The mission of the Child Custody and Adoption Pro Bono Project ("The Project") is to design and implement programs and policies that foster children’s well-being, development, and safety during custody and adoption matters. The Project focuses on pro bono representation of children in divorce, guardianship, adoption, parentage, and civil protective order cases.

The Child Custody and Adoption Pro Bono Project is jointly sponsored by the ABA Standing Committee on Pro Bono and Public Service and the ABA Family Law Section. The Project is administered by and housed at the ABA Center for Pro Bono. The Project was established in February, 2001 through a grant from Bill and Melita Grunow, in memory of their niece, Ann Liechty, a dedicated child law advocate.

In early 2006, the Project released a six-hour video training series, accompanied by a 700-plus page manual created by the Project. This is a multi-disciplinary training program. In 2006 and 2007, CLE credit was applied for in those states which allow for online training. The topics in the series are: Case Development; Cultural Competence; Ethical Issues; Child Development; Hearing the Voice of the Child; Mental Health Experts, Tests & Services; Domestic Violence; Child Abuse; and Alternative Dispute Resolution.

The 2006 Project Mini-grants were awarded to programs and projects to use the ABA training series, the ABA Standards, and the NCCUSL Uniform Act on Representing Children in Abuse/Neglect and Custody Cases\(^1\) to train and guide attorneys for children in their jurisdiction.

\(^1\) Subsequent to the awarding of the 2006 Mini-grants the NCCUSL Act has gone through several changes. See
In addition, the grantees were encouraged to: (1) design a local component to the training covering state and local laws and procedures; (2) secure relevant multi-disciplinary experts to participate in the training; (3) work with judges on both the training and a system for appointing pro bono attorneys for children; (4) use the training and standards to expand legal representation for children; and (5) attempt to implement the ABA Standards or Uniform Act in their jurisdiction.

This report details the work of the six 2006 ABA Child Custody and Adoption Pro Bono Project Grant Recipients and includes information received from others who have used the Project Training Series over the last twenty months. It is intended to assist future organizations in creating their own programs to implement standards and trainings for children’s attorneys.

www.nccusl.org for the most recent information on the status of the NCCUSL Act.
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The ABA Child Custody and Adoption Pro Bono Project 2006 Grant Recipients
PROGRAM DESCRIPTION

ChildLaw Services, located in Princeton, West Virginia, has represented over 1,000 children in more than 400 custody cases in the five years since its inception. ChildLaw Services, whose mission is to provide a stronger voice for children, has two attorneys and a social worker who serve as guardians ad litem or as custodian evaluators for children involved in divorce, parentage, guardianship and civil protective order cases. Serving two counties with a population of over 26,000 children, ChildLaw Services currently handles approximately 60-70% of the cases where a GAL is appointed in the area.

TRAINING PROJECT DESCRIPTION

Pursuant to the grant, ChildLaw Services designed and implemented a statewide training for volunteer attorneys who agreed to handle at least one pro bono custody case representing children. The training was held February 16, 2007 at the Charleston Area Medical Center Auditorium with sixty-eight attorneys participating, some via video satellite linkage. A total of six CLE credits were provided, which included one Ethics credit and three Abuse and Neglect credits. The West Virginia Bar Association Family Law Committee and its Commission on Children and the Law assisted with recruitment and other publicity.

A 371-page manual was developed utilizing the ABA Training Materials as well as components specifically covering West Virginia law, procedures, and court rules. Family Court Judge Mary Ellen Griffith, ChildLaw Legal Director Julie Lynch, and staff from the West Virginia University School of Law CLE worked together designing the manual. Also included is information collected by early childhood development expert, Pat Chase; domestic violence
expert, Joyce Cook; and child psychologist, Dr. Stephen O’Keefe. In addition, the West Virginia University Continuing Legal Education Program videotaped the training to have available on DVD.

Additionally, to assist in appointing qualified and trained pro bono attorneys, Twelfth Circuit Family Court Judge Mary Ellen Griffith distributed letters to all West Virginia Family Court Judges with the names and contact information of all attorneys who committed to represent children in custody cases at the training. ChildLaw Services also contacted each attorney to remind them of their commitment.

Lastly, ChildLaw Services presented the ABA Standards for Representing Children in Private Custody to the West Virginia State Bar Commission on Children and the Law in the hope that they will be approved in the near future.

USE OF ABA TRAINING SERIES
The following materials were referenced in the February 2007 training:

- “Child Custody and Visitation Decisions in Domestic Violence Cases: Legal Trends, Research Findings, and Recommendations”
- “Representing Children in Civil Cases Involving Domestic Violence”
- “From Property to Personhood: What the Legal System Should Do For Children in the Family Violence Cases”
- “Navigating Custody & Visitation Evaluations in Cases with Domestic Violence: A Judge’s Guide”
- “Parenting Considerations”
- “Child Development: Guidelines and Implications for Visitation”
- “Kids In The Middle: What To Expect”
- “Ensuring that ‘good-faith’ evaluations are safe”
- “Reconceptualizing Custody”
- “Children Likely to be Better Adjusted in Joint vs. Sole Custody Arrangements in Most Cases, According to Review of Research”
- “Guidelines for Child Custody Evaluations in Divorce Proceedings”
- “How to Properly Use Psychological Testing in Custody Evaluations”
- “Legal and Mental Health Perspectives on Child Custody Law: A Deskbook for Judges”
- “Bitter Battles”
- “Beyond Grief: The Long-Term Impact on Children of Divorce”
- “The Child and Family Focused Decision Making Model”
- “You’re My What? The Problem of Children’s Misperceptions of Their Lawyers’ Roles”
- “Youth Perspectives on Lawyer’s Ethics: A Report on Seven Interviews”
- “Better Lawyering: Using Body Language That Kids Trust”
- “Models of Child Advocacy: Achieving A Balance of Beneficence and Autonomy”
- “American Bar Association Section of Family Law Standards of Practice for Lawyers Representing Children in Custody Cases”

The “Developing a Child Custody Case” training DVD was also utilized.

CHALLENGES FACED BY THE PROJECT

Transition of staff (from summer to fall of 2006, five of six staff were new to the agency) forced ChildLaw Services to push the training date back to February 2007, which, in turn, made it difficult to fully evaluate the program in time for grant completion.

Additionally, the basic design of the referral process was flawed. There needed to be a central recording process that would allow for easier reporting flow and appointment of GALs. The current design is much too cost prohibitive. Currently, to completely obtain the tracking of GAL appointees and collect comparative evaluations, staff would have to spend hours and hours on the phone tracking down attorneys and parties involved in the custody cases.

ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROJECT

Working with the West Virginia University School of Law’s Continuing Legal Education Program was a big advantage. The level of cooperation between the West Virginia University School of Law, the Family Court system, and the West Virginia State Bar Commission on Children and the Law was essential to the project’s success. In addition, an established CLE provider was used who were experts in marketing legal training programs.
BUDGET INFORMATION

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CONTACT INFORMATION

Organization Name: ChildLaw Services, Inc.
Project Director: Shannon Atwell
Address: 1505 Princeton Avenue
Princeton, WV 24740
Telephone: (304) 425-9973
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E-mail: shannon.atwell@gmail.com

MATERIALS PROVIDED AT CHILDLAW SERVICES TRAINING

Hard Copy:
• Agenda for Training
• Attendee Evaluation
• Table of Contents
  o Developing a Child Custody Case
    ▪ A Parental Guide to Making Child-Focuses Time Decisions*
    ▪ Case Development Checklist*
    ▪ Sample Order Appointing GAL
    ▪ Sample Letter to Parents/Time Line
  o Domestic Violence in Custody Determinations
    ▪ Child Custody and Visitation Decisions in Domestic Violence Cases: Legal trends, Research Findings, and Recommendations (Saunders)*
    ▪ Representing Children in Civil Cases Involving Domestic Violence (Gonzalez & Rio)*
- From Property to Personhood: What the Legal System Should Do for Children in Family Violence Cases (Goodmark)*
- Navigating Custody and Visitation in Cases with Domestic Violence: A Judge’s Guide
  - Child Development Theories and Their Relevancy to Custody Determinations
    - Parenting Considerations, A Judge’s Guide: Making Child Centered Decisions In Custody*
    - Child Development: Guidelines and Implications for Visitation (Stott)*
    - Expected Age Level Reactions for Children of Divorce, Kids In The Middle, Inc.*
  - Mental Health Experts, Tests and Services
    - Power Point (O’Keefe)
    - Twelve Years Since McBurney: Bitter Battles Continue
    - What We Know about Joint Custody and Shared Parenting (O’Keefe)
    - Ensuring That ‘Good Faith’ Evaluations are Safe (Greer)
    - Reconceptualizing Custody (Bailey)
    - Children Likely to be Better Adjusted in Joint vs. Sole Custody Arrangements in Most Cases, According to Review of Research
    - Child Adjustment in Joint-Custody Versus Sole-Custody Arrangements: A Meta-Analytic Review (Bauserman)
    - Guidelines for Child Custody Evaluations in Divorce Proceedings*
    - How to Properly Use Psychological Testing in Custody Evaluations*
    - Legal and Mental Health Perspectives on Child Custody Law: A Deskbook for Judges*
    - Bitter Battles: The Use of Psychological Evaluations in Child Custody Disputes In West Virginia (McBurney)
  - Interviewing-The Voice of the Child
    - Outline
    - Handouts Developed by Risa Garon*
    - “You’re My What?” The Problem of Children’s Misperceptions of their Lawyers Role (Buss)*
    - Using Body Language that Kids Trust (Rankin)*
  - Ethical Issues for GAL’s
    - Models of Child Advocacy: Achieving a Balance of Beneficence and Autonomy (Ventrell)*
    - ABA Standards of Practice for Lawyers Representing Children in Custody Cases*
      - In re Christina W., Sissy W., and Lisa W.
    - Sample Letter Sent to Family Court Judges

Electronic Copy:
- DVDs
  - Disc One
  - Disc Two
- Disc Three
- Disc Four
- Disc Five
KIDS FIRST LAW CENTER, IOWA

PROGRAM DESCRIPTION

The Kids First Law Center, located in Cedar Rapids, Iowa, is a nonprofit organization whose mission is to help children embroiled in high conflict custody and divorce cases by focusing the attention of parents, attorneys, and judges on the needs and concerns of the children. Kids First employs one staff attorney who provides free, quality representation to 40-50 children at a time. Representation has also been provided to children in companion guardianship and civil protective order cases. Kids First is the only organization that provides free representation to children in custody and divorce cases in the state of Iowa.

TRAINING PROJECT DESCRIPTION

Pursuant to the grant, Kids First held a multi-disciplinary, one-day training attended by forty-five attorneys. The training was titled, “Can You Hear Me Now? Making Children’s Voices Heard in Custody Cases.” Five speakers made presentations and one ABA training video was shown. The speakers included a child’s attorney, a judge, a child and family therapist, a children’s grief counselor, and a law professor. Topics included the ABA standards, local judges’ views on child representation, child development, interviewing children, case development, ethics, children’s grief, and domestic violence. Attorneys received a comprehensive one-inch binder of materials on multidisciplinary topics. In addition, the training was recorded so that attorneys who were unable to attend could later borrow the DVDs and watch the training independently.

Through the training, thirty attorneys committed to representing two children pro bono in the next year, and additional attorneys have expressed an interest in accepting pro bono cases.
Furthermore, a database of Kids First’s trained pro bono attorneys was compiled containing attorney names, contact information, training(s) attended, preferences as to age and gender of clients, dates and names of cases referred, case outcomes, and the number of children represented.

Another objective of the project was to ensure that ABA standards are being followed in the area by requiring attorneys to comply with the standards when they accept pro bono cases through Kids First. One way this was accomplished was by having the court sign a new order of appointment when an attorney is assigned, clarifying that the Kids First volunteer serves as the Child’s Attorney. Furthermore, a letter is then mailed to the assigned pro bono attorney with the appointment order to remind them of their role. Kids First also checks in with the volunteer attorneys every few weeks to provide mentoring that is consistent with the ABA Standards.

Lastly, Kids First created three evaluation tools to measure outcomes for child clients from the pro bono program. A series of surveys was designed to be given to the child client, the pro bono attorney, and the parents’ attorneys. Additionally, Kids First plans to survey local judges about the overall success of the pro bono program after one year of existence.

**USE OF ABA TRAINING SERIES**

At the training, Kid’s First showed the ABA video, “Case Development” and planned to show the video, “Domestic Violence,” but ran out of time due to unanticipated questions by participants. However, the ABA video on domestic violence is included in the Kids First DVD training video. Further, when Kids First places a case with domestic violence allegations with a new volunteer, Kids First mails a copy of the domestic violence video to the volunteer attorney for review. With each case referral, Kids First also sends the ABA Case Development Checklist to the volunteer attorney as a refresher.
The notebook that training participants received includes several of the ABA materials:

- ABA Standards of Practice for Lawyers Representing Children in Custody Cases
- “You’re My What? The Problems of Children’s Misperceptions of Their Lawyers’ Roles” by Emily Buss
- Child Development: Guidelines and Implications for Visitation by Frances Stott
- Child Development & Family Dynamics by Kathy Shands
- Case Development Checklist
- Domestic Violence Outline by Leigh Goodmark
- Child Custody and Visitation Decisions in Domestic Violence Cases by Daniel Saunders

CHALLENGES FACED BY THE PROJECT

Kids First originally intended to provide the training free of charge to attorneys who agreed to represent children in custody cases pro bono. However, many attorneys were interested in attending the training and learning more about the area of child representation but did not want to commit to accepting pro bono cases. Many felt unsure about their ability to serve as a child’s attorney in custody cases, either because they were not experienced in family law or litigation or because they were concerned about communicating effectively with a young client. Therefore, a fee was charged for attorneys who did not want to commit to representation with the option of having it refunded later should they change their minds.

Additionally, the DVDs have not had as much use as anticipated, most likely because it is not enticing to watch a one-day training on video. Video presentations lack the give-and-take between audience and presenter and do not capture the same “live” quality.

Furthermore, in presenting the ABA Standards, some attorneys resisted departing from the “guardian ad litem” role. Older attorneys were particularly skeptical about serving in the capacity of a Child’s Attorney or Best Interests Attorney. Therefore, considerable time during the training was devoted to convincing attorneys of the benefits of following the ABA Standards.

Kids First also decided only to appoint volunteers in cases where both parents’ attorneys
have had at least one case with Kids First and understand the Child’s Attorney role. By using pro bono attorneys only when the other attorneys are familiar with the Kids First program, accurate feedback can be solicited from the parents’ attorneys about whether the volunteer is conducting the case properly and pursuant to the ABA Standards. If either parent’s attorney has not had any experience with Kids First, the agency staff will provide the representation directly.

ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROJECT

Consider conducting a half-day training rather than a full-day and then supplement the training with later brown-bag lunch trainings or another half-day training in six months. Especially when participants have not represented children before, they are overwhelmed if they receive too much information in one day. Also, it would be best if pro bono referrals could be made immediately following the training so that attorneys would receive a case while the information is fresh and they are inspired to help children.

Kids First suggests charging all attorneys for the training, rather than offering the training free of charge in exchange for doing volunteer work. Additionally, make follow-up calls soon after the training to find quality attorneys (among the attorneys who actively participated in the training) who are interested in representing children pro bono. In this way, you eliminate the concern that some attorneys might agree to volunteer in order to obtain free CLE credit.

BUDGET INFORMATION

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CONTACT INFORMATION
Organization Name: Kids First Law Center
Project Director: Jenny Schulz
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Cedar Rapids, IA 52401
Telephone: (319) 365-5437
Fax: (319) 366-3308
E-mail: jenny@kidsfirstiowa.org

MATERIALS PROVIDED AT KIDS FIRST TRAINING

Hard Copy:

- Table of Contents
  - Training Day Schedule
  - ABA Standards of Practice for Lawyers Representing Children in Custody Cases*
  - “You’re My What?” The Problem of Children’s Misperceptions of Their Lawyer’s Roles*
  - Sixth Judicial District Survey: Child Representation in Custody Cases
  - Age Appropriate Schedule of Time Spent with Divorced of Divorcing Parents
  - Child Development: Guidelines and Implications for Visitation*
  - Child Development and Family Dynamics For Children’s Representatives in Custody Proceedings
  - A Parental Guide to Making Child-Focused Parenting Time Decisions*
  - Case Development Checklist*
  - Understanding the Grieving Child
  - Ethics and Representation: The Cleavers in Conflict
  - Working with Kids, Working with Parents, Interviewing Children
  - How to Help Your Kids Cope with Divorce: 25 Suggestions for Parents
  - Domestic Violence Outline (Goodmark)
  - Power and Control Wheels
  - Child Custody and Visitation Decisions in Domestic Violence Cases: Legal trends, Research Findings , and Recommendations (Saunders)*
  - Iowa Code and case Law re: Child Custody
  - Timeline of a Child Custody Case
- Sample Forms
  - Kids First Appointment Order

- Office Supplies-$179.37
- Postage-$58.69
- Refreshments for Training-$18.20
- CLE Application Fee-$25
- Staff Time-$8,142.97
Pro Bono Attorney Appointment Order
- Letter to Pro Bono Attorney Upon Appointment
- Child Client Survey
- Pro Bono Attorney Survey
- Parent’s Attorney Survey
- Training Flyer

Electronic Copy:
- Sample Forms
  - Kids First Appointment Order
  - Pro Bono Attorney Appointment Order
  - Letter to Pro Bono Attorney Upon Appointment
- Child Client Survey
- Pro Bono Attorney Survey
- Parent’s Attorney Survey
- Training Flyer
- DVD
  - Disc One:
    - ABA Standards on Representing Children in Custody Cases, Iowa Code and Caselaw Governing Children’s Attorneys
    - Survey Results from Interviews with the Sixth Judicial District Court Judges about Children’s Representatives
    - Child Psychology and Children’s Mental Health Issues Related to Separate Households
  - Disc Two:
    - ABA Developing a Child Custody Case*
    - Children and the Grieving Process
  - Disc Three:
    - Ethical Issues in the Representation of Children
    - Adapting Client Interviewing Skills to the Child Client
    - ABA Domestic Violence*
JUSTICE FOR CHILDREN PROJECT, THE OHIO STATE UNIVERSITY COLLEGE OF LAW

PROGRAM DESCRIPTION

The Justice for Children Project is an educational and interdisciplinary research project housed within The Ohio State University, Michael E. Moritz College of Law. Started in January 1998, the Project’s mission is to explore ways in which the law and legal reform may be used to redress the systemic problems confronting children and thus to improve their lives and experiences. The Project, primarily through law students enrolled in the Justice for Children Practicum, provides direct representation to clients in Franklin County, Ohio and its surrounding counties. The Project also provides amicus representation in state and federal courts and conducts original research and writing in areas affecting children and their families.

The Project typically serves as attorney, guardian ad litem, or in the dual capacity of attorney and guardian ad litem for children in abuse, neglect, and dependency cases and in divorce and parentage cases. In addition, the Project represents children in delinquency proceedings. As the Project is committed to the holistic representation of the child, the Project also represents clients in civil matters such as social security and immigration. Through its production of scholarship in support of legal reform and the work of children’s rights advocates, and through its representation of individual clients, the Justice for Children Project strives to advance the cause of children’s rights throughout the country.

TRAINING PROJECT DESCRIPTION

The ABA Child Custody and Adoption Pro Bono Project awarded the Justice for Children Project a grant in order to partner with the Columbus Bar Association, the Columbus Bar Foundation, the Pro Bono Research Group, the Franklin County Domestic and Juvenile
Court, and local private attorneys to train such attorneys, pursuant to Ohio and ABA Standards, to represent children in divorce, custody and parentage cases.

An initial CLE training was held on January 12, 2007 and attended by six local attorneys from Columbus firms and nine law students. Attorneys from the Justice for Children Project and a juvenile magistrate presented on both the workings of and best practices in juvenile court. Dr. Daniel Davis, a local child psychology expert, provided training in talking with and counseling children as well as on child and adolescent development and brain development. Each attorney who participated accepted a case as guardian ad litem for a child or children involved in custody litigation in Franklin County Juvenile Court. Each attorney was also paired with a law student to provide research, drafting, and on-the-ground support. During this time, project staff remained available as experienced mentors to provide support to the volunteer attorneys. The Pro Bono Partnership Project has, to date, undertaken representation of twelve children in eleven cases and held an additional two trainings to accommodate new interested participants.

The Partnership also created a secure web page for its volunteers which they can enter from the Justice for Children Project web site. Once on the Pro Bono Partnership page, volunteer attorneys have access to all of the ABA training videos. Monthly lunches have been held at the Barrister’s Club on the OSU campus for the volunteer attorneys and the Pro Bono Research Group law students with whom they are paired. At each luncheon, one ABA training video was discussed and then applied to the attorneys’ cases.

Finally, the Franklin County Juvenile Court was tremendously pleased with the Pro Bono Partnership Project and is collaborating with the Justice for Children Project and the Columbus Bar Foundation (CBF) to explore ways to extend the project. The CBF has presently agreed to continue to fund the project through December 2007. Additionally, two local firms, Jones Day
and Squire, Sanders and Dempsey, have shown significant interest in becoming involved with the project.

**USE OF ABA TRAINING SERIES**

As noted above, the ABA videos were used to create discussion and education opportunities for our volunteer attorneys and students by being posted online and discussed at monthly luncheons. Furthermore, the ABA written materials were used as the foundation of the manual for volunteer attorneys.

**CHALLENGES FACED BY THE PROJECT**

The Project originally planned to host the first training in the fall. However, had cases been picked up at that time, they would have been scheduled for court appearances in December. Local firm attorneys were reluctant to take on cases at that busy time of year. Once the training was rescheduled for January, there was no problem getting initial attorney commitment. In fact, the word of mouth response was better than anticipated, necessitating a third training to accommodate new interested participants.

**ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROJECT**

Proceed slowly and collaborate with as many partners as will agree. The commitment of all of the partners to recruit attorneys and then to facilitate scheduling in court to accommodate them has been invaluable to the success of the Project.
BUDGET INFORMATION

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CONTACT INFORMATION

Organization Name: The Justice for Children Project
Project Director: Professor Katherine Hunt Federle
Address: 55 W. 12th Ave.
Columbus, OH 43210
Telephone: (614) 292-9177
E-mail: federle.1@osu.edu

MATERIALS AVAILABLE

Hard Copy:
• Letter to Volunteer Attorneys
• Table of Contents
  o Chapter One: The Role of the Guardian *Ad Litem*
  o Chapter Two: Ohio Guardian *Ad Litem* Best Practices
  o Chapter Three: The Subject Child
  o Chapter Four:
    ▪ The Nuts and Bolts of a Juvenile Court Custody Case (Macke)
    ▪ The Attorney/GAL: The Roles, the Responsibilities, the Best Practices
    ▪ Interviewing the Child Witness (Davis)
  o Appendices:
    ▪ ABA Section of Family Law Standards of Practice for Lawyers Representing Children in Custody Cases*
    ▪ The Supreme Court of Ohio: Advisory Committee on Children, Families, and the Courts: Report and Recommendations on Standards for Guardians *Ad Litem*, December 2005
    ▪ Ohio Rules of Juvenile Procedure
    ▪ The Franklin County Local Rules of Juvenile Procedure
    ▪ The Franklin County Local Rules of Domestic Procedure
    ▪ Magistrate’s Order Appointing Guardian *Ad Litem / And Attorney *)and Court Order authorizing access to subject child’s confidential information*
    ▪ Child Support Worksheet
  o Sample Documents:
- Request for School/Medical Records
- Agreed Judgment Entry
- Child Support Deviation Best Interest Finding
- Child Support Summary Worksheet
  - Checklists
    - Case Development Checklist*
    - Home Study
    - Final Entry
  - Map of the Franklin County Courthouse
  - Juvenile Magistrate Contact Information
  - List of Pro Bono Partnership Volunteer Attorneys and student research assistants
LEGAL AID SOCIETY OF MIDDLE TENNESSEE AND THE CUMBERLANDS

PROGRAM DESCRIPTION

Founded in 1968, the mission of the Legal Aid Society of Middle Tennessee and the Cumberlands is to enforce, advance, and defend the legal rights of low-income and vulnerable families in order to secure for them the basic necessities of life. With over thirty attorneys in eight offices, the Legal Aid Society provides free legal assistance in civil matters to people in forty-eight Middle Tennessee counties with a total eligible population of 382,000. One of their primary areas of specialization is Domestic Violence. The Legal Aid Society is a private, not-for-profit 501(c)(3) organization governed by a local board of directors.

TRAINING PROJECT DESCRIPTION

The goal of the Legal Aid Society’s grant project was to create a program to provide representation to children in civil protective order cases; specifically, for a staff attorney to provide direct representation and to recruit, train and supervise volunteers. On November 8, 2006, the first of a series of trainings was given at the Davidson County Juvenile Court House. The training was four hours in duration and the Tennessee Board of Continuing Legal Education categorized it as DUAL (i.e. general or ethics) credit. Over thirty attorneys with varying backgrounds attended. The speakers included the presiding Referee, a child counselor from the Domestic Violence Division of the Nashville Police Department, the executive director of a local domestic violence advocacy group, and attorneys. Topics ranged from domestic violence to filling out parenting plans and child support worksheets.

Additionally, there were two follow-up trainings to further educate the attorneys. The first featured a nationally recognized expert on domestic violence. At the second follow-up, the
author of a book described the effects of court ordered visitation schedules on children. Ultimately, through this project, thirteen attorneys committed to representing children on a pro bono basis, with two having accepted cases thus far.

USE OF ABA TRAINING SERIES

The videos were viewed in their entirety by the staff best interests attorney. Additionally, the ABA Standards were included in the training manual given to all participants of the November 8th training and a presentation was given as an overview of the standards. All future pro bono attorneys participating in this project will also receive a copy of the manual and the videos will be shown at future trainings.

CHALLENGES FACED BY THE PROJECT

The Legal Aid Society found that their best interests attorney was overwhelmed, having been assigned over eighty cases since the beginning of the project in July of 2006. With a case load that increases every week, the need for volunteer attorneys has become pressing. The Program Coordinator is currently working with the Nashville Pro Bono Program to encourage an in-house corporate counsel (e.g. FedEx, Dell, etc.) to devote their pro bono time to this project. Additionally, the local CASA (Court Appointed Special Advocate) chapter agreed to assign a trained volunteer advocate in the most extreme cases to assist in the investigation phase (i.e. home visits).

ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROJECT

Coordination with the Juvenile Court, the Juvenile Court Clerk, and the Nashville Pro
Bono program were vital partnerships in making this project work. In addition, the presence of domestic violence advocates from the local shelters provided Petitioners with emotional support and guidance through the court system. Having many facets of the Juvenile Court system work together encourages a positive outcome for the children.

BUDGET INFORMATION

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CONTACT INFORMATION

Organization: Legal Aid Society of Tennessee and the Cumberlands
Address: 300 Deaderick Street, Nashville, Tennessee 37201
Telephone: 615.244.6610
Fax: 615.244.4920
Website: www.las.org
Name: Stacey L. Smith, Attorney
(615) 780-7106
ssmith@las.org

MATERIALS PROVIDED BY LEGAL AID SOCIETY AT TRAINING

Hard Copy:

• Training Manual Table of Contents
• Program Objectives
• Effects of Domestic Violence on Children
  o Impact of Domestic Violence on Children Power Point (Ramos)
  o The Impact of Domestic Violence on Children: Recommendations to Improve Interventions (Buel)
  o Emotional Development Article (National Scientific Council on the Developing
• Domestic Violence 101
  o Domestic Violence Fact Sheet
  o ABA Commission on Domestic Violence: Myths and Facts about Domestic Violence
  o Second Fact Sheet
  o Fifty Obstacles to Leaving, a.k.a., Why Abuse Victims Stay (Buel)
• ABA Standards
  o Power Point*
  o ABA Section of Family Law Standards of Practice for Lawyers Representing Children in Custody Cases*
  o State Law Chart*
• Meet the Parents
  o Sample Letter to Parents
  o Information Worksheet (also in Spanish)
  o Questionnaire
• Forms
  o Simpson Family Example
• Relevant Statutes
• Resources

Electronic Copy:
• Trial Outline
• Symptoms Questionnaire
• Follow-Up Form
• Lunch and Learn Flyers
OKLAHOMA INDIAN LEGAL SERVICES

PROGRAM DESCRIPTION

Oklahoma Indian Legal Services (OILS) is a non-profit legal aid office that provides civil legal services for low-income American Indian clients throughout Oklahoma. Approximately 65% of its caseload involves Indian children in the judicial system. OILS is one of only eight programs nationally that deals exclusively with Indian legal problems and is the only legal office that serves Oklahoma Indian children in custody and Indian Child Welfare Act (ICWA) cases.

OILS provides representation for Indian children in divorces, adoptions and guardianships by serving as guardians ad litem or attorneys for the children. These services are provided at no cost to families in both state and tribal courts. Oklahoma has twenty-two tribal courts, all of which suffer from a lack of available attorneys. With ten attorneys currently representing 143 children, OILS fulfills a vital need in those courts by supplying qualified legal representation to children in need.

TRAINING PROJECT DESCRIPTION

The purpose of the OILS grant was to develop a “Care Advocacy Project” to offer free training to child attorneys. The training, based primarily on the ABA Custody Standards as well as the ABA Abuse and Neglect Standards, ICWA, and tribal court practice, was first presented at four mini conferences around the state, with between six and thirty attendees. A fifth, more formal conference was later held in Oklahoma City and included seven hours of Continuing Legal Education for Oklahoma attorneys. Approximately 133 people attended that training, including attorneys, court personnel, CASA workers, social workers, students, and judges. As a result of the program, forty-two attorneys committed to representing Indian children in tribal court proceedings. Additionally, the Oklahoma City conference was made available on DVD,
and will be used to train future volunteers.

Also, in conjunction with the Oklahoma Indian Bar Association, OILS is serving as the clearinghouse for placement of GALs in the participating tribal courts. To date, six attorneys have been assigned cases in the program. OILS is using a quarterly email and mail database to keep the participants informed of future trainings, related topics, and other issues of interest. OILS also created a page on the OILS website for child attorneys.

OILS continues to seek standardization amongst the tribal courts of Oklahoma by encouraging the adoption of the ABA standards. Of the twenty-two court systems in the state, thirteen have made a commitment thus far. OILS intends to continue working with individual tribes in an effort to reduce the standards to statute.

Finally, the topic of “GALs in Tribal Courts” will be presented at the National Legal Aid and Defenders Association’s annual meeting pre-conference trainings. This training will be sponsored by the National Association of Indian Legal Services. OILS attorneys will speak at the training and advocate for the use of the ABA standards.

**USE OF ABA TRAINING SERIES**

The ABA videos were viewed in-house and used at the small trainings to amplify specific points. For example, the cultural competence training by Suzette Speight addressed a general issue that is often specifically faced in Indian communities: that of understanding the tribal culture of the child in order to understand the child. OILS found the Cultural Competence segment to be particularly useful in the small setting which allowed for in-depth discussion after viewing. Similarly, Dr. Shands’ video presentation was useful in understanding child development.
CHALLENGES FACED BY THE PROJECT

Most of the tribes in Oklahoma are rural. As such, even a free training can become costly when transportation, hotels, and *per diem* are considered. While the original plan was just to hold two large training sessions, once OILS recognized the difficulties this would place on the targeted audience, they responded with several smaller, more intimate conferences at the participants’ locations. This ultimately allowed for greater understanding of the issues and participation. Unfortunately, however, the outside speakers were not available at the smaller trainings, so there was less diversity of opinion.

ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROJECT

This project is best replicated in states or tribal areas with one or more court systems that regularly see Indian children, but lack a steady bar of experienced attorneys. By seeking to unify the court systems under a single standard of practice, the few attorneys that are available will be able to use a common denominator in their practice that will assure all tribal children of adequate representation.

It is important to have judges and prosecutors on board before the program begins. All the volunteers in the world do no good if the courts are not interested in supporting the program. OILS was fortunate in the support and work that the judges were willing to do; without it, the program would not have been successful.

As mentioned above, rather than one big conference, more success may occur with several smaller conferences targeting specific audiences. While this resulted in a significant time and travel expense for OILS, it served the community better than a poorly attended larger conference would have done.

Using technology for advertising purposes was also useful. Web sites and email lists are
cost effective and reach a larger audience than normal means might. OILS used email lists for the Indian Law Section and the Family Law Section of the Oklahoma Bar Association, and the Oklahoma Indian Bar Association, as well as email notices to the three law schools in Oklahoma. This served to increase participation and directly targeted the persons who would likely participate in this project.

This last point may seem minor, but is potentially significant. Giving conference attendees small gifts makes them realize that their interest is appreciated. Many people seem willing at the conference to support the project; however, as time passes, some will lose interest. Small gifts remind individuals of their commitment and serve to reinforce an *esprit de corps* feeling among the participants. At the OILS conferences, every attendee received a coffee mug and an insulated, zippered lunch bag with OILS’s logo, as well as pens and other small gifts. OILS believes that this serves to strengthen a connection with the program that would otherwise fade over time.

**BUDGET INFORMATION**

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**CONTACT INFORMATION**

Organization Name: Oklahoma Indian Legal Services, Inc.
Project Director: C. Steven Hager
Address: 4200 Perimeter Center Drive, Suite 222
          Oklahoma City, OK 73112
Telephone: (405) 943-6457
Fax: (405) 917-7060
MATERIALS PROVIDED AT OILS TRAININGS

Hard Copy:
- Agenda
- About the Speakers
- The Guardian Ad Litem and Tribal Court Conference Survey
- Guardian ad Litem Representation: Do No Harm (Rivers, N. Tucker and P. Tucker)
- ABA Standards Power Point

Electronic Copy:
- Agenda
- Survey
- About the Speakers
- ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*
- ABA Training Manuel*
- The New Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Bridging the Divide Between Pragmatism and Idealism (Atwood)
- Guardian ad Litem Representation: Do No Harm (Rivers, N. Tucker and P. Tucker)
- The Indian Child Welfare Act: Case and Analysis (Hagar)
- Uniform Representation of Child Act
- ABA Standards Power Point
PROGRAM DESCRIPTION

The mission of the Pima County Superior Court is to provide the timely, fair and efficient administration of justice under law, in a manner that instills and sustains public confidence in the judicial system. The family law bench and the family law bar in Pima County have worked together for more than twenty-five years to provide representation for children in custody and divorce cases. Most of that representation has been pro bono or for greatly reduced fees.

The Child Advocacy Clinic of the University of Arizona, James E. Rogers College of Law, has itself accepted several pro bono appointments to represent children in Family Court without seeking payment. Established in 1996, the Child Advocacy Clinic is a working law office in which senior law students represent children under the personal supervision of law college faculty in exchange for school credit. The Child Advocacy Clinic has four main goals: (1) To enhance students’ lawyering skills; (2) To teach students how to better learn from experience; (3) To help students develop sound and ethical lawyer judgment; and (4) To deliver high quality legal services to the children of Pima County.

TRAINING PROJECT DESCRIPTION

Using their grant, the Pima County Superior Court and the University of Arizona College of Law Child Law Clinic partnered to train volunteer attorneys and law students to represent children in Pima County cases involving divorce, parentage and domestic violence protective orders.

Professor Paul Bennett and Professor Barbara Atwood co-taught two seminars titled “Representing Children” over the 2006-07 academic year. During the fall semester, students
explored the law surrounding child custody, the roles of children’s lawyers, issues relating to child development, interviewing techniques, mediation, and other topics through readings, guest speakers, and writing assignments. Additionally, students used the ABA training materials as a basis to begin developing an Arizona-specific training to be offered to attorneys and law students in the spring.

In the spring semester, students completed field placements in which they were matched with and mentored by practitioners in the community and expected to shadow the practitioners on a typical workday, to accompany them to a court hearing, and to sit in on client interviews. A major focus of the second semester was the continued planning of the training program and the preparation of materials for distribution at the event. For instance, the students created a DVD entitled “Interviewing Children in Divorce,” using child-actors from a local middle school for role playing and practice exercises. Family court judges, practitioners, staff of the Pima County Conciliation Court, child advocacy experts, child custody evaluators, and child development experts were consulted on the training design.

The Representing Children Training Program took place at the Pima County Juvenile Court in Tucson, Arizona. The Program was attended by twenty-four practitioners, as well as several judges and other court personnel, and numerous law students. The Pima County Superior Court required attendance at the training as a condition of being appointed to represent children in pending custody cases. Law students worked with the presenters and led discussions in various segments of the program. The program covered legal standards, psychological issues relating to attachment and bonding, the dynamics of domestic violence, forensic interviewing concerns, and the work of custody evaluators.
USE OF ABA TRAINING SERIES

The most extensive use of the materials was with the Child Representation Class. Several videos were shown throughout the course (Ethics, Child’s Voice, Role of Lawyer, and Domestic Violence) and discussions were held about the issues raised in the materials. The students were also encouraged to check out the materials for self-education. Those who did so found the materials regarding lawyers’ roles to be particularly helpful. Second, the materials, especially the videos, were used to design the Arizona specific training given on April 12, 2007. Third, many of the written materials were distributed in digital form to the participants in the April 12th training.

CHALLENGES FACED BY THE PROJECT

While the overall program was well presented and well-received, there were two unanticipated difficulties. The most problematic was a change in keynote speaker. Dr. Anne Graffam Walker originally committed to be the main speaker, but as the spring semester progressed, it became apparent that she would be unable to attend. Dr. Walker graciously found, and trained, a substitute. She chose Julie Kenniston, a nationally recognized forensic interviewer from Cincinnati. Although Julie was an outstanding presenter, the late change did not allow the use of her expertise as much as hoped, especially to meet separately with the law students.

Second, because of a computer glitch, the digital recordings of the program were temporarily lost. However, the Law College’s technology experts were able to recover most of them after purchasing a special recovery program. Even so, there remain a few difficulties with the video itself after recovery, primarily with the sound and camera angles.

ADVICE FOR PROGRAMS WHO WISH TO REPLICATE THE PROJECT
Interested groups must understand that preparation of a Training Program of sufficiently high quality requires a significant outlay of time and effort, and the involvement of two institutions rather than one meant some loss of efficiency. Still, the collaboration is definitely worth the effort, and the end result is a richer program.

A special benefit of this project was that law students had the opportunity to work with lawyers, judges, psychologists, and other professionals. Students gained confidence as a result of the program and made contacts in the community. The project, in turn, benefited from the students’ creative ideas and high energy. Therefore, the involvement of law students, if feasible, is recommended.

BUDGET INFORMATION

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<td>• DVDs for distribution-$25</td>
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CONTACT INFORMATION
You may contact any of the following people for additional information:

Honorable Sarah R. Simmons
ssimmons@sc.pima.gov
(520) 740-8441

Professor Barbara Atwood
MATERIALS PROVIDED AT THE PIMA COUNTY TRAINING

Hard Copy:
- Schedule
- About the Speakers
- Table of Contents
  - Session One
    - AZ Rules of Family Law Procedure
    - Uniform Representation of Children in Abuse, Neglect, and Custody
      Proceedings Act
    - ABA Section of Family Law Standard of Practice for Lawyers
      Representing Children in Custody Cases*
    - The Obligation of Communication with a Child Client and the Crucial
      Requirement of a Child Client's Investment in Client-Directed Advocacy
      (Chapman)
  - Session Two
    - Handouts for Interviewing and Questioning Children (Walker)
  - Session Three
    - Interviews with Children in Divorce (Film Discussion Questions)
  - Session Four
    - Bias and the Role of Culture in Custody Cases (Graca, Harris, Levine, &
      Price)
  - Session Five
    - Assessing Credibility of Domestic Violence Allegations in Custody
      Disputes (Harris)
    - Representing Children in Child Custody Litigation Involving Domestic
      Violence (Lacroix)
    - Overview of the Effects of Child Sexual Abuse (Maffetone)
    - An Examination of Mediation in the Context of Domestic Violence
      (Nguyen)
  - Session Six
    - Attachment Theory and Child Custody (Dent)
  - Session Seven
    - Family Center of the Conciliation Court: Who We Are
    - Child Interview Outline
    - Developmental Considerations in Interviewing Children (Hardin)
    - Normative Issues for the Adolescent (Stahl)
    - Issues Assessing Children’s Relationship with Their Parents (Mitnick,
Hardin)
  ▪ Resources for Interviewing Children
  o Session Eight
    ▪ Relevant AZ Statutes
    ▪ Selected AZ Cases on Child Custody
    ▪ Grandparent Visitation (Penner)
    ▪ Visitation Crossword
    ▪ Purpose and History of Putative Father Registries
  o Advertisement in The Writ, the Pima County Bar Association newspaper
  o Invitation/announcement sent to all lawyers who serve as best interest attorneys, child’s attorneys or court appointed advocates
  o Sample sign in sheet
  o Sample certificate of attendance
Use of the ABA Training Series by Other Programs
The Training Series has been distributed to over 125 recipients since its release. Included in the Training Series is a section on developing a local training (Appendix). The American Bar Association Child Custody and Pro Bono Project recently requested feedback from Training Series recipients as to use of the trainings and reactions. Following is a summary of these responses.

**Pro Bono Programs**

A number of local and statewide pro bono programs requested the Training Series. Additionally, the majority of the ABA Grant Recipients were pro bono programs. Several of these pro bono programs used the trainings primarily as internal background training for staff.

However, the Public Counsel Law Center of Monterey, California created a DVD of their relevant state law and used that along with the Cultural Competence and Mental Health Segments to provide training for their pro bono attorneys and law students.

Additionally, the pro bono organizations of two states used the Training Series in a more organized fashion. For example, Indiana’s Second District’s Pro Bono Legal Services Committee organized a showing of the Training Series for interested attorneys at a Pro Bono Forum. Those who attended rated the training between “good” and “excellent.” Particularly positive comments were made regarding the Mental Health, Child Development, Domestic Violence and Child Abuse segments. The Case Development Checklist was also found to be useful.

Furthermore, Utah has a statewide Guardian Ad Litem Office that provides representation in private custody cases through pro bono attorneys. The Utah Guardian Ad Litem Office used the Training Series for all of their staff.

**Private Attorneys**

A number of private practitioners reported that they used the Training Series to educate themselves generally. In addition, one practitioner incorporated the Power Point on the ABA Standards for Lawyers Representing Children in Custody Cases in his training of CASA’s in the area.

**Law School Professors**

Since its release, a number of law school professors have requested the Training Series. One professor used the Series with a law school class to train law students in the area of child representation and to prepare herself to take on some cases. She found the Case Development, Child Development and Ethical Issues segments most helpful and thought that the Ethical Issues segment stimulated good discussion.
Legal Services Programs

A number of legal services programs reported using the Training Series internally as background information for legal and non-legal staff. Legal Services of New Jersey, which runs a legal assistance hotline, plans to use the Best Interests, Cultural Competence and Ethics segments to train their family law paralegals who assist the hotline attorneys in family law cases.
Appendix

Suggestions for Trainings Using ABA Child Custody and Adoption Pro Bono Project Training Series.

When developing a Training, it is important to remember that people retain 20% of what they hear, 40% of what they hear and see and 80% of what they do. The videos and written materials will provide you with basic information, but they will be most effective if used as a starting point for discussion. For example, when possible it is most effective to follow up viewing of a video section with a discussion that incorporates the material. On occasion, it may be more effective to use part of a video and have a discussion around a few key points.

1. **Nuts & Bolts (2 hour) followed by Monthly Brown Bag Lunches**
   (Adapted from Delaware Office of Child Advocate)

   **A. Nuts & Bolts Session**
   - Ice breaker to engage the group in the mission
   - Cover basic information about Program
   - Introduce how a case moves through the legal system -
     - Include basic local statutes and court rules
   - Case Development-video
   - Ethical Issues, 1st Look-video
   - Try to use at least use two different speakers

   **B. Brown Bag Lunch Series; More Advanced Issues**
   - Monthly 1 hour sessions featuring one topic such as Cultural Competence, Child Abuse, Child Development, Communicating with Teenagers, Mental Health Issues, Domestic Violence, Alternative Dispute Resolution
   - Use a video and a local speaker on each issue
   - At least twice a year, bring in local practitioners to present and discuss scenarios with attendees

2. **2 1/2 Day Full Training**
   (Adapted from training presented as part of Kansas State University Intersession Class, developed by Linda Elrod)

   **A. Day One**
   - History of Child Advocacy and Rights of Children: From Property to Persons-
     - Gault and Beyond- Local Speaker
   - Case Development, video (change throughout)
   - Cultural Competence, Video
   - Child Development, Video
   - Interviewing Children, Local Speaker

   **B. Day Two**
C. Day Three

- Ethical Issues, Video as well as Standards and NCCUSL Draft Law
- Discussion of Ethical Issues
- Child Abuse, Video
- Practical Aspects of Representing Children, Local Speaker
- Mental Health Experts, Tests & Services, Video
- “Best Interests” of the Child from a Mental Health Perspective, Local speaker

Other options:

- Series of four Saturdays;
- Self-study take home, followed by in-person session;
- Self-study take home, followed by teleconference with local practitioner who discuss scenarios;
- Intersperse ABA training with established local training segments.
State Specific Resources to Include in the Training Materials:
(Alter to reflect the types of cases volunteers will be handling)

1. State Statutes Regarding:
   - Children’s Legal Representative
   - Domestic Relations
   - Adoption
   - Guardianship
   - Non Married Parents
   - Orders of Protection
   - Best Interests
   - Confidentiality
   - Ethics
   - Alternative Dispute Resolution

2. Court Guidelines, Standards and/or Rules

3. Significant State Case Law

4. Sample Orders, Pleadings

5. Local Social Service Resources
Suggested Hypothetical for Discussion

The Children’s Legal Representative in Private Custody Proceedings in (insert your locale)

_In re Marriage of Carl and Susan Jones_

(Instructions: Modify the following to fit the basic structure of your jurisdiction. If there are specific statutes, court rules or case law that are relevant or unusual to your jurisdiction, the scenario should be adapted to explore those issues.)

Background:
Susan and Carl Jones have been married approximately 12 ½ years. Susan Jones files a dissolution of marriage action in the Domestic Relations Division of the Circuit Court. The only unresolved issue is as to custody and visitation regarding their three (3) children: Robert (14 ½), Faith (8) and Amber (5). There is some history of domestic violence. During the filing of the divorce petition and separation, Susan got an Order of Protection against Carl. Carl says that the domestic violence charges were exaggerated by Susan and that there was only a very short time around the separation when “things got a little heated.” Susan agrees and states that she has no concerns for her or the children’s safety.

At the time of separation, she and the children moved from the family apartment in (the city or town) to an apartment (out of town or in the suburbs.) Carl works primarily from home as a computer technician. After the separation, Susan got a job as a hostess at an expensive restaurant. Her sister who lives in the same apartment watches the children when Susan has to be gone. Shortly after the move, Robert was picked up by the local police in a park at midnight. He was with some boys who were drunk and he had alcohol in his possession.

Questions to be answered by application of specific state statute, rules or case law.

1. At the next status, Carl asks the court for the following:
   - to appoint a representative for the children,
   - to order a custody evaluation, and
   - to grant him custody pending final determination because the children’s friends are near his home and because of Susan’s work schedule, the children would spend more time with a parent at his home
     As to the appointment request
     - Can Carl make the request?
     - Can the Court grant his request or make an appointment on its own discretion?
     - If so, what is the applicable statutory provision or court rule?
     - What are the factors the court must consider in deciding whether to appoint someone for the children?
2. The Court appoints you, orders a custody evaluation, and enters a temporary custody order that the children will continue to live with Susan pending the final determination.
   - What is your role under state law?
   - Can you represent all three children?
   - Are there applicable court rules?
   - Do you know what the court expects from you?

3. You meet with the children. Robert tells you he hates living at his mother’s because all of his friends live by his father at the old apartment. The only good thing is that he is still with his sisters. Faith and Amber are very happy living at their mother’s home. They love their aunt whom they see frequently. Their father never pays any attention to them because he always is on the computer playing video games, etc. The apartment they lived in was very small, messy and they share a room a tiny room there. Faith isn’t really comfortable going outside to play and has no privacy or quiet time in the apartment.
   You explain to Robert you will keep all of this in mind but that there really is nothing to do until the Custody Evaluation is complete.
   The next day Robert gets in trouble at school and ends up talking to a counselor at school. He tells the counselor how miserable he is because he had to move schools and leave all his friends behind and that the only friends he’s made since they moved are the ones he got in trouble with for drinking. He is really upset because no one will listen to him. She suggests that he go talk to a friend at the local Children’s Advocacy Organization.
   He talks to Lindy Lawyer at CAO and tells her that he would like her to represent him. Lindy files an Appearance in the suit.
   - Does Robert have a constitutional or statutory right to an attorney of his choice?
   - Should the Court appoint Lindy regardless?
   - What position do you take on the motion?

4. The Court denies Lindy’s motion, and orders Robert into counseling and an alcohol treatment program during the pendency of the case.
   The Custody Evaluation comes in. Ellen Evaluator finds both parents fit, and recommends that Susan should retain custody of all three children because it is important for the sibling bonds to remain strong during the divorce process. She recommends liberal visitation with Carl. You meet with all the children and tell them of the recommendation. Robert is furious. He continues to be unhappy and to have problems in school. Further, Susan has too much on her plate to take him to his counseling or alcohol treatment program, and is not cooperating with her lawyer on moving along toward the divorce.
   Robert wants you to file a motion for temporary change custody for him.
   - Does Robert have a right to file such a petition?
   - Can you file this? Should you file this?
   - Should the court have a hearing on such a motion?
   - Is there any conflict in your representation of the three children? If so, what should you do?

5. Susan and Carl cannot come to agreement.
   - What is your position regarding mediation?
   - Can you request court-ordered mediation?
If they go to mediation, what is your role?

6. Susan and Carl go through parenting class and mediation and still want to go to trial on the issue of custody.
   Susan wants all three children with a minimal schedule of visitation with Carl but great flexibly if the children want to be with their father.
   Carl wants Robert to live with him and wants a liberal schedule of visitation with Faith and Amber. The case goes to trial. After Carl’s and Susan’s attorneys make their opening statement, the Judge asks you to tell of your conversations with the children and give your beliefs as to what is in the children’s best interest.
   - Can you tell the court of your meetings and conversations with the three children?
   - Can you state your beliefs as to what is in the children’s best interest?
   - Can you tell the court of the children’s wishes?

7. Each parent has included Robert and Faith on their witness list. You think that the children should not testify and recommend so to the children. Robert wants to testify.
   - Should you file a motion opposing testimony from any or all of the children?
   - Can Robert assert his right to testify?
   - At what age does Robert’s voice become “weightier” in a custody decision?
   - Is there any other way of getting the children’s testimony into the record?

8. The judge denies all motions for the children’s testimony but indicates that he will talk with Robert in camera.
   - Can the judge refuse to allow Faith to testify? Robert?
   - Can the judge choose to talk to only one of the children in camera?
   - Who can be present during an in camera interview?
   - If one parent is pro se and one is represented, how should the court handle the issue of presence during an in camera interview?

9. The Court orders that Robert live with Carl, and that Faith and Amber live with Susan. The Court further orders that the three children spend one weekend a month with Susan and one weekend with Carl. All goes according to plan for a few months. However, over time, Robert refuses to go to Susan’s. He says there is nothing to do there and that when he is there, either Susan is working or that they fight all the time. Robert says that his father tells him that he has to go to Susan’s but that no one can make him go.
   - Can Robert refuse to go to Susan’s house?
   - What options are there for the court?
   - What if Susan decides that she doesn’t want to see Robert? Is there anything the court can do?