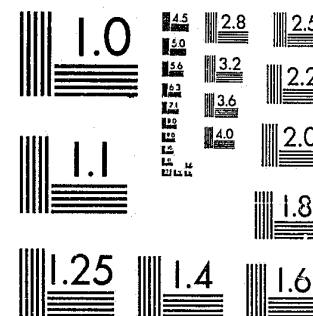


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5/15/81

# THE CHILD ABUSE LEGAL REPRESENTATION PROJECT— SUGGESTIONS FOR EFFECTIVE IMPLEMENTATION

National Legal Resource Center  
for Child Advocacy and Protection

American Bar Association  
Young Lawyers Division

75966



A Monograph by the  
National Legal Resource Center  
for Child Advocacy and Protection  
Washington, D.C.--May 1979

# National Legal Resource Center for Child Advocacy and Protection

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## RESOURCE CENTER SUPPORT

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# THE CHILD ABUSE LEGAL REPRESENTATION PROJECT- SUGGESTIONS FOR EFFECTIVE IMPLEMENTATION

NCJRS

FEB 17 1981

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## Preface

The purpose of this handbook is to provide suggestions for local bar associations, or any group of lawyers, that are considering forming or are in the process of starting a legal representation program in child abuse and neglect cases.

The author, Carol Schrier, directs such a program in Philadelphia, the Support Center for Child Advocates, Inc. Ms. Schrier, backed by a wealth of practical experience as well as professional training (J.D. and M.S.W. degrees), has addressed the nuts and bolts issues behind the formation of a successful advocacy project. Her concerns are with identification of legal needs, training (lawyers and non-lawyers), recruitment, funding, and interdisciplinary support and cooperation.

The publication of this handbook has been sponsored by the National Legal Resource Center for Child Advocacy and Protection. Among its many goals, the Resource Center hopes to stimulate the initiation and development of local child abuse and neglect representation programs. Toward this end, the Resource Center is distributing this handbook and will be offering other services to local groups involved in abuse and neglect case representation. Such services include technical assistance via site visits and distribution of training materials and other relevant literature.

The National Legal Resource Center for Child Advocacy and Protection publishes or disseminates a variety of materials related to child abuse and neglect. These include:

- \* Legal Response: Child Advocacy and Protection (Bi-monthly Newsletter)
- \* How to Handle a Child Abuse Case (A Manual for Attorneys Representing Children, prepared by the Support Center for Child Advocates, Inc., a program of the Young Lawyers Section of the Philadelphia Bar Association)
- \* Access to Child Protective Records - A Basic Guide to the Law and Policy (Monograph)

Comments on this handbook, as well as recommendations of subjects for future publications, are welcome. For more information on child abuse and neglect and its legal implications or how to initiate a child representation program, contact the National Legal Resource Center for Child Advocacy and Protection. The address and telephone number are printed on the back cover.

Steven R. Waxman, Chairman  
Center Steering Committee and  
Young Lawyers Division Committee  
on Child Abuse

The Child Abuse Legal Representation Project -  
Suggestions for Effective Implementation

by Carol Schrier  
Director  
Support Center for  
Child Advocates, Inc.

I. CASE REPRESENTATION

Guardians ad litem and/or attorneys to represent children are needed in many areas involving the broad category of abuse and neglect. The law, in this area as well as in the social service/mental health field, is divided into various categories, i.e. abuse, neglect, custody, adoption, etc. Just as attorneys may specialize in civil litigation, tax or corporate law, it is strongly suggested that projects begin by choosing one or two child protection-related areas for concentration.

To determine which area to focus on, local projects should research the law to determine which category, if any, mandates and/or permits the court to appoint an attorney or guardian ad litem. Projects should also determine what services are already provided by local public defenders or legal aid offices. Based upon this information, the project can identify that category of children most in need of legal representation. The following sections identify the major areas where additional child advocates may be required:

A. Abuse and Dependency Proceedings:

Within the general category of abuse and dependency proceedings, a spectrum of options is available for representation of children. Most statutes mandate reporting of abuse cases to departments of welfare or social services. These agencies are responsible for investigating the allegations of abuse and neglect and

petitioning the court civilly in special situations, e.g., involuntary removal of a child.

In addition to the civil system, criminal law enforcement agencies have become increasingly involved in charging parents with criminal acts such as endangering the welfare of a minor or simple assault and battery. Sometimes, child advocates are appointed to represent children appearing as victims in the criminal justice system. This requires the attorney to acquire additional skills, knowledge, strategies and functions. Coordination with the civil system becomes extremely important, with the child advocate often the only person participating in both criminal and civil proceedings arising out of the same incidents.

Appointment of guardians ad litem and/or counsel is frequently mandated only when court proceedings have been officially initiated. Another major area of needed representation, however, includes pre-court petition cases. A typical example occurs when a hospital has filed a report of abuse with the local department of public welfare but requests independent representation of a child because the welfare department has either failed to investigate the allegations or has developed a plan which, in the opinion of the hospital, does not serve the best interests of the child. It is important to remember that while attorneys may be required when there is a court proceeding, a child's right to counsel in pre-court petition cases is less definite. Even if not mandatory, judges may have the right to make appointments of counsel in these cases based upon equity jurisdiction and a petition alleging conflict of interest between the parents and/or agencies and the child.

#### B. Foster Care:

Attorneys may be asked to represent children in state administrative actions in which the welfare department is seeking to remove a child from a foster home placement. These are administrative proceedings based upon Administrative Procedures Act rules. Another growing area for child advocates involves foster care reviews, mandated by statute in such states as South Carolina, Maryland, Virginia, New York and New Jersey. The proceedings may be handled administratively by the welfare department (Virginia); external review board (South Carolina) or by the judiciary (New York). The purpose of such reviews is to determine whether services are being provided towards a permanent plan for children in out-of-home placements.

#### C. Custody:

Child advocates may be called upon to represent children in intrafamily custody disputes (during or following a divorce or legal separation action). In Pennsylvania, when a custody petition includes an allegation of abuse, the proceedings are conducted by the court normally hearing abuse petitions, thus requiring appointment of a guardian ad litem in at least the abuse proceeding and hopefully in the custody hearing as well. Even when there is no allegation of abuse, some courts are increasingly appointing attorneys for the child since custody cases are emotionally charged, with the child often caught in the middle of the family discord.

#### D. Mental Health Cases:

Child advocates may be asked to represent children on whom petitions have been filed for an involuntary commitment to a mental health facility.<sup>1</sup> Sometimes,

these may be simply mental commitment cases; other times, the child himself/herself may be alleging abuse by a parent or guardian resulting in a combined mental health/abuse petition.

E. Status Offenders:

Child advocates may also be called upon to represent children in status offense cases (i.e., runaways, truants, and children labelled "unmanageable", "ungovernable", or "stubborn" by their parents). Some of these children who have been charged with a status offense may allege abuse by their parents as a defense. It is important to remember that different statutes and social service systems are involved in cases initiated as mental health and status offender cases.

F. Termination of Parental Rights/Adoption:

While mandated in less than one-half of the states, some jurisdictions do require the appointment of a counsel or guardian ad litem to represent a child in a termination of parental rights case.<sup>2</sup> It appears that there is a trend in this direction. With increasing federal and state emphasis on permanent planning for children (i.e., assuring that if children cannot be returned to their family home, that they are given an appropriate permanent placement) the role of the counsel or guardian ad litem becomes extremely critical in termination of parental rights cases and subsequent adoption proceedings. It is important to remember that in many jurisdictions these proceedings are heard by a court separate from those courts hearing abuse and dependency cases.

G. Special Education Advocacy:

Many of the children represented by attorneys in proceedings A-F above are likely to have some type of handicap. All handicapped children are

now entitled to a free public education in the least restrictive environment possible. The federal Education of all Handicapped Children Act (P. L. 94-142) defines "handicapped" so as to include serious emotional disturbance and specific learning disabilities as well as the more commonly accepted categories such as mental retardation and physical handicaps. Attorneys must become familiar with both 94-142 and their state special education statute, regulations and court decisions. They will often have an ethical responsibility to effectively utilize these laws in order to obtain an appropriate dispositional remedy for their client. In some cases, this will require counsel to fight for a special private school or therapy program to be provided at the expense of the local or state public education agency.

II. RECRUITMENT

Philadelphia's experience indicates that there are many untapped legal resources available for volunteer representation of children. Attorneys with no litigation experience should be recruited as well as those with such experience, since many attorneys volunteer to represent children because they want to get litigation practice not available in their own firms. Projects may want to utilize litigators and more seasoned attorneys as supervisors, since these attorneys usually do not have the time necessary for individual representation of a child. Retired attorneys also should be solicited as volunteers since they often have more time available to represent children.

Where there is statutory authority for payment of counsel, young attorneys, especially those starting their own practice, may be attracted. While these payment schemes tend to be marginal and not reflect the number of hours put into an abuse and neglect case, an assured monthly income of even \$100 to \$200 a month



is an attractive inducement to the attorney striving to meet his/her overhead.

Bar association newsletters and general legal newspapers should be heavily utilized to recruit attorneys to represent children. The bar association's public relations person, if there is one, should be solicited to help organize any publicity campaigns. It is important that publicity not be "one shot", but continue on at least a quarterly basis. Articles should focus not just on recruitment of volunteers but also on the problem of child abuse and neglect generally, and the role of the project in trying to solve this community issue. This will serve to sensitize attorneys who later will be approached to participate in the project. In-person contacts are critical for effective recruitment of volunteers. An attorney from every major law firm should be asked to make in-person contacts with attorneys and paralegals in the firm. In addition, contacts should be made with elements of the appropriate bar association, such as state and local bar family and juvenile law sections and committees. Affiliates of the National Bar Association and any Women's Law Caucus should also be contacted. A lead time of at least one month for recruitment should be scheduled before holding any training session.

Paralegals are an invaluable asset in conducting research and following up cases to determine whether or not treatment plans are being implemented. They might also be used to edit the project's newsletter, coordinate publicity activities, and perform administrative tasks. Undergraduates and graduate students can, with proper training, make excellent paralegals. Secretaries from various law firms should be recruited to assist in the typing of manuals, training materials and newsletters. Investigators from law firms can be used to assist attorneys in locating missing persons and obtaining necessary legal evidence. Messengers can be used for process serving as well as delivering documents from one law firm to

another. Conference rooms, videotape equipment and bulk xeroxing can be provided by the local bar association and various law firms. If the project has these facilities available, it should also consider offering the use of them to the non-legal child protective community, since many agencies and hospitals do not have them readily available. If the project can provide these services, it is not only reciprocating for agency cooperation but also promoting good relationships with other professional disciplines.

### III. TRAINING

#### A. Attorneys

The success of any given local project will depend upon the quality of its representation. It is critical that good training be provided and mandated of all attorneys. Good training sessions should incorporate important non-legal aspects. These might include the problems of family splits and divided loyalty, the dangers of stigmatizing abusers as "bad people," the resistance to keeping the family together, and the cultural biases which impact upon the child protective system. Philadelphia's experience has been that attorneys do not resist, but in fact appreciate the mandatory requirement of training. Persons have willingly come to Saturday sessions running from 9 a.m. to 4:30 p.m. Evening sessions might also be utilized. Mandatory training sessions might be given quarterly, with supplemental sessions delivered on a monthly basis on specialized topics such as sexual abuse, treatment of the troubled adolescent, and new legislation. These sessions might be more informal, and non-legal professionals should be invited to attend so that social contacts can be developed.

The training sessions should be complemented by written practical guides such as the manual developed by the Support Center for Child Advocates, Inc., a program of the Young Lawyers Section of the Philadelphia Bar Association. This

manual, "How to Handle a Child Abuse Case", and other materials listed in Appendix A are available for purchase and serve as excellent models for the development of local training materials. Periodic distribution of a newsletter outlining legal developments, local social service programs and project activities serves as a training vehicle for the legal, judicial and non-legal professionals and fosters good public relations. Written material, such as manuals and newsletters, might be printed by a public utility or large private corporation having duplicating facilities. Mailing might be done through the local bar association and/or law firms on a rotating basis. The content of all training and written material should be interdisciplinary, emphasizing not just the legal aspects of abuse and neglect but also the non-legal aspects, such as medical evidence of abuse and neglect, the social and psychological dynamics of maltreatment, and available diagnostic and treatment resources within a local community. This is extremely critical, since effective representation of children will involve the harnessing of worthwhile services to evaluate and rehabilitate families and protect the child while keeping him/her at home if at all possible. This is the area where attorneys have the least experience and expertise. Most communities have medical, mental health and social service experts who would be more than willing to provide free training on this subject to project attorneys.

B. Medical and Social Service Personnel

Because the child advocate must rely almost exclusively on expert opinions from medical, mental health and social service personnel, it is extremely important that these professionals receive training in how to present effective oral and written testimony in court. Many of these professionals are unfamiliar and thus extremely threatened by the adversarial nature of the court system. Many also resent the legal system's involvement in making what they consider to be child

welfare agency decisions. Education and training can serve to alleviate their fears by explaining due process rights and the purpose of the legal system and its advantages, such as serving as an enforcement authority to assure the delivery of services. In addition, training in court representation skills can help the potential expert witness to better understand such aspects of the adversary system as voir dire and cross-examination.

Philadelphia's experience has been that social service professionals are eager for such training, and it is a valuable service that a project can provide to agencies in return for their cooperation in case representation activities. There are a number of good videotapes available, two from the Region VI Child Abuse and Neglect Resource Center and another from the University of Wisconsin, that can be utilized by bar associations or other legal groups in presenting workshops on testifying. Manuals have also been developed which specifically provide legal/court orientation to non-lawyers in abuse and neglect matters. These materials are listed in Appendix A.

IV. SOCIAL WORK/MENTAL HEALTH COMPONENT

Since child abuse and neglect is a result of disfunctioning in family relationships often requiring social service, medical and mental health intervention, child advocates can only be effective if they have the resources and skills to permit independent investigations and assessments of the allegations of abuse/neglect and the ability to harness effective services to meet the needs of the children they represent. If this human service component is not built into the project, the child's



attorney will most likely be forced to conduct minimal investigations and assessments based upon limited time, experience and expertise. Often, this will result in the attorney relinquishing his/her independent status and merely relying on the department of welfare for information and recommendations.

To meet these problems, each project must establish a non-legal component to be responsible for investigating the allegations of abuse and neglect and determining the needs of the child and family as well as identifying witnesses who might be needed for court proceedings. Since many non-legal professionals are resistant to involvement in a court proceeding, they often relate better to a non-legal person in conveying information. In addition, the development of a consistent personal liaison with agencies is needed for the project to successfully utilize quality resources in a short amount of time. The human service component is also needed to conduct adequate follow-up of treatment plans. Commonly, "beautiful" plans are developed and ordered by the court, but not implemented by the agency and/or family. Only by constant monitoring can the child's advocate identify when services are not working, and why and what modifications and revisions need to be proposed for effective treatment planning.

Ideally, a local project should explore providing this human service component through paid full-time or part-time staff. If money is available in a local community, consideration should be given to paying for at least a part-time staff person. Where no money is available, the following options should be explored:

1. Recruitment of a volunteer to provide weekly consultation to attorneys on case disposition and resource utilization. These volunteers might be recruited through private family services or children's protective services agencies or through volunteer civic organizations such as the National Council of Jewish

Women, Association of University Women, and the Junior League. It is important that projects screen the volunteers and use only those persons with experience and training in child abuse and general welfare services.

The Junior League and the National Council for Jewish Women have organized strong volunteer programs in the area of child advocacy, juvenile justice and more recently, child abuse and neglect. A volunteer from one of these organizations might be willing to provide some kind of part-time staff assistance to the project chairperson, such as recruiting social service volunteers, coordinating multidisciplinary team meetings, identifying resources that are in the community, developing resource agreements, or coordinating speaking and training activities.

2. A multidisciplinary team, consisting of representatives from medicine, mental health, education, social work and law, might be organized to provide monthly or bimonthly consultation on case disposition. The problem with both options 1 and 2 is that the human services volunteers will have limited time, preventing assistance to all attorneys. Given limited time, their services should probably concentrate on making recommendations for case disposition rather than investigations or initial identification of needs.

3. Recruitment of a social work/psychology clinical student. Schools of social work require field placements for their students. Many schools are seeking interdisciplinary placements and are thus interested in placing a student to assist attorneys in investigations and resource utilization. If this option is chosen, it is important that the student be supervised by someone who has some knowledge of the protective service and child welfare system.

## V. DEVELOPMENT OF COORDINATING AGREEMENTS

In order to develop effective treatment plans, it is important that the project develop formal agreements, if possible, with the major hospitals, social service agencies, courts, department of public welfare, legal aid programs representing parents, and schools, to formalize procedures on obtaining information regarding a child and family and for making referrals for services.

Agencies involved with abused and neglected children are often large bureaucracies. Because time is of the essence in representing abused and neglected children, it is important that these agreements be developed early so that requests for information regarding a child and/or his family can be processed and commitments to deliver services can be given very quickly. A specific "contact" person should be identified within each agency to give immediate approval as to the sharing of information and the acceptance of service.

In addition to hospitals, schools, the department of public welfare and police department, most communities have a variety of social services that can be provided to families while the children remain in the home (mental health services, family outreach workers, parental stress centers, day care, homemaker services, visiting nurses), or that can be provided to children and their families if placement is necessary (foster care, group home, residential treatment).

It is very important that the project gain knowledge as to what specific agencies are effective in working with abused children and abusing families. Working with abusing families is quite difficult, requiring skills and methodology different from routine services delivered to the broader community. Parents of children whom the project will represent are commonly isolated and alienated from their neighborhood and community and thus are resistant or are not motivated to

utilize existing community resources. Agencies requiring appointments to be kept in an office may terminate service because an abusing parent does not arrive on time. Children, because of their love for their families, may often deny abuse, thus exhibiting behavior not commonly identified with abuse and neglect. A good service provider will be sensitive to these factors.

## VI. SYSTEM-WIDE ADVOCACY

Based upon data collected in case representation and involvement with local agencies, new child representation projects will quickly learn of major gaps in the social service and mental health areas as well as the need for changes in the judicial and legal systems. Law reform activities dealing with such topics as the right to treatment and the right to counsel will probably be a necessary outgrowth of any new project. In the past, attorneys have not been involved in many citizen/agency coalitions established to improve services to children. Sending a representative to meetings of these committees can serve to educate the lay community in the utilization of the law as a tool of social change as well as to maximize coordination between the legal and non-legal communities.

Another area of reform local projects may address concerns payment of counsel. As a unique class of recipients of legal services, children, for the most part, are unable to compensate their attorneys. Consequently, in the absence of statutorily mandated and publicly financed compensation schemes, child advocacy has largely become a pro bono activity. While the participation of volunteer attorneys is to be encouraged, continued and commended, the child's attorney, as a rule, should not be viewed or treated in a lesser light than the tax, corporate, or any other private attorney. The American Bar Association, in its recently adopted Juvenile Justice Standards, supports this viewpoint:

Lawyers participating in juvenile court matters, whether retained or appointed, are entitled to reasonable compensation for time and services performed according to prevailing professional standards. Standards Relating to Counsel for Private Parties, §2.1(b)(i)

## VII. FUNDING

Law firms and the bar association should be solicited to provide in-kind contributions in terms of office space, furniture, supplies, secretarial help, mailing, duplicating services, conference rooms, etc. Corporations may also be asked to provide assistance such as free duplicating services for manuals and newsletters. Because many activities can be supported through in-kind contributions, it is strongly recommended that a project use whatever money is available for the hiring of a social service staff person, either on a part-time or consultant basis.

## VIII. PRACTICAL PROBLEMS AND ISSUES

### A. The Role of the Child Advocate

In many jurisdictions, a "guardian ad litem" is appointed for the child. The role of this person is to make recommendations regarding the child's best interests.

Attorneys representing children are often faced with a conflict in representing the child both as a guardian ad litem and as counsel to the child, especially when the client is an articulate child desiring a disposition that appears contra-indicated according to all of the "experts." At a minimum, it would appear that counsel must express the desires of the child in the court proceedings. Beyond that, there are no easy solutions for resolving this dilemma. Some states allow for appointments of both a guardian ad litem and counsel, other states will appoint both upon petition of the child advocate. References to several law review articles dealing with the role of the child advocate are contained in Appendix A.

### B. Friction Between Lawyers and Non-Lawyers

It is common knowledge that human service professionals (e.g., doctors, social workers and mental health therapists) often feel threatened by legal involvement, and uncomfortable, if not intimidated, by attorneys involved in a child protective case. It is important to note that this tension is not just between the child advocate and agency personnel, but also occurs on occasion within the agencies themselves, such as in some social service programs where some case workers have been known to resent and often ignore the legal advice and authority of their own house counsel. The role of an independent child advocate is a new concept for both the judiciary and the non-legal community to accept. Without a doubt, the child advocate's role infringes on the premise that the public welfare department always represents the child's best interests. The inclusion of non-legal personnel to work with the attorney can alleviate much of this resistance, since the criticism often focuses on the attorney not having any expertise in child welfare matters, and in many cases, there will be substance to this viewpoint. Training of workers, provision of services, and serving on city-wide coalitions and committees can reduce tensions by educating the non-legal community as to the advantages of using the legal system, the services that can be provided by the attorney, and the importance of developing good working relationships.

### C. Coordination with Other Advocacy Programs

Many communities have publicly financed child advocacy programs, often through Legal Aid or Public Defender agencies. It is important to attempt to coordinate activities with these programs so that the project will complement

rather than duplicate services of other programs.

#### D. Quality Control

Quality control is a major problem for any volunteer program. Constant monitoring of the effectiveness of the volunteers is critical. Many volunteers have never been in the Family or Juvenile Court or even tried a case. Few, if any, have any knowledge or experience in the non-legal aspects of child abuse and neglect. Many attorneys not involved with special child representation programs provide limited representation to children, see their client only in court, and conduct very few independent investigations due to their lack of knowledge and experience. When provided with support, however, attorneys are more than willing to spend from fifteen to thirty hours per case to investigate the allegations of abuse and neglect, interview the client and witnesses, develop legal strategies, conduct research, and participate in coordinating meetings with agencies as well as counsel to other parties.

#### IX. SOURCES OF TECHNICAL ASSISTANCE

The National Legal Resource Center for Child Advocacy and Protection, located in Washington, D.C., is a program of the Young Lawyers Division of the American Bar Association. Services of the Resource Center are available to provide technical assistance to child representation projects. The nature of this assistance has been identified in the Preface. Where the staff is unable to respond directly to a request for information or assistance, it will at least be able to identify other helpful sources.

Another source of information which all representation projects should consult is the National Center on Child Abuse and Neglect (HEW) resource center in your region. The primary purpose of these centers is to support state and local efforts to prevent and treat child abuse and neglect. Appendix B contains a list of the ten regional centers.

#### FOOTNOTES

<sup>1</sup>On June 20, 1979 the United States Supreme Court decided the cases of Secretary of Public Welfare v. Institutionalized Juveniles, 47 U.S.L.W. 4754, and Parham v. J.L., 47 U.S.L.W. 4740. The Court held that a child who is the subject of a voluntary mental disability commitment sought by his or her parents does not have a constitutional right to a hearing and appointment of counsel prior to such commitment. However, the Court stated that committed children must have the protection of periodic "reviews" and that states were free to require pre-commitment hearings if they so desired. Many states already require these hearings and reviews as well as the appointment of counsel to represent the children involved in them.

<sup>2</sup>The Supreme Court has had an opportunity to decide whether a child is entitled to an attorney in any judicial proceeding where the parent-child relationship is subject to termination. In Moore v. Sims, 47 U.S.L.W. 4693 (May 12, 1979), the Court held that a lower federal court which afforded the children this right (decision found at 438 F.Supp. 1179) should have abstained from hearing the case while a state court proceeding was pending. In so holding, the Supreme Court did not pass judgment on this right to counsel question or on any of the other due process issues which had been decided by the federal court.

## BIBLIOGRAPHY

Legal Manuals/Books

How to Handle a Child Abuse Case: A Manual for Attorneys Representing Children, 1978. Support Center for Child Advocates, Inc. and the Committee on Child Abuse, Young Lawyers Section of the Philadelphia Bar Assn. Copies may be purchased from the Support Center, 1315 Walnut St., Suite 1406, Philadelphia, PA 19107 (\$7.50).

Juvenile Justice Advocacy -- Practice in a Unique Court, 1974. Douglas J. Besharov. Copies may be purchased from Practicing Law Institute, 810 Seventh Ave., New York, NY 10019 (\$20).

The Abused and Neglected Child/Multidisciplinary Court Practice, 1978. Practicing Law Institute. Copies may be purchased from PLI, 810 Seventh Ave., New York, NY 10019 (\$20).

Legal Aspects of Protective Services for Abused and Neglected Children, 1978. Barbara A. Caulfield. Copies may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402 (Stock No. 017-091-00218-5.) (\$3).

Law Review Articles on the Role of the Guardian Ad Litem/Child Advocate

"The Right of an Abused Child to Independent Counsel and the Role of the Child Advocate in Child Abuse Cases." James Redeker, 23 Villanova Law Review 521, 1978. Reprinted in How to Handle a Child Abuse Case: A Manual for Attorneys Representing Children.

"Independent Representation for the Abused and Neglected Child: The Guardian Ad Litem." Brian G. Fraser, 13 California Western Law Review 16, 1976-77. Reprinted in How to Handle a Child Abuse Case: A Manual for Attorneys Representing Children.

Videotapes

Social Worker as Witness. Produced by Region VI Resource Center on Child Abuse and Neglect.

The Psychiatric Expert in the Case of an Emotionally Maltreated Child. Produced by the Region VI Resource Center on Child Abuse and Neglect.

Legal Training for Child Care Workers. Produced by University of Wisconsin, Extension Center for Social Services, 610 Langdon Street, Madison, WI 53706.

## REGIONAL RESOURCE CENTERS

Reg. I CA/N Resource Center  
Judge Baker Guidance Center  
Longwood Avenue  
Boston, MA 02115  
Steven Lorch, Director  
(CT, ME, MA, RI, VT, NH)

Reg. II CA/N Resource Center  
College of Human Ecology  
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Graduate School of Social Work  
University of Wisconsin-Milwaukee  
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Ms. Adrienne Haeuser, Director  
(IL, IN, MI, MN, OH, WI)

Reg. VI CA/N Resource Center  
Graduate School of Social Work 295  
University of Texas at Austin  
Austin, TX 78712  
Ms. Rosalie Anderson, Director  
(AR, LA, NM, OK, TX)

Reg. VII CA/N Resource Center  
Institute of Child Behavior and  
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University of Iowa-Oakdale  
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Dr. Gerald Solomons, Director (NJ,  
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Reg. VIII CA/N Resource Center  
National Center for the Prevention  
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Denver, CO 80220  
Donald Bross, Esq., Director  
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Reg. IX CA/N Resource Center  
Department of Special Education  
California State University  
5151 State University Drive  
Los Angeles, CA 90032  
Dr. Herschel Swinger, Director  
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Territory)

Reg. X CA/N Resource Center  
Western Federation for Human  
Services  
157 Yesler Way, #208  
Seattle, WA 98104  
Ms. Yvonne Walker, Director  
(AK, ID, OR, WA)

## About... The ABA Young Lawyers Division

Within the overall structure of the American Bar Association, the Young Lawyers Division (YLD) occupies a unique position. Unlike the other organizational components of the ABA, YLD activities are not limited to any one substantive area of the law. Instead, YLD interests cut across all of the Association's professional and public interest programs. In effect, the YLD functions as a complete bar association with its own national leadership structure for the younger members of the bar (defined as all attorney members of the ABA under the age of 36), while at the same time functioning as a full participant in the work of the Association's overall Section, Division and Committee structure. With more than 115,000 member attorneys drawn from all fields of practice, the YLD is the largest single membership group within the ABA.

Young lawyers have traditionally been the most dedicated volunteers in the public service and pro bono work of the organized bar, and the national leadership of the YLD has sought to harness this idealism and commitment in coordinated efforts to address major issues and problems. In recent years these efforts have included administration of a Disaster Emergency Relief Program and Indochinese Refugee Legal Assistance Program, the publication of a mental disability law compendium and multistate survey of prisoner access to legal assistance in correctional institutions, and the vigorous support of an Affiliate Activation and Outreach Program which provides technical assistance and on-site consultation to affiliates who seek to undertake local public service action programs. Nearly one hundred new affiliate programs are generated each year.

The Young Lawyers Section of the Philadelphia Bar Association has, since 1971, sponsored a volunteer child representation program in Philadelphia. The efforts of this group inspired the creation of the National Legal Resource Center for Child Advocacy and Protection.

## About... The ABA Public Service Activities Division

Throughout its history, one of the goals of the ABA has been to apply the knowledge and experience of the legal profession to promotion of the public good. This objective now pervades virtually every activity of the Association. It is also the exclusive and overriding mission of the ABA's Division of Public Service Activities (PSA), one of the major program divisions which provides staff support for the Association's many attorney-sponsored programs and activities. Within the ABA, seven committees, four interdisciplinary commissions, one membership section, and one national resource center are served by the Division. These are:

- Section of Individual Rights and Responsibilities
- Commission on Law and the Economy
- Commission on Legal Problems of the Elderly
- Commission on Medical Professional Liability
- Commission on the Mentally Disabled
- Council on Legal Education Opportunity
- Committee on World Order Under Law
- Committee on Housing and Urban Development Law
- Committee on Energy Law
- Committee on Election Reform
- National Legal Resource Center for Child Advocacy and Protection

Through these units, the ABA studies a variety of issues and formulates remedial responses ranging from policy positions through study reports, clearinghouse efforts, demonstration projects, public education initiatives and working conferences. These activities are advanced within the Division by a support staff of over thirty persons and an annual budget of over \$3 million, much of which is derived from federal and private foundation grants. The "volunteers" who direct these endeavors and guide Divisional work are primarily, but not exclusively, lawyer members of the ABA. They include distinguished legal scholars, legislators, judges, private practitioners, public interest lawyers, corporate presidents, governmental analysts, eminent doctors, scientists, and economists.



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