJ Prosecution. The juvenile received a blended sentence: a juvenile sentence of incarceration until the age of 21, and an adult sentence of 40 years. The adult sentence was stayed on the condition that the juvenile "not violate the provisions of the juvenile sentence." The *amici* argue 1) The vagueness of the EJJ provision may hinder the rehabilitative purposes of the Illinois juvenile justice system; 2) The application of the EJJ provision after the trial court denied a transfer motion is contrary to the policies and social considerations underlying blended sentencing statutes; 3) Current psychological and social scientific studies on the mental capacity of minors demonstrate that age impacts the way in which minors invoke their right to counsel (the juvenile said "I think I need a lawyer"). ■

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.

NACC Youth Empowerment Column

As part of its initiative to empower youth involved in the child welfare and juvenile justice systems, the NACC publishes work written by youth about their experiences. This issue includes a poem from the book, *I Am NOT A Juvenile Delinquent: An anthology of poetry from the creating writing program at Touchstone*, edited by Sharon Charde. To obtain copies of this book please contact: Sharon Charde, 68 Reservoir Road, Lakeville, CT 06039 or Email: sharchar@sbcglobal.net

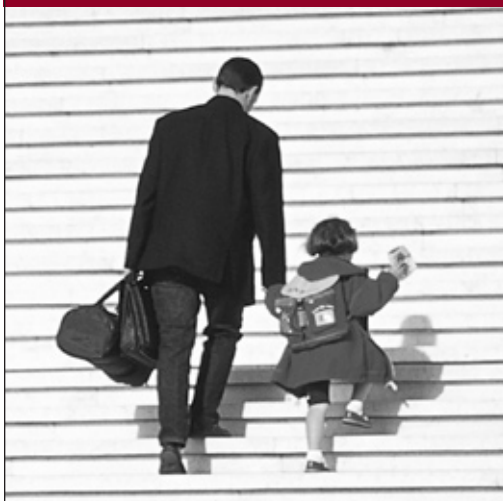
Current or former court involved youth are invited to submit essays of 1000 words or less to the NACC, along with their name, address, and phone number. If we publish it, they will be paid \$100 from the Megan Louise Furth Youth Empowerment Fund. Please contact the NACC for additional information. ■

Warning, by L.V.

*what can I say?
how can I let you know
my struggles?
I can't
I can only let you know my actions
my warning signals
I held up a red flag
no one acknowledged it
so I said whatever I wanted
did whatever I wanted
went to clubs
danced
drank
had the time of my life
but all that shit went by quick*

*got old fast
the dudes came and went
and yeah, they all had
things to offer
but it didn't interest me
I needed a thrill
I got that thrill from
doing illegal things
now I get my thrill from
doing the right things
being a good person
but please
next time
pay attention to my red flags
before it is too late*

Give to the NACC



Unfortunately NACC member dues cover only a fraction of our operating expenses and we must continually seek support to bring you the high quality programs and services you currently enjoy. Your generous contributions support not only our publications and infrastructure, but also provide training scholarships to new children's law attorneys, and staff our resource center to respond to crisis calls from children and families.

Enclosed is my 100% tax-deductible charitable contribution to the NACC in the amount of: \$50 \$75 \$100 Other: \$ _____

NAME _____

FIRM OR AGENCY _____

ADDRESS _____

CITY / STATE / ZIP _____

PHONE _____ FAX _____

E-MAIL _____

Check enclosed. **Please charge my**  

NAME ON CARD (PLEASE PRINT) _____

CARD NUMBER _____

SIGNATURE _____ EXP. DATE _____

Make Check
Payable to: **NACC**
Mail to: **National Association
of Counsel for Children**
1825 Marion St, Suite 242
Denver, CO 80218
Telephone: Office: 303-864-5320
Fax: 303-864-5351
Federal Tax ID#: 84-0743810



Federal Policy Update

by Miriam A. Rollin, JD
NACC Policy Representative, Washington, DC

President's Proposed FY2006 Budget

The 109th Congress convened in January 2005, organized itself into Committees and Subcommittees (with some minor modifications thereof, compared to the structure of the last Congress), and — on February 7 — received the President's proposed budget for Fiscal Year 2006, which will begin on October 1st.

The President's budget proposal includes "the option for all states" to "choose an alternative system for foster care." This is very similar language to last year's foster care budget proposal, which has never been put into legislation; however, a foster care cap concept is included in Rep. Herger's child welfare bill introduced last year (with a foster care cap that is NOT optional, along with a block grant that mixes intervention funding

and prevention funding, without any designated funding for prevention). These proposals are very troubling.

In other child welfare funding news, the President's proposed FY06 budget includes little more than a freeze for most programs (there is a small \$6 million increase in Promoting Safe and Stable Families to \$410 million, a \$13 million increase in Independent Living Training Vouchers to \$60 mil-



2005 Outstanding Legal Advocacy Award

NOMINATION APPLICATION

PURPOSE: The NACC is looking for people who have tipped the scales in favor of children. Many children cannot rise above their circumstances without the help of real-life heroes. Our nation's courts, clinics, schools, homes, law enforcement agencies and social service organizations are filled with people who have made a difference. The NACC created the Outstanding Legal Advocacy Award to honor excellence in the field of children's law, advocacy, and protection. The NACC presents its Outstanding Legal Advocacy Award annually to individuals and organizations making significant contributions to the well being of children through legal representation and other advocacy efforts. Nominees' accomplishments may include work in child welfare, juvenile justice, private custody and adoption and policy advocacy. All child advocates are eligible.

The Nomination Letter should highlight:

- The nominee's activities on behalf of children that have significantly promoted the protection and welfare of children.
- The history of the nominee's involvement in child advocacy work.
- The nominee's affiliation with children and youth service organizations.
- Any other relevant personal background information.

Nominations Must Include:

- The nomination letter
- A completed application form
- Nominee's Curriculum Vitae / Resume
- A list of nominee's affiliations with other children and youth service organizations

Nominations May Also Include:

- Supporting materials such as: Letters of Support, Photographs, Newspaper clippings, narratives, or other items describing the candidate's efforts.

NOMINEE:

NAME _____

DATE OF BIRTH _____

DEGREE _____

TITLE / POSITION _____

FIRM / ORGANIZATION _____

ADDRESS _____

CITY / STATE / ZIP _____

PHONE _____ FAX _____

E-MAIL _____

NACC MEMBER? YES NO NUMBER OF YEARS INVOLVED IN CHILD ADVOCACY _____

NOMINATOR:

NAME _____

TITLE / POSITION _____

FIRM / ORGANIZATION _____

ADDRESS _____

CITY / STATE / ZIP _____

PHONE _____ FAX _____

E-MAIL _____

Nominations Must Be Received By July 01, 2005.

Send Nominations to: Awards Committee
National Association of Counsel for Children
1825 Marion Street, Suite 242, Denver, Colorado 80218

lion, and no increase at all in the \$102 million Child Abuse Prevention and Treatment Act programs). The \$6.888 billion proposed for Head Start includes frozen funding at the FY05 level, plus \$45 million for nine new "demonstration" state grants (without the current quality standards), just as the President had proposed last year. According to the Administration's budget proposal, the freeze in the child care budget would result in 300,000 fewer kids receiving child care assistance in five years, due to erosion in the funding attributable to inflation.

As for the Juvenile Justice and Delinquency Prevention budget proposals: The proposed budget would cut juvenile justice and delinquency prevention funding by 46% compared to FY05. This would leave juvenile justice funding levels two-thirds lower than they were in FY02, without even accounting for inflation. In particular, funding for Title V Prevention Grants would be slashed from \$79 million to \$32 million,

and the Juvenile Accountability Block Grant would be eliminated entirely.

The proposed budget provides \$100 million for the Compassion Capital Fund to advance the efforts of community-based charitable organizations, including faith-based organizations, by enhancing their ability to provide social services. Included within this request is \$50 million for a new initiative to help at-risk youth avoid gang involvement, although the specific outlines of this initiative have not yet been provided.

Of course, the budget proposed by the President on February 7 will be considered, revised, and acted on by Congress in the next couple of months. Tight budget caps and resulting discretionary spending cuts are likely. In the spring, Congress is also expected to consider, for the first time in several years, significant changes to federal entitlement programs, such as Medicaid and Food Stamps, through "budget reconciliation legislation". It is important to note that Medicaid supports a large proportion

of child welfare services, often through "targeted case management" (which the budget proposes to restrict severely).

Other Legislation

Congress is also expected to take action in the coming months on reintroduced versions of a number of bills that had been pending in the 108th Congress but were left unfinished [e.g., child welfare reform proposals, TANF and child care reauthorizations, offender reentry legislation, bills to address the needs of unaccompanied alien (non-citizen) children, Indian Child Welfare Act amendments, etc.; see Summer and Fall 2004 Guardian "Federal Policy Update" articles]. However, no major action has been taken, yet, on any of those bills.

Don't forget: you can download copies of any Congressional bill, Committee Report, House or Senate floor statement, and up-to-date bill status information through: <http://Thomas.loc.gov>. ■



Children's Law News

News

NACC 2005 Outstanding Legal Advocacy Award. Nominations for the 2005 Outstanding Legal Advocacy Award are now being accepted. The award is given annually to individuals and organizations making significant contributions to the well-being of children through legal representation and other advocacy efforts. Look for the nomination form in this issue or send a nomination letter and supporting documentation to NACC Awards, 1825 Marion Street, Suite 242, Denver, CO 80218. Contact the NACC for more information. The deadline is July 1, 2005.

NACC 2005 Law Student Essay Competition. The NACC is accepting essays for the 2005 Law Student Essay Competition. The winning essay will be published in the 2005 Children's Law

Manual, and the winner will be given \$1,000, a one-year NACC membership, and an all expense paid scholarship to the NACC Children's Law Conference in Los Angeles. 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 to NACC Student Essay Competition, 1825 Marion Street, Suite 242, Denver, CO 80218. Essays should be submitted electronically or on disk together with a hard copy by July 1, 2005.

NACC Child Welfare Attorney Certification Program. The NACC is piloting its certification program in New Mexico early this summer. Additionally, we anticipate piloting the program in California in 2005. Please

contact the NACC for additional information about Certification 1-888-828-NACC extension 1 or email donnelly.amanda@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 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."

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).

Conferences & Training

March 20–23, 2005 National Council of Juvenile and Family Court Judges, 32nd National Conference on Juvenile Justice, *Shine Your Light*. Omni Orlando Resort at ChampionsGate, Orlando, FL 703-549-9222

April 18–23, 2005 The Office on Child Abuse and Neglect, 15th National Conference on Child Abuse and Neglect, *Supporting Promising Practices & Positive Outcomes: A Shared Responsibility*, Sheraton Boston Hotel, Boston, MA 703-528-7957

April 19–25, 2005 Seattle, WA and **September 26–30, 2005** Portsmouth, VA American Professional Society on the Abuse of Children (APSAC), Forensic Interview Clinics, 877-40-APSAC

May 16–20, 2005

NACC 10th Annual Rocky Mountain Child Advocacy Training Institute, Presenting Evidence in Children's Cases. A hands-on trial skills training for juvenile law attorneys produced in conjunction with NITA, University of Denver College of Law, and the Rocky Mountain Children's Law Center. For more information, go to NACCchildlaw.org/training/RMCATL.html

June 15–18, 2005 American Professional Society on the Abuse of Children (APSAC), *13th Annual Colloquium*, Sheraton New Orleans, New Orleans, LA 608-772-0827

July 20–22, 2005 *The National Child Welfare Data Conference*, The National Child Welfare Resource Center on Legal and Judicial Issues and the National Resource Center on Child Welfare Information Technology, will be hosting a federally sponsored conference on the use of information technology in child welfare cases. The conference will be held at the Mayflower Hotel in Washington D.C. For additional information please visit <http://www.abanet.org/child/rcfji>

August 25–28, 2005

NACC 28th National Children's Law Conference, State of the Art Advocacy for Children, Youth, and Families. Renaissance Hollywood Hotel, Los Angeles, CA. Join Senator George McGovern and many other distinguished faculty and guests at what promises to be one of the biggest and best NACC Conferences! For more information contact the NACC or visit NACCchildlaw.org/training/conference.html. Conference Brochures will be available in early Spring 2005.

NACC Publications

First Annual NACC Members Only Book Sale! For a limited time save 30% or more on NACC books and publications PLUS special buys on some Children's Law Manuals! See ad and order form on page 15.

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 \$72 but is available to NACC members at a 25% discount (\$55 annually). To subscribe, contact Hein toll free at 800-828-7571, ISSN 0278-7210, or contact the NACC for more information. (Please note that the CLRJ is not included in the NACC Member Book Sale.)



Publications

Too High A Price: The Case Against Restricting Gay Parenting, ACLU Lesbian & Gay Rights Project, New York, NY 212-549-2627

Using Subsidized Guardianship to Improve Outcomes for Children: Key Questions to Consider, Children's Defense Fund, Washington D.C. and Cornerstone Consulting Group. To obtain a free copy please visit www.childrensdefense.org.

Helping in Child Protective Services: A Competency-Based Caseworker Handbook, edited by Charmaine R. Brittain, MSW, PhD and Deborah Esquibel Hunt, LCSW, PhD, American Humane, Oxford Press 2004 website: www.oup.com.

Foster Care Law: A Primer, by Harvey Schweitzer and Judith Larsen. Carolina Academic Press 919-489-7486.

Identifying and Treating Sex Offenders: Current Approaches, Research, and Techniques, by Robert Geffner, PhD et al., The Haworth Press, Inc., 800-HAWORTH, LC# 20023027732

Youth Involvement in the Child Welfare and Juvenile Justice Systems: A Case of Double Jeopardy? by Leslee Morris and Madelyn Freundlich, CWLA Press, books@cwla.org

Judicial Application of Daubert to Psychological Syndrome and Profile Evidence: A Research Note, by Veronica Dahir, et al., Psychology, Public Policy, and Law 2005, Vol. 11, No. 1, 62-82.

Collaborative Law: A New Model for Dispute Resolution, by Sheila M. Gutterman, Bradford Publishing Co. 800-466-2831, ISBN: 1-883726-95-6.

Child Welfare in the Legal Setting: A Critical and Interpretive Perspective, by Thomas M. O'Brien, Haworth Press, Inc. 800-HAWORTH

Jobs

Sacramento Child Advocates, Inc., Sacramento, CA (SCA) is seeking an Executive Director. The Executive Director will develop funding sources, including grants and community partnerships, and work with SCA's Board of Directors to advance SCA's mission. Salary will be commensurate with experience. California Bar membership with related practice experience is required. Send a cover letter with a resume to: Executive Search Committee c/o Mary Tidwell, Board Chairperson, 3050 Fite Circle, Suite 100 / Sacramento, CA 95827 OR by e-mail to m.tidwell@comcast.net.

Sacramento Child Advocates, Inc., Sacramento, CA is seeking a Legal Administrator. The successful applicant will be responsible for office, financial, systems and HR administration, including support staff supervision. The Legal Administrator reports directly to the



1st Annual NACC Member Book Sale

Limited time offer while
supplies last. Discounted rate
available for members only.

**Members save 30% or more off all publications.
Plus, special prices on select titles!**

Children's Law Manuals	Reg. Price	Sale Price	Quantity	Total
<input type="checkbox"/> Representing Children, Families, & Agencies (2004)	\$ 35⁰⁰	\$ 24⁵⁰	x _____ = \$ _____	
<input type="checkbox"/> Access to Justice for Children (2003)	\$ 25⁰⁰	\$ 17⁵⁰	x _____ = \$ _____	
<input type="checkbox"/> 25 Years of Child Advocacy (2002)	\$ 25⁰⁰	\$ 10⁰⁰	x _____ = \$ _____	
<input type="checkbox"/> Moving From Sympathy to Empathy (2001)	\$ 25⁰⁰	\$ 17⁵⁰	x _____ = \$ _____	
<input type="checkbox"/> Serving the Needs of the Child Client (1998)	\$ 25⁰⁰	\$ 5⁰⁰	x _____ = \$ _____	
<input type="checkbox"/> Child Advocacy at a Crossroads (1996)	\$ 25⁰⁰	\$ 5⁰⁰	x _____ = \$ _____	
<input type="checkbox"/> Children's Law, Policy & Practice (1995)	\$ 25⁰⁰	\$ 5⁰⁰	x _____ = \$ _____	
<input type="checkbox"/> Law Manual Package - 2004, 2003, & 2002		\$ 47⁰⁰	x _____ = \$ _____	
Other Publications				
<input type="checkbox"/> The Child's Attorney <i>by Ann Haralambie Pub ABA (1993)</i>	\$ 45⁰⁰	\$ 34³⁰	x _____ = \$ _____	
<input type="checkbox"/> Child Sexual Abuse in Civil Cases: A Guide to Custody & Tort Actions <i>by Ann Haralambie Pub ABA (1999)</i>	\$ 75⁰⁰	\$ 52⁵⁰	x _____ = \$ _____	
<input type="checkbox"/> NACC Recommendations for Representation of Children in Abuse & Neglect Cases	\$ 15⁰⁰	\$ 10⁵⁰	x _____ = \$ _____	
<input type="checkbox"/> NACC's Better Public Policy for Children, Youth & Families: An Advocacy Guide	\$ 15⁰⁰	\$ 10⁵⁰	x _____ = \$ _____	

Subtotal \$ _____

Shipping & Handling (Orders \$20⁰⁰-\$75⁰⁰ add \$8⁰⁰; Orders \$75⁰⁰+ add \$10⁰⁰) \$ _____

Total \$ _____

NAME _____

PLEASE ALLOW 7-10 DAYS FOR UPS DELIVERY

ORGANIZATION _____

Check enclosed (payable to NACC).

ADDRESS _____

Please charge my  

NAME ON CARD (PLEASE PRINT) _____

CITY / STATE / ZIP _____

CARD NUMBER _____

PHONE _____ FAX _____

EXPIRATION DATE _____

E-MAIL _____

SIGNATURE _____

Fax order to **303-864-5351** or mail to **National Association of Counsel for Children** 1825 Marion St, Suite 242, Denver, CO 80218

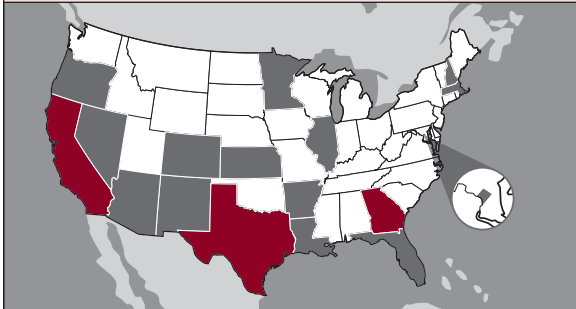
Executive Director, who is the chief executive officer of SCA. The position is fulltime with salary commensurate with experience. Send a cover letter with resume to: Legal Administrator Search Committee / Sacramento Child Advocates / 3050 Fite Circle, Suite 100 / Sacramento, CA 95827.

The National Center for Youth Law, Oakland, CA (NCYL) seeks an

experienced attorney or policy advocate prepared to play a key role in shaping and conducting its advocacy on behalf of low-income children and adolescents. It is important that the person have expertise in at least one of NCYL's priority areas: foster care/child welfare, juvenile justice, health, or government benefit programs for low-income children and adolescents. NCYL is particularly interested in expertise

in the following: Workforce Investment Act/workforce readiness; child welfare/foster care; juvenile justice; and mental health. Please mail or email a cover letter, resume, three professional references, and a writing sample to: Maria Salzano, Office Manager / NCYL / 405 - 14th Street, 15th Floor / Oakland, CA 94612-2701 / msalzano@youthlaw.org. ■

Please send children's law news and advocacy job openings to: *The Guardian*, 1825 Marion Street, Suite 242, Denver, CO 80218
Fax: 303-864-5351 • E-mail: 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 NACC and we will put you in touch with an affiliate in your area or work with you to form one. Affiliate development materials and a current list of affiliates with contact information are available on our website at www.naccchildlaw.org/about/affiliates.html.

Northern California

The NCACC & CFCC present: *Juvenile Dependency Law: The Year in Review*.

March 22, 2005, 5:30–9:00PM,
State Building, San Francisco, CA

For additional information please contact Dave Bressler at 415-865-7703.

NACC Northern California members receive the NCACC's *Dependency News*, produced four times a year, as a membership benefit. Non-members can subscribe to the publication for \$40 for one year or \$70 for two years. Please send check to NCACC Dependency News, c/o Jan Sherwood, PO Box 778, Corte Madera, CA 94976-0788.

Get involved by contacting:

Northern California Association of Counsel for Children (NCACC)

Christopher Wu
Phone: 415-865-7721
Email: Christopher.Wu@jud.ca.gov

Georgia

Congratulations to the NACC's newest affiliate! The GACC recently launched its website www.gaccchildlaw.org and listserv for child advocates. The site contains current information on available resources for child advocates, including calendars of events and conferences, as well as a repository of motions, documents, and court orders relevant to the work of attorneys. The GACC also has a listserv that provides Georgia child advocates up-to-date communications on legislative proposals affecting children under consideration at the Georgia General Assembly. The GACC is also pleased to announce that it is expanding its reach to include guardians ad litem in private custody cases as well as juvenile public defenders. The GACC and Office of the Child Advocate are co-sponsoring the third Guardian Ad Litem training conference at the Savannah Hyatt Regency August 17–19, 2005.

Get involved by contacting:

Georgia Association of Counsel for Children (GACC)

Dee Simms
Phone: 478-757-2670
Email: dsimms@gachildadvocate.org

Central Texas

The Texas Legislature is considering an extensive reorganization, including privatization, of the state child welfare system. The Central Texas Association of Counsel for Children (CTACC) has served as a source to legislators for expertise on the legal system and the role of attorneys ad litem. As a result, bills have been filed to: 1) mandate minimum CLE requirements, 2) require that ad litem meet with their clients prior to court hearings, and 3) direct parents to submit a proposed relative placement form at the initial hearing. Join the listserv at: ctacc@yahoo.com.

Get involved by contacting:

Central Texas Association of Counsel for Children (CTACC)

Lori Duke
Phone: 512-462-9830
Email: loriduke@austin.rr.com ■

Thank You

The National Association of Counsel for Children
thanks the following donors and members for their generosity

\$5,000 +

Anonymous
Anschutz Foundation

Candace J. Barr in memory
of Bernice Barr

Furth Family Foundation
Donna Wickham Furth
Lea for Justice Fund

Lin Merage
Lexis Nexis

US Department of HHS
Children's Bureau

\$1,000 – \$4,999

James L. Brand
John Ciccolella
Robert C. Fellmeth
First Star

Jack Hogan
Katherine Holliday
Kempe Children's Center
Kempe Children's
Foundation

Daniel & Karen Mason
Kathleen McCaffrey
Niemi, Barr & Jerabek

Northern California
Association of Counsel
for Children
Henry J. Plum
Janet Sherwood

John Stuemky
University of Oklahoma
Section of General and
Emergency Pediatrics
and EMS

\$250 – \$999

Anonymous

Thomas & Darby Bonomi
Donald Duquette

Gerard Glynn

Richard Harris
David Katner

Christopher N. Wu

Patron Members

Candace Barr
Donald Bross
Marjorie Cahn
John Ciccolella

Donald Duquette
Richard FitzGerald
Donna Wickham Furth
Damon Gannett
Jack Hogan

Katherine Holliday
John Jerabek
David Katner
Harold LaFlamme

Philip (Jay) McCarthy, Jr.
Cindy Morris
Andrea Niemi
Henry Plum
Janet Sherwood

John Stuemky
Arthur Webster
Julie Wolff
Christopher Wu

Sustaining Members

Robert Ackley
Phil Appling
Paul Beasley
Sheila Brogna
Martin Brown
Alice Bussiere

L. Michael Clark
Howard Davidson
J.E. Doek
Leonard Edwards
Edward Goldson
Ann Haralambie

Tisha Harman
Leslie Starr Heimov
Jeffrey Kauffman
Ruth Keeley
Laura Kern
Kurt Kumli
Alan Lerner

Randall Lococo
James Louis
James Marsh
John E.B. Myers
Dianne Peterson
Sherrill Rosen

Mary Roth
Mary Ann Shaening
Robert Shepherd, Jr.
Shari Shink
Suzanne Stephan
James Widirstky

Supporting Members

Patti Abramson
Christine Block
Billie Bell
Sarah Bennett
Ida Betson
Debra Blake
Patricia Block
Darcie Bolton
Mary Braud
Frederica Brenneman
Michael Bury
Mary Chromik
Don Condie
Suzanne Conger
Timothy Conlon
Karen Cook
Richard Cozzola
Edith Croxen
Lucia Davies
Janis DeRemer
Paula Dickinson
Sharon Dornfeld
Brian Dunn

Sharon England
Brian Escobedo
Melissa Fellman
Robert Fellmeth
Lori Fulton
Marlene Furth
Charles Gill
Genie Gillespie
Jerelyn Gladden
Hugh Glickstein
Kathi Grasso
J.R. Hancock
Celia Harned
Jay Howell
Gilda Hudson-Winfield
Georgia & Walt Imhoff
Robert Jacobs
Thom Janidlo
Christopher Jeffers
Julie Kanazeh-Gordon
William Keene
Darren Kessler
Laoise King
Lisa Kirsch Satawa

Amy Klein
Celeste Kling
Richard Krugman
Michael Lamb
Cora Lancelle
Richard Landis
Lisa Landsman
Michelle Leone
Gwen Lerner
Anita Levin
J. Dean Lewis-Lohman
Thalia Maltz
Sonja Martens
Susan McConnell
Jay McEwen
Ronald McMullen
Ann Meister
Octavia Melendez
Thomas Miller
Miki Minzer
Lisa Modecker
Michael Morey
Myra Munson

Mark Murray
Michael Nash
Barry Newman
Gay Niermann
Erin O'Brien
Susan O'Brien
Frances Ogata
Catherine O'Leary
James Ottesen
Sidney Painter
Deborah Paruch
Amanda Pearson
Bernard Perlmutter
Estaire Press
Evelyn Reiss
Michael Rich
Shannon Richards
Gary Robbins
Cordelia Robinson-
Rosenberg
Lisa Romo
Colleen Samuels
Anne Schneiders
Randy Schwickert

Gary Seiser
Margaret Semple
Robert Sewell
Roger Shirley
Sara Silverman
J. Eric Smithburn
D. Susanne Snearly
Neal Snyder
Michael Somma, Jr.
Judith Sperling-Newton
Elaine Stafford
J. Thomas Stocker
Janet Story
Rebecca Taylor
Justin Teitle
Merrill Toole
Sarah Vesecky
Gretchen Viney
Mary Welker
Marilyn Wells
Ann Whyte
Margaret Winchester

NACC – Membership Application

I wish to become a member.

INDIVIDUAL MEMBERSHIPS:

- Regular \$75 Supporting \$100* Patron \$250*
 Student \$35 Sustaining \$150*

*Includes special thank you listing in *The Guardian*.

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

GROUP MEMBERSHIPS:

Group memberships are available at a significant discount. Please contact the NACC for more information.

- Please send information on establishing an affiliate.

Make Check Payable to: NACC

Mail to: National Association
of Counsel for Children
1825 Marion Street, Suite 242
Denver, CO 80218

Telephone: Office: 303-864-5320 • Fax: 303-864-5351

Federal Tax ID#: 84-0743810

All but \$75 of your membership fee is tax-deductible.

NAME _____

FIRM OR AGENCY _____

ADDRESS _____

CITY / STATE / ZIP _____

PHONE _____ FAX _____

E-MAIL _____

OCCUPATION _____

ETHNICITY (OPT.) _____

Enclosed is my check in the amount of \$ _____

Please charge my  

NAME ON CARD (PLEASE PRINT) _____

CARD NUMBER _____

SIGNATURE _____ EXP. DATE _____

NACC – Referral Network

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:

- abuse, neglect, dependency guardianship, conservatorship
 delinquency, status offenses civil litigation
 custody, visitation mental health
 child support health care
 adoption jurisdiction
 Other: _____

- I will consider pro bono referrals.

NAME _____

ADDRESS _____

CITY / STATE / ZIP _____

PHONE _____ FAX _____

E-MAIL _____

OCCUPATION _____



NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN

1825 Marion Street, Suite 242
Denver, Colorado 80218

Nonprofit Org.
U.S. Postage
PAID
Denver, CO
Permit No. 5193

RETURN SERVICE REQUESTED