INTRODUCTION

Every day in the United States, children have to make decisions. For many children, these choices reflect all the opportunities and resources that our society wishes to make available for each and every youth. Thus, a child may decide to join a school team or write for the student newspaper. A youth may struggle with deciding which parent to invite to Career Day at school or in which family member to confide a problem. Older teenagers try to figure out everything from who to date to what college they will attend. Sometimes the choice is as simple as picking which friend to invite to their house for a sleepover or what movie to see with their older brother.

But other children must make life-altering decisions as a consequence of the dire circumstances in which they find themselves. Hence, a child has to choose whether to stay in an abusive foster home or risk living on the streets. Another child must decide whether to take a guilty plea or go to trial on the criminal charges against him. An immigrant child has to figure out if she should keep quiet about her abusive uncle or say something and take the risk of being deported. For these children, the choices are often between bad and worse.

This book demonstrates the critical role that attorneys play in changing the life courses of our most at-risk children. Without the zealous representation of their attorneys, each of the children profiled in this book likely would have gone down a path that was detrimental to their safety, their well-being, and ultimately their ability to grow into happy and successful adults. *Changing Lives: Lawyers Fighting for Children* well illustrates the difference that a highly trained and skilled attorney can make in the life of a child in need.

Each chapter portrays a real-life case of a child in crisis and describes in detail the lawyering that was brought to bear to achieve the best outcome for that child. In describing these cases, the authors share a wealth of valuable information—including primers on relevant statutory and case law,
tips on conducting investigations, advice on utilizing experts, guidance on including social workers and other child-serving professionals on the legal team, and multiple checklists for motions practice and trial advocacy—that will assist practitioners in various areas of the law, including

- child welfare (abuse and neglect)
- juvenile delinquency
- transfer (waiver) from adult criminal court
- immigration
- school discipline
- special education
- mental health
- runaway and homeless youth
- impact litigation to promote systemic reform

The chapters also demonstrate that effectively representing children requires a practitioner to be versed in *multiple areas* of the law. The lawyer who represents a child in a school disciplinary proceeding coordinates with his public defender in his juvenile delinquency case to achieve the best result for the client on both fronts. The lawyer for an immigrant child who is being abused by her caretaker in the United States needs to apply an extensive knowledge of both the child welfare and immigration systems to ensure that the child is removed from her caretaker without being deported. The attorney for a child who has been involuntarily committed for mental health problems advocates for her client to return home by holding the child’s school to the requirements of special education laws. By providing inspiring stories combined with practical advice, the authors of *Changing Lives: Lawyers Fighting for Children* hope to raise awareness about the need for legal representation for children and to encourage and support attorneys who advocate for children, both those who do this as a full-time vocation and members of the private bar who undertake pro bono representation.

The attorneys featured in *Changing Lives: Lawyers Fighting for Children* are examples of the best our profession can offer in pursuit of the societal goal of promoting better outcomes for at-risk youth. These attorneys are pioneers, forging new law, pushing the boundaries, and never settling for the
self-imposed limits of bureaucracies in their tireless advocacy for their child clients. Unfortunately, too many children who need such zealous advocates at critical turning points in their lives do not have access to them. We are experiencing a crisis in the availability of civil legal and criminal defense services for the indigent and working poor, adults and children alike. Cuts in funding have forced community legal services offices and public defender services to cut staff, increase caseloads to unthinkable numbers, and turn away thousands of people in need of legal representation. It is incumbent on us to stanch the tide by advocating at both the federal and state levels for adequate funding for legal services for the poor, especially children.

There is another key barrier to achieving better outcomes for children that we can overcome without going to our legislatures. It involves a change in attitude. Indeed, perhaps the biggest obstacle to children obtaining quality legal representation is the persistent yet unfounded belief that children simply do not need lawyers. The authors of this volume have heard the comment too often, including from fellow members of the bar, that if courts and agencies just work together in a child’s best interest, instead of in the traditional adversarial manner, then the right outcomes will be achieved. The problem is that most of us assume we already know what is in a child’s best interest because we may be parents ourselves, and all of us were once children. But these ideas may be based on nothing more than intuition, and we need children’s attorneys to challenge these premises if we are to achieve the best result for children. At the end of the day, whether or not you label a proceeding as adversarial, if the parties in the courtroom or at an administrative hearing are represented by counsel, due process demands that the child who is at the center of the proceeding receive no less.

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