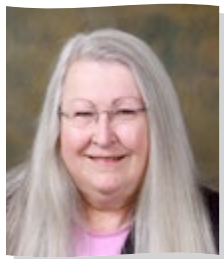


NACC envisions a justice system wherein every child has his/her voice heard with the assistance of well-trained, well-resourced independent lawyers resulting in the child's rights being protected and needs being met.

CELEBRATING NATIONAL FOSTER CARE MONTH

# Why We Should Welcome Caregiver Participation



by Janet Sherwood,  
JD, CWLS

May is National Foster Care Month. Initiated in 1988 by a proclamation signed by President George H.W. Bush, National Foster Care Month was originally intended

to express "appreciation and recognition of the tremendous contributions of foster parents across the nation." Even though every jurisdiction relies on foster parents and relatives to care for children who cannot safely reside with their parents, many jurisdictions do not welcome the participation of these caregivers in decision-making as to what is in the best interests of that child. While proclamations are nice, it would be even better if we actually included and treated caregivers as valued participants in the child welfare system.

This article was prompted by the recent case of a California foster child: The child's foster parent called the child's court-appointed attorney to

express concern that a proposed visitation plan for the child would adversely affect the child's safety and emotional well-being. The attorney's response was, "It is against our policy to talk to foster parents." When I heard this, I wondered how that attorney could possibly believe that s/he could effectively advocate for any child in care if the attorney had never talked to the child's foster parent or relative caregiver. Worse, when the foster parent tried to bring her concerns to the attention of the juvenile court judge at the next hearing, she was excluded from the courtroom at the insistence of the attorneys for the parties on the ground that she did not have a "direct and legitimate interest" in the case.

Sadly, this is not an anomalous situation. Putting aside for the moment the attorney's complete refusal to accept any information from a caregiver – even when it could be relevant to the child's safety and well-being – the court's refusal to allow the caregiver to present her concerns at the hearing was not only disrespectful to the foster

[See Caregiver next page »](#)

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### NACC Executive Committee 2012–2014

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Vice President .....	Gerry Glynn
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## » Caregiver from page 1

parent and possibly harmful to the child, it was also a violation of federal law. 42 USC §675(5) (G) requires states to give notice of “any” child welfare proceeding to be held with respect to the child to foster parents, preadoptive parents, and relative caregivers and to give these caregivers a “right to be heard” in those proceedings. Despite this federal mandate, and implementing state statutes, many jurisdictions continue to exclude the child’s caregivers from some or all proceedings concerning a child in care.

For example, a recent report issued by the Ohio Attorney General on that state’s foster care system included a specific recommendation that the state do a better job of including caregivers in court proceedings. Although Ohio has state laws requiring notice and a right to participate in hearings as required by federal law, the A.G. learned from a series of foster care summits that those laws were irregularly implemented. The Attorney General’s report observes that “caregivers have a great deal to offer our courts in terms of factual information [about the child]. All these issues impact child safety and well-being, and should be considered by a judge when deciding crucial issues relating to child placement. It is not sufficient to filter foster parent concerns through the child’s caseworker or guardian ad litem as foster parents report that not all of their concerns are always passed along to the ultimate finder of fact.”

Without foster parents and relatives willing to act as caregivers for children who have been removed from parental custody, there would be no foster care system. (Some people think that’s a good thing- but that is a debate for another day.) Because they

generally spend more time with the child than any other participant in the system, caregivers are the people who know more about the child’s current needs and well-being than anyone else, including the caseworker, the CASA, the service providers, the child’s attorney/GAL, and the court. Yet, too often, the system does not value or recognize caregivers as an important resource for direct information about the current physical health, mental health, educational progress, special needs, and overall well-being of the children in their care.

Because caregivers have critical knowledge about the child that no one else has, we should welcome input from caregivers. We should stop treating them as if they were nothing more than glorified (and poorly paid) babysitters. They should be recognized as part of the “team” working to protect the child and heal the child’s family. If a caregiver expresses a concern that the child’s needs are not being met, we should listen instead of dismissing the caregiver as an officious intermeddler who has no business expressing an opinion as to what may or may not be in that child’s best interests.

Let’s celebrate National Foster Care Month by committing to treat caregivers – the backbones of the system – as partners instead of servants. They have more to offer us than just a roof over the child’s head. Let’s urge our courts and states to implement the federal mandate and take steps ourselves to ensure that caregivers are provided with the required notice and opportunity to be heard in all proceedings concerning a child in care. Let’s be better advocates and make better decisions for children and families by actually and respectfully paying attention when a caregiver expresses a concern about the safety or well-being of a foster child.

## NACC Mission

**As a multidisciplinary membership organization, we work to strengthen legal advocacy for children and families by:**

- Ensuring that children and families are provided with well resourced, high quality legal advocates when their rights are at stake
- Implementing best practices by providing certification, training, education, and technical assistance to promote specialized high quality legal advocacy
- Advancing systemic improvement in child-serving agencies, institutions and court systems
- Promoting a safe and nurturing childhood through legal and policy advocacy for the rights and interests of children and families



# CLICK THE **R** TO REGISTER NOW!

## for the **36th National Child Welfare, Juvenile, and Family Law Conference**

Atlanta, GA • August 26-28, 2013  
Pre-Conference August 25, 2013

Please join us for this years' conference:  
**Strategies for Success: Enhancing Advocacy for Children, Youth and Families.**

As an NACC member and as a professional dedicated to the rights and interests of vulnerable children in America, you don't want to miss this opportunity to debate the issues with the leading minds in our field, as we work together to shape the future of children in our country's legal systems.

What you will hear, see and learn at this conference can change your career and forever alter how you advocate for children and families.

› [Download a PDF of the conference brochure](#)

## A big thank you to Southwest, the preferred airline of NACC!

Through the generosity of Southwest Airlines, NACC has been able to develop a Member Emergency Assistance Program (MEAP). A limited number of travel vouchers are available to current NACC members for work-related travel.

› [Learn more about this exciting member benefit](#)





# Policy & News

## Mark Hardin Award Recipient Announced

Congratulations to Angela Adams from New Mexico!

## Enhancing the Quality of Parental Legal Representation Act

NACC signed on to the Enhancing the Quality of Parental Legal Representation Act, which has been introduced by Rep. Gwen Moore (WI-04). The bill would add an additional funding stream, through the Court Improvement Program, for the purposes of enhancing parental legal representation.

## NACC has a new LinkedIn Group.

You'll have the opportunity to engage in discussions with your fellow advocates. Join now and to receive, news, training and other updates.

› [Join group](#)

## US Supreme Court ICWA Case: Articles & Opinions

› [Recap of the US Supreme Court Oral Arguments](#)

› [Commentary from The Washington Post](#)

› [Opinion Piece from The New York Times](#)

## Young Immigrants, Seeking Deferred Action Help, Find Unexpected Path

From the *New York Times*: Many young illegal immigrants across the country have similarly learned in recent months that they could be eligible for little-known visas that would allow them to put years of worrying about deportation behind them, immigration lawyers said.

› [Read article](#)

## "The Intersection of Foster Care & Mental Health"

May is recognized as both National Foster Care Awareness Month and Mental Health Awareness Month.

› [Check out this op-ed from the National Council on Disability](#)

## TRAINING CALENDAR

May 29–June 1, 2013 · Los Angeles, CA

› [AFCC 50th Anniversary Conference: Riding the Wave of the Future: Global Voices, Expanding Choices](#)

This conference will include information on international court reform initiatives, innovations in addressing the budget crises in family courts, the latest ethical quandaries, the ever changing and challenging role of technology, and new research.

August 25–28 · Atlanta, GA

› [36th National Child Welfare, Juvenile, and Family Law Conference](#)

This conference is the NACC's premier training, and is the product of 36 years of experience. It is designed primarily for attorneys who practice child welfare, juvenile, and family law. Registration will open in April.

September 15–18, 2013 · Dublin, Ireland

› [Thirteenth European Regional Conference on Child Abuse & Neglect](#)

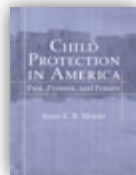
The goal of this conference is to support individuals and organizations working to protect children from abuse and neglect worldwide.



# Professional Resources

## PUBLICATIONS

You now have the opportunity to purchase publications from the NACC Official Bookseller: [Bookworks](#). Available publications include:



### [Child Protection in America: Past, Present, and Future](#)

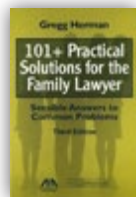
By John E. B. Myers

Google EBook \$39.95

ISBN-13: 9780195169355

Availability: In Stock at Warehouse;  
Usually Ships in 1–5 Days

Published: Oxford University Press, 07/2006



### [101+ Practical Solutions for the Family Lawyer: Sensible Answers to Common Problems](#)

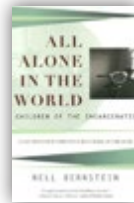
By Gregg Herman

Paperback \$139.95 (includes CD-ROM)

ISBN-13: 9781604425079

Availability: Special Order;  
Price and Availability May Change

Published: American Bar Association, 05/2011



### [All Alone in the World: Children of the Incarcerated](#)

By Nell Bernstein

Paperback \$16.95

ISBN-13: 9781595581853

Availability: In Stock at Warehouse;  
Usually Ships in 1–5 Days

Published: New Press, 08/2007



### [The APSAC Handbook on Child Maltreatment](#)

By John E. B. Myers, John E. B. Myers, APSAC (American Professional Society on the Abuse of Children)

Paperback \$120.90

ISBN-13: 9781412966818

Availability: In Stock at Warehouse;  
Usually Ships in 1–5 Days

Published: Sage Publications (CA), 06/2010



### [The Backlash: Child Protection Under Fire](#)

By John E. B. Myers

Paperback \$65.00

ISBN-13: 9780803954045

Availability: In Stock at Warehouse;  
Usually Ships in 1–5 Days

Published: Sage Publications (CA), 07/1994



### [Child Maltreatment: A Collection of Readings](#)

By John E. B. Myers

Paperback \$46.80

ISBN-13: 9781412995061

Availability: Special Order;  
Price and Availability May Change

Published: Sage Publications (CA), 05/2011



### [A History of Child Protection in America](#)

By John E. B. Myers

Paperback \$24.99

ISBN-13: 9781413423013

Availability: In Stock at Warehouse;  
Usually Ships in 1–5 Days

Published: Xlibris Corporation, 05/2004



### [Legal Issues in Child Abuse and Neglect Practice](#)

By John E. B. Myers

Paperback \$128.75

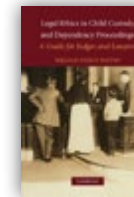
ISBN-13: 9780761916666

Availability: In Stock at Warehouse;  
Usually Ships in 1–5 Days

Published: Sage Publications (CA), 07/1998

[Other Editions of this title](#)

And, available from Amazon:



### [Legal Ethics in Child Custody and Dependency Proceedings: A Guide for Judges and Lawyers](#)

By William Wesley Patton

Hardback \$83.35

ISBN-13: 9780521-853170

Paperback \$46.00

ISBN-13: 9781107407510

Availability: In Stock at Warehouse;  
Usually Ships in 1–5 Days

Published: Cambridge Univ. Press, 06/2006

And from Bradford Publishing:



### [Child Welfare Law and Practice, 2nd Edition](#)

Donald N. Duquette and Ann M. Haralambie, General Editors

Item No: BK1070-2

Price: \$89.00

# Member Feature

**Michelle Barclay, GA AOC**  
Assistant Director  
GA CIP Grant Administrator  
[www.gajusticeforchildren.org](http://www.gajusticeforchildren.org)

Ever since I read a biography of President Franklin Roosevelt, I thought the idea of having a large group of advisers would be really wonderful, creative way to guide decisions. Of course, deciding a federal grant fund distribution is really not comparable to a presidency, but even a grant administrator can easily find herself making potentially impactful decisions in isolation.

The Child Welfare Legal Specialists in each state offer an opportunity to create a "brain trust" for distribution of child welfare funding and/or for policy considerations. These are attorneys who have on their own studied and passed a very difficult test to become a specialist in child welfare law at some expense to themselves. In just three years, Georgia now has 40 CWLS attorneys and we've decided to try and use them a

brain trust for some upcoming policy work instead of replacing a staff position.

At the moment, my office plans to host a retreat with the CWLS attorneys to walk through the current grant strategic plan for feedback and to make changes to it; to rework some guiding documentation about some new child welfare law changes in GA; and to institutionalize training around the state. We'll pay these CWLS attorneys a fixed rate of \$50 an hour and while there might be a lot of invoices to keep up with, these people have already proven themselves to have a strong work ethic, to be self-motivated and SMART! In exchange, involving the CWLS as advisers in resource decisions, provides additional value to them for completing the certification and may encourage others to do as well. Thus, hopefully the performance bar can be raised for all of us.

## e-Guardian Member Feature

NACC is looking for nominations of outstanding advocates, so we can highlight them in *e-Guardian*.

**Do you know someone who does an outstanding job and deserves to be recognized?**

Send an email with their basic information and why you're nominating them to Taylor Stockdell at [taylor.stockdell@childrenscolorado.org](mailto:taylor.stockdell@childrenscolorado.org).

