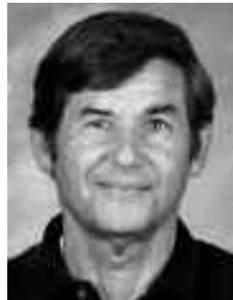




Stanford Law Professor Michael Wald Draws Attention to Disconnected Youth

by Susan Schindler

At the John A. FitzRandolph Memorial Lecture on February 22, 2005, Professor Michael Wald of Stanford Law School brought attention to an often overlooked group of children that he deems to be one of the most vulnerable: teens and young adults he calls "disconnected youth". The Center for Children's Rights was honored to have Professor Wald, who has an extensive and diverse educational and professional background, as a speaker. Professor Wald, a Yale Law School graduate, has served as a member of the Stanford faculty since 1967. Professor Wald also worked as an attorney for the Public Defender Service and Center for Law and Social Policy in Washington, D.C., as well as an attorney for the Youth Law Center in San Francisco. He also served as Deputy General Counsel for the U.S. Dept. of Health and Human Services, as well as the Director of the Dept. of Social Services for San Francisco.



Michael Wald

While many advocates focus on young children, Professor Wald believes more attention needs to be devoted to changing the lives of the teens and young adults that he terms "disconnected youth". Society has traditionally conceived of children's rights in terms of

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CCR Alum Develops Child Advocacy Program

by Mary Hegardt

Maureen Van Stone's outstanding commitment to public service has led her on a path that zig-zagged from coast to coast and from a major in psychology to the law. In the past, she has worked in a clinical setting helping children with severe behavioral disorders as well as in the L.A. County Juvenile Hall helping provide counseling and advice to children in jail. Now she has a fellowship from the "Equal Justice Works" foundation (EJW) to fund a new type of legal clinic.



Maureen Van Stone

Maureen is a CCR fellow and recent J.D. graduate who earned her B.S. in Psychology from the University of Southern California. After graduation from USC, she went east to do clinical work in psychology at Johns Hopkins in the Kennedy Krieger Institute Neurobehavioral Research Unit and earned an M.S. in Developmental Psychology. In this setting, Maureen was working with children with severe behavioral or mental disorders. Often her team would work hard to develop rigorous treatment plans for these children, only to discover that there was no funding for their treatment, through insurance or otherwise.

Frustration with the bureaucracy of funding led Maureen back to the west coast for law school here at Whittier to develop the "legal muscle" to do battle with red tape and to discover how to get funding for children to receive the full treatment they needed.

During her 2L year, Maureen developed the idea for a legal clinic, located in a hospital, which would provide patients and their families with the resources they needed to get their treatment funded through insurance, school districts, or other agencies. In some cases, school districts who are required to fund special education are spending more money litigating funding disputes than they would spend on the treatment.

Maureen decided to apply for a fellowship from EJW, which is an organization dedicated to encouraging and training lawyers to serve the public interest. As part of this mission, they provide highly sought-after fellowships that are designed to create partnerships among public interest lawyers, nonprofit organizations, law firms, corporate sponsors, and other donors in order to give underrepresented populations effective access to the justice system.

Students seeking a fellowship must first establish two elements:

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From the Director's Desk

by Professor Deborah L. Forman



Deborah L. Forman

I am pleased to report that the tradition of outstanding academic achievement and service among the Center for Children's Rights Fellows continues. In the Fall of 2005, Kristin Aagaard ('06) was awarded a State Bar Foundation Scholarship honoring her for her scholarship and commitment to public interest work. Kristin joins previous CCR winners of the Bar Foundation scholarship, Andrea Adelman ('06), Seni Baeza ('05) and Danette Gomez ('05),

who were recognized in Fall of 2004. In addition to achieving statewide recognition, CCR Fellows continue to shine within the Whittier Law School community. In the Class of '04, three CCR

Fellows—Jennifer Culhane, Craig Liu and Cynthia ("Sue") Siebel—were awarded Dean's Citations for Outstanding Service to the Law School. In 2005, Katherine David and Maureen van Stone joined the ranks of Dean's Citation winners. Ms. Culhane, who was Valedictorian of the Class of '04, was also named Outstanding CCR Fellow for that year. Ms. David took that honor for the class of '05. We are very proud of each of these award winners and congratulate them on their success.

As always, we thank you for your interest and support. ■

Attorney General Adds Minority Contacts Category to 2004 Juvenile Justice Report

by Jessica Carriger



Attorney General Bill Lockyer

Late last month, Attorney General Bill Lockyer released the Juvenile Justice Report for 2004, publishing statistical information about activities within the juvenile courts. The annual report is required by Welfare and Institutions Code section 285, which provides that "All probation officers shall make such periodic reports to the Attorney General at those times and in the manner prescribed by the Attorney General...." In 2001, the California legislature passed a

bill requiring that juvenile transfers and adjudication in adult court statistics be included in the Juvenile Justice Report. This year's report covered 52 of California's county probation departments (the other 6 counties were either unable to provide data or could only provide partial data).

In response to the growing concern of the flow of juveniles in state court, Lockyer introduced new changes to the Juvenile Justice report. One of these changes was adding a "Minority Contact" section comparing the outcomes of arrests and referrals to probation of minority and Caucasian minors within the system. In analyzing the data, the Attorney General's Office admits that on a few occasions, classification based on ethnicity is based on subjective factors such as skin color, but that most labeling is based on self-identifications.

The Minority Contract Relative Rate index in this year's report assigns index values based on population. The Caucasian juvenile

population is set at 1.0, and minority groups are assigned index values depending on how they compare. For example, an index rating of more than 1.0 indicates a minority over-representation; a rating of 1.0 indicates proportional representation; and less than 1.0 indicates minority under-representation. RRI rating results included the following:

Juvenile Arrests: Hispanic arrest rates were 1.16; Blacks 2.5; Asians .4.

Transfers to Adult Court: Blacks, Hispanics, and Asians were transferred to adult court almost 4 times as much as Whites (3.71, 3.21, and 3.95 respectively)

Referrals to Probation: Four times as many Whites as Black received probation (39.7% v. 9.7%).

Since this is the first year the minority contact category has been used in the Juvenile Justice report, it is unclear how analysis of these results will affect the juveniles' paths through the court system. While there does seem to be some inconsistency between minority contact, Lockyer's general attitude toward the report is that "gathering and publishing this data is an important tool for all of us to develop strategies that will help at-risk youth and society."

The complete Juvenile Justice report for 2004 can be seen on the Attorney General's website at: <http://ag.ca.gov/cjsc/publications/misc/jj04/preface.pdf>. ■

CCR Alum Helping Children in the Field

by Steven Chew

Whittier Law School alumnus, Edwin Egelsee, may have laughed at it at the time, but at the age of ten, when his parents joked about how he was destined to be a gifted lawyer, they were right on the mark. They did not know, however, where Egelsee would make his impact felt.

As it turned out, Egelsee chose a path that involved advocating for children. While pursuing his undergraduate degree at UCLA, Egelsee accepted a position as a teacher's aide at SmartStart, a non-public preschool comprised of children with learning disabilities that included severe autism, down's syndrome, and various speech and language impairments. At SmartStart, Egelsee learned first hand the struggles disabled

children face on a daily basis. This experience served as the impetus for Egelsee to apply to Whittier Law School and the Center for Children's Rights. Egelsee

saw the CCR program as one

that offered exciting opportunities to learn not only from accomplished professors, but also a chance to gain practical experience in the area of children's rights. The breadth and depth of CCR's program exposed Egelsee to a number of different areas regarding children's rights. Egelsee cited working at the Public Law Center in Santa Ana, CA with Scott Wylie and serving an externship with the Presiding Judge of Los Angeles Juvenile Court, Michael Nash, as tremendous learning experiences. However, given his background at SmartStart, Egelsee decided to focus his efforts in the area of special education law.

Upon graduating from Whittier Law, Egelsee took a position with a firm that practiced special education law at The Law Offices

"My best advice is to advocate strongly. Kids really are the voiceless. They should be afforded the strongest representation and need you to advocate with a heightened sense of zeal."

Kathleen Loyer. Working there from September of 2000 through December of 2003, Egelsee credited Loyer with being a great mentor as well as being a skilled attorney. "She was fantastic!" he said.

In January of 2004, Egelsee made the move to the Alliance for Children's Rights in Los Angeles. There, he was appointed to develop and head the special education program. Egelsee trained social workers, parents, as well other attorneys on various aspects of special education law. "The Alliance is such a fantastic place to be. Everyone's heart is in the right place which drives them to provide strong representation to underserved communities," said Egelsee.

Still, the desire to work directly with individual clients never left

Egelsee. As a result, Egelsee recently accepted a position to work at a firm headed by juvenile attorney, Danielle Augustin. In his current role, Egelsee works to help children and their parents learn the rights and responsibilities

involved in the special education process. On top of that, Egelsee is often appointed as co-counsel through the Edelman Children's Court to represent the educational needs of foster children. Although he concedes that juggling his workload is daunting at times, the importance of his client's needs keep Egelsee passionate and committed to seeing that they receive the services they need and deserve.

Asked about what he sees as the critical element when representing children, Egelsee replied, "My best advice is to advocate strongly. Kids really are the voiceless. They should be afforded the strongest representation and need you to advocate with a heightened sense of zeal." ■

Juvenile Law Moot Court Competition Celebrates Tenth Anniversary with Ninth Circuit Judge Harry Pregerson in Final Round Panel

In February 2005, Whittier Law School and the Center for Children's Rights sponsored and organized the Tenth Annual National Juvenile Law Moot Court Competition, the only national competition dedicated exclusively to issues confronting families and children. Over the past decade, competing law students have tackled controversial questions relating to child abuse, paternity, siblings rights, in vitro fertilization, and the institutionalization of minors.

Sixteen schools from around the nation competed for \$2,000 in academic scholarships. Participating law schools included Cardozo School of Law, University of Cincinnati, University of Connecticut, DePaul University, John Marshall Law School, Ohio State University, Temple University, and Villanova University. Competitors addressed issues involving a student's First Amendment challenge to a public high school's dress code policy.

University of Cincinnati School of Law earned top honors for Best Overall Team based on a combination of written brief and oral

argument scores. Villanova University School of Law won both Best Oralist and Best Brief. The winning brief will be published in the Spring 2006 edition of *Whittier Journal of Child and Family Advocacy*.

Attorneys, judges and professors from throughout California served as the judges for the teams' oral arguments. The preliminary, quarter final and semi final rounds took place at the Orange County Superior Court in Santa Ana. The final round was argued at the California Court of Appeal in Santa Ana. Judges for the final round were United States Ninth Circuit Judge Harry Pregerson, Presiding California Court of Appeal Justice David G. Sills and California Court of Appeal Justice Richard M. Aronson.

Whittier Law School and the Center for Children's Rights wish to thank the professionals in the legal community who volunteer their time to make the competition possible. ■

Honorable Leonard P. Edwards Speaks to Whittier Law School

by Stanley Wu

On October 27, 2005, students and staff from the Center for Children's Rights and visitors from the local community came to Whittier Law School to listen to a talk on improving the juvenile courts. The Honorable Leonard P. Edwards, one of the most respected jurists in the field of juvenile dependency law, came to speak about his experiences with the juvenile dependency system and important areas of improvement for juvenile courts in the future.

Judge Edwards is currently the Supervising Judge of the Juvenile Dependency Court in Santa Clara County and has served as the Supervising Judge of the Family Court. He is very active locally and nationally in juvenile and family law: he is the founder and immediate past president of the Juvenile Court Judges of California, the immediate past president of the National Council of Juvenile and Family Court Judges, and has served on the California Judicial Council. He is also accomplished in academia as well, having taught juvenile and family law at the University of Santa Clara Law School, Stanford Law School, and the California Judicial College. Judge Edwards has written widely in both juvenile and family law, including a book with his wife entitled *Child Abuse and the Legal System*. Recently, Judge Edwards was named Jurist of the Year by the California Judicial Council and was given the 2004 William H. Rehnquist Award for Judicial Excellence.

Judge Edwards spoke about the importance of improving the juvenile dependency courts in our legal system. Attendees were the first privileged few to hear Judge Edwards announce that the Chief Justice will announce a task force for foster care in California, a collaboration between judges and others, whose goal will be to improve outcomes for kids. Juvenile courts are working hard "to give families a fair chance, which means the courts have to provide good services." He talked about three programs in particular, which he felt the juvenile courts could adopt to improve their service delivery to children: dependency drug treatment courts, wrap-around services, and CASA (Court Appointed Special Advocates).

Judge Edwards illustrated the importance of dependency drug treatment courts to address the substance abuse problems the juvenile court sees on a daily basis. In a tape entitled "Legal Innovations: Dependency Drug Treatment Court," Judge Edwards gave an overview of the program: "It is an intensive effort by the juvenile court and all of its participants to provide intensive services

for substance abusing parents so they can get their rehabilitation fixed early and get the children back sooner." The courts "take a holistic approach to the recovery of our clients," bringing in domestic violence, mental health, public health, and housing experts to help the parents. With the institution of the program, the rate of children being returned to their parents increased from 43% to 80%.

The second program Judge Edwards talked about involved the establishment of wrap-around services for children in the juvenile courts. A difficult problem for juvenile courts involves children who are traumatized and cannot be managed at home. These kids usually end up in mental hospitals and group homes. Judge Edwards called the societal response to these children "ineffective" and suggested that wrap-around services provide a "dramatic change in the delivery of social services, which is ecologically based." Children are put into an environment where a group of adults, consisting of professionals and community members, wrap themselves around the child twenty four hours a day, "not giving up on them."

Lastly, Judge Edwards spoke about his strong belief in the effectiveness of CASA (Court Appointed Special Activists). Also known as guardians ad litem, the listeners at the talk

viewed the first tape created by Judge Edwards on CASA. The tape outlined the work CASA does in recruiting, training, and supervising volunteer advocates for abused and neglected children. The advocate's job is to do fact finding, get to know the child, and report to the court what is in the best interests of the child, making sure that the children get into a safe, permanent home. In talking about CASA, Judge Edwards said that the courts "have a very short time to put the family back together. The juvenile court cannot do this job alone. The juvenile court needs support from the community, and the unique thing about CASA is that they are representatives of the community." The goal, said Judge Edwards, is to eventually have a CASA representative for every child in the dependency court system.

Throughout his talk, Judge Edwards emphasized the importance of developing the juvenile dependency court system through collaborations with other courts across the country and also with members of the community at large. "I want people to know about best practices," said Judge Edwards. "This is how we learn from each other: we see new ideas and share." ■



Whittier Journal of Child & Family Advocacy Publishes Most Comprehensive Volume to Date

by Timothy A. Haskell

Volume Four, Issue Two of the Whittier Journal of Child and Family Advocacy is the publication's largest edition to date. Including eight Articles, and several additional Notes and Comments, the publication continues as a leading authority in the area of child and family rights, and a resource of information to those in the legal community.

Many of the Articles featured in the latest publication are based on presentations delivered at the "Symposium on Parentlessness: Promoting the Best Interests of Parent-Deprived Children Growing Up in a World of Diversity," held at the I. Reuben Clark School of Law at Brigham Young University. The Symposium featured various topics, including adoption, the children of same-sex couples, no-fault divorce, and assisted reproduction technologies.

The first Article is written by Elizabeth Brandt, James E. Rogers Distinguished Professor of Law at the University of Idaho College of Law. Entitled *Cautionary Tales of Adoption: Addressing the Litigation Crisis at the Moment of Adoption*. The Article begins with cautionary tales about an unwed father's bitter struggle to establish parental rights. Brandt argues that the prolonged litigation process required for unwed fathers to regain custody of their children is unnecessary and harmful to both the parent and the child. A new approach is proposed, calling for states to consistently notify birth fathers of any pending adoption affecting their child, and requiring the swift resolution of such claims if they arise. The Article is available at 4 WJCF 187 (2005) in the Law Review section of Westlaw.

Whittier Law School J. Allan Cook and Mary Schalling Cook Children's Law Scholar and Professor of Law Deborah L. Forman argues for the recognition of same-sex parental rights in *Married with Kids and Moving: Achieving Recognition for Same-Sex Parents Under the Uniform Parentage Act*, 4 WJCF 241 (2005). The Article develops an argument supporting a gender-neutral interpretation of the Uniform Parentage Act (UPA), and asserts that such an argument demands that the judiciary recognize same-sex parental status, even if a state's Defense of Marriage Act outlaws recognition of such a status itself. Forman discusses parental rights to a child created by the marriage of a non-biological parent, and explores various legal principles and theories backing the interstate recognition of a same-sex partner's parental rights in light of the UPA.

Georgia State University College of Law Professor L. Lynn Hogue wrote *Avoiding Parentlessness by Assisted Reproductive Technology (ART): A Proposal for Enforcing Contracts and Avoiding the Public Policy Doctrine in Interstate Cases*, 4 WJCF 269 (2005). In the piece, Hogue discusses the expansive social, societal, and legal ramifications for those who participate in conceiving children through Assisted Reproductive Technology (ART). After defining and providing a background for ART, Hogue provides a rich discussion of cases involving the legal difficulties of enforcing the contracts that currently govern ART. Second, the Article outlines the problems of relying on state contract law in situations involving ART, highlighting that the variances in state law and the increased mobility of families in modern American society contribute to a wide range of legal confusion about the correct governing

procedures in any such dispute. A more uniform remedy is suggested to solve these problems.

Laurence C. Nolan, Professor of Law at Howard University School of Law, authors *Preventing Fatherlessness Through Adoption While Protecting the Parental Rights of Unwed Fathers: How Effective are Paternity Registries?* 4 WTJCF 289 (2005). Nolan begins by discussing background on adoption law, and then *Stanley v. Illinois*, the

landmark parental rights case in which unwed fathers were held to have a liberty interest in preserving the parent-child relationship. The author then proceeds to weigh the competing interests of the state in completing and expediting a child's adoption process and the unwed father's liberty interests in preserving his parental ties. The Article comes to the conclusion that paternity registries designed to protect the rights of unwed fathers often fall short because of a lack of public awareness and a registry's limited effect as an intrastate instrument.

Nicholas H. Wolfinger, Ph.D., Department of Family and Consumer Studies, University of Utah, provides a statistical analysis and discussion of the social policy behind no-fault divorce in *The Mixed Blessing of No-Fault Divorce*, 4 WTJCF 407 (2005). The Article begins with a before-and-after comparison of fault-based divorce laws and discusses recent social movements designed to reverse the rising trend of faultless break-ups. The Article goes on to favor the no-fault divorce policy through statistical surveys and studies, arguing that reverting to a fault-based system of law would lead to the negative marital consequences a faultless system was created to avoid.

The first issue of the fifth volume of the Whittier Journal of Child & Family Advocacy continues the publication's commitment to promoting the best interests of children and their families through detailed legal analysis. As well as continuing to enhance



Professor Wald - continued from page 1

opportunities, but Professor Wald says this is beginning to change and we should be thinking more in terms of desired outcomes. Disconnected youth are teens and young adults who will not reach five outcomes by age 25 that Wald considers critical. Those outcomes are to avoid incarceration, to attain the capability to be self-sufficient, to be embedded in a social support network, to avoid developing any preventable, serious physical or mental health concerns, and to ensure that anyone who is a parent is an adequate parent.

According to Wald, between 200,000 and 300,000 of the four million 14 year-olds today will not reach these outcomes. Professor Wald points out that we can predict which children are at risk, as nearly all disconnected youth between the ages of 12 and 17 fall into one or more of the following four categories: Drop-outs, youth who are entrenched in the juvenile justice system, children in the foster care system, and teen mothers.

Professor Wald spoke about how we can address these issues. Youth must become a focal point in children's rights. We have an opportunity to help these children by improving the institutions of which they are a part. Specifically, schools, the juvenile delinquency system, and foster care need to be improved. For example, schools are built around going to college, yet 57% of young adults have no

college degree. "Schools still operate on this...Henry Ford factory model that we can process all of these kids equally," said Wald. They must adjust to the reality that there are multiple paths to success for young adults.

In the juvenile justice system, the system has gone from one of rehabilitation to one of punishment. "We need to return to a right to treatment," said Wald. Pulling kids out of a normal, healthy peer environment and placing them with other teens with problems gives them little opportunity to improve. The system needs to restructure itself around adolescent developmental tasks to ensure that these teens are able to reach them.

Finally, Professor Wald pointed out that the systems of support for children end at age 18 if they do not go to college, despite the fact that current research shows that development continues through age 24. Those who attend college have a system in place to help them reach the desired outcomes (housing, health services, career counseling, subsidized loans, etc.), while those outside of it are left on their own. Professor Wald urges that more be done to address the large number of young adults that fail to reach these critical outcomes, for both the good of those children and for society as a whole. ■

WJCFA - continued from page 5

the publication itself, this year's editorial board made strides to work in unison with other children's rights agencies in hopes of better informing professionals in the field about the legal options for children and families involved in the court system.

The latest issue begins with a short statement by Los Angeles Superior Court Judge Cynthia Loo, who worked for the Children's Law Center for over ten years before joining the bench. Judge Loo speaks of an experience with a child that forever changed her, and how that experience stays with her in her work today.

Texas Judge Veronica Torrez and attorney Cheryl Coleman co-authored *The International Abduction of 'International Children': Conflicts of Laws, Federal Statutes, and Judicial Interpretation of the 'Hague Convention on the Civil Aspects of International Child Abduction'* which looks at the many difficulties involving cases where parents abduct children to foreign countries.

Professors Margaret Brinig, Gerald Jogerst, Jeanette Daly, Jeffrey Dawson and Gretchen Schmuch all co-author *Lawmaking by Public Welfare Professionals*, which takes an in-depth look at some of the obstacles associated with bureaucratic discretion in investigating elder and other kinds of abuse. This article is followed by attorney Melinda Bird's *Emily Q.'s Story: Using Medicaid Litigation to Expand Positive Behavior Interventions for Children in the Mental Health System*, where Bird examines recent litigation intending to institute mental health services for low-income children.

Attorneys Barbara Bennett Woodhouse and Sarah Rebecca Katz take a look at the progression and strategies of the *Hear My Voice*

child activist group in *Martyrs, the Media and the Web: Examining a Grassroots Children's Rights Movement Through the Lens of Social Movement Theory*.

The Journal also features two studies conducted in the field of child advocacy. Shimica Gaskins authors *Is it Possible to Reform a Child Welfare System? An Evaluation of the Current Progress in the District of Columbia and the Advocacy Strategies that Led to Reform*, an in-depth look at the pivotal federal class action lawsuit that changed the way Washington D.C.'s child welfare system conducts its affairs. Maryann Zavez publishes the findings from a Vermont Law School study looking at the role confidentiality plays in both attorney and social worker relations with their clients, and then provides recommendations for creating a structure that is mindful of such concerns, but enhances representation through communication between legal professionals and social workers. The article is entitled *The Ethical and Moral Considerations Presented by Lawyer/Social Workers Interdisciplinary Collaborations*.

The upcoming Spring 2006 issue promises an equally in-depth look at current events in the legal field of child and family law. Submissions set for publication include discussions on the harm the No Child Left Behind Act is causing students, and a look at the Statute of Limitations involving child abduction cases. For more information about obtaining a subscription to the Whittier Journal of Child & Family Advocacy, please contact WJCFA-ManagingEd@law.whittier.edu. ■

Child Victims of Sexual Abuse in the Roman Catholic Church

by Maureen Van Stone

The Center for Children's Rights hosted a colloquium for fellows and guests on April 5, 2005; the title of the colloquium was "Sex Abuse in the Catholic Church" and the speaker was a local attorney, Ms. Katherine K. Freberg.

In 1997, Ms. Freberg filed her first lawsuit against the Roman Catholic Church for childhood sexual abuse. She represented a student/parishioner in a priest molestation case against the Archdiocese of Los Angeles and the Diocese of Orange in which Ms. Freberg's client recovered \$5.2 million (the largest payment to a single victim by the Catholic Church).

Since that time, Ms. Freberg has devoted the majority of her practice to representing victims of childhood sexual abuse, primarily against the Roman Catholic Church within the state of California. Currently, she represents 154 victims (approximately 95% male victims) in a coordinated action. Each of the victims reported the sexual abuse by clergymen to their family members, law enforcement officers, attorneys, or members of their Church. Of her 154 victims, most leave the faith and doubt God; in fact, only one of Ms. Freberg's clients remains a member of the Roman Catholic Church.

The victims typically suffer sexual abuse between the ages of seven to seventeen years, a period when Catholic children receive four of the seven holy sacraments. The sexual abuse occurred in a variety of locations, including the priest's bedrooms within the confines of the rectory, and confessionals (where parishioners confess their sins to priests). Ms. Freberg's clients typically reported the allegations of abuse to Church officials, rather than law enforcement. When the Church failed to respond or responded by relocating the priest to another diocese, families struggled with their disappointment and doubt in the Church. In some cases, the internal family struggle became so great that devout Catholic families divorced; mothers typically remained in the Catholic faith. In some egregious cases of sexual abuse, priests preyed on recently widowed Catholic mothers and their children. Ms. Freberg's cases of sexual abuse are not limited to fondling and petting.

Ms. Freberg categorizes her cases around three issues: (1) legal issues; (2) factual issues; and (3) moral issues. Legal issues include the

application of the First Amendment, the priest-penitent privilege, the psychotherapist-patient privilege, conspiracy, and the negligent supervision of priests. Factual issues include the type of sexual abuse, the location of the abuse, the duration of the abuse, the pattern of abuse, the Church's knowledge or prior notice of the alleged abuse, and the concealment of legally significant facts hidden in sacred documents within the secret archives of the Church. Unlike other types of litigation, moral issues are unique to these cases. The victims suffer from poor grades, depression, and isolation, addiction to drugs and alcohol, suicidal ideation, and post-traumatic stress disorder. Commonly, the victims demand a change in Church policies and assurance that other children will be safe. One way to ensure change is to expose the sexual abuse and the years of cover up within the Church.

The most common remedy for victims of sexual abuse is money in the form of compensatory and punitive damages; although, when Ms. Freberg settled her case in 1997, the Archdiocese of Los Angeles agreed to a zero-tolerance policy of sexual abuse by priests. In December of 2004, Ms. Freberg successfully settled 33 victims' cases for \$38,136,000 against the Diocese of Orange. In northern California, an Alameda County jury awarded nearly \$2 million in damages to two brothers and former altar boys who were molested by a now-defrocked priest. The Oakland Diocese transferred the priest to another church, even though it knew he was a pedophile. More recently, three men and a woman repeatedly (some more than 700 times) molested by a Roman Catholic priest were awarded \$5.8 million in damages in a verdict handed down in California. Similarly, there are more than 230 lawsuits against dioceses in northern California and cases pending in all 50 states. The statute of limitations and state law regarding criminal prosecutions vary; the California legislature

briefly lifted the statute of limitations in 2003, which resulted in more than 750 cases brought against the Roman Catholic dioceses in California.

Years ago, Catholic cardinals met with Pope John Paul II to address these cases; it will be fascinating to see how Pope Benedict XVI responds to the increasing number of incidents reported in dioceses across America. ■



WLS Alums at Children's Law Center

by Amanda Caracci

Nancy Sarinana graduated from Whittier Law School in 2003, having reaped the benefits of the Center for Children's Rights fellowship program.

CCR was the most beneficial part of attending Whittier Law School, Sarinana said. She took comfort in knowing that she was going to work with children, and the program made her law school experience so much more enjoyable, she added.

Sarinana volunteered for six months after passing the bar. She worked at the Alliance for Children's Rights for six months, the last three of which were supplemented with an additional volunteering position at Children's Law Center of Los Angeles, she said.

Sarinana has been a staff attorney at CLC for eight months and really enjoys working for children, she said. As an attorney for children at CLC, Sarinana helps to ensure safe homes for children.

"I have the opportunity to help not just children, but their families," Sarinana said.

Ultimately Sarinana enjoys working in the field of dependency because she feels that she's working for the greater good in preserving families. In helping to provide safer families for these children, Sarinana hopes to prevent these children from falling further into the juvenile court system as delinquents, she said.

Playing the role of child advocate at CLC is more appealing to Sarinana than providing legal assistance in other contexts, she said. Her other legal experience includes externships with the presiding judge at Children's Law Center and the Senate Judiciary Committee in Sacramento. Sarinana also externed with a judge in the field of family law and participated in the Special Education Clinic at Whittier Law School.

"This is definitely the area of law I want to work in," Sarinana said. In fact, when asked where she sees herself in 10 years, Sarinana responded, "After the last few months [at CLC]...I think I might still be here."

Brian Thompson is also a child advocate at CLC in addition to coaching trial advocacy at Whittier Law School.

This is not the first time Thompson has returned to an alma mater as an instructor and mentor. Prior to coming to

Whittier Law School, Thompson worked as a first and third grade teacher at the elementary school in Carson he attended as a child.

Upon leaving this elementary school after the fourth grade, Thompson had difficulty adjusting academically to his new school outside of Los Angeles Unified School District because LAUSD schools were not always as accelerated as schools outside the district, he said.

Thompson later returned to his former elementary school, this time as a teacher for LAUSD. Being a teacher in Carson exposed Thompson to some of the social issues plaguing children, such as educational disabilities and issues that lead to foster care, he said. His growing interest in helping children is what led him to Whittier Law School—specifically the CCR program, he said.

Thompson externed at the District Attorney's office and dependency court before graduating from Whittier Law School in 2003.

Although externing for the District Attorney's office, Thompson said he knew when hired that he wanted to be a public defender. The district attorney potentially has more power to give the accused the proper rehabilitation, but this privilege only comes after lots of experience, he said. Overall, he did not feel as though he was making as big a difference as he would like, he said.

"It was a good experience, though. I'm glad I did it," Thompson said.

Upon receiving his bar results, Thompson landed a job at a law firm, he said. However, the job turned out to be less than what he was hoping for and Thompson gave his two-week notice after only two weeks of work, he said.

"It was the best decision I ever made," he said.

If he hadn't roughed it through four weeks of torture at a law firm, Thompson would not appreciate his current position at CLC as much, he said. The law firm reaffirmed his theory that money does not buy happiness, he said.

After experiencing the law firm, Thompson returned to teaching. He was a substitute teacher in Paramount until landing a job at CLC, where he has worked for over a year and thoroughly enjoys it.

"Right now I'm having a blast," Thompson said. ■



CCR Students in Hawaii

by Timothy A. Haskell

The study of law is a vigorous process. It entails long hours, constant study, and a dedication to excellence far surpassing that of most endeavors. Stress, anxiety, and a certain amount of frustration are all common elements in any dedicated law student's life. With these realities in mind, it is no wonder that six students from the Center of Children's Rights were so enthusiastic about taking a week-long trip for a conference on issues in family and community violence—on the beautiful island of Honolulu, Hawai'i.

The Sixth National Conference on Family and Community Violence Prevention took place from April 6-9, 2005 at the Sheraton Waikiki. Sponsored by the U.S. Department of Health and Human Services and Central State University of Wilberforce, Ohio, the conference addressed a vast array of topics which either provoke or cause violence within the home or within the community. Topics included a discussion on gang dynamics and identifying traits, culturally sensitive approaches to fostering resiliency for at-risk youth, and a panel on the causes, effects, and ways to intervene on domestic violence. In all, over fifty presenters spoke, with fields of expertise ranging from law enforcement to medicine.

The influence of rap-music upon the country's youth was also a prevalent theme throughout the conference. One panel featured hip-hop artists Rah Digga of the renowned Flip Mode Squad, and Chris "Kid" Reid, formerly of the ground-breaking group "Kid-N-Play," commenting on social problems within the community, and how rap has either been a positive or negative influence for youths. Another session dissected gang influences in the music world and instructed the attendees about current trends in genre.



The conference came to a particularly poignant moment when William "Blinky" Rodriguez, Executive Director of the "Communities in Schools" program in Los Angeles, took the stage. Rodriguez's son was killed over ten years ago in a drive-by shooting. Stricken by grief, Rodriguez has dedicated his life to improving the community, and has been instrumental in orchestrating several "gang-truces" throughout the Los Angeles and San Fernando Valley areas. After showing a brief video addressing the senseless nature of gang-related crimes, Rodriguez fired into a powerful and heartfelt

speech about the importance of confronting gang-related crime, rather than cowering before it. Upon receiving recognition for his service to the community, Rodriguez was met with a standing ovation.

More than just serious topics were included in the itinerary. Attendees were treated to an authentic Hawai'iian luau in the courtyard of the Waikiki Sheraton; a relaxing evening accompanied by a traditional Hawai'iian delicatessen of chicken and poi poi. After the meal,

contemporary Hawai'iian guitarists took the stage to serenade the audience while hula dancers performed various native dances. Not even a brief stint of "liquid sunshine"—also known as "rain"—could dampen the show.

"Everyone had a good time," commented second-year Whittier Law student Ronald Clifford, "the speakers were very interesting and it was good to hear so many different viewpoints about issues affecting our nation's youth." In total, the students spent six full days in Hawai'i, and were reluctant to rejoin the daily routine of law school life: tests, outlining, and constant deadlines. ■

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that there is a need for their project and second, that the program is innovative in addition to benefiting society. For example, a legal clinic tied to a homeless shelter is very much needed and it serves the public interest, but it is hardly innovative.

The selection process is very rigorous and time consuming, and the fellowships often go to students from east coast law schools. Undeterred, Maureen waded in. The applications are due in September of a student's third year, but preparation can easily consume the entire summer before.

Maureen proposed a partnership between Maryland Volunteer Lawyers Service, a non-profit legal aid organization, and the Kennedy Krieger Institute at Johns Hopkins University School of Medicine. The goal of this partnership would be to link attorneys with health care professionals and teachers to allow them to band together to advocate for their patients who needed services and to

provide educational materials and training for the families of children who have disabilities.

When Maureen was chosen as one of the finalists, she went back to EJW for a day-long interview process where she was asked to explain her vision to different panels and she met the other finalists. In December, she received the news that her proposal had been accepted and she would return to Kennedy Krieger Institute as an EJW fellow, providing advocacy and legal services for children with disabilities.

Maureen would encourage other Whittier Law students to seek out and apply for fellowship positions, both with Equal Justice Works and elsewhere. It is a very rigorous and challenging process, but also very rewarding when you can present your vision and have others understand and eventually share in it. ■

CCR Students Spend Summer Abroad in Ireland

by Kristen Aagaard

This past summer, CCR student Michelle Robel and I went to Dublin, Ireland for a month for a summer abroad program. We chose Dublin because the University of Tulsa offered some really interesting classes and a chance to do a graded internship. We were able to take Comparative Family Law, International Children Rights and participate in an internship. Comparative Family Law was taught by Professor Marianne Blair from University of Tulsa. She is a well known professor regarding family law and especially international aspects. The textbook we used, written by Blair, is the only comparative family law textbook on the market. The class was for two credits and met every day for about an hour and a half. The class discussed the Hague convention and how it is applied. It also discussed the European Union and how the European Court of Human Rights functions.

Our other class, International Children's Rights was the only class dealing with international aspects of children's rights that we could find in all the summer programs. The class was taught by an Irish professor, Paul Ward. The class was short, but very informative. We mostly discussed cases from Ireland and the U.K. It was a really interesting class. We wrote a paper at the end of the session.

Finally, we had an internship. University of Tulsa offers the program to all Ireland students. This was truly a unique experience, because most international internships require that you speak another language. Michelle and I had to communicate with internship director, Ferguson Ryan, to make sure we would be able

to do something that was family or children related. For the internship, we had an orientation and a few classes. We were placed with One Family, a non-profit organization that works with single parents in Ireland. The organization has a hotline, and they get a lot of legal questions. They wanted us to help start a manual that can be used by non-legal professionals to help point their clients in the right direction with legal questions. This was actually more challenging than it sounds. We were trying to write a manual on Irish law (of which we knew very little), but with some research, we both managed to finish a draft of a chapter.

Through the CCR summer grant, we were able to pay for the tuition for the program so the program was fairly affordable (although watch the exchange rates!). I feel the classes expanded my knowledge on family and children issues, and also added a unique international perspective. If you are interested in a summer abroad program, I would absolutely recommend it. Start looking and applying early. Although we were school, we were still able to have a great time. We saw all the sights in Dublin, and we saw some of Western Ireland, including the Aran Islands and the Cliffs of Moher. We were also able to see London and parts of Italy by extending our trip after school was over. We met some really nice people along the way. So, if you are not sure what you have planned for the summer, look into a summer abroad program – it is a great way to get ahead with your credits, and I have memories that will last a lifetime. ■

Internet Searches Reuniting Foster Children with Relatives

by Susan Sams

“Family finding” is an innovative, new approach to the old problem of placing abused and neglected children who are removed from their parents’ custody. Using the information gathering capabilities of the Internet, family finding allows children to reconnect with relatives rather than face the uncertainty of the foster care system.

The family finding process involves identifying and locating family members using the internet. Information garnered from the child and the case file provides the basis for a custom internet search that can generate the names of relatives from a variety of sources including marriage licenses and property records. Many times, in less than an hour, several family members can be identified. The list of names and addresses produced from the search provides social workers with a starting point for tracking down kin. As family members are found, social workers

Extensive screening of found family members, which include background checks and in-home evaluations, protects the well-being of the child.

contact the family for possible placement or for additional contacts. Extensive screening of found family members, which include background checks and in-home evaluations, protects the well-being of the child.

The approach, which was originally developed in Washington, has been so successful that it is gaining national acceptance and has been adopted by some counties in California. For example, the Santa Clara County Department of Family and Children's Services has created a unit of social workers dedicated to finding families. The Santa Clara program is helping California children find permanent homes with grandparents, aunts, uncles and cousins, instead of facing a childhood of temporary foster care placements. Through family finding, children who felt as though they were facing the world alone have discovered familial support systems that can last a lifetime. ■

Public Service Committee Bridges Gaps Between Children and Law Students

by Mary Hegardt

Marian Wright Edelman, attorney and founder of the Children's Defense Fund, said, “Children cannot eat rhetoric and they cannot be sheltered by commissions. I don't want to see another commission that studies the needs of kids. We need to help them.”

The Whittier Center for Children's Rights promotes helping children when their legal rights are in jeopardy, but the CCR Public Service committee also helps kids have fun. Several times each year, the Public Service committee arranges an afternoon or evening of fun with one of the organizations in Orange County that reaches out to children in need. So far this year, we have done Halloween pumpkin carving at Orange Coast Interfaith Shelter and face painting, crafts and games at Orangewood Children's Home. These activities last for a couple of hours and are great times to hang out with kids in need, have fun, eat some candy, play some games and forget about casebooks. Anyone who has attended one of these events will tell you, even brief time spent with these kids is both inspiring and gratifying. These times also serve to remind us that under the glitz on the surface, Orange County has a large number of kids who need help at the most basic level.

The organizations where we do our outreach are Orange Coast Interfaith Shelter and Orangewood. Orange Coast Interfaith Shelter is located in Costa Mesa and offers

emergency shelter and transition housing for families and single mothers with children. The Shelter has an active outreach program that finds homeless families and brings them into the shelter for assessment and housing. The goal is to enable homeless families to achieve self-sufficiency.

The Orangewood Children's Home is Orange County's only emergency shelter for neglected and sexually, physically or emotionally abused children. The Home provides refuge each year for about 2,700 children who have been removed from their caretakers by police officers or child protective services workers and placed into protective custody. It is comprised of nine cottages that house children and teens ranging in age from just days old to age eighteen. Currently, the average stay is seventeen days. The Home is equipped to hold more than two hundred children.

The Outreach Committee's goal is for the students to take time out of their studying to sit down, relax, play games with and enjoy the kids, and to put a face on the issues we read about in the books. Students from CCR and the Whittier Public Interest Law Foundation (PILF) are the usual attendees, but everyone is welcome at the outreach events. You can sign up for the events in the CCR office. Remember, as Victor Borge said, laughter is the shortest distance between two people. ■

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SPRING 2006

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The Whittier Journal of Child & Family Advocacy is now accepting articles for the Fall 2006 issue. All submissions are considered on a rolling basis, and may be submitted by U.S. Mail or electronically in Microsoft Word or WordPerfect format, and to the attention of the Solicitations Editor. Articles sent via U.S. Mail will have to be sent in either Microsoft Word or WordPerfect format upon formal acceptance for publication. All submissions must be typed and double-spaced with footnotes conforming to proper ALWD citation format. The author's name, professional and/or academic affiliation, address, email contact, and telephone number should appear on the first page.

For additional questions about topics or submitting articles in general, please feel free to contact Christina Curtis by email at WJCFA@law.whittier.edu.

Please Send All Submissions by Either E-Mail or Postage to:

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