18th ABA National Conference on Children & the Law:
Access to Justice for Children and Families
April 9-10, 2019
Ritz Carlton Tysons Corner, VA

Draft Agenda

Tuesday, April 9

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<td>9:45– 10:15 a.m.</td>
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**WELCOME & INTRODUCTORY REMARKS**

- *Prudence Beidler Carr, JD*, Director of the ABA Center on Children and the Law

- *Dr. Jerry Milner, DSW*, Associate Commissioner at the Children’s Bureau and the Acting Commissioner for the Administration on Children, Youth and Families

**TRANSFORMING CHILD WELFARE BY BRIDGING SYSTEMS AND SECTORS**

- *Sherry Lachman, JD*, Founder and Executive Director Foster America

Innovation often arises at the intersection of systems and sectors. Ms. Lachman’s plenary will focus on how we can leverage this recipe for innovation to transform public systems for children and families. She will help us reflect on existing examples of game-changing child welfare innovations that follow this recipe and discuss strategies for strengthening the capacity of public systems to create new innovations and scale existing ones.
10:30 – 12:00 p.m.  Workshop Session A

RELIGIOUS AND SEXUAL ORIENTATION EXCLUSIONS IN FOSTER CARE

- Micah Schwartzman, JD, University of Virginia School of Law
- Stephanie Barclay, JD, Brigham Young University Law School

In 2018, several high-profile lawsuits and pieces of state and federal legislation addressed religious and sexual orientation exclusions in the child welfare system that affect public and private agencies, foster parents, children, and families. This session will provide an opportunity to hear from two different viewpoints about the arguments and implications underlying this national debate.

CHANGING THE SYSTEM: STRATEGIES FOR FRONT-LINE LAWYERS

- Ira Lustbader, JD, Children’s Rights, Inc.
- Gabriella McDonald, JD, Texas Appleseed
- Tom Welshonce, JD, KidsVoice

Changing the systems that affect our clients can feel daunting to individual practitioners. This session will explore how practitioners can effectuate system-change through individual cases, local partnerships, and larger strategies.

BUILDING A LEGAL EDUCATION ADVOCACY COMMUNITY

- Kristin Kelly, JD, ABA Center on Children and the Law
- Kathleen McNaught, JD, ABA Center on Children and the Law
- Emily Peeler, JD, MSW, ABA Center on Children and the Law

This session is designed for attorneys with extensive experience advocating for the educational needs of students in foster care and those who are just starting to think about how to incorporate better educational advocacy into your day-to-day representation of children and families. This interactive session will be an opportunity for participants to share legal strategies, identify ongoing challenges and trends, and outline a framework for formalizing a national network to support ongoing collaboration.

FAMILY FIRST TRACK: A COURTROOM ADVOCATE’S GUIDE TO THE FAMILY FIRST GALAXY

- Allison Green, JD, Missouri Children’s Division
- Stefanie Sprow, Children’s Defense Fund

Through this session attendees will understand Family First as a robust opportunity for courtroom advocacy, legal innovation, and healthy system transformation. Participants will return to their home jurisdiction with increased confidence and urgency to leverage the language and the spirit of the law in their daily case practice.

DISCUSSION GROUP: EXPERTISE AND WELLNESS: CULTIVATING AND SUSTAINING THE EXPERIENCED CHILDREN’S LAW OFFICE

- Carol Casey, JD, Cook County Public Guardian
- Alpa Jayanti Patel, JD, Cook County Public Guardian

Sustaining a cohort of dedicated and professional attorneys in today’s children’s law office requires a dual commitment. It means not only cultivating subject matter expertise in a variety of fields that intersect with child welfare, but also creating a space for staff to manage the impact of secondary trauma. This session will provide children’s law office leaders with an opportunity to exchange ideas about how to develop and maintain a strong and committed team of staff attorneys.
12:00 – 1:30 p.m. Lunch on your own

1:30 – 3:00 p.m. Workshop Session B

**IMPACT OF PARENTAL INCARCERTATION ON CHILDREN**
- **Honorable Cathy Hollenberg Serrette**, Circuit Court for Prince George’s County, Maryland
- **Alfrieda Robinson-Dawkins**, Bon Secours Community Works/ National Women’s Prison Project
- **Thaddius Smith-Boyd**

Consideration of the well-being of the child is largely absent in criminal law and policies. More than five million children have had a parent who lived with them go to jail. Panelists will discuss the psychological trauma these children face and suggest what can be done to help, including the use of child impact statements at sentencing.

**A NEW DAY: HOW TO MAKE THE MOST OF FEDERAL TITLE IV-E FUNDING FOR CHILD AND PARENT COUNSEL IN YOUR JURISDICTION**
- [Speaker announcements coming soon]

**CLIENT ENGAGEMENT SKILLS AND THE LARGER LEGAL CONTEXT IN ICWA CASES AND BEYOND**
- **Sheri Freemont**, Casey Family Programs ICWA
- **Christina McClurg Riehl, JD**, California Department of Justice
- **Sheldon Spotted Elk**, Casey Family Programs ICWA

Practitioners will learn how to use cultural humility and patience to develop rapport and mutual respect with clients. This workshop will offer discussion and exercises to fulfill a practitioner’s ethical duties, while also discussing current challenges to ICWA in federal court across the country. Presenters will highlight the opportunities ICWA provides to ensure that a child’s interests are best served by the child welfare system through advocacy that involves mutual respect.

**FAMILY FIRST TRACK: IS “LEAST RESTRICTIVE” THE BEST WE CAN DO? SECURING THE “MOST CONNECTED” PLACEMENT FOR CHILDREN**
- **Brent Pattison, JD**, Children’s Rights Clinic, Drake University School of Law
- **Jennifer Pokempner, JD**, Juvenile Law Center
- **Jennifer Rodriguez, JD**, Youth Law Center

Though the law requires children separated from their families to be placed in the least restrictive setting, this does not happen for far too many children and youth. Attendees will discuss practical resources and current research to reframe our message to advocate for the “most connected” placement for child clients.

**DISCUSSION GROUP: WHY ROBUST KINSHIP CARE POLICY IS NEEDED TO ADDRESS RACE EQUITY IN FOSTER CARE**
- **Ana Beltran, JD**, Generations United
- **Mary Van Cleve, JD**, Columbia Legal Services

Family law has traditionally provided a "private foster care" system inaccessible to those in poverty, whose children end up in foster care. As more children are placed with relatives -- as a prevention strategy or a permanent plan -- new legal strategies and programs to support relative caregivers are needed. Come discuss kincare reform efforts.
3:00 – 3:30 p.m. Networking Break

3:30 – 5:00 p.m. Workshop Session C

ETHICAL ISSUES IN CHILD WELFARE CASES

- Jennifer Renne, JD, ABA Center on Children and the Law

This session will explore the challenging ethical issues that play out in unique ways for attorneys representing children, parents, and child welfare agencies. We will cover topics such as confidentiality, representing clients with diminished capacity, interactions with represented and unrepresented parties, conflicts of interest, and who makes decisions when your client is a government agency. Through a series of hypothetical case scenarios, we will examine how the Model Rules of Professional Conduct apply, as we engage in active debate on handling the difficult issues that arise day-to-day. The session will help attorneys develop an increased awareness of how ethical issues can shape representation, resulting in better decision-making and advocacy in the face of ethical dilemmas.

CULTURAL IDENTITY IN FOSTER CARE

- Lily Colby, JD, California CASA
- Crys O’Grady, JD, Museum of Tolerance
- Ariella Stafanson, California CASA

The workshop will highlight the preliminary findings of the first foster youth cultural identity and access survey and its impact on social wellbeing. The audience will walk away with knowledge about research, laws, and best practices regarding the importance of cultural identity for children in foster care.

SPECIAL EDUCATION ADVOCACY IN JUVENILE CORRECTIONAL FACILITIES

- Honorable Marguerite Downing, Los Angeles Superior Court
- Diane Smith Howard, JD, National Disability Rights Network
- Kathleen McNaught, JD, ABA Center on Children and the Law
- Marlies Spanjaard, JD, The EdLaw Project
- Robert M. Tudisco, JD, Barger & Gaines

Using the Blueprint for Change framework as a guide, this session will discuss broad goals for how to achieve education stability and success for youth in the juvenile justice system, with a particular focus on youth with disabilities who are entitled to receive special education and related services. Our expert panel will provide an overview of the IDEA requirements for these students and discuss state and education agency responsibilities. The session will also address common educational barriers encountered, and recent case law in this area, as well as direct advocacy tips. Topics addressed include FAPE, IEPs, LRE, Child Find and Evaluations, Discipline, Due Process, and Reentry to School and Community.

FAMILY FIRST TRACK: PREVENTION SERVICES – WHAT THIS COULD MEAN FOR THE FIELD IN THE LONGER TERM & THE LAWYER’S ROLE

- Honorable Ernestine S. Gray, Orleans Parish Juvenile Court
- Carlyn Hicks, JD, MBA, CWLS, Mission First Legal Aid Office, Mississippi College School of Law
- Jerald A. Sharum, JD, Arkansas Department of Human Services and American Association of Health and Human Services Attorneys
The prevention services component of the Family First Act introduces complex questions for attorneys regarding safety decision-making, due process, reasonable efforts, and judicial review. This session will examine those questions more closely and look at the role of counsel for children, parents, and agencies in ensuring that prevention services are implemented in a way that is compatible with the child welfare legal system.

**DISCUSSION GROUP: HIGH-QUALITY LEGAL REPRESENTATION FOR CHILDREN AND PARENTS: ACHIEVING JUSTICE FOR FAMILIES**

- Kathleen Creamer, JD, Community Legal Services of Philadelphia
- Leslie Heimov, JD, CWLS, Children’s Law Center of California
- Mimi Laver, JD, ABA Center on Children and the Law

The goal of the Family Justice Initiative (FJI) is to ensure every parent and every child has high-quality legal representation when child welfare courts make life-changing decisions about their families. This discussion will focus on what constitutes high-quality representation and strategies for working with an interdisciplinary team to improve outcomes for clients. Participants will discuss how data can be used to support investment and tools for collecting data. Discussion additionally will address accessing federal dollars to support high-quality representation.

**5:00 – 6:00 p.m. Conference Reception**
Wednesday, April 10

8:30 – 10:00 a.m. Workshop Session D

**SUPPORTING PERMANENCY FOR OLDER YOUTH: WHAT’S THE BRAIN GOT TO DO WITH IT?**
- **Kristin Kelly, JD, ABA Center on Children and the Law**
- **Alexandra Lohrbach, MSW, Annie E. Casey Foundation**
- **Anthony Simpson, Youth Advocate, Youth Fostering Change, Juvenile Law Center**
- **Christina K. Sorenson, JD, Juvenile Law Center**

This session will share strategies for achieving and maintaining permanency for older youth that are informed by adolescent brain development and the experiences and wisdom of current and former youth in care. This interactive session is designed to translate adolescent brain science concepts into daily practice guidance for legal professionals who work with and support young people.

**EDUCATION ADVOCACY IN THE COURTROOM**
- **Morgen Black-Smith, JD, Support Center for Child Advocates**
- **Eliza Hirst, JD, Delaware Office of the Child Advocate**
- **Maura McInerney, JD, Education Law Center**
- **Miriam Rollin, JD, Education Civil Rights Alliance, National Center for Youth Law**

This workshop will focus on specific ways to address the educational needs of children in foster care through courtroom advocacy, informed decision making, and detailed court orders. The session will also address ways to reduce reliance on congregate care placements by improving educational services for children in community schools.

**LEGISLATIVE ADVOCACY FOR ATTORNEY SERVICES**
- **Susan Abrams, JD, Children’s Law Center of California**
- **Ashley Chase, JD, Colorado Office of the Child’s Representative**
- **Mike Dsida, JD, Children and Family Law Division, Committee for Public Counsel Services**

We will discuss successful strategies to advocate at the legislature for attorney services, including attorney reimbursement rates and agency budgets, as well as advocacy regarding bills impacting the best interests of children and child welfare attorney representation.

**FAMILY FIRST TRACK: FROM THE GREENBOOK TO FAMILY FIRST: BUILDING BRIDGES AT THE INTERSECTION OF DOMESTIC VIOLENCE AND CHILD WELFARE**
- **Honorable Karen Howze (ret), National Council of Juvenile and Family Court Judges**
- **Connie Hickman Tanner, JD, National Council of Juvenile and Family Court Judges**

Achieving safety and well-being for families experiencing domestic violence continues to be a challenge, and professionals have called for elements of child welfare practice that the Greenbook (NCJFCJ 1999) did not fully explore, including the implicit bias and systemic racism impacting families of color, the need for total family engagement (including fathers), and the need for fuller understanding of protective factors in these cases. The Family First Act presents courts and communities an opportunity to do community-based prevention work to take up these important issues.
DISCUSSION GROUP: TALKIN' 'BOUT A [CHILD WELFARE] REVOLUTION

- Tim Decker, Social Innovation Partners
- Allison Green, JD, Missouri Children’s Division

A revolution of new thinking, common purpose, and collaboration bridged the gap between agency and attorney disciplines in Missouri. A powerful truth was discovered: if social workers and attorneys are courageous enough to lead a movement together, lives will change for the better and the promise of these honorable professions will be realized.

10:00 – 10:15 a.m.  Break

10:15 – 11:45 p.m.  Workshop Session E

THE COLLECTIVE POWER OF YOUTH: CHANGING SYSTEMS THROUGH FOSTER-YOUTH LED ORGANIZING

- Betsy Fordyce, JD, Rocky Mountain Children’s Law Center

This session will focus on the importance of youth organizing as an effective model for system change. An initiative of the Rocky Mountain Children’s Law Center and partner of Foster Youth in Action, project Foster Power is a group of current and former foster youth, ages 15 to 25+, working together to improve the Colorado child welfare system. Using this group as an example, this session will examine how legal advocacy organizations can support young people’s collective advocacy at the grassroots level. This session will also explore opportunities and challenges for legal advocates in supporting similar work, as well as highlight initial strategies for building youth voice and empowering youth to take action.

BEST PRACTICES AND EFFECTIVE ADVOCACY TO OVERCOME IMPLICIT BIAS AGAINST TRANSGENDER YOUTH

- Ronnie Cheung, JD, Children’s Law Center of California
- Jamie Julian, MSW, Children’s Hospital of Los Angeles
- Raumak Rahmani, JD, Children’s Law Center of California

This session will consider how implicit biases negatively affect transgender youth and assess the significance of timely access to appropriate medical and mental health services. We will also address common terms that transgender youth may use, basic medical management practices for transgender youth, and best practices to support these youth.

IMPROVING PERMANENCY OUTCOMES FOR CHILDREN AND FAMILIES IMPACTED BY TRAUMA AND SERIOUS ADVERSITY: LESSONS LEARNED FROM INFANT-TODDLER COURT TEAMS

- Darneshia Bell, ZERO TO THREE
- Jennifer Goldman Fraser, PhD, MPH, ZERO TO THREE
- Jami Hagemeyer, JD, Williams & Hagemeyer, PLC
- Tiffany Kell, JD, ZERO TO THREE

This workshop addresses effective advocacy for families in the child welfare system in the context of significant parent trauma histories and risk and children’s urgent developmental need for stable, nurturing care. Presenters will share research findings from infant-toddler court team sites and strategies for engaging parents and advancing child well-being. The workshop will increase participants’ understanding of how to work effectively with parents affected by trauma and struggling with difficulties associated with serious adversity, including substance use disorders. Participants will learn about practices for engaging parents that help build family protective factors and capacities and permanency planning that is both developmentally-informed and family-centered.
CONDUCTING TRAUMA-INFORMED INTERVIEWS OF CHILDREN

- W. Warren Binford, JD, Willamette University College of Law
- Ewen Nancy Wang, MD, Stanford University
- Paul Wise, MD, MPH, Stanford University

Children involved in child welfare or immigration proceedings are not only likely to be in the midst of an ongoing traumatic experience but also to have been previously exposed to traumatic events and adverse experiences. As clients, these children are experiencing intense psychological distress that may manifest during interviews or discussions focused specifically on their separation, removal, or immigration experiences. This session is intended to prepare lawyers to conduct interviews that maximize the utility of the information obtained and minimize the risk of unintended negative consequences. It will provide participants with resources and training on best practices for interviewing trauma-exposed children.

FAMILY FIRST TRACK: A TOOL FOR THE LEGAL COMMUNITY IN AND OUT OF THE COURTROOM

- Cristina Cooper, JD, ABA Center on Children and the Law
- Alicia Davis, JD, National Center for State Courts

The legal community has a critical role to play ensuring key provisions of the Family First Act are implemented successfully, ranging from residential treatment placements with parents, to extended reunification services, and Chafee older youth service expansions. This session will provide attorneys and members of the legal community, including judges, court administrators, and CASAs with specific guidance for using the new legislation as a tool to advance children and families’ interests and their states’ larger child welfare system goals.

12:00 – 12:30 p.m.  Conference Lunch and Award Presentation

PRESENTATION OF THE MARK HARDIN AWARD FOR CHILD WELFARE LEGAL SCHOLARSHIP AND SYSTEMS CHANGE

- Awardee announcement coming in March

12:30 – 1:15 p.m.  Luncheon Speaker

STILL SHE RISES

- Robin Steinberg, JD, Chief Executive Officer, The Bail Project (recently featured in the New Yorker Magazine article titled “America’s Other Family Separation Crisis”).

In November 2016, Ms. Steinberg launched Still She Rises, a public defender project in Oklahoma focused on addressing staggering rates of female incarceration and the carry-over effects on children and families. Ms. Steinberg will share the details of what she and her team have learned in their effort to both address the root causes of female incarceration (including fines and fees policies) and combat its many consequences, such as growing strains on the child welfare system, substance use, and supports for kin caregivers.
SPOTLIGHT ON IMMIGRATION: FAMILY SEPARATION AT THE BORDER AND THE U.S. CHILD WELFARE SYSTEM—COMPLETELY DISTINCT OR INEXTRICABLY INTERTWINED?

- Prudence Beidler Carr, JD, ABA Center on Children and the Law
- Lee Gelernt, JD, ACLU Immigrants’ Rights Project
- Randi Mandelbaum, JD, Rutgers Law School Child Advocacy Clinic

In 2018, an Executive Branch policy of separating children and parents from each other at the Border introduced new language and questions into the national child welfare dialogue. This session will examine connections between family separation at the Border and child welfare law. Attendees will come away with information about clear lines of distinction but also details about how the two areas of law connect and why current federal challenges are helping to establish important precedent on such topics as children and parents’ right to family, procedural and substantive due process protections in child welfare, and harm incurred from the trauma of separation.

SOCIAL MEDIA ETHICS AND YOU: WHAT CHILD WELFARE PROFESSIONALS NEED TO KNOW

- Anne Marie Lancour, JD, MAT, ABA Center on Children and the Law

This interactive session will discuss the impact of social media on clients in child welfare cases. Topics will include: applicable Rules of Professional Conduct, using social media platforms as an attorney, reviewing court and administrative rulings, and evidentiary implications of social media. Bring your smartphones as we discuss privacy settings!

CROSSOVER YOUTH: MARSHALLING THE DATA INTO PRACTICE

- Cristina F. Freitas, JD, Freitas & Freitas, LLP
- Debbie F. Freitas, JD, Freitas & Freitas, LLP
- Alexandra G. Roark, JD, Committee for Public Counsel Services, Children and Family Law Division

Youth crossing over from the child welfare system into the juvenile justice system, and vice versa, is a paramount issue confronting our clients. Fueling this crisis is youth placement in congregate care. Learn to challenge reliance on these group home placements by collecting and marshalling data.

FAMILY FIRST TRACK: FAMILY FIRST ACT: NEW OPPORTUNITIES FOR KINSHIP FAMILIES

- Ana Beltran, JD, Generations United
- Heidi Redlich Epstein, JD, MSW, ABA Center on Children and the Law

This session will explore the kinship provisions of the Family First Act: kinship navigator programs, foster home licensing, prevention services, and engagement of family for children in congregate care. As kinship advocates or legal stakeholders who want to ensure the best possible outcomes for children, we will collectively explore the benefits of this new law for the kinship triad (parents, kinship caregiver, and children) as well as potential challenges with implementation.

DISCUSSION GROUP: MOVING TOWARDS A SYSTEM OF QUALITY REPRESENTATION: LESSONS FROM 2018 LEGAL REPRESENTATION STUDIES IN TEXAS AND CALIFORNIA

- Tina Amberboy, JD, Supreme Court of Texas Children’s Commission
- Eva Klain, JD, ABA Center on Children and the Law
- Dylan Spencer Moench, JD, Supreme Court of Texas Children’s Commission

This Discussion Group will provide information about two recent legal representation studies in Texas and California. The 2018 Texas Legal Representation Study captured perspectives from parents, youth in
care, foster parents, attorneys, mediators, and judges about the strengths, barriers, and efficacy of the state’s court-appointment system. The California study is assessing the impact of changes in funding allocations on the quality of legal representation for children and parents in child welfare cases. The discussion will focus on lessons learned from the design and implementation of the studies to the data and system reform recommendations facing large, diverse, and under-resourced systems.

3:00 – 3:30 p.m. Networking Break

3:30 – 5:00 p.m. Workshop Session G

**Spotlight on Immigration: Resources and Strategies for Quality Representation of Immigrant Clients Involved in Child Welfare**
- **Danny Alicea, JD**, Center for Family Representation
- **Cristina Ritchie Cooper, JD**, ABA Center on Children and the Law
- **Andrew Lorenzen-Strait, JD**, U.S. Immigration and Customs Enforcement, Custody Programs Division
- **Felicity Northcott, PhD**, International Social Services

Of the 70 million children under age 18 in the United States, 26% (18.2 million) live with at least one immigrant parent. Given these numbers, it is not surprising that child welfare agencies and juvenile courts are becoming increasingly involved with immigrant families – particularly as recent enforcement efforts have created growing pressures for families and communities. This session will explore how cases involving immigrant children, parents, or kin may proceed through the child welfare system. Speakers will highlight particular challenges and resources available to support effective attorney, caseworker, and judicial engagement to ensure timely progress to permanency for children.

**Immune to Your Consultations: Guiding Older Clients as They Transition Out of Care**
- **Aisha Jones, JD**, Cook County Public Guardian
- **Jeffrey Sterbenc, JD**, Cook County Public Guardian
- **Nandilay Walker**, Cook County Public Guardian

This workshop will teach attorneys how to empower and advocate for youth in care as they transition to adulthood. Participants will learn concrete strategies to advocate effectively for older clients, particularly those who have spent time in congregate care or previously diagnosed with a mental or emotional disorder.

**Family First Track: Implementation Challenges and Successful Approaches from a State Perspective**
- **Bill Delisio, MSLA**, Colorado State Court Administrator's Office Oregon Office of Legislative Policy and Research
- **Rebecca Jones Gaston, MSW**, Maryland Department of Human Resources

Presenters at this workshop will discuss Family First Prevention Services Act implementation from a state perspective based on their work integrating the legal community in the planning process in Colorado, Maryland, and Oregon.
DISCUSSION GROUP: CREATIVE ADVOCACY -- REMOVING BARRIERS TO HOUSING AND EMPLOYMENT

- Gregory Engle, JD, KidsVoice
- Kristen Ornato, JD, KidsVoice
- Rebecca Shafer, JD, KidsVoice

A session to address removing barriers to employment and housing led by the KidsVoice staff who specialize in expungement, credit issues, ID theft, driver’s license issues, and helping clients with the magistrate level infractions mentioned above that can result in fines and criminal records. This would include providing take away materials such as practical steps attorneys can take to address these issues along with outlines of how to discuss these issues with clients, caseworkers, and service providers about why the process of expunging a record or conducting a credit check and addressing red flag issues can make such a difference in a child’s eligibility for housing, employment, and student loans for post-secondary job training and education.

The ABA will apply for CLE credit in the state of Virginia. We expect that attorneys will be eligible to receive CLE credits through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit [http://www.americanbar.org/cle/mandatory_cle/mcle_states.html](http://www.americanbar.org/cle/mandatory_cle/mcle_states.html).