TEXT OF AMERICAN BAR ASSOCIATION POLICIES RELATED TO CHILDREN 1979 - 2014

Note: The background REPORTS accompanying these resolutions are not included here, but are available from the American Bar Association. Please contact the ABA Center on Children and the Law for more information.

YOUTH TRANSITIONING FROM FOSTER CARE TO HOMELESSNESS
FEBRUARY 2014

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact and implement legislation and policies which prohibit youth from transitioning from foster care to a status of homelessness, or where a former foster youth will lack a permanent connection to a supportive adult.

FURTHER RESOLVED, That to promote these objectives, legislation and policies should provide for:
(a) Eliminating the case goals or outcomes of “Another Planned Permanent Living Arrangement” (APPLA) or “Emancipation”; and
(b) Adding in their place a goal and outcome of “Safe and Secure Housing/Permanent Significant Adult Connections”.

FURTHER RESOLVED, That, to improve transition outcomes for older youth in foster care, governments and courts implement the following specific reforms:
(a) Providing support for housing assistance to young adults who turned 18 while in foster care and have aged out of care thereafter;
(b) Requiring dependency cases not be dismissed without a court hearing and finding that the youth has:
1) Housing, including the option of placement with a family;
2) A permanent adult connection to at least one supportive adult;
3) Where such youth has a disability, a successful transition to adult systems that provide health care and other supports for adults with disabilities; and
(c) Making efforts to reduce use of congregate residential care settings as a long-term placement, while recognizing that youth with severe and chronic disabling conditions may require long-term residential treatment where other permanency options are not in their best interests.

FURTHER RESOLVED, That the American Bar Association urges the legal profession and the judiciary to improve and enhance support for foster youth transitioning to adult independence, providing education, materials, and other resources on permanent adult connections for former foster children and on safe and secure housing opportunities for youth exiting foster care.

TRAUMA-INFORMED APPROACHES FOR YOUTH IN THE JUSTICE SYSTEM
FEBRUARY 2014

Urges lawyers, law schools and bar associations to adopt trauma-informed, evidence-based approaches and practices on behalf of justice system-involved children and youth who have been exposed to violence, including victims of child abuse and neglect or other crimes and those subject to delinquency or status offense proceedings.

APPELLATE REPRESENTATION FOR JUVENILES
FEBRUARY 2014

RESOLVED, That the American Bar Association urges federal, state, local, tribal and territorial governments to ensure that juveniles are provided effective appellate representation and have access to appeals consistent with state statutes and/or state constitutional provisions by:

1. Providing training for judges and attorneys in juvenile court to recognize that in the representation of the juvenile, the control and direction of the case is the same as in the representation of a criminal defendant;
2. Providing adequate resources so that juveniles, including those qualifying for public defender services, have access to effective Appellate representation;
3. Providing timely appellate review, expedited when necessary, within the timeframe that the juvenile is completing the court-ordered disposition, particularly in cases where youth are confined; and
4. Collecting data on the rate of juvenile delinquency appeals to identify institutional barriers to appellate representation and possible internal geographical disparities in state juvenile appellate practice.

IMPROVING CHILD ABUSE AND NEGLECT LAWS
AUGUST 2013

RESOLVED, That the American Bar Association urges federal, state, local, tribal and territorial governments to review their child abuse and neglect laws to improve government responsiveness while respecting the rights of children and families, and to determine what changes, if any, are appropriate including review of:
a) Mandatory reporting requirements for child abuse and neglect;
b) Sanctions for failure to report child abuse and neglect, and for the making of a maliciously false report;
c) Adjustment of the penalties for endangering a child’s life through physical abuse, sexual abuse and severe neglect; and
d) Whether and how to extend civil immunity to those who in good faith participate or assist in child protective investigation and other child protective actions.

FURTHER RESOLVED, That the American Bar Association urges each jurisdiction, with the involvement of the state and local bar, to educate professionals and members of the public on their obligations under child abuse and neglect laws and on its definition and recognition.

IMPLEMENTING THE INDIAN CHILD WELFARE ACT
AUGUST 2013

RESOLVED, that the American Bar Association urges the full implementation of, and compliance with, the Indian Child Welfare Act (25 U.S.C. §§1901-63).

FURTHER RESOLVED, That the ABA encourages federal, state and tribal governments to provide the training and resources necessary to fully implement and enforce compliance with the Indian Child Welfare Act.

FURTHER RESOLVED, That the American Bar Association urges:
(a) State court collaborations with tribal courts, tribal court improvement programs, tribal governing bodies, and other tribal authorities to protect American Indian and Alaska Native children and to ensure appropriate treatment of, and resources for, American Indian and Alaska Native families and children at all levels of government;
(b) Increased use of federal Title IV-E cooperative agreements and memoranda of understanding between states and Tribes to enable Tribes to operate their own child protection programs;
(c) Assistance to Tribes and tribal courts in enhancing legal services, case management, and child welfare services functions;
(d) Efforts to reduce the disproportionate number of American Indian and Alaska Native children removed from their homes; and
(e) Significant increases in the financial support provided Tribes and tribal courts by the U.S. Departments of Interior, Justice, and Health and Human Services that enhance services to American Indian and Alaska Native children and their families, and to the legal and judicial systems that serve them.

FURTHER RESOLVED, That the American Bar Association encourages and supports efforts of state and local bar associations, legal services organizations, law schools, child welfare and adoption agency legal counsel, and other legal assistance providers to develop training and materials that educate the legal profession on requirements of the Indian Child Welfare Act and improvement of its implementation.

ENDORSING THE ATTORNEY GENERAL’S CHILDREN EXPOSED TO VIOLENCE REPORT
AUGUST 2013

BE IT RESOLVED, That the American Bar Association urges implementation of the December 2012 Report of the U.S. Attorney General’s National Task Force on Children’s Exposure to Violence, entitled Defending Childhood, and urges federal, state, territorial, and tribal governments and courts to promptly implement the Report’s recommendations.

FURTHER RESOLVED, That the American Bar Association encourages, supports, and is committed to working with the U.S. Department of Justice, state and local prosecutors, state and local bar associations, legal services organizations, law schools, child welfare and juvenile justice agencies, public defender offices and court-appointed legal counsel, and other legal assistance providers and entities that promote improvements in juvenile justice to develop training that educates the legal profession on the issues and recommendations contained in the Defending Childhood Report, and to help promote the practices proposed in the Report.
RESOLVED, That the American Bar Association urges federal, tribal, state, territorial, local and municipal governments to enact legislation relating to youth in the juvenile justice system with co-occurring mental health and substance abuse disorders that increases:

(a) Grants for services for youth with such disorders that evaluate the effectiveness of prevention and treatment programs;

(b) Funding for local access to health care for such youth and their families; and

(c) Collaboration among agencies involved in juvenile justice, mental health and substance abuse treatment in providing effective forms of locally-accessed and institutional treatment models.

FURTHER RESOLVED, That the American Bar Association urges federal, tribal, state, territorial, local and municipal governments to review privacy regulations with a view toward facilitating more effective treatment, and avoiding further involvement with the juvenile justice system. Such review should strive for fairness in considering youth privacy and informed co-operation between agencies, youth and families in integrated prevention and diversion out of the juvenile justice system and into treatment whenever possible, and strive for responsible and fair sharing of information among treating agencies for youth with co-occurring disorders.

DEFENSES FOR MINORS CHARGED WITH PROSTITUTION WHO ARE VICTIMS OF TRAFFICKING
FEBRUARY 2013

RESOLVED, That the American Bar Association urges local, state, territorial, tribal and federal governments to enact legislation allowing adult or minor human trafficking victims charged with prostitution related offenses or other non-violent offenses that are a direct result of their being trafficked to assert an affirmative defense of being a human trafficking victim.

VACATING CONVICTIONS OF PROSTITUTED MINORS
FEBRUARY 2013

RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial governments to aid victims of human trafficking by:

a) Enacting and enforcing laws and policies that permit adult or minor victims of human trafficking to seek to vacate their criminal convictions, for offenses related to their prostitution or other nonviolent offenses that are a direct result of their trafficking victimization; and

b) Establishing and ensuring funding for programs designed to assist human trafficking victims who are seeking to vacate such convictions.

FURTHER RESOLVED, That the American Bar Association urges legal service organizations, state and local bar associations, law school clinics, and other legal assistance providers to develop pro bono programs and provide pro bono representation to assist adult or minor victims of human trafficking in vacating convictions for offenses that are a direct result of their trafficking victimization.

TRAINING OF JUDGES AND LAWYERS ON CHILD VICTIMS OF TRAFFICKING
FEBRUARY 2013

RESOLVED, That the American Bar Association urges federal, state, local, tribal and territorial bar associations, working with judges, lawyers and other professionals with subject matter expertise in human trafficking, to develop and implement training programs for judges, prosecutors, defense counsel, law enforcement officers, immigration officials, civil attorneys and other investigators that will enable them to identify adult and minor victims of human trafficking, enable them to direct victims and their families to agencies that offer social and legal services and benefits designed to assist adult or minor victims of human trafficking and enable them to communicate effectively with adult and minor victims who have experienced trauma.

ADDRESSING JUVENILE DEFENDANTS’ IMMIGRATION STATUS
FEBRUARY 2013

RESOLVED, That the American Bar Association urges federal, state, territorial, tribal, and local courts to:

(a) Ensure that defense counsel for a juvenile in a criminal or juvenile adjudication of delinquency proceeding:

1. inquires and investigates the juvenile defendant's actual immigration status and informs the client about the immigration penalties and/or consequences that may stem from the case, the varying consequences that may flow from different dispositions of the case, and the availability of any relief from possible consequences; and

2. seeks, when practicable, to minimize adverse immigration consequences, according to the best interests of the client.
(b) Inform non-U.S. citizen juvenile defendants as early as possible in the court process, but in all cases at the plea colloquy, of their right to advice regarding the immigration penalties and/or consequences that may stem from the case, the varying consequences that may flow from different dispositions of the case and the availability of any relief from possible consequences; and
(c) Ensure, without infringing attorney-client privilege and without inquiring into the juvenile's immigration status unless alienage is an element of the charge, that a juvenile's plea to any offense is knowingly, voluntarily, and intelligently made, and that the juvenile is aware of the right to obtain and has had the opportunity to obtain advice regarding the immigration penalties and/or consequences that may stem from the case, the varying consequences that may flow from different dispositions of the case, and the availability of any relief from possible consequences.

FURTHER RESOLVED, That the American Bar Association urges legal service organizations, federal, state, and local bar associations, and other legal assistance providers to:
(a) Provide training to judges, prosecutors, criminal defense lawyers, and legal aid lawyers about the immigration consequences of criminal convictions and juvenile adjudications of delinquency and any available relief from such consequences, and in the duty of defense attorneys to fully address immigration consequences in their representation of juveniles; and
(b) Support efforts to provide necessary resources to defense counsel and defender agencies and organizations to provide their noncitizen juvenile clients effective legal representation that effectively and competently discharges their duty to fully address immigration consequences in their representation of juveniles.

UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT
FEBRUARY 2013

RESOLVED, That the American Bar Association approves the Uniform Deployed Parents Custody and Visitation Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2012, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

HIGHER EDUCATION ACCESS FOR YOUTH IN FOSTER CARE
AUGUST 2012

RESOLVED, That the American Bar Association urges lawyers, judges, child welfare and education agency administrators, educators, school regulatory bodies, and legislators to support the enrollment in and successful completion of postsecondary education by youth in foster care, or those who have been in foster care.

ADDRESSING FETAL ALCOHOL SYNDROME DISORDERS
AUGUST 2012

RESOLVED, That the American Bar Association urges attorneys and judges, state, local, and specialty bar associations, and law school clinical programs to help identify and respond effectively to Fetal Alcohol Spectrum Disorders (FASD) in children and adults, through training to enhance awareness of FASD and its impact on individuals in the child welfare, juvenile justice, and adult criminal justice systems and the value of collaboration with medical, mental health, and disability experts.
FURTHER RESOLVED, That the American Bar Association urges the passage of laws, and adoption of policies at all levels of government, that acknowledge and treat the effects of prenatal alcohol exposure and better assist individuals with FASD.

CRIMINAL STATUTES OF LIMITATION IN CHILD SEXUAL ABUSE CASES
AUGUST 2012

RESOLVED, That the American Bar Association urges federal, state, territorial, and tribal governments to review child sexual abuse criminal statutes of limitations to determine, despite problems such as faded memory and deterioration of evidence, whether special factors including the age of the victim, inability to report, and abuse of trust, warrant extending the statute of limitations applicable to said crimes.

MODEL ACT GOVERNING THE REPRESENTATION OF CHILDREN IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS
AUGUST 2011

RESOLVED, That the American Bar Association adopts the Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings, dated August, 2011.
AIDING UNDOCUMENTED AND CITIZEN CHILDREN SEPARATED FROM PARENTS
AUGUST 2011

RESOLVED, That the American Bar Association urges federal and state governments to enact legislation for the protection of unaccompanied and undocumented immigrant children (“such children”) and U.S. citizen children of noncitizen parents (“U.S. citizen children”) that would require:

a) Such children be screened promptly upon apprehension by immigration authorities, placement in foster care, or upon other entry to a child welfare system, to determine whether the child is eligible for immigration relief because he or she is a victim of crime, abuse, neglect, or abandonment or another similar basis under state law;

b) Repatriations of such children include formal intercountry child welfare agency involvement and adherence to intercountry protocols designed to address concerns regarding the safety of such children during the repatriation process and the process of returning a child to a stable family environment; and

c) U.S. citizen children have full access to their birth certificates, paternity documents, and other vital government records without regard to the immigration status of a parent or guardian.

FURTHER RESOLVED, That the ABA urges the revision of federal laws to ensure federal support for training of state and local judges, and for attorneys who work with children of non–U.S. citizen parents regarding the intersection of state child welfare laws, immigration laws, applicable international conventions and standards, and intercountry protocols that affect children who are detained, separated from, or removed from their adult caretakers.

AIDING IMMIGRATION-DETAINED PARENTS IN STATE CHILD-RELATED CASES
AUGUST 2011

RESOLVED, That the American Bar Association urges the Department of Homeland Security to revise its policies with respect to detained parents, legal guardians and primary caregivers of children to incorporate the following:

a) Access to an attorney to help them understand legal issues related to children who had been in their care;

b) Referral to an attorney who can represent their interests in state court custody, dependency, and other legal actions related to their children; and

c) Opportunity for their meaningful participation in all state judicial proceedings involving their children’s custody and welfare, as well as the opportunity to access court-mandated services related to their parenting.

AIDING CHILDREN AFFECTED BY IMMIGRATION ENFORCEMENT
AUGUST 2011

RESOLVED, That the American Bar Association urges Congress to enact legislation, and the Department of Homeland Security to adopt policies, that:

a) Assure information pertaining to location and transfer either of immigration detainees who are parents, legal guardians or primary caregivers of minor children, or of the minor children themselves, or of changes of placement of those minor children, is shared among immigration authorities, state and local child welfare agencies, and state courts;

b) Assure the length of one’s status as an immigration detainee, or one’s removal or pending removal from the country, can not be the sole basis for a state not to provide legally mandated reasonable efforts to reunify children with their parent, legal guardian, or primary caretaker; and

c) Mandate the Department of Homeland Security to collect and report aggregate annual data on the number of U.S. citizen children impacted by the detention or deportation of a parent, legal guardian, or primary caregiver and resulting cost to child welfare agencies.

TRAFFICKING OF CHILDREN
AUGUST 2011

RESOLVED, That the American Bar Association urges state, tribal, and territorial legislatures to aid minors who are victims of human trafficking by:

a) Permitting their immediate protective custody as dependent children in suitable residential environments and, except in extreme and compelling circumstances, not charging children under the age of 18 with the crimes of engaging in prostitution or soliciting themselves, loitering with the intent to engage in prostitution, or status offenses that are incident to their trafficking situation;

b) Amending juvenile dependency laws by:

1) Making suspicion of trafficking victim status a basis for mandated reporting to child protective services agencies and requiring their services, for both citizen and noncitizen children, through specialized child trafficking victim units; and

2) Requiring screening and risk assessment for trafficking victimization whenever a youth enters a runaway or homeless youth facility, juvenile justice system, or child welfare agency custody;
c) Establishing programs of specialized short and long term safe housing, residential care facilities, and other services for prompt access by law enforcement, public health officials, and child protective services;
d) Authorizing courts to issue and enforce protective orders prohibiting harassment or intimidation of child trafficking victims; and
e) Providing a civil cause of action for child victims to receive compensation and services.

FURTHER RESOLVED, That the American Bar Association urges state, tribal, territorial and local governments to ensure:
a) Law enforcement, child protective services, and family and juvenile court training to address identification and risk assessment of child trafficking victims and the process of obtaining aid for the victims;
b) Prompt health, mental health, substance abuse treatment, educational and vocational training, residential care, and other victim services;
c) Those providing health, mental health, substance abuse treatment, education and vocational training, residential care, and other victim services report aggregate data on victims served to a designated state agency;
d) When a child is missing from foster care or residential placement, immediate notification to federal, state, and local law enforcement, with annual aggregate reporting of this data; and
e) Special attention in the development of programs to provide services for the unique needs of girls, boys, and gay and transgendered youth.

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation that:
a) Enhances state, tribal, territorial, and local efforts to combat trafficking of minor children through supporting legal services to victims, shelter and rehabilitative care, and prosecution of adults who are trafficking in minor children; and
b) Helps assure all noncitizen children who have been exploited for labor, services or commercial sex acts are properly identified as “victims of a severe form of trafficking in persons” as specifically authorized in federal law and:
1) Permits their immediate protective custody as dependent children in suitable residential environments and, except in extreme and compelling circumstances, not charging children under the age of 18 with the crimes of engaging in prostitution or soliciting themselves, loitering with the intent to engage in prostitution, or status offenses that are incident to their trafficking situation;
2) Mandates, and financially supports, data collection and reporting on their immigration relief eligibility and status;
3) Requires their prompt referral to local child protective services and other suitable provider(s) for services and support, identification of immigration relief options, and the right to communicate promptly with their national consulate;
4) Reimburses government entities, pursuant to existing authorization granted in federal law, for foster care costs related to services to children who are victims of human trafficking; and
5) Assures that their cross-border repatriation should only be accomplished through application of best practices developed by experts.

FURTHER RESOLVED, That the American Bar Association urges the education of lawyers, judges and other justice system professionals regarding the legal issues pertaining to the trafficking of children, and urges state, tribal, and territorial legislatures, and bar associations, to improve laws addressing the trafficking of children, including the development and adoption of model or uniform anti-trafficking laws.

BULLYING AND HARASSMENT
FEBRUARY 2011

RESOLVED, That consistent with an American Bar Association August 2002 policy, the ABA urges federal agencies, legislators, school officials, and the organized bar to discourage: (1) the inappropriate referral of youth to the juvenile justice system for acts of bullying and student-on-student harassment; and (2) the inappropriate use of expulsion and out-of-school suspension for such acts.

FURTHER RESOLVED, That the ABA urges lawyers and judges to work with others to address the issue of bullying — including cyberbullying and youth-to-youth sexual and physical harassment — and develop related continuing legal education, legal research, program analysis, and policy reform, including:
a) Training lawyers and judges in the child welfare and juvenile justice systems to be alert to the signs that a child is either a victim of, or engaging in, bullying or harassment, and having that instruction address immediate services that are available and the importance of involving adults in supporting these children;
b) Supporting funding, at the federal and state level and by private foundations and academic institutions, of innovative programs, research and evaluation that address the prevention of and responses to these acts, including efforts that will enhance and study use of evidence-based and culturally and linguistically competent approaches;
c) Supporting requirements for state and local educational agencies and child-serving institutions to adopt anti-bullying and anti-harassment policies that include training, data collection and reporting, notice, and institutional protections, particularly for those children at risk of these acts due to actual or perceived characteristics such as race, religion, national origin, sex, disability, sexual orientation, or gender identity;
d) Urging law enforcement agencies to fully participate in the FBI’s hate crime data collection program, which, under the federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, now includes a requirement for the Justice Department to report in the aggregate on hate crimes committed by and against juveniles;

e) Encouraging Internet Service Providers and social networking platforms to adopt Terms of Service that define prohibited cyberbullying and cyberhate, provision of a readily identifiable and monitored address for reporting this improper activity, and a commitment that they will review complaints in a timely manner;

f) Urging expansion of federal agency collaborative activities to better inform and improve best practices, to enhance school safety data collection by the states, and to disseminate the results to school personnel, parents and families;

g) Supporting amendments of appropriate federal legislation related to children and youth to better address these issues, including anti-bias education and prevention, as well as bullying, cyberbullying, and harassment education, policies, training, social and emotional learning, and school-wide educational behavior support and early intervention initiatives; and

h) Supporting comprehensive implementation, outreach, and education to promote the October 26, 2010 U.S. Department of Education Office of Civil Rights “Dear Colleague” letter on bullying and harassment – including encouragement of more aggressive federal use of existing federal and state civil rights protection authority, including Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act, that is coordinated with school, child welfare, and juvenile justice agencies, to help address these issues.

YOUTH COURTS
FEBRUARY 2011

RESOLVED, That the American Bar Association urges federal, state, territorial, and local governments to create and provide appropriate support for Youth or Teen Courts that, through a peer-driven restorative justice process involving family members, diverts youth from the formal consequences of juvenile court petitions, proceedings, adjudications, or juvenile justice sanctions by:

a) Providing a valuable civic education for all participants, especially one that builds respect for the rule of law and the legal/judicial process, including mentorship and community service opportunities;

b) Permitting program referrals from prosecutors, probation departments and police, as well as from the courts, and not limiting program eligibility to first-time offenders;

c) Encouraging judges, lawyers, law students, civic organizations and businesses to recruit youth volunteers and to provide training, other assistance and support to create, sustain and promote programs; and

d) Supporting national, state, and local research and evaluation on all aspects of these programs.

YOUTH TRANSITIONING FROM FOSTER CARE
AUGUST 2010

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments, as well as state, local, territorial and tribal child welfare agencies and dependency courts and judges to enact laws and rules, and to develop policy and practice changes that:

(1) Promptly, fully, and expansively implement the older youth provisions of the federal Fostering Connections to Success and Increasing Adoptions Act and, in particular, extend foster care, independent and transitional living services, adoption assistance, and guardianship assistance to all youth and young adults through at least age 21;

(2) Ensure that dependency court jurisdiction is extended for young adults who elect to remain in child welfare agency care until at least the age of 21 (or any earlier time the young adult may elect to leave care) and that all Title IV-E requirements including case planning, transition planning, and court oversight are met;

(3)(a) Give young adults the option to exit care upon the age of 18 or at any age afterwards, but ensure that these young adults fully understand the implications and magnitude of any decision to exit care and are provided support and services to ensure a smooth transition to adulthood, and (b) create a mechanism for young adults who exit care after attaining age 18 to re-enter care through age 21; and

(4) Ensure that young adults in child welfare agency care are: (a) actively involved in all phases of permanency, independent living, and transition planning; (b) present at, and actively engaged and informed participants in, their own dependency court proceedings; and (c) represented by a well trained, competent and effective client-directed lawyer in all dependency court proceedings through the termination of their case and in any reentry into care thereafter.

FURTHER RESOLVED, That the American Bar Association urges the development of regulations and guidelines in regard to the Fostering Connections to Success and Increasing Adoptions Act, including but not limited to: (a) a broad and flexible definition of federally reimbursable “supervised settings” in which young adults are “living independently” based on the best practice experiences of states with effective models; (b) an expansive interpretation of the Act’s language defining the youth and young adults eligible for federal funding for care, support and services through age 21; and (c) clarification that all Title IV-E requirements, including representation and court supervision, are applied to young adults who remain in child welfare agency care through age 21.
FURTHER RESOLVED, That the American Bar Association urges state and local bar associations, law firms, and individual lawyers to develop and promote pro bono programs to ensure that youth and young adults have access to needed transitional supports and services and that the rights of youth and young adults are fully preserved while in, transitioning from, or after exiting child welfare agency care.

PRINCIPLES AND STANDARDS FOR JUDICIAL EXCELLENCE IN CHILD ABUSE AND NEGLECT PROCEEDINGS
AUGUST 2010


FEDERAL CHILD WELFARE SYSTEM FINANCE REFORM
FEBRUARY 2010

RESOLVED, That the American Bar Association urges Congress, state, territorial, tribal, and local governments to enact child welfare financing laws and/or implement policies to reform the child welfare financing structure to end the current fiscal incentives to place children in foster care. These reforms in law and policy should:

(a) Encourage keeping or reunifying children safely with their birth families by increasing the amount and flexibility of funding available for the following services:

1. child abuse and neglect prevention;
2. family preservation and support;
3. family reunification; and
4. post-permanency support.

Services should include direct access or connection to programs for affordable housing, transportation, anti-poverty supports, substance abuse and mental health treatment, aid in addressing domestic violence, parenting instruction and peer parent support programs, and quality parent representation programs.

(b) Maximize access to federal, state, tribal, territorial and local revenue streams so as to enhance the availability of those services by:

1. Allowing states and tribes, if they safely reduce the number of children in foster care, to reinvest federal foster care funds that would have been expended on such placements into other child welfare services aimed at further reducing the need for foster care;
2. Reauthorizing and expanding the federal child welfare waiver program and simplifying the waiver application process to encourage use of federal funds in testing innovative approaches to delivering child welfare services with the goal of strengthening families; and
3. Evaluating policies and formulas for funding distribution to ensure adequate federal and state support for services to children and families at risk of becoming involved in the child welfare system, so that these services are readily available in neighborhoods with high rates of poverty, child abuse and neglect, and placements of children in foster care.

FURTHER RESOLVED, That the American Bar Association urges federal, state, tribal, county and territorial governments to pass child welfare financing laws and/or implement policies that encourage all types of permanency for children, including safe and stable reunifications, by creating an enhanced federal permanency encouragement initiative that will reward states and tribes for increasing their rates of safe and stable parental reunifications and relative guardianships, as well as for adoptions.

FURTHER RESOLVED, That the American Bar Association urges Congress to amend Title IV-E of the Social Security Act consistent with the principles above.

FURTHER RESOLVED, That the American Bar Association urges state and local bar associations to actively support the development and implementation of these laws and policies.

REDUCING COLLATERAL CONSEQUENCES OF JUVENILE DELINQUENCY ADJUDICATIONS
FEBRUARY 2010

RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to increase the opportunities of youth involved with the juvenile or criminal justice systems and to prevent the continuing discrimination against those who have been involved with these systems in the past by limiting the collateral consequences of juvenile arrests, adjudications, and convictions.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to adopt and enforce laws and policies which:

Prohibit employers, colleges, universities, vocational and technical schools, financial aid offices, licensing authorities and similar agencies from inquiring about or considering an arrest of a juvenile that did not lead to a finding of guilt, an adjudication or a conviction, or basing the denial of educational or vocational opportunities to applicants on such arrest;
Prohibit employers and educational institutions from considering any records pertaining to an arrest, adjudication or conviction of an applicant that occurred while the applicant was a juvenile if such records have been sealed or expunged by the court;

Prohibit colleges, universities, financial aid offices, other educational institutions and employers and employment licensing authorities: (1) from considering juvenile adjudications or criminal convictions unless engaging in the conduct underlying the adjudication or conviction would provide a substantial basis for denial of a benefit or opportunity even if the person had not been adjudicated or convicted, and (2) if the underlying conduct does provide such a basis, (a) from considering a juvenile adjudication, if three years have passed following the applicant's discharge from custody or supervision without being adjudicated or convicted of a subsequent offense; and (b) from considering a criminal conviction, if five years have passed following the applicant's release from custody or supervision without being convicted of a subsequent offense.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to adopt and enforce policies encouraging employers, colleges, universities, financial aid offices, licensing authorities and other agencies to give consideration to a juvenile’s successful completion of a community re-entry program or the terms of their probation.

FURTHER RESOLVED, That the American Bar Association urges federal, state territorial and local governments to adopt and enforce policies encouraging employers, colleges, universities, financial aid offices, licensing authorities and other agencies to include on applications clear definitions of legal terms such as arrest, adjudication, and conviction.

SIMPLIFIED MIRANDA WARNINGS FOR JUVENILES
FEBRUARY 2010

RESOLVED, That the American Bar Association urges federal, state, territorial and local legislative bodies and governmental agencies to support the development of simplified Miranda warning language for use with juvenile arrestees.

CHILDREN’S CONTACT WITH INCARCERATED PARENTS
FEBRUARY 2010

RESOLVED, That the American Bar Association urges federal, state, territorial, and local governments to ensure that judicial, administrative, legislative, and executive authorities expand, as appropriate in light of security and safety concerns, initiatives that facilitate contact and communication between parents in correctional custody and their children in the free community. Such initiatives should:

(a) to the extent practicable, assign prisoners to a facility located within a reasonable distance from the prisoner’s family or usual residence;

(b) encourage and support no cost or low cost public transportation between urban centers and prisons for families of prisoners;

(c) revise visitation rules, including those related to hours and attire, to facilitate extended contact visits between parents and their minor children, and assure that information is made available to parents regarding opportunities to visit with their children;

(d) modify visitation areas to accommodate visits by young children;

(e) provide reasonable opportunities for inmates to call and write their minor children at no cost or at the lowest possible rates;

(f) seek to reduce barriers that limit opportunities for children in foster care to visit their incarcerated parent, and make available services to help address the trauma that these children face resulting from parental incarceration;

(g) adopt or expand programs on parenting and parenting skills available to incarcerated prisoners with minor children, and provide their family members with services designed to strengthen familial relationships and child safety, permanency, and well being outcomes; and

(h) provide the opportunity for incarcerated parents to participate meaningfully in dependency-related court proceedings involving their children and ensure competent and consistent legal counsel to aid them in these cases.

FURTHER RESOLVED, That the American Bar Association urges states, territories, and the federal government to adopt policies and procedures, to the extent consistent with security, safety, and privacy concerns, that require child welfare agencies to track the incarceration status of the parents of children in foster care, and that facilitate communication between the child welfare system and the corrections system regarding the incarceration status of the parents, the location of the parents’ correctional facilities, and subsequent transfers of the parents to other correctional facilities.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to clarify that incarceration alone should not be grounds for judicial termination of parental rights, nor does incarceration negate child welfare agency requirements to provide reasonable efforts that may aid in facilitating safe, successful, and appropriate parent-child reunification; and

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to explore the use of innovative means of providing opportunities for parent/child contact and communication, including but not limited to intergovernmental contracts, and alternatives to incarceration such as privately operated residential facilities.

MINIMIZING LEGAL IMPACT ON CHILDREN OF A PARENT’S CONFINEMENT
RESOLVED, That the American Bar Association urges bar associations, and law schools to consider and expand, as appropriate, initiatives that assist criminal defendants and prisoners in avoiding undue consequences of arrest and conviction on their custodial and parental rights. Such initiatives should include:
(a) training criminal defense counsel to: 1) ascertain whether their clients have minor children and if so, to ascertain the location of the children; and, 2) to advise clients with minor children as to the consequences of arrest and conviction on their custodial and parental rights and on how to obtain further assistance in avoiding those consequences;
(b) developing models for training lawyers about the collateral effects of arrest and conviction on their parenting rights that can be distributed to bar associations; and
(c) establishing programs to provide criminal defendants and prisoners with no cost or low cost legal assistance on family law issues, including the avoidance of foster care through kinship care and guardianship arrangements.

FURTHER RESOLVED, That the American Bar Association urges Congress to eliminate restrictions that prohibit recipients of Legal Services Corporation funds from providing legal assistance to prisoners on family law issues.

RUNAWAY AND HOMELESS YOUTH
FEBRUARY 2010

RESOLVED, That the American Bar Association urges Congress to increase funding for programs under the Runaway and Homeless Youth Act and other laws in order to more effectively intervene and end homelessness for youth, ages 12 through 24.

FURTHER RESOLVED, That the American Bar Association urges state, local, and territorial governments to revise their laws, policies and practices in light of the emergence of new models and best practices in the law to help runaway and homeless youth and their families, including:
1) Assisting, as victims of crime, instead of arresting, children who have engaged in prostitution or other forms of commercial sexual exploitation; and
2) Assisting, instead of arresting and using the courts to unnecessarily detain, children who have been forced out of their homes or who have run away from homes that are abusive or neglectful; and
3) Ensuring that safe and loving families can be supported and that reunification can occur expeditiously, where appropriate, or, when reunification is not possible, assisting youth to locate kinship care options or clarify guardianship status and find sufficient access to services provided by public child welfare agencies or other community-based agencies offering residential care.

FURTHER RESOLVED, That the American Bar Association urges Congress, state, local, and territorial governments to improve statutory definitions, as well as data collection and reporting systems, in order to:
1) Assist in better defining unaccompanied, homeless youth as within those categories of individuals eligible for family preservation services, independent living support, court orders for protection from physical violence and sexual assault, and other child welfare services; and
2) Accurately count the number of runaway and homeless youth, as well as youth who are sexually trafficked or otherwise victimized by commercial sexual activity.

FURTHER RESOLVED, That the American Bar Association, urges the Federal Government to:
1) Assist local communities in establishing plans to end youth homelessness, which include specific recommendations for the role of federal and state governments in abating youth homelessness, including implementation of model laws developed to address issues related to youth homelessness;
2) Increase coordination among the federal departments of Housing and Urban Development (HUD), Health and Human Services (HHS), and Justice to address the crisis of youth homelessness by identifying promising practices in housing assistance to homeless youth;
3) Focus on youth homelessness among those formerly in the child welfare and juvenile justice systems, including offering at least 50,000 youth housing opportunities on an annual basis to these and other homeless youth; and
4) Enhance the integration and collective analysis of data compiled by federal, state, local, and territorial systems.
RESOLVED, That the American Bar Association urges federal and state legislatures to pass laws and policies that:
1. Help to secure the right of every child to a high quality education, including, specifying the elements of that right and fostering its consistent provision to all by schools and local, state, and federal agencies;
2. To improve the implementation and enforcement of existing provisions of law and policy designed to enable students to obtain elements of a high quality education;
3. To enable and assist students and their parents and their representatives in participating in decisions affecting their right to quality education and in understanding and utilizing existing provisions of law and policy and remedying deficiencies in their implementation and enforcement through administrative and judicial relief.
FURTHER RESOLVED, That the American Bar Association urges state and local bar associations, and attorneys to:
1. Seek improvements in state and federal law to protect and advance the right to high quality education, including the enactment of remedies to secure that right administratively and judicially;
2. Make legal representation available to parents, students, and organizations seeking to enforce provisions of state and federal law related to the right to high quality education, in administrative and judicial proceedings; and
3. Provide community legal education and other assistance to parents, students, community organizations, schools, and school systems to aid in understanding and obtaining improved implementation of laws that protect and advance the right to high quality education.

RESOLVED, That the American Bar Association urges federal and state legislatures to pass laws and policies that:
1. Help advance the right to remain in school, promote a safe and supportive school environment for all children, and enable them to complete school;
2. Limit exclusion from and disruption of students’ regular educational programs as a response to disciplinary problems;
3. Provide full procedural protections, including the opportunity to have representation by counsel in proceedings to exclude students from their regular education program, appropriate provisions of due process in other school disciplinary processes, and implementing disciplinary procedures in a fair, non-discriminatory and culturally responsive manner;
4. Reduce criminalization of truancy, disability-related behavior, and other school-related conduct; and
5. Establish programs and procedures to assist parents, caregivers, guardians, students, and their legal representatives in understanding and exercising student rights to remain in school.
FURTHER RESOLVED, That the American Bar Association urges federal and state legislatures to legally define, and assure standardized on-going monitoring, reporting, and accountability for, measuring graduation rates, school dropout rates, school truancy, and disciplinary violations resulting in student suspensions and expulsions, with data disaggregated by race, disability and other disparately affected populations, and ensure that no group of students is disparately subjected to school discipline or exclusion.

RESOLVED that the American Bar Association urges enactment and implementation of statutes and policies that support the right of youth who have left school to return to school to complete their education in high-quality, age appropriate programs.
FURTHER RESOLVED, that the American Bar Association urges the enactment of laws and policies that establishes programs and procedures to encourage and assist parents, students and their legal representatives in understanding and exercising student rights to resume their education.

RESOLVED that the American Bar Association urges federal, state, tribal, local, and territorial governments to ensure that child victims of criminal conduct have access to specialized services and protections such as those provided by child advocacy centers approved and accredited by the National Children's Alliance and prompt access to legal advice and counsel.
FURTHER RESOLVED that the American Bar Association urges federal, state, tribal, local, and territorial governments including courts, and state and local bar associations:
To support legislation or the modification of rules of court to provide that child victims of criminal conduct have independent attorneys who can assist them in accessing applicable victims’ rights (such as those provided by 18 U.S.C. 3771 in the federal system) and age-appropriate accommodations (such as those provided by 18 U.S.C. 3509 in the federal system) established by law in the jurisdiction if the court makes a finding that the child’s interests are not otherwise adequately protected.

To initiate pilot programs or demonstration projects in which rights and protections for the child victim of criminal conduct are protected and enforced, including through the appointment of attorneys on a pro bono or compensated basis.

FURTHER RESOLVED that the American Bar Association, state and local bar associations, law schools, victim rights organizations, child rights organizations, and courts are urged to collaborate to develop appointment procedures for courts to appoint attorneys for child victims of criminal conduct and to adopt standards of practice and training requirements for those attorneys appointed for child victims including regarding the attorneys’ roles and responsibilities.

JUVENILE SEX OFFENDERS
FEBRUARY 2009

RESOLVED, That the American Bar Association urges Congress and the state legislatures to re-examine and revise laws, policies, and practices that require youth to register as sex offenders or be subject to community notification provisions otherwise imposed upon adult sex offenders, based upon a juvenile court adjudication.

FURTHER RESOLVED, That the American Bar Association urges Congress to amend Public Law 109-248 regarding sexual crimes committed by juveniles, to require that juvenile court judges consider factors relevant to the specific offense and the individual juvenile offender in determining whether they should be placed on sex offender registries, subjected to sex offender registration requirements and community notification of their offense(s), or otherwise face additional restrictions generally placed on adult sexual offenders.

FURTHER RESOLVED, That the American Bar Association urges states to:

a) Apply the provisions of Public Law 109-248 prospectively only to adjudicated juveniles, so that they are not subjected to collateral punishment or other sanctions that would go beyond that originally handed down by the juvenile court after a juvenile delinquency adjudication; and

b) Provide a remedy through which adjudicated persons may later apply for relief from sex offender registration and other related requirements after an appropriate period of supervision, treatment, and lawful community adjustment.

FURTHER RESOLVED, That the American Bar Association urges Congress and the state legislatures to provide increased funding for assessment and effective treatment interventions for juveniles adjudicated for sexual offenses, as well as for specialized juvenile probation service monitoring of these adolescents.

FURTHER RESOLVED, That the American Bar Association urges Congress and the state legislatures to provide increased funding to better meet both the short and long-term treatment needs of child victims of sex crimes.

CHILD CUSTODY CASES INVOLVING SERVICEMEMBER PARENTS
FEBRUARY 2009

RESOLVED, That the American Bar Association opposes the enactment of federal legislation that would:

(a) create federal-question jurisdiction in child custody cases, including cases involving servicemember-parents;
(b) dictate case outcomes or impose evidentiary burdens in state and territorial child-custody matters involving servicemember-parents;
(c) co-opt the discretionary authority of state and territorial courts, in cases involving servicemember-parents, to determine the best interests of the child and award custody accordingly; and
(d) pre-empt the growing body of state and territorial laws that comprehensively address servicemember domestic relations matters, including child custody.

FURTHER RESOLVED, That the American Bar Association urges states and territories to enact legislation prohibiting denial of child custody to a servicemember based solely on absence due to military deployment.

ADDRESSING RACIAL DISPARITIES IN THE CHILD WELFARE SYSTEM
AUGUST 2008

RESOLVED, That the American Bar Association urges Congress to change laws, including amendment of Titles IV-E and IV-B of the Social Security Act, to broaden federal review of the disproportionate representation of racial and ethnic minority children in the child welfare system and require and fund states to track, report, analyze, and take and report on corrective action.

FURTHER RESOLVED, that the American Bar Association urges state, local, territorial and tribal child welfare agencies, dependency courts and judges, and children’s and parents’ advocates to help racial and ethnic minority families readily access needed
services and to help ensure that removal of children from their homes is based on objective child safety criteria so that all families in the child welfare system are treated fairly and equitably.

FURTHER RESOLVED, that the American Bar Association urges state, local, territorial and tribal child welfare agencies, dependency courts and judges, government, parents’ and children’s attorneys, guardians ad litem and court-appointed special advocates to receive training on cultural competencies, institutional and unconscious biases, and avoidance of disparate treatment of racial and ethnic minority children and families and to develop and promote practices that encourage recruitment and retention of racially and ethnically diverse judges, attorneys, social workers and other staff, volunteers and foster parents.

FURTHER RESOLVED, that the American Bar Association urges federal, state, local, territorial and tribal governments to enact law and policy changes that will help decrease disproportionate representation of racial and ethnic minority children in the child welfare system by offering additional support to relative caregivers, including (a) providing partial federal reimbursement for state costs of subsidized permanent guardianships; (b) providing relative caregivers with financial assistance and support no less than that given to non-relative caretakers; (c) supporting housing assistance for relative caregivers, including changing policies to ensure that kinship support or guardianship payments are not considered income for Section 8 Housing Assistance purposes; and (d) giving states flexibility in establishing separate approval or licensing standards for kinship placements, while still addressing key placement safety factors.

INTERCOUNTRY ADOPTION AND CHILD WELFARE LEGAL REFORMS
AUGUST 2008

RESOLVED, That the American Bar Association supports the implementation of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, which entered into force with respect to the United States on April 1, 2008, so as to advance the responsible practice of intercountry adoption as an integral part of a comprehensive, concurrent strategy to address the problems of children around the world who are without permanent homes;

FURTHER RESOLVED, That the American Bar Association supports international adoption as an integral part of a comprehensive child welfare strategy to address the worldwide problem of children without permanent homes and supports policies that make the process of international adoption more timely, less costly and less burdensome, while ensuring that international adoption practices are ethical and legal;

FURTHER RESOLVED, That the American Bar Association supports the provision of comprehensive social services, economic support, and other family preservation resources in countries of origin to parents, or other relatives who have assumed a parental role, so that they can keep and nurture their children, and urges the United States government to provide resources and technical assistance to support such efforts;

FURTHER RESOLVED, That the American Bar Association supports worldwide development of safe and nurturing family-like temporary care for children without permanent homes pending their reunification with families of origin or their permanent placement with adoptive families, avoiding institutional placements to the greatest extent feasible so as to prevent the detrimental effects of such placements on the cognitive and psychological development of young children;

FURTHER RESOLVED, That the American Bar Association supports laws, policies, and practices that help assure that in-country adoption, permanent guardianship, and other permanent nurturing placement options are readily available for children without permanent homes; and

FURTHER RESOLVED, That the American Bar Association urges the U.S. government, state and local governments, bar associations, and relevant non-governmental organizations to promote policies to improve child welfare systems and enhance opportunities for international adoption that are consistent with these policies, in the United States and throughout the world.

DUAL JURISDICTION (CROSS-OVER) YOUTH
FEBRUARY 2008

RESOLVED, That the American Bar Association urges the federal, state, territorial, and tribal governments to revise laws, court rules, policies, and practices related to “dual jurisdiction” youth (abused and neglected youth with juvenile “dependency” cases who are charged with acts of delinquency) to:
1. Use diversion and intervention services for minor or low level acts of misbehavior committed while a youth is in foster care;
2. Eliminate statutory and legal restrictions inhibiting dual jurisdiction;
3. Create a legal preference enabling youth to have their dependency proceedings remain open with continued child and family support;
4. Provide, when feasible, that a single judge hear post-adjudication dispositional matters involving dual jurisdiction cases and that continuity of legal representation for the child in both court proceedings be secured;
5. Promote training for all juvenile defense counsel on foster care issues;
6. Ensure that an adult responsible for the youth attend hearings in both proceedings to address issues related to the child and family;
7. Encourage information-sharing among dependency and delinquency courts and agencies, establish confidentiality protections for all child welfare information shared, and restrict the use of information gathered from foster youth as part of screening, assessment, or treatment in the pending or future delinquency or criminal proceedings;
8. Promote the prompt post-arrest involvement of providers, caseworkers, or advocates acting on the youth's behalf; ensure fair treatment of foster youth in juvenile detention, incarceration, or probation decisions; and eliminate practices that result in detention or prolonged incarceration of youth due to foster care status or an absence of suitable placement options;
9. Provide clear authority for continued social services/child welfare support for children and families when youth cross from dependency to delinquency court/juvenile justice, and eliminate funding barriers that inhibit multiple agency support of these youth and their families;
10. Apply protections afforded foster youth under Titles IV-E of the Social Security Act to youth placed through delinquency or status offense proceedings, in foster care or other non-penal settings, under court authority or under the auspices of juvenile justice agencies; and
11. Fully implement 2002 and 2003 amendments to the Juvenile Justice and Delinquency Prevention Act and the Child Abuse Prevention and Treatment Act to: a) make youths’ child welfare records known to the juvenile court for effective treatment planning; b) provide effective treatment and service continuity when youth transition between child welfare and juvenile justice systems; c) assure that when youth are placed in settings funded through Title IV-E of the Social Security Act they receive full protections afforded under that law; and d) collect state data on all youth transferred from one system to another.

LESBIAN, GAY, BISEXUAL, AND TRANSGENDER HOMELESS AND FOSTER YOUTH
AUGUST 2007

RESOLVED, That the American Bar Association urges federal, state, territorial, tribal, and local legislatures, government agencies, and courts to adopt and implement laws, regulations, policies, and court rules that promote the safety, well-being, and permanent placement of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth who are homeless or involved with the foster care system. These efforts should be based on the following guidelines:
1. Agencies providing housing or supportive services for youth who are homeless or in foster care, those placing youth in foster family homes, and courts should prohibit discrimination and be prohibited from discriminating based on a youth’s actual or perceived sexual orientation or gender identity.
2. Agencies providing housing or supportive services for youth who are homeless or in foster care, those placing youth in foster family homes, courts, attorneys, guardians ad litem, and court-appointed special advocates handling dependency or other legal cases involving the custody and care of youth should recognize the actual, and risk of, harm, violence, and harassment LGBTQ youth face in congregate care facilities and in-home placements and take steps to address and prevent this violence.
3. Agencies providing housing or supportive services for youth who are homeless or in foster care, those placing youth in foster family homes, and courts should conduct LGBTQ sensitivity training for all housing and supportive service staff, foster parents, and professionals handling dependency or other legal cases involving the custody and care of youth.
4. Agencies placing youth in foster family homes, courts, attorneys, guardians ad litem, and court-appointed special advocates handling dependency or other legal cases involving the custody and care of youth should take steps to ensure that LGBTQ youth remain safely and with healthy support in their homes of origin, where possible, and where it is not, that they are placed with LGBTQ-friendly foster families.

DIVERSION OF JUVENILE STATUS OFFENDERS
AUGUST 2007

RESOLVED, That the American Bar Association urges state, local, territorial, and tribal jurisdictions to pass laws and support policies and programs that divert alleged juvenile status offenders from court jurisdiction that:
1. Mandate the development and implementation of targeted evidence-based programs that provide juvenile, family-focused, and strength-based early intervention and pre-court prevention services and treatment to alleged juvenile status offenders and their families; and
2. Promote the development of gender-responsive programs, treatment, and services for alleged juvenile status offenders. FURTHER RESOLVED, That the American Bar Association urges Congress to make the availability of federal funds contingent on compliance with the following requirements related to juvenile status offenders:
1. Articulate minimum guidelines with which states, territories, and tribal jurisdictions must comply in implementing early intervention and diversion programs for alleged juvenile status offenders. These programs should be evidence-based, gender-responsive, family and youth-focused and attempt to exhaust voluntary treatment and services to avoid court involvement and out-of-home placement;
2. Expand and support the ability of state, local, territorial, and tribal youth-serving social service agencies to be a timely first responder to situations involving juvenile status offenders and provide effective services and treatment to both alleged and adjudicated juvenile status offenders; and

3. Promote community-based services to alleged and adjudicated status offenders and families in their homes, communities, or in respite, foster, group, or staff-secure settings, if necessary for the protection and safety of the juvenile.

YOUTH TRANSITIONING FROM FOSTER CARE
AUGUST 2007

RESOLVED, That the American Bar Association encourages bar associations, judges, and attorneys to lead and promote efforts to create comprehensive support and services for youth who age out of foster care ("transitioning youth") and other former foster youth until at least age 21, and urges amendment of applicable law, and court and child welfare practices, to:

1. Mandate provision of comprehensive post-majority child welfare services to transitioning and former foster youth until age 21 or older, with the option for renewal of support after exit from care;
2. Ensure each transitioning youth has a permanent, significant connection to an appropriate adult;
3. Provide all youth with the ability and right to attend and fully participate in all hearings related to their cases;
4. Mandate a court review hearing and judicial findings specifically setting forth a transition plan before the case of any transitioning youth is legally terminated;
5. Ensure that participation in school and extracurricular activities are actively promoted and ensure a youth’s participation in child welfare case and court activities does not result in academic penalties;
6. Ensure all foster youth are afforded the same rights to and support of educational attainment – including enrollment, educational stability, and school continuity – as homeless youth under federal law;
7. Mandate the maintenance, appropriate sharing, and timely transfer of all necessary education records relating to school progress, attendance and placement by all agencies, including providing a copy of records to transitioning youth;
8. Assist youth with accessing and completing postsecondary education and receiving financial assistance;
9. Ensure availability of a continuum of housing options for transitioning and former foster youth;
10. Assisting youth with accessing and completing postsecondary education and receiving financial assistance; and
11. Provide educational and vocational assistance and support for all transitioning and former foster youth over age 16 and promote incentives to encourage the employment of current and former foster youth.

FURTHER RESOLVED, That the American Bar Association urges Congress to amend federal law to expand services and support for transitioning youth by:

1. Amending Title IV-E of the Social Security Act to allow states to be reimbursed for care and services provided to current and former foster youth after their 19th birthday;
2. Providing clear and broad definitions in federal law regarding financial aid pertaining to “ward/dependent of the court” and “emancipation” to ensure that youth may receive financial aid without the requirement of a parental signature or parental income information;
4. Clarifying the Family Educational Rights and Privacy Act as it pertains to sharing health and education information among agencies, judges and advocates involved with the care and education of and legal proceedings involving foster youth; and
5. Implementing requirements to preserve every foster youth's Social Security Act entitlements and other financial assets for use directly by that youth.

REGULATION OF PRIVATE RESIDENTIAL TREATMENT PROGRAMS FOR YOUTH
FEBRUARY 2007

RESOLVED, That the American Bar Association urges state, territorial, and tribal legislatures to enact laws that require the licensing, regulating, and monitoring of residential treatment facilities that are not funded by public or government systems, but are privately-operated overnight facilities that offer treatment to at-risk children and youth under age 18 for emotional, behavioral, educational, substance abuse, and social issues and problems, including strenuous athletic, mental health, and tough love programs.

This legislation should:

1. Require licensure of, or otherwise regulate, private residential treatment facilities by defining clearly which programs must comply with the statute and impose minimum legal requirements to operate and maintain them, including standards regarding staff qualifications and residents’ physical and emotional safety, educational, mental health, and other treatment needs.
2. Require government monitoring and enforcement of the operational standards outlined in the statute.
3. Promote the preferred use of appropriate in-home and community-based prevention and intervention programs for at-risk children and youth by requiring enhanced governmental support that provides families with better access to these programs.
FURTHER RESOLVED, That the American Bar Association urges the Congress to enact legislation that would assure the safety of American children and youth placed in U.S.-owned, but foreign-based unregulated private residential treatment facilities by requiring U.S. federal agencies to work with foreign governments to monitor such facilities regularly.

CHILDREN OF MILITARY DEPLOYED PARENTS
FEBRUARY 2007

RESOLVED, That the American Bar Association urges federal, territorial, state and local lawmakers to respond to the increasing social and family support needs of the young and teenage children of deployed American military members by:
1. Enacting laws entitling designated caregivers of children and families of deployed American service-members to use employment leave time or sick time that such employees have already earned or accrued, to provide direct care and support to those children and families; and
2. Ensuring that all state public school residency laws permit, and make clear that, children of deployed parents who are living with temporary non-parental caretakers, such as grandparents, other relatives or family friends, may attend their local public school tuition-free, or such children may attend their pre-deployment public school tuition-free even when required to move outside that school district to reside with a temporary caretaker.

EVIDENCE-BASED AND COORDINATED SERVICES FOR AT-RISK YOUTH
AUGUST 2006

RESOLVED, That the American Bar Association urges federal, state, territorial, tribal, and local governments to assure that adequate and appropriate services are made readily available to at-risk youth and their caretakers by ensuring that:
 a) Community mental health systems serving youth are reinvigorated and significantly expanded to provide greater access to troubled youth and their caretakers;
 b) Stronger support is given to expanding availability of evidence-based programs for youth and greater investment is made in research to identify additional evidence-based programs worthy of replication and use for at-risk youth;
 c) A positive youth development perspective is incorporated into services and programs, including opportunities that support young people in developing a sense of competence, usefulness, belonging, and empowerment, through access to developmental services and activities facilitating positive connections among youth and with adults, and also offering young people valuable information and learning experiences to help them choose healthy lifestyles; and
 d) Needed services and/or treatment should be provided to youth in need of such services by appropriate juvenile justice and child welfare intervention systems without the necessity or requirement of courts exercising jurisdiction over or adjudicating them.

FURTHER RESOLVED, That the American Bar Association urges federal, state, tribal, territorial, and local governments to develop and adequately support permanent interagency and other youth resource coordination mechanisms to help assure that at-risk youth and their caretakers receive timely and effective services through public child welfare, youth services, mental health, schools, and other agencies.

FURTHER RESOLVED, That the American Bar Association urges attorneys and state, territorial, tribal, and local bar associations to help develop legal strategies to promote the above objectives while protecting youth rights to confidentiality and privacy, as well as to support government and private investment in coordinated, community-based mental health and other services to at-risk youth and families, available without involvement in juvenile justice or child protection systems.

STANDARDS OF PRACTICE FOR LAWYERS REPRESENTING PARENTS IN CHILD ABUSE AND NEGLECT CASES
AUGUST 2006

RESOLVED, That the American Bar Association adopts the Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases, dated August 2006.
PROVIDING LEGAL COUNSEL TO PARENTS IN CIVIL CASES WHERE A CHILD'S CUSTODY IS AT ISSUE
AUGUST 2006

RESOLVED, That the American Bar Association urges federal, state, and territorial governments to provide legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving...child custody as determined by each jurisdiction.

IMPROVING CASE OUTCOMES FOR CHILDREN IN FOSTER CARE
AUGUST 2005

RESOLVED, That the American Bar Association urges Congress, the States and territories to enact and/or adopt the following laws and policies, consistent with recommendations of the national bipartisan May 2004 Pew Commission on Children In Foster Care, for improving outcomes for abused and neglected children under dependency court jurisdiction:

(a) All dependent youth should be on equal footing with other parties in the dependency proceeding and have the right to quality legal representation, not simply an appointed lay guardian ad litem or lay volunteer advocate with no legal training, acting on their behalf in this court process;

(b) Foster youth should be notified of and afforded the opportunity to participate in the proceedings in their own dependency case;

(c) States should attract and retain effective, trained, and qualified lawyers in the dependency practice area by: (i) development and implementation of reasonable compensation for dependency counsel, that isn't tied to the volume of cases or clients a lawyer represents; (ii) establishment of loan forgiveness programs for attorneys who enter or currently practice in this area; (iii) development and implementation of national protocols and standards for reasonable attorney caseloads; (iv) federal and state support for attorney training; and (v) development, implementation of, and funding for, qualification and training standards for dependency counsel;

(d) Greater federal and state resources should be provided for this part of the court system. Policies and resources should be developed to ensure that dependency courts have enhanced and high quality training; outcome-focused data tracking and performance measurement capabilities; stronger case management capacities; and workload measurement tools that enable bench officers to effectively manage cases, meaningfully track children’s progress through the system, fully implement federal and state foster care mandates, and implement best practices;

(e) Communication and information-sharing barriers that preclude different data networks and the child welfare, judicial, mental health, criminal justice, education, and other systems from sharing information when necessary for the safety, permanency, and well being of abused and neglected children need to be identified and addressed through changes in laws or practice. For example, child welfare agencies and education systems should be able to share information to ensure appropriate care and education for a child while also protecting the privacy of the child and family;

(f) Recruitment and long-term retention of committed, qualified, and trained bench officers who oversee the needs of abused and neglected children in dedicated dependency courts should be ensured; efforts should also be made to recognize and underscore the importance of the work done by dependency court judges throughout the country;

(g) The Judiciary should, working with bar leadership, facilitate meaningful reforms in, and provide needed support and oversight of, dependency courts, and serve as champions for abused and neglected children in the court system;

(h) Effective collaboration between court and child welfare agency leaders should be established and formalized at a state level to create a vehicle for identifying existing barriers and crafting feasible solutions to meeting the needs of children in foster care;

BE IT FURTHER RESOLVED that the American Bar Association urges Congress, and the state and territorial legislatures, to maintain commitments for adequate resources, and enact laws and implement policies to increase resources and maintain flexibility in use of those resources, that support the needs of children and families at risk regardless of whether an abused or neglected child is removed from home, and without limiting the protections, support, and rights of children in foster care or their families;

BE IT FURTHER RESOLVED that state and local Bar Associations are urged to actively support the development and implementation of these laws and policies.

SCHOOL ACCESS FOR HOMELESS CHILDREN AND CHILDREN IN FOSTER CARE
AUGUST 2004

RESOLVED, That the American Bar Association supports uninterrupted educational access and stability for homeless children and youth as well as children and youth placed by public agencies in out-of-home settings.

FURTHER RESOLVED, That the American Bar Association urges the United States Department of Education to provide an interpretation of "awaiting foster care placement" under Subtitle VII-B of the McKinney-Vento Act (42 U.S.C. §§11431 et seq.) that will include children and youth placed by public agencies in interim, emergency, or short-term placements to assure such children and youth in temporary out-of-home settings have uninterrupted educational access.
FURTHER RESOLVED, That the American Bar Association urges the United States Congress to enact legislation amending the Individuals with Disabilities Education Act (IDEA), and the United States Department of Education to promulgate regulations to ensure that children and youth with disabilities, including both homeless children and youth as well as children and youth who are in public agency custody, have prompt access to appropriate special education and related services.

FURTHER RESOLVED, That the American Bar Association urges the United States Congress and the Department of Education, and state and local education agencies, to:

a) Implement recommendations from the 2003 White House Task Force for Disadvantaged Youth (1) to improve the quality of education for children and youth who are in public agency custody, (2) to establish a federal advocate and interagency committee on the education of foster children and youth; and (3) to establish state and local education system demonstration programs and interagency collaborations on improving school access for these children and youth;

b) Improve “child find”, expedited assessments and appropriate special education services for children and youth with disabilities who are homeless or are in public agency custody, both in child welfare and juvenile justice custody, and enhance the prompt assignment of “surrogate parents” (which may include suitable foster parents), where appropriate, appointed under the IDEA to protect the student’s educational rights; and

c) Ensure federal law, pursuant to 42 U.S.C. §675(1)(C), that encourages child welfare agencies to give adults caring for children and youth in out-of-home settings up-to-date educational records on those in their care, when available, and that encourages each case plan to include names and addresses of educational providers, grade level performance, the school record, and any other relevant education information, and that encourages each case plan takes into account proximity to the school in which the students were enrolled at the time of placement.

FURTHER RESOLVED, That the American Bar Association urges lawyers, judges and leaders of the organized bar to seek changes in law, policy, and practice that will help remove impediments to the uninterrupted educational access of children and youth who are homeless as well as children and youth in residential, foster, and kinship care, and will help assure prompt provision of appropriate education services, including special education services where needed. These legal system professionals should work closely with state and local education agencies to help assure that policies promote, rather than inhibit, such uninterrupted educational access.

STANDARDS OF PRACTICE FOR LAWYERS REPRESENTING CHILD WELFARE AGENCIES
AUGUST 2004


SCHOOL VIOLENCE PREVENTION
FEBRUARY 2004

RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to adopt legislation that promotes school violence prevention education, instruction, awareness training and programs for children, parents, teachers and school administrators;

FURTHER RESOLVED, That the American Bar Association urges all lawyers to support school violence prevention education in school and community settings by volunteering time or contributing resources to promote programs that help prevent violent acts by children through encouraging timely, appropriate resolution of conflict.

IMPROVING THE PROCESS OF INTERSTATE PLACEMENT OF CHILDREN
AUGUST 2003

RESOLVED, That the American Bar Association encourages states, local, and territorial officials to recognize the need for the timely disposition of requests for approval of interstate placements, the importance of cooperation between and among state, local and territorial officials responsible for seeking and granting approval of such placements, and the harm suffered by children when unnecessary delays occur in the approval of interstate placements;

FURTHER RESOLVED, That the American Bar Association supports ongoing, continuing legal education, concerning “best practices” principles, for judges, lawyers, and social workers in accordance with the Interstate Compact on the Placement of Children.

FURTHER RESOLVED, That the American Bar Association urges federal, state and territorial governments to evaluate and improve laws, policies, procedures and practices governing the interstate placement of children under the jurisdiction of a juvenile or family court or as a result of proceedings associated with child abuse, neglect, delinquency, adoption, or guardianship.

YOUTH TOLERANCE AND RESPONSES TO HATE AND PREJUDICE-MOTIVATED BEHAVIOR
AUGUST 2002
RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to enact and fully implement legislation that promotes tolerance and anti-bias instruction, multicultural awareness training, hate crime/violence prevention education, and anti-bullying/harassment programs for children, parents, teachers, and school administrators;

FURTHER RESOLVED, That the American Bar Association urges public education agencies, school boards, juvenile courts, and other community agencies to adopt policies that:

a) Urge juvenile courts to create and utilize appropriate diversionary programs or, where necessary, alternative dispositions that educate children on the negative impact of hate and prejudice-motivated behavior;

b) Consider the unique circumstances of each hate crime or incidence of violence committed by and against children when responding to any such reported act;

c) Provide for national, state, local, college/university, and elementary/secondary school data collection on juvenile hate crimes, and reported acts of harassment, bullying, or other violence committed by and against children; and

d) Encourage government-funded agencies responsible for residential care settings for children to implement and enforce nondiscrimination polices for children in their care and promptly investigate and resolve incidents of harassment, violence or other mistreatment directed toward those children.

FURTHER RESOLVED, That the American Bar Association urges the organized bar, and individual lawyers, to facilitate tolerance and anti-bias education in school and community settings and to promote programs that respond to hate crimes and prejudice-motivated acts by children.

YOUTH TRANSITIONING FROM FOSTER CARE
AUGUST 2002

RESOLVED, that the American Bar Association urges Congress and state and territorial legislatures to enact laws that provide youth in foster care full access, up to age 21, to independent and transitional living services and health care, and

FURTHER RESOLVED, that the American Bar Association urges state and territorial legislatures to permit the extension of jurisdiction of dependency courts over youth transitioning from foster care until age 21, when appropriate, to ensure that youth have access to the court, and to legal and social services through the court, and to fully implement the provisions of the federal Foster Care Independence Act, including implementation of the Medicaid expansion option, and

FURTHER RESOLVED, that the American Bar Association work to ensure that youth transitioning out of foster care have access to competent counsel who can advocate for necessary services and safeguards.

UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT
FEBRUARY 1999

RESOLVED, that the American Bar Association approves the Uniform Child Custody Jurisdiction and Enforcement Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states and territories desiring to adopt the specific substantive law suggested therein.

KINSHIP CARE LEGAL REFORM
FEBRUARY 1999

RESOLVED, That the American Bar Association encourages states and territories to establish guidelines for courts, child welfare service agencies, and participating attorneys to follow when abused, neglected, and abandoned children are placed in kinship care, and for use in the provision of services to kinship providers for such children, based upon the following:

1. Conducting an aggressive search for maternal and paternal kin and consider kinship placements as early as possible after the child becomes known to the child welfare agency and/or the court;

2. Carefully screening potential kinship providers before any kinship placement, just as agencies do with potential foster parents;

3. Thoroughly educating kinship providers regarding current and future social and custodial expectations, and the legal permanency possibilities of the placement which include subsidized adoption and subsidized legal guardianship;

4. Providing notice to and the opportunity for kinship providers to participate in the legal/judicial process, and help them to obtain legal representation;

5. Providing financial support, child health and mental health care coverage, other government assistance, and other resources to kinship providers throughout the term of the placement, including aid and services after a permanent placement is legally finalized; and

6. Encouraging state, local, and territorial governments to enact medical consent, standby guardianship, subsidized permanent guardianship, and open (cooperative) adoption laws.

FURTHER RESOLVED, That the American Bar Association encourages state, local and territorial bar associations to develop and
support *pro bono* and low-cost legal services projects for kinship care providers, whether the providers have been involved with a child welfare agency or have otherwise assumed care of the child.

**ADOPTION BY GAY AND LESBIAN ADULTS**  
**FEBRUARY 1999**

RESOLVED, that the American Bar Association supports the enactment of laws and implementation of public policy that provide that sexual orientation shall not be a bar to adoption when the adoption is determined to be in the best interest of the child.

**UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT**  
**AUGUST 1998**

BE IT RESOLVED, that the American Bar Association approves the Uniform Guardianship and Protective Proceedings Act (1998) promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.

**HEALTH CARE FOR CHILDREN**  
**AUGUST 1997**

RESOLVED, that the American Bar Association supports efforts to ensure the provision of comprehensive health care for children 18 years of age and younger and pre-natal care for pregnant women.

**HAGUE CONVENTION ON PARENTAL RESPONSIBILITY AND CHILD PROTECTION**  
**AUGUST 1997**

RESOLVED, that the American Bar Association urges:
1) The Senate of the United States to give its advice and consent to ratification of the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of children, the final text of which was adopted by the Hague Conference on Private International Law on October 19, 1996; and
2) The Congress of the United States to enact legislation to permit the United States to fully and uniformly implement this Convention which concerns custody matters and other measures taken for the protection of children and their property.

**CHILD WELFARE FEDERAL AND STATE LAW REFORM**  
**FEBRUARY 1997**

RESOLVED, that the American Bar Association reaffirms its policy, as adopted by the House of Delegates in August 1980, to support increased efforts that prevent, identify, and treat child abuse and neglect through the federal Child Abuse Prevention and Treatment Act, and also its policy to support the federal Adoption Assistance and Child Welfare Act with improvements, as adopted by the House of Delegates in both August 1980 and August 1988.

FURTHER RESOLVED, that the American Bar Association reaffirms its commitment to legal system reform to help assure safe and permanent homes for abused, neglected, and abandoned children, including the protection of children within their nuclear or extended families, the reunification of families when safe, and quick placement in new, permanent homes, through such options as adoption or guardianship.

FURTHER RESOLVED, that the American Bar Association supports enactment of federal and state legislation to study and address barriers to permanency, including adoption, for abused, neglected, and abandoned children.

**INCARCERATED PARENTS ACCESS TO THEIR CHILDREN**  
**AUGUST 1996**

RESOLVED, that the American Bar Association supports initiatives that seek to preserve and promote healthy relationships between children and their parents in correctional custody. Such initiatives would consider family accessibility to the facility in making assignment of inmates; would assist parents in correctional custody in developing parenting skills; would allow extended contact visitation by such parents and children; and would support the emotional well-being of the children.

**TREATMENT IN CASES OF CHILD ABUSE AND DOMESTIC VIOLENCE**  
**AUGUST 1996**
RESOLVED, that the American Bar Association encourages courts to ensure that counseling, treatment, advocacy and other assistance are made available to child victims of abuse and domestic violence through all available means including the imposition of fines, restitution, and court orders;
FURTHER RESOLVED, that the American Bar Association encourages courts, in appropriate circumstances, to require the perpetrators of child abuse and domestic violence to undergo counseling and other treatment;
FURTHER RESOLVED, that in those jurisdictions where courts do not presently have adequate authority to implement the foregoing recommendations, the American Bar Association encourages state and territorial legislatures to enact enabling legislation.

ECONOMIC EXPLOITATION OF CHILDREN
AUGUST 1996

RESOLVED, that the American Bar Association urges the United States to work with the United Nations and the International Labor Organization to promote the abolition of the economic exploitation of persons under eighteen years of age by the adoption and enforcement of:
(1) domestic laws that regulate the employment of persons under the age of eighteen in a manner consistent with the minimum age standards set forth in the Convention on the Rights of the Child and the Minimum Age Convention; and
(2) laws that eliminate (a) the abduction, trading and selling of persons under the age of eighteen years; and (b) the use of such persons to work under conditions that are analogous to slavery.

CHILDREN'S WAITING ROOMS IN COURTHOUSES
AUGUST 1996

RESOLVED, that the American Bar Association encourages state, local, and territorial governing bodies and court systems, in conjunction with bar associations, to support and assist in the organization and implementation of waiting rooms for children in every appropriate courthouse.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT ADVOCACY
FEBRUARY 1996

RESOLVED, that the American Bar Association supports reauthorization of the Individuals with Disabilities Education Act, or enactment of similar legislation, that guarantees children with mental or physical disabilities a free appropriate public education in the least restrictive environment, and opposes efforts to eliminate, weaken, or circumvent such legislation.
FURTHER RESOLVED, that the American Bar Association encourages lawyers, judges, and state and local bar associations to make available legal services to ensure that children with mental or physical disabilities are not deprived of a free appropriate public education in the least restrictive environment, supports inclusion in the Individuals with Disabilities Education Act or similar legislation provisions that permit individuals to pursue claims through mediation, and supports attorney’s fees provisions in federal legislation that help ensure legal assistance for children with disabilities who seek to obtain or continue free appropriate public education.

STANDARDS OF PRACTICE FOR REPRESENTING CHILDREN
IN CHILD ABUSE AND NEGLECT CASES
FEBRUARY 1996

BE IT RESOLVED, that the American Bar Association adopt the Standards of Practice for Representing a Child in Abuse and Neglect Cases, including preface and commentary, dated November 1995.

HOUSING DISCRIMINATION AGAINST FAMILIES WITH CHILDREN
AUGUST 1995

BE IT RESOLVED, that the American Bar Association supports the adoption of creative and comprehensive measures to address homelessness by eliminating illegal residential segregation.... Such efforts should include: ...(a) stronger enforcement of existing laws designed to eradicate discrimination in housing based on...the presence of children in the family.

INHALANT ABUSE PREVENTION
AUGUST 1995
BE IT RESOLVED, that the American Bar Association urges state and local bars to join the ABA in developing and encouraging state and local initiatives aimed at preventing inhalant abuse.

CHILD CUSTODY ORDER COMPUTERIZED REGISTRY
AUGUST 1995

BE IT RESOLVED, that the American Bar Association urges Congress to enact legislation establishing a national computerized child custody registry.

TEEN COURTS FOR FIRST-TIME JUVENILE OFFENDERS
AUGUST 1995

BE IT RESOLVED, that the American Bar Association encourages state and territorial legislatures, court systems, and bar associations to support and assist in the formation and expansion of diversionary programs, known as Youth Courts, where juvenile participants, under supervision of volunteer attorneys and advisory staff, act as judges, jurors, clerks, bailiffs, and counsel for first time juvenile offenders who are charged with misdemeanors and consent to the program.

CHILD ABUSE AND NEGLECT COURT PROCESS RESOURCE GUIDELINES
AUGUST 1995

BE IT RESOLVED, that the American Bar Association encourages support for, and implementation of, Resource Guidelines: Improving the Child Abuse and Neglect Court Process, published by the National Council of Juvenile and Family Court Judges, dated August 1995.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT REAUTHORIZATION
AUGUST 1995

BE IT RESOLVED, that the American Bar Association supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act, urges Congress to conduct hearings on the Act, and supports adequate funding to facilitate ongoing implementation of the Act.

SEXUAL ORIENTATION AS A FACTOR IN CHILD CUSTODY AND VISITATION CASES
AUGUST 1995

BE IT RESOLVED, that the American Bar Association supports the enactment of legislation and implementation of public policy providing that child custody and visitation shall not be denied or restricted on the basis of sexual orientation.

UNIFORM ADOPTION ACT SUPPORT
FEBRUARY 1995

BE IT RESOLVED, that the American Bar Association approves the Uniform Adoption Act (1994) promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the substantive law suggested therein.

SCHOOL-BASED DISPUTE RESOLUTION AND PEER MEDIATION PROGRAMS
FEBRUARY 1995

BE IT RESOLVED, that the American Bar Association recommends and encourages school boards and school administrators to incorporate, into their elementary through high schools, (1) curricula on dispute resolution for all students and (2) school-based peer mediation programs.

WELFARE BENEFIT REDUCTIONS FOR CHILDREN
FEBRUARY 1995

RESOLVED, That the American Bar Association opposes any state, federal, or territorial legislation, rule, or regulation that denies the public benefits or the incremental increase in public benefits to which a family otherwise would be entitled upon the birth of a
child, based on the family’s receipt of public assistance at a time of the child’s conception or birth, or the mother’s age or marital status at the time of the child’s birth, or the fact that the child’s paternity has not been established.

**CHILD SEXUAL ABUSE FEDERAL EVIDENCE RESTRICTIONS**

FEBRUARY 1995

RESOLVED, That the American Bar Association opposes Rules 413 (admissibility of similar crimes in criminal sexual assault cases), 414 (admissibility of similar crimes in criminal child molestation cases), and 415 (admissibility of similar acts in civil sexual assault or child molestation cases) of the Federal Rules of Evidence (concerning the admission of evidence in sexual assault and child molestation cases) as enacted by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (1994).

**IMMIGRANT CHILDREN’S RIGHTS**

FEBRUARY 1995

RESOLVED, That the American Bar Association urges federal, state, local, and territorial governments I) to respect the rights of all children, in the United States and its territories, including those rights articulated under the United States Constitution and the United Nations Convention on the Rights of the Child, and ii) not to discriminate against any child based on the child’s citizenship or immigration status or the immigration or citizenship status of the child’s parents.

FURTHER RESOLVED, That the American Bar Association opposes efforts: I) to restrict or deny any child in the United States equal access to public education, health care, foster care, or social services on the basis of the child’s citizenship or immigration status or the immigration or citizenship status of the child’s parents and ii) to require that persons providing such services verify immigration status.

FURTHER RESOLVED, That the American Bar Association urges respect for the Constitutional rights to due process and civil liberties that apply to all persons in the United States.

**DOMESTIC VIOLENCE -- INSURANCE PROTECTION**

FEBRUARY 1995

RESOLVED, That the American Bar Association urges Congress and the various states and territories to enact legislation to provide that no person or entity could deny insurance benefits solely on the basis of the applicant’s status as a victim of domestic violence.

**UNIFIED CHILDREN AND FAMILY COURTS-- REAFFIRMATION OF SUPPORT**

AUGUST 1994

BE IT RESOLVED, that the American Bar Association reaffirms its commitment to unified children and family courts adopted in 1980 and set forth in the American Bar Association Standards Relating to Court Organization and Administration, Standard 1.1 and adopted as well by the National Council of Juvenile and Family Court Judges.

BE IT FURTHER RESOLVED, that the American Bar Association pledges itself to promoting the implementation of unified children and family court systems as described in Standard 1.1 of the Standards Relating to Court Organization and Administration and enunciated below, recognizing that the manner of administering these courts may differ among states and jurisdictions.

BE IT FURTHER RESOLVED, that the American Bar Association endorses the following clarifications and additions to the components of unified children and family courts:

(1) Intake processes by which families will be initially assisted and expeditiously directed to the appropriate entity in the court system to meet their needs.

(2) Provision and/or integration of comprehensive services and other assistance, as appropriate, for children and families in the courts. Appropriate services can include, but should not be limited to, representation, alternative dispute resolution, guardian ad litem, mental health services, substance abuse counseling, interpreters, and emergency financial and housing assistance. A unified children and family court must have the authority to order other government agencies, e.g., housing authorities, mental health agencies, etc., to provide services to families.

(3) Provision and encouragement of "alternative" dispute resolution techniques such as mediation, when appropriate, or where all parties request such an alternative, to resolve family issues. Such techniques are not meant to compromise legal protections and confidentiality and are subject to the development of standards and guidelines.

(4) Development and enforcement of time standards for cases involving the custody or out of home placement of children, e.g., foster care placement, adoption, etc., to prevent prolonged uncertainty that may adversely affect family members, particularly young children. To ensure speedy resolution of all cases in the children and family courts, sufficient resources should be provided to allow
judges and social workers to devote adequate time to each case, including sufficient support personnel so that judges can devote their time to adjudicating adversarial issues while trained court staff review uncontested decrees, perform case management and so forth.  
(5) An integrated management information system which includes monitoring, tracking, and coordinating all cases in the division to assure either that one judge be assigned to handle all matters pertaining to one family or that all judges presiding over matters affecting one family are made aware of other pending cases affecting that family and shall coordinate to the greatest extent possible all judicial efforts regarding that family.  
(6) Assurance that judges and court personnel who work in the children and family court are adequately prepared for and receive ongoing training in family court issues including, among other things, domestic violence, child psychology, and the value and methods of alternative dispute resolution.  
(7) Adequate oversight of the new court system's performance and outcomes while keeping confidential all information which would tend to identify individual children except if the release of such information is necessary to assure provision of appropriate services for those children.

GUN VIOLENCE AND CHILD/SPOUSE ABUSE  
AUGUST 1994

BE IT RESOLVED, That the House of Delegates calls on the American Bar Association and all other concerned institutions to address the myriad of problems which contribute to the culture of violence in society, and develop a national agenda to address these problems.  
* * * * *
BE IT RESOLVED, That the American Bar Association supports a national approach and a strengthened federal role to reduce gun violence, through the regulation of the sale, transfer and possession of firearms, and supports legislation to amend the Gun Control Act of 1968, to:
1. Expand the list of persons prohibited from receiving or possession firearms under the Act to include persons convicted of violent misdemeanors; persons convicted of spousal abuse or child neglect; and persons subject to a protective order....

U.S. RATIFICATION OF CONVENTION ON THE RIGHTS OF THE CHILD-- SUPPLEMENTAL ACTION  
AUGUST 1994

RESOLVED that the American Bar Association, in its efforts to promote the United States' ratification of the United Nations Convention on the Rights of the Child, and previously having endorsed such ratification in principle, suggest that such ratification be accompanied by Reservations, Understandings, and Declarations as follows:  
1. Addressing Article 30 of the Convention, a Reservation that the United States may regulate the practice of religion to the extent that such regulation is permitted by the United States Constitution;  
2. Addressing Article 37 of the Convention, a Reservation that United States jurisdictions, pursuant to existing law, may continue to confine within adult correctional facilities certain children who have committed offenses, even when such confinement may not be in the "best interest of the child" in a particular case;  
3. Addressing Articles 9, 37, and 40 of the Convention, an Understanding that these Articles permit United States jurisdictions to separate a child from his or her parents against their will even if such separation may not be considered to be in the "best interest of the child," if such separation results from deprivations of liberty duly imposed for infringements of penal law;  
4. Addressing Article 10 of the Convention, an Understanding that United States jurisdictions may determine the "exceptional circumstances" warranting restriction of a child's relations and contact with parents in different states in accordance with the "best interests of the child" standard articulated in Article 9;  
5. Addressing Article 28 and other provisions of the Convention, an Understanding that the Convention prohibits corporal punishment in the schools and that the United States government will take appropriate measures to bring relevant laws into conformance with this prohibition;  
6. Addressing Article 29 of the Convention, an Understanding that the United States is not required to regulate private educational institutions in any way beyond that which is permitted by the First Amendment to the United States Constitution;  
7. A Declaration that this Convention imposes no legal obligations on the United States regarding the voluntary interruption of pregnancy and that this Convention cannot be interpreted as affecting laws in the United States relating to such interruptions;  
8. A Declaration that, for purposes of the Convention's Article 1 definition of "child," the age of majority in the United States is age 18.
INTERCOUNTRY ADOPTION-- SUPPORT OF HAGUE CONVENTION
FEBRUARY 1994

RESOLVED, That the American Bar Association urges that the Senate of the United States give its advice and consent to the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the final text of which was adopted by the Hague Conference on Private International Law on May 29, 1993. 
BE IT FURTHER RESOLVED, That the Congress of the United States enact implementing legislation to permit the United States to participate in this multilateral Convention.

BAR INVOLVEMENT IN PROGRAMS AND COALITIONS TO SUPPORT TEENS AND FAMILIES
AUGUST 1993

BE IT RESOLVED, That the American Bar Association urges state, territorial and local bar associations to establish policies in support of community service programs that (1) challenge teens and young adults to develop a sense of purpose and self-worth; (2) revitalize urban areas by fostering civic pride and volunteerism and (3) join with coalitions to help prevent the erosion of families and communities through drug abuse and related crime and violence.
BE IT FURTHER RESOLVED, That the American Bar Association urges state, territorial and local bar associations to encourage participation in community service programs by bar members, law firms, and law schools.

BAR INVOLVEMENT IN SUMMER YOUTH EMPLOYMENT
FEBRUARY 1993

RESOLVED, that the American Bar Association urges local and state bar associations to adopt a youth jobs program similar to the Summer Law Internship of The Bar Association of Metropolitan St. Louis, providing summer employment, education, esteem and enhancement of future socio-economic potential for inner city youth, while simultaneously improving public perception of lawyers and the legal profession.

ADOPTION OF CHILDREN
FEBRUARY 1993

RESOLVED, that the American Bar Association urges the United States Congress to enact legislation providing incentives to encourage individuals throughout the country to adopt juveniles. Such incentives should include:
a. The allowance of reasonable tax deductions or tax credits for qualified adoption expenses incurred for the adoption of juveniles designated by state or local child welfare agencies as having "special needs."
b. The provision of tax incentives for employers that provide employees with adoption assistance benefits.
c. The creation of Federal agency demonstration projects in which federal employees are provided with an adoption assistance benefit program.
d. The creation of a Federal interagency work group on adoption.
e. The establishment of a Federal "blue-ribbon" advisory board on adoption.
f. The provision of Federal support for the development of activities designed to increase understanding of adoption and its impact.
g. The enactment of Federal legislation or regulations that encourage full disclosure to prospective adoptive parents of information related to the physical and mental health history of all children being placed for adoption. Also, the inclusion of provisions in federal health care legislation that prevent the denial of dependent coverage to adoptive parents related to an adopted child's pre-existing health condition.

UNIFORM INTERSTATE FAMILY SUPPORT ACT
FEBRUARY 1993 and FEBRUARY 2009 (approving 2008 amendments)

BE IT RESOLVED, That the American Bar Association approves the Uniform Interstate Family Support Act promulgated in 1992 by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the substantive law suggested therein.
RESOLVED, That the American Bar Association endorses the recommendations of the U.S. Commission on Interstate Child Support to improve the interstate establishment and enforcement of child support orders.

BE IT FURTHER RESOLVED, That the American Bar Association:

(a) Opposes the federalization of child support establishment, modification or enforcement.

(b) Supports strengthening establishment, modification and enforcement remedies through reform of the present state-based system.

(c) Urges Congress to pass legislation and to give priority to the following recommendations of the Interstate Commission:

1. Ensure uniform laws and procedures in interstate cases by mandating that states and territories enact verbatim the Uniform Interstate Family Support Act (UIFSA), effective on a specific date;

2. Amend the IRS W-4 form for reporting exemption claims to require new employees to report child support obligations and payment through withholding, in order to expedite the location of obligors and enforcement through income withholding;

3. Require employers to honor income withholding orders/notices issued by any state;

4. Establish a national network for the exchange of locate information for the establishment, enforcement and modification of support orders, and for the enforcement of visitation orders;

5. Establish minimum staffing standards for child support agencies;

6. Provide training to child support caseworkers, court administrators, private and public attorneys, and judges involved in child support cases;

7. Require states and territories to have laws and procedures for civil voluntary parentage acknowledgment;

8. Ensure that children receive adequate health care coverage by mandating that the insurance industry cooperate to provide coverage for all eligible children, regardless of their residence or the marital status of their parents;

9. Extend the availability of enforcement remedies currently only available to IV-D cases (handled by state and territory child support agencies) to cases brought by private attorneys on behalf of custodial parents and to pro se parties;

10. Conduct a study to determine the reasons for nonpayment of support; and

11. Strengthen enforcement remedies against the self-employed.

PUBLIC ASSISTANCE BENEFITS
AUGUST 1992

BE IT RESOLVED, That the American Bar Association urges that welfare programs be funded at a level required to meet the need for the basic essentials of life.

BE IT FURTHER RESOLVED, That reductions should not occur unless justified by careful study and analysis with full regard for their short and long term impact on individuals and budgets, and their compliance with state and federal constitutions.

BE IT FURTHER RESOLVED, That the American Bar Association opposes linking public assistance for needy persons to requirements which infringe on the right to privacy and on other individual freedoms, such as the right to travel.

JUVENILE JUSTICE ACT REAUTHORIZATION
FEBRUARY 1992

BE IT RESOLVED, that the American Bar Association supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act only so long as Congress conducts comprehensive public hearings to determine the effectiveness of the Act and to examine its future goals and objectives.

BE IT FURTHER RESOLVED, that in the event Congress decides to reauthorize the Act, any such reauthorization should include: adherence to unbiased, responsible agenda for research, development and demonstration programs; diversification of training; guarantees of juveniles’ right to counsel; improvement of conditions of confinement; and a commitment to alternatives to confinement; a prohibition on secure confinement status offenders; elimination of waivers for States which do not comply with the Act’s objectives; and strict Congressional oversight of the Act and its implementation.
GUARDIANS AD LITEM
FEBRUARY 1992

BE IT RESOLVED, that the American Bar Association urges:

(1) Every state and territory to meet the full intent of the Federal Child Abuse Prevention and Treatment Act, whereby every child in the United States who is the subject of a civil child protection related judicial proceedings will be represented at all stages of these proceedings by a fully-trained, monitored, and evaluated guardian ad litem in addition to appointed legal counsel.

(2) That state, territory and local bar associations and law schools become involved in setting standards of practice for such guardians ad litem, clarify the ethical responsibilities of these individuals and establish minimum ethical performance requirements for their work, and provide comprehensive multidisciplinary training for all who serve as such guardians ad litem.

(3) That in every state and territory, where judges are given discretion to appoint a guardian ad litem in private child custody and visitation related proceedings, the bench and bar jointly develop guidelines to aid judges in determining when such an appointment is necessary to protect the best interests of the child.

FAMILY PROCEEDINGS STANDARDS
FEBRUARY 1992

BE IT RESOLVED, that the black letter Standards Relating to Trial Courts be amended in accordance with the draft dated November 1991.

Section 2.71--Proceedings Concerning Family Relationships.

Proceedings concerning family relationships include but are not limited to: paternity, separation and divorce, custody, visitation, child support, spousal support, disposition of property upon termination of marriage, domestic abuse, foster care placement and review, termination of parental rights and other permanent placement proceedings, adoption, and recovery of aid to families with dependent children benefits. In these proceedings, the court has an affirmative responsibility that its disposition is adequately warranted by the facts and is just and appropriate in all the circumstances. It should give due regard to the interests of the child or children or other persons involved, and the public interest in the quality and stability of family relationships. In carrying out this responsibility the court should:

(a) Appoint counsel for the persons involved in the circumstances stated in Section 2.20 [i.e., in criminal and related cases, civil cases permitting detention, where required by law, and when needed to prevent a miscarriage of justice] and, where appropriate, appoint an attorney to represent a minor child.

(b) Obtain on its own behalf an investigation of the facts and circumstances involved where there is any reason to suppose that they will not be presented adequately by parties themselves or where the interests of a minor child are concerned.

(c) Encourage the parties so far as reasonably possible toward a conciliatory and mutually respectful attitude concerning the resolution of the matters in controversy.

(d) Where there is indication that the family relationship may be rehabilitated or ameliorated with the assistance of mediation and counseling, refer the parties to counseling for a reasonable period before proceeding to disposition of the matter.

(e) In a domestic abuse situation, take steps necessary to protect the victim. Steps to protect the victim include: Confining the abuser, issuing proper restraining orders, suppressing the victim's address, ordering abusers into counseling or treatment, and order family support.

The court should understand the dynamics of domestic abuse, especially the psychological effects on the victim. The court should make decisions designed to stop the abuse. The court should expedite the hearings.

(f) Supervise compliance with orders of disposition that have continuing effect. Where continuing support payments have been ordered, payment should be made through the court.

(g) Establish orders for the support of children using objective guidelines which yield consistent order amounts in similar factual and financial circumstances.

FIREARMS SAFETY
AUGUST 1991

BE IT RESOLVED, that the American Bar Association supports the enactment of Federal and State legislation to:

1) encourage the establishment of educational programs directed at public school children and juvenile services professionals on firearm safety for children, including teachings on the dangers of use and operation of such weapons;

2) require stricter regulation of, and manufacturers' warnings on, "BB" guns and air rifles given expressly to children; and

3) provide criminal penalties for adults' failure to properly safeguard firearms they own or control, thereby placing unsupervised children at risk of death or injury.

BAR-SPONSORED CHILDREN'S ACTIVITIES
FEBRUARY 1991

BE IT RESOLVED, that the American Bar Association urges the members of the legal profession, as well as state and local bar associations, to support the creation of state and local bar sponsored interdisciplinary children's committees, of joint Governor/State Bar sponsored children's commissions, and of local Children's Services Councils to meet the needs of children as expressed in the 1984 resolution.

CONVENTION ON THE RIGHTS OF THE CHILD
FEBRUARY 1991

BE IT RESOLVED, that the American Bar Association supports in principle the ratification by the United States of the provisions of the United Nations Convention on the Rights of the Child (Articles 1-54).
BE IT FURTHER RESOLVED, that the American Bar Association should immediately convene a working group of representatives from interested Association entities and affiliated organizations to work with the Executive Branch and the Senate on the identification and clarification of issues related to possible reservations that might be considered as part of the ratification process.

FOSTER CARE SAFETY
AUGUST 1990

BE IT RESOLVED, that the American Bar Association supports and reaffirms
(I) the rights of children removed from parental custody and placed by governmental agencies in foster care homes licensed and regulated by state and local governments to be protected from abuse, physical violence, and sexual assault while in foster custody,
(ii) the obligation of relevant state and local officials to provide for the continued safety of the foster care environment, once the state has assumed custody, control and responsibility for such children and placed them in foster care systems, and
(iii) the legal responsibility and liability of state and local governments and their agencies for injury and abuse caused to children in foster care custody when, after receipt of information indicating ongoing or imminent harm of this kind, they exhibit gross negligence or reckless disregard in failing to respond or affirmatively protect children from such dangers.
and, further, calls upon legislatures, members of the bar and child advocates everywhere to seek to strengthen recognition and implementation of this interest of children in safe foster care through appropriate legislative guarantees, litigation initiatives, cooperation with state and local agencies charged with foster care, oversight, and public and professional education programs.

MEDICAID EXPANSION
FEBRUARY 1990

BE IT RESOLVED, that the American Bar Association supports the expansion of the Medicaid program to provide coverage for all children and all pregnant women with family incomes less than 200 percent of the federal poverty level.

HIV-POSITIVE CHILDREN
AUGUST 1989

BE IT RESOLVED, That the American Bar Association urges that federal, state, and local law, and the policies of private entities concerning the Human Immunodeficiency Virus (HIV) should be consistent with the following principles:

* * * *

J. PUBLIC SCHOOL EDUCATION
J.1. A student should not be excluded from school because of known or perceived HIV status.
J.2. A student should not be separated from his or her classmates because of known or perceived HIV status unless:
-- The student has presented behaviors which under current medical knowledge present a substantial and genuine risk of HIV transmission;
-- School authorities have made reasonable efforts to provide counseling and training directed toward preventing risk behaviors or have determined that such efforts are unlikely to succeed;
-- Appropriate consideration has been given to the psychological and educational effects of the separation on the individual student;
-- The particular form of separation is the least restrictive means of effectively reducing the risk of HIV transmission;
-- School authorities periodically evaluate all relevant factors regarding the continuing need for separating the student from his/her classmates; and
-- A program is designed to train the student to join the general school population.
J.3. All school systems should adopt appropriate policies and curricula regarding the education of all students, staff and parents regarding HIV.

J.4. School authorities should afford maximum confidentiality to a student's HIV status.

K. CHILD WELFARE

K.1. Foster care and adopting agencies should not routinely test children for HIV. Agency decision to test a child should be made on a case-by-case basis and should be governed by written criteria that are consistent with generally accepted public health recommendations.

K.2. The HIV status of adoptive or foster children should be afforded maximum confidentiality protection, but should be disclosed to foster care or adoptive parents.

K.3. Foster care and adoption agencies should provide HIV-related services to children under their jurisdiction consistent with the goal of providing appropriate services in the least restrictive setting.

K.4. Foster care and adoption agencies shall consider the HIV status of foster care or adoptive parents only to the same extent as other medical conditions are considered.

L. FAMILY LAW

L.2. HIV status should be considered only in the same manner as other medical conditions in determining child custody and visitation.

COURT-APPOINTED SPECIAL ADVOCATES
AUGUST 1989

BE IT RESOLVED, that the American Bar Association endorses the concept of utilizing carefully selected, well-trained lay volunteers, Court Appointed Special Advocates, in addition to providing attorney representation, in dependency proceedings to assist the court in determining what is in the best interests of abused and neglected children.

BE IT FURTHER RESOLVED, that the American Bar Association encourages its members to support the development of CASA programs in their communities.

JOINT CUSTODY
AUGUST 1989

BE IT RESOLVED, that the American Bar Association approves, and urges state legislatures to adopt, the Model Joint Custody Statute dated August, 1989 which makes joint custody an explicit option for families which have experienced separation or divorce.

1. Policy
It is the policy of this state to assure minor children of frequent and continuing contact with parents who have shown the ability to act in the best interest of the child and to encourage parents to share in the rights and responsibilities of raising their children after the parents have separated or dissolved their marriage. Joint custody is inappropriate in cases in which spouse abuse, child abuse, or parental kidnapping is likely to occur.

2. Definitions
   (a) For the purposes of this section, "joint custody" means joint legal custody, joint physical custody, or both joint legal custody and joint physical custody. In making an order for joint custody, the court may order joint legal custody without ordering joint physical custody.
   (b) "Joint legal custody" means both parents have equal rights and responsibilities for major decisions concerning the child, including the child's education, health care, and religious training; provided, however, that the court may designate one parent to have sole power to make certain decisions while both parents retain equal rights and responsibilities for other decisions.
   (c) "Joint physical custody" means that physical custody is shared by the parents in such a way as to assure the child of substantially equal time and contact with both parents.

3. Orders of Joint Custody; Factors Considered
   (a) The court, upon the request of either or both parents, may award joint custody if joint custody is determined to be in the best interest of the child.
   (b) If the court orders joint custody over the objection of a parent, the court shall make specific written findings on why joint custody is in the best interest of the child.
   (c) In determining whether joint custody is in the best interest of the child, the court shall consider the factors enumerated in section [reference would be made to the section, if any, in the state's statute used in determining the best interest of a child in a custody dispute and the following factors]:
      (1) the agreement or lack of agreement of the parents on joint custody;
      (2) the past and present abilities of the parents to cooperate and to make decisions jointly;
the ability of the parents to encourage the sharing of love, affection, and contact between the child and the other parent;
(4) any history of or potential for child abuse, spouse abuse, or parental kidnapping;
(5) the geographic proximity of the parents to each other as this relates to the practical considerations of joint physical custody; and
(6) the recommendation of the representative of the child, if the child has a representative.

(4) Joint Custody Plans
In order to implement joint custody, the court shall require the parents to submit a plan on issues on which the parents are able to reach agreement, unless both parents agree to waive submission of a plan and the court approves the waiver. In the event the parents are not able to reach agreement on elements of a plan, the court shall set the plan. The plan shall include provisions covering matters relevant to the care and custody of the child, including:
(a) the child's care and education;
(b) the child's medical and dental care;
(c) holidays and vacations;
(d) child support pursuant to Section 8 of this Act and Section____[reference would be made to the state's child support statute or guidelines]; and
(e) any other factors the court deems necessary that affect the physical or emotional health and well-being of the child.

(5) Use of Professional Services
When considering an awarded of joint custody, the court may utilize the advice of professionals and the services of investigative agencies as provided in section____[reference would be made to the section of the state's statute, if any, which authorizes mental health evaluations, social service investigations, and referrals to mediation services].

(6) Access to Information
Unless otherwise provided by court order or law, all records and information pertaining to the child, including medical, dental, school, and law enforcement records, shall be equally available to both parents, in all types of custody arrangements.

(7) Modification
(a) An order, judgment, or decree of joint legal custody, joint physical custody, or any provision thereof may be modified if it is in the best interest of the child to do so.
(b) Enactment of this statute does not in and of itself constitute grounds for modification of an existing order; provided, however, an existing custody or visitation order may be modified to joint custody if it is in the best interest of the child to do so.

(8) Effect on Child Support
(a) An award of joint custody shall not by itself diminish the responsibility of each parent to provide for the support of the child in accordance with section____[reference would be made to the state's general child support provisions], nor shall joint custody by itself constitute grounds for modification of support order.
(b) In making an order of joint physical custody or joint legal custody, the court may specify one parent as the primary caretaker of the child and one home as the primary home of the child for the purposes of defining eligibility for public assistance.
(c) In making the determination of child support, the court shall consider, in addition to the factors specified in section____ [reference would be made to the state's general child support provisions], the ability of each parent to maintain adequate housing for the child, and the court may order modified support payments to continue during a period when the child is not residing in the home of the obligee.
(d) The court may specify how payments shall be made for extraordinary expenses such as child care expenses, school tuition, or major medical and dental expenses.

(9) Parental Kidnapping and Custodial Interference
(a) The fact that joint custody has been awarded to both parents does not preclude a court from finding that one parent has committed a violation of section____[reference would be made to the state's custodial interference and/or parental kidnapping law, if the state has such laws].
(b) In making an order of joint custody, the court shall specify the right of each parent to the physical control of the child in sufficient detail to enable a parent deprived of that control to enforce the court order and to enable law enforcement authorities to implement laws for relief of parental kidnapping.
GRANDPARENT VISITATION
FEBRUARY 1989

BE IT RESOLVED, that the American Bar Association encourages the further development of state law on grandparent visitation in accordance with the following guidelines.

1. Attorneys, court personnel and other professionals should be encouraged to refer persons involved in grandparent visitation disputes to appropriate mediation services. If possible such referrals should be made prior to the filing of any court action. Such mediation services should strive to develop agreements between the disputants regarding grandparent visitation, to reduce acrimony between the parties and to minimize any trauma for the child involved.

2. If the parties to a grandparent visitation dispute are unable to resolve the dispute prior to filing a court action, judges presiding in such cases should be encouraged to refer the parties to mediation. Such referrals to mediation should be made, upon motion by a party or sua sponte, if the judge determines that mediation may result in a satisfactory settlement of the dispute.

3. State legislatures should enumerate specific factors for courts to consider in determining whether grandparent visitation is in a child’s best interest, including such factors as the following:
   a) the nature and quality of the relationship between the grandparent and the child, including such factors as whether emotional bonds have been established and whether the grandparent has enhanced or interfered with the parent-child relationship;
   b) whether visitation will promote or disrupt the child’s psychological development;
   c) whether visitation will create friction between the child and his or her parent(s);
   d) whether visitation will provide support and stability for the child after a nuclear family disruption;
   e) the capacity of the adults involved for future compromise and cooperation in matters involving the child;
   f) the child’s wishes, if the child is able to freely form and express a preference; and
   g) any other factor relevant to a fair and just determination regarding visitation.

4. State legislation or court rules should require judges presiding in grandparent visitation cases to appoint qualified guardians ad litem for the children involved in such disputes.

UNIFORM PUTATIVE AND UNKNOWN FATHERS ACT
FEBRUARY 1989

BE IT RESOLVED, that the American Bar Association approves the Uniform Putative and Unknown Fathers Act promulgated by the National Conference of Commissioners on Uniform State Laws in 1988.

UNIFORM STATUS OF CHILDREN OF ASSISTED CONCEPTION ACT
FEBRUARY 1989

BE IT RESOLVED, that the American Bar Association approves the Uniform Status of Children of Assisted Conception Act promulgated by the National Conference of Commissioners on Uniform State Laws in 1988.

CHILD WELFARE FEDERAL ACT ENHANCEMENTS
AUGUST 1988

BE IT RESOLVED, that the American Bar Association supports amendments in the federal Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) that would strengthen the role of the Legal system in planning for children in foster care and ensure better and more consistent services for children, as follows:

(a) The Act should be amended to require states to establish a set of preventive and reunification services that will be provided on a consistent, state-wide basis.

(b) The Act should be amended to require state child welfare agencies to provide detailed reports to courts and to other interested agencies concerning preventive and reunification services available throughout the state.

(c) The Act should be amended to require agencies to provide courts with written statements describing their efforts to preserve families in each individual case.

(d) The Act should be amended to clarify that agencies are entitled to federal matching funds to reimburse their costs of legal counsel in helping them administer the Act, but on the condition that agency counsel perform certain duties needed for effective implementation of the Act.

(e) The Act should be amended to provide lump sum payments to state court systems to help them improve their administration of juvenile court cases involving foster children.

(f) The Act should be amended to permit the payment of federal matching funds for the administrative costs of citizen review boards that are not administered by state and local child welfare agencies.
(g) The Act should be amended to provide fiscal incentives for courts that reduce or limit delays in foster care litigation and improve their court rules governing foster care cases.

(h) The Act should be amended to clarify that there is a private cause of action under the Act.

COUNSEL FOR INDIGENT PARENTS
NOVEMBER 1987

BE IT RESOLVED, that the American Bar Association urges that state and local judicial systems and bar associations work to ensure that competent attorneys be appointed for every indigent parent at all stages of child protection proceedings, and that all attorneys receiving such appointment have sufficient training or experience to provide effective representation to parents.

PARENTAL LEAVE
AUGUST 1987

BE IT RESOLVED, that the American Bar Association supports the establishment of a reasonable Federal minimum requirement for job-protected parental leave to allow parents to take unpaid leave on full or part-time basis to provide child care for newborn infants, newly-adopted children, and seriously ill children.

BE IT FURTHER RESOLVED, that such requirements only apply to organizations which have more than a reasonable threshold number of employees.

BE IT FURTHER RESOLVED, that such federal requirement include the continuation of existing health benefits during such periods of leave.

COUNSEL FOR CHILDREN ENHANCEMENT
FEBRUARY 1987

BE IT RESOLVED, that the American Bar Association requests State and local bar associations to determine the extent to which statutory law and court rules in their States guarantee the right to counsel for children in juvenile court proceedings; and

BE IT FURTHER RESOLVED, that State and local bar associations are urged to actively participate and support amendments to the statutory law and court rules in their State to bring them in to compliance with the Institute of Judicial Administration/American Bar Association Standards Relating to Counsel for Private Parties; and

BE IT FURTHER RESOLVED, that State and local bar associations are requested to ascertain the extent to which, irrespective of the language in their State statutory laws and court rules, counsel is in fact provided for children in juvenile court proceedings and the extent to which the quality of representation is consistent with the standards and policies of the American Bar Association; and

BE IT FURTHER RESOLVED, that State and local bar associations are urged to actively support programs of training and education to ensure that lawyers practicing in juvenile court are aware of the American Bar Association's standards relating to representation of children and provide advocacy which meets those standards.

PARENTAL KIDNAPPING-- FEDERAL JURISDICTION
FEBRUARY 1987

BE IT RESOLVED, that the American Bar Association urge the Congress of the United States to confirm that Federal District Courts have the power to resolve the issue of conflicting state claims concerning jurisdiction over child custody disputes, based on the Federal Parental Kidnapping Prevention Act, and title III of the Constitution.

CHILD SUPPORT ENHANCEMENT
FEBRUARY 1987

BE IT RESOLVED, that the American Bar Association supports efforts to ensure adequate and fair child support awards and to improve the enforcement of child support orders.

The Association recommends the following:

(a) Development of effective and efficient procedures for enforcement of child and spousal supports orders, including the use of income withholding from a wide range of sources of income and other procedures required by the Child Support Enforcement Amendments of 1984 and including having support payments become judgements as they fall due, not subject to retroactive modification.

(b) Development of innovative techniques for collection from self-employed delinquent obligors.

(c) Broad availability of child support remedies, including interstate support enforcement remedies, to clients of private attorneys and pro se litigants, as well as to individuals seeking services through public child support agencies.
(d) Broad participation by a variety of legal groups in the formulation of child support policies, statutes, procedures and guidelines, including private attorneys, public agency and legal services attorneys, judges, and state and local bar groups.

(e) Formulation of child support guidelines, required by the Child Support Enforcement Amendments of 1984, which provide for adequate levels of support and similar treatment of similarly situated parties. Child support guidelines should be used as a rebuttable presumption for the establishment of child support award levels. Judges and hearing officers should have discretion to deviate from the guidelines when their application would be unjust, provided that either written findings or specific findings on the record are made justifying the deviation. Guidelines should be used by judges and hearing officers to review the adequacy of support levels negotiated by parents. Child support guidelines should be formulated by a representative group including members of the legislative, judicial and executive branches, a range of attorneys, child support enforcement administrators, and advocates for the interests of custodial and non-custodial parents. Guidelines should be reevaluated and updated periodically. Formulation of guidelines should address: definition of income; handling of expenses for child care, education, medical and dental care (ordinary and extraordinary) and health insurance; special needs for children (such as handicapping conditions); age of children; treatment of second families; voluntary reduction of income, joint and split custody cases; and other recurrent problems in the establishment of support awards. States should also provide for regular updating of child support awards, by periodic reapplication of guidelines or by other means.

(f) Development of speedy procedures for establishing and enforcing support awards. When administrative and quasi-judicial officers are used for these functions it is essential that adequate protection be afforded the due process rights of all affected persons and parties, including the custodial parent, the non-custodial parent and the state. Particular concern should be addressed to providing all affected persons notice and an opportunity to be heard. Hearing officers should be well-trained and adequately paid.

(g) Improvement of child support enforcement services available from public child support enforcement agencies through adequate funding, training opportunities for staff, improved management, shortened waits for services, rapid disbursements of funds collected, improved information for recipients of services, and attention to ethical concerns for lawyers providing these services.

(h) Improvement of interstate support enforcement through; 1) adoption by states of an effective procedure for interstate income withholding, an example of which is the Model Interstate Income Withholding Act; 2) adoption by states of the 1968 Revised Uniform Reciprocal Enforcement of Support Act; 3) development of new and innovative approaches to handling interstate child support cases; 4) prompt and efficient handling of all interstate support cases; 5) clear definitions of, and reorganizations of, authority and responsibility for handling interstate cases so that there are not overlapping and conflicting responsibilities among public child support agencies (IV-D agencies), prosecutors office and the court system; and 6) improvement in state cooperation in enforcing orders in interstate cases.

CORPORAL PUNISHMENT IN CHILD CARE AND EDUCATION INSTITUTIONS
JULY 1985

BE IT RESOLVED, that the American Bar Association opposes the use of corporal punishment in institutions where children are cared for or educated and urges that state laws which permit such corporal punishment be amended accordingly.

BE IT FURTHER RESOLVED, that the Association does not oppose such force as is reasonable and necessary to quell a disturbance threatening physical injury to persons or property, to remove a child causing a disturbance who refuses to cease or to leave when so ordered by the authority, or to obtain possession of weapons or other dangerous objects upon the person or within the control of the child. In addition, the use of accepted educational techniques and treatment approaches used as behavior modification for seriously disabled children does not constitute corporal punishment.

YOUTH ALCOHOL AND DRUG ABUSE
JULY 1985

BE IT RESOLVED, that the American Bar Association recommends that policies regarding youth alcohol and drug problems include; prevention, education, treatment, law reforms, and strategies for raising the necessary fiscal resources attendant to such policies. Accordingly, the American Bar Association recommends that:

1. Illegal Sales to Minors
Criminal penalties for persons convicted of illegally selling alcohol or other drugs to minors should be greater than current penalties for such sales to adults.

2. Juvenile Offender Treatment
When a juvenile offender has been adjudicated within the juvenile justice system and has been evaluated and found to have alcohol and/or other drug abuse problems, any disposition of the case should include treatment for those problems.

Any juvenile who is detained pending trial must be given access to appropriate alcohol and/or drug treatment if evaluated and found to have alcohol and/or drug abuse problems.

3. Revocation of Driver's License
States should enact legislation authorizing a judge to completely or partially suspend or revoke the driver's license of persons under the age of 21 upon conviction of an alcohol or drug related traffic offense or upon refusal to submit to substance testing under existing state implied consent laws.

4. Youth Paraphernalia Law
Federal legislation should be enacted to prohibit transportation or shipment of drug paraphernalia, as defined in the Model Drug Paraphernalia Act, to minors either by mail through the United States Postal Service or interstate commerce.

5. Age 21 Drinking Laws
(a) All states, territories and the Department of Defense should adopt 21 years as the minimum legal age for the purchase or public possession of all alcoholic beverages.
(b) Federal legislation should continue to provide significant fiscal incentives for each state to enact and/or maintain a law establishing 21 years as the minimum legal age of purchase.

6. Forfeiture
(a) State criminal forfeiture provisions should be strengthened as avenues for curtailing drug trafficking.
(b) A significant portion of the revenues produced by federal and state civil and criminal forfeiture provisions should be specifically allocated to supplement alcohol and other drug abuse enforcement, prevention, intervention, treatment and research programs, especially for minors.

7. Surcharge
States should enact legislation providing for surcharge fines on all persons convicted of violations of the controlled substances and alcohol codes, to be used to supplement funding for prevention, intervention, treatment, and research on alcohol and other drug problems, especially for minors.

8. Dram Shop and Host Liability
States should enact statutes to establish civil liability of persons who negligently sell or serve alcohol beverages to a customer or guest whom the server knows or should know to be under the legal age when that customer or guest, as the result thereof, becomes intoxicated and injures himself, a third person, or such third person's property.

9. Alcohol Excise Taxes
Federal and state excise tax rates on alcohol should be increased and the tax on alcohol should be uniform according to alcohol content. A significant portion of such increased tax revenues should be allocated to supplement existing funds for prevention, intervention, treatment, and research concerning alcohol and other drug problems, especially for minors.

10. Child Custody and Visitation
Whenever decisions affecting custody and visitation rights are made, judges handling domestic relations cases should exercise authority to require, in order to promote the best interest of the child, the evaluation of a parent by appropriate alcohol or other drug treatment professionals, whenever the judge has credible evidence to suspect that the parent has alcohol or other drug abuse problems.

11. Child Abuse and Neglect
(a) The courts should recognize that parental or guardian alcohol and drug abuse is a frequent contributing factor in child abuse and neglect incidents, and existing neglect and other child protection laws should be utilized to assist families in dealing with alcohol and other drug abuse.
(b) Where existing child abuse and neglect laws do not enable the courts to deal with incidents in which alcohol and drug abuse are factors, these laws should be amended to provide such authority.

12. Consent to Treatment
In order to facilitate treatment of youth with alcohol and other drug problems and to remove any barriers to such treatment.
(a) States should enact statutes authorizing a minor to consent to any non-custodial, non-invasive treatment.
(b) States should enact statutes permitting a minor to obtain voluntarily custodial or invasive treatment at a state licensed facility, even if the parents, after being notified, fail to, or do not consent to such treatment programs, provided that in the absence of such consent, within 48 hours: qualified counsel is appointed for the juvenile; parents have the right to participate; an appropriate alcohol or other drug treatment professional promptly evaluates the juvenile and the proposed plan of treatment; and an appropriate judicial body reviews the treatment plan for the juvenile.

13. Discrimination in Schools
(a) School systems and other public providers of services to youth should not discriminate against a youth because he or she seeks treatment for alcohol or other drug problems.
(b) States should enact legislation as necessary to prevent such discrimination.

14. Qualified Immunity
State and federal legislation should grant to teachers and other educational personnel immunity in respect to civil liability, where they, in good faith and for reasonable cause, report in confidence to the proper school personnel the suspected abuse, possession or sale of drugs or alcohol by a student on school property.

15. Mandated Insurance
All laws that provide and regulate private and public health insurance should mandate adequate and reasonable coverage for treatment of alcohol and other drug problems, in freestanding and hospital-based, in-patient and out-patient, public and private programs, especially for youth.

16. Media Ads
Concern should be expressed about media programming which glamorizes or promotes the use of alcohol or drugs by youth. Advertising of alcohol which is directed at youth should be opposed. Appropriate entities should be encouraged to continue research and other efforts to limit the effect which media programming or advertising has upon the use of alcohol or other drugs by youth.

17. Marketing on College Campuses
Alcohol marketing strategies for college campuses that promote or tend to promote the use of alcohol by youth should be opposed, and government action should be encouraged, if necessary, to permit cooperative activity toward ending these practices.

18. Legal Training on Alcohol and Other Drug Problems
The ABA, local bar associations, and the legal profession should:
(a) Provide through continuing legal education programs and other appropriate vehicles extensive curricula on alcohol and drug abuse education. Additional training should be given in order to properly identify, evaluate, counsel and refer young clients with alcohol and drug problems.

(b) Encourage the training and education of appropriate justice system personnel, including lawyers, regarding the contributory effect that alcohol and other drug abuse often has upon many offenders and their families in situations involving delinquent conduct or status offenses.

(c) Develop for judges and lawyers handling juvenile and domestic relations cases resources to increase awareness and intensify training and technical assistance efforts concerning alcohol and substance abuse issues. Resources should be developed to replicate these programs which are operating successfully within the nation's juvenile and family courts and communities.

19. Legal Community Peer Group Support Programs
State courts and bar authorities should establish and support peer support programs for attorneys suffering or recovering from alcohol or other drug abuse.

20. Attorney Discipline
(a) Because lawyers often play leadership roles in their communities and therefore serve as role models for youth, the bar should exercise leadership in dealing with substance abuse by providing programs for its members who suffer from alcohol and other drug problems, by utilizing appropriate disciplinary procedures and by encouraging its members to avoid abuse of alcohol and other drugs.

(b) The state court and bar disciplinary authorities should place a high priority on the adoption of appropriate model disciplinary rules regarding attorney abuse of alcohol and other drugs.

CHILD WITNESSES IN ABUSE CASES
JULY, 1985

BE IT RESOLVED, that the American Bar Association approves the "Guidelines for the Fair Treatment of Child Witnesses in Cases Where Child Abuse Is Alleged":

A TEAM APPROACH

1. A multidisciplinary team involving the prosecutor, police and social services resource personnel should be utilized in the investigation and prosecution of cases where a child is alleged to be a victim or witness to abuse in order to reduce the number of times that a child is called upon to recite the events involved in the case as well as to create a feeling of trust and confidence in the child.

a) Members of such teams should receive specialized training in the investigation and prosecution of cases where children are alleged victims and witnesses of abuse.

b) Whenever possible, the same prosecutor should be assigned to handle all aspects of a case involving an alleged child victim or witness including related proceedings outside the criminal justice system.

A SPEEDY TRIAL

2. In all proceedings involving an alleged child victim, the court should take appropriate action to ensure a speedy trial in order to minimize the length of time a child must endure the stress of his or her involvement in the proceeding. In ruling on any motion or request for a delay or continuance of a proceeding involving an alleged child victim, the court should consider and give weight to any potential adverse impact the delay or continuance may have on the well-being of a child.
PROCEDURAL REFORM
3. In criminal cases and juvenile delinquency and child protection proceedings where child abuse is alleged, court procedures and protocol should be modified as necessary to accommodate the needs of child witnesses including:
   a) If the competency of a child witness is in question, the court should evaluate competency on an individual basis without resort to mandatory or arbitrary age limitations.
   b) Leading questions may be utilized on direct and cross-examination of a child witness subject to the court's direction and control.
   c) To avoid intimidation or confusion of a child witness, examination and cross-examination should be carefully monitored by the presiding judge.
   d) When necessary, the child should be permitted to testify from a location other than that normally reserved for witnesses who testify in the particular courtroom.
   e) A person supportive of the child witness should be permitted to be present and accessible to the child at all times during his or her testimony, but without influencing the child's testimony.
   f) The child should be permitted to use anatomically correct dolls and drawings during his or her testimony.
   g) When necessary, the child should be permitted to testify via closed-circuit television or through a one-way mirror so long as the defendant's right to cross-examine is not impaired.
   h) Persons not necessary to the proceedings should be excluded from the courtroom at the request of the child witness or his or her representative during pretrial hearings in cases where the child is alleged to be the victim of physical, emotional or sexual abuse.
   i) At pretrial hearings and in child protection proceedings the court, in its discretion, if necessary to avoid the repeated appearance of a child witness, may allow the use of reliable hearsay.
   j) When necessary the court should permit the child's testimony at a pretrial or noncriminal hearing to be given by means of a videotaped deposition.

LEGISLATIVE INITIATIVE
4. State legislatures should, where necessary, enact appropriate legislation to permit modification of court procedures and evidentiary rules as suggested herein and in addition should:
   a) extend the statute of limitations in cases involving the abuse of children;
   b) establish programs to provide special assistance to child victims and witnesses or enhance existing programs to improve the handling of child abuse cases and minimize the trauma suffered by child victims, in cooperation with local communities and the federal government.

MEDIA RESPONSIBILITY
5. The public has a right to know and the news media have a right to report about crimes where children are victims and witnesses; however, the media should use restraint and prudent judgment in reporting such cases and should not reveal the identity of a child victim.

JUVENILE COURT DEFENSE AND PROSECUTION ENHANCEMENT
AUGUST 1984

BE IT RESOLVED, that the American Bar Association urges the Office of Juvenile Justice and Delinquency Prevention of the United States Department of Justice to support the implementation of adequate defense and prosecution services in the nation's juvenile courts.

BE IT FURTHER RESOLVED, that the assessment and support of adequate defense and prosecution services receive priority attention by the Office of Juvenile Justice and Delinquency Prevention.

BAR ASSOCIATION AND ATTORNEY ACTION
FEBRUARY 1984

BE IT RESOLVED, that the American Bar Association urges the members of the legal profession, as well as state and local bar associations, to respond to the needs of children by directing attention to issues affecting children including, but not limited to: (1) the preservation of children's legal rights; (2) the needs of children who have no effective voice of their own in government; (3) drug and alcohol abuse among children; (4) establishment of character, citizenship, parenting skills, and child safety programs in public education; (5) implementation of statutory and programmatic resources to meet the health and welfare needs of children; (6) missing and molested children; and (7) establishment of guardian ad litem programs.
LEARNING DISABLED CHILDREN
AUGUST 1983

BE IT RESOLVED, that the American Bar Association, recognizing that there is a correlation between children who suffer from the handicap of a learning disability and children who are involved in the juvenile justice and child welfare systems, encourages individual attorneys, judges, and state and local bar associations to work more actively within the juvenile and family court system, as well as their communities, to improve the handling of cases involving children with learning disabilities. Specifically, individuals and bar associations should be involved in legal and judicial education programs related to this topic, further research, improvements in legislation, and procedural guidelines for courts and agencies serving these children.

In conjunction with such efforts, attorneys should participate in multidisciplinary programs and other interactive community and academic activities, along with school boards, courts, civic organizations, and other concerned professional groups, to help increase the availability of special remediation and rehabilitation services for learning disabled children.

CHILD CARE SERVICES
AUGUST 1983

BE IT RESOLVED, that the American Bar Association supports the increased availability of child care resources to families in need of such services at all income levels, including the expansion of such programs serving infants and school-age children, the improvement of child care program quality and supporting services, and the maintenance of high standards for such programs through appropriate statutory and regulatory requirements. The Association further supports the enactment of state and federally legislation designed to provide creative mechanisms for extending the availability and affordability of quality child care, such as the expanded use of tax incentives to parents who purchase child care services or to employers who provide child care services or related benefits to employees, tax credits to child care center operators, and the targeting of increased public social services funds for the support of a variety of child care programs. Finally, the Association encourages attorneys, as well as state and local bar groups, to direct their attention to the issue of the enhancement of community child care resources, including assistance to individual child care centers in business and tax planning, licensing, zoning, and other legal matters, and to advocate for innovative legislative approaches designed to enhance the availability of child care services to American families.

CAPITAL PUNISHMENT FOR JUVENILE OFFENDERS
AUGUST 1983

BE IT RESOLVED, that the American Bar Association opposes, in principle, the imposition of capital punishment upon any person for any offense committed while under the age of eighteen (18).

BAR AND ATTORNEY INVOLVEMENT IN CHILD PROTECTION CASES
AUGUST 1981

BE IT RESOLVED, that the American Bar Association encourages individual attorneys and state and local bar organizations to work more actively to improve the handling of cases involving abused and neglected children as well as children in foster care. Specifically, attorneys should form appropriate committees and groups within the bar to help develop better state legislation, court rules, and administrative regulations related to all stages of these proceedings; should participate in multidisciplinary teams and other community activities in which they can interact with members of other concerned professional groups; and should work to assure quality legal representation for children, parents and child welfare agencies.

INTERNATIONAL CHILD ABDUCTION
FEBRUARY 1981

BE IT RESOLVED, that the American Bar Association urges the appropriate government agencies to approve and ratify the Convention on Civil Aspects of International Child Abduction as proposed by the Hague Conference on Private International Law.

CHILD ABUSE AND CHILD WELFARE FEDERAL LEGISLATION
AUGUST 1980

BE IT RESOLVED, that the American Bar Association supports increased efforts to prevent, identify, and treat child abuse and neglect and urges the Congress of the United States to support extension of the Child Abuse Prevention and Treatment Act (Public Law 93-247 as Amended); and
BE IT FURTHER RESOLVED, that the American Bar Association supports federal legislation which will provide funding for child welfare services, mandate case reviews and concrete plans for children in foster care, encourage states to provide families with services to prevent unnecessary out-of-home placements, require legal protections for all children and parents receiving these services and create adoption assistance programs to help expedite permanent planning for children with special needs.

JUVENILE JUSTICE STANDARDS
FEBRUARY 1980 and FEBRUARY 1979

BE IT RESOLVED, that the American Bar Association adopt Standards for Juvenile Justice as set out in Tentative Drafts, dated 1977 (as amended in the appendix to the report) as follows: Court Organization and Administration; Juvenile Probation Function, and Juvenile Delinquency and Sanctions. [Note: the ABA deferred action on the Non-Criminal Misbehavior volume of the Standards and took no action on the Abuse and Neglect volume. Neither of these two volumes was ever approved as ABA policy.]

[At its February 1979 Meeting, the ABA had approved 17 other volumes of the Standards for Juvenile Justice series: Adjudication; Appeals and Collateral Review; Architecture of Facilities; Corrections Administration; Counsel for Private Parties; Disposition Procedures; Dispositions; Interim Status; Juvenile Records and Information Systems; Monitoring; Planning for Juvenile Justice; Police Handling of Juvenile Problems; Pretrial Court Proceedings; Prosecution; Rights of Minors; Transfer Between Courts; and Youth Service Agencies.]