

The Work of the American Bar Association and its Affiliates

This survey will list and summarize the recent relevant publications of the three ABA entities most involved in initiatives relating to “youth at risk”:

1. The ABA Steering Committee on the Unmet Legal Needs of Children
2. The Young Lawyers’ Division
3. The ABA Center on Children and the Law
4. The Juvenile Justice Center (now the National Juvenile Defender Center)
5. The Division for Public Education

The final section summarizes the relevant work of other entities within the ABA, with the aim of identifying possible additional participants in a “youth at risk” initiative.

The ABA Steering Committee on the Unmet Legal Needs of Children

<http://www.abanet.org/unmet/home.html>

Teen Dating Violence Prevention Initiative [current]

The steering committee is currently working on a Teen Dating Violence Prevention Initiative. Research has shown that victims of teen dating violence are likely to be re-victimized, and that violent dating behaviors are a precursor to domestic violence. The aim of the initiative is to eliminate the prevalence and cultural acceptance of teen dating violence in the United States through a five-stage Initiative that includes: program design and implementation strategies; a teen-driven multidisciplinary educational and planning event that will conceptualize a week in high schools across the nation for dialogue and activities that address the issue of teen dating violence; the design and production of school toolkits for planning high school events and classroom activities to create awareness; evaluation components to measure and improve effectiveness; and, public policy efforts that will sustain awareness and prevention, and encourage positive youth development.

How to Start Your Own School-Based Legal Clinic [2002 book]

How To Start Your Own School-Based Legal Clinic is a guide for members of the legal profession and law school clinics who would like to get involved helping high school teens with their legal problems so they can better concentrate on the business of learning. The book discusses important considerations, such as how to locate a facility, how to develop relationships with school administrators and personnel without breaching confidentiality, how to address the myriad of issues that students may bring to the clinic, how to get funding, and how to keep funding through user-friendly evaluation methods. The publication also contains a reference section so that interested advocates may contact the existing pioneers in the field for advice and guidance.

America's Children STILL at Risk [2001 report]

In 1993, the ABA's Presidential Working Group on Children and Families released a report entitled America's Children at Risk: A National Agenda for Legal Action. In 2001, the successor to the working group, the ABA Steering Committee on the Unmet Legal Needs of Children, released a second report entitled America's Children STILL at Risk. The report encourages lawyers and child advocate to invest their time and provide needed legal and other services that will benefit our nation's children. A collaborative effort, the book's authors include more than eighteen ABA entities and staff, and over a hundred child advocates from numerous States in various fields of expertise.

America's Children Still at Risk is intended to educate the public, the legal profession and public policy-makers on the legal needs of children and provide suggestions on how the laws and our children's legal needs can be coordinated so that all children might live safe, happy, healthy and productive lives. Chapters include discussions on health needs, legal representation concerns, family law issues, technology, immigration considerations, the unique needs of rural and Native American children, the legal complications involved in a child's transition to adulthood, children's educational barriers, the impact of income problems on a child's and family's life, employment and housing problems, juvenile justice topics, child welfare issues, and the negative impact of violent experiences on children.

Educating Children Without Housing [handbook]

Recognizing the need for more legal training in this relatively new frontier of the law, the Steering Committee and the ABA Commission on Homelessness and Poverty jointly published an informative handbook for state department of education representatives, state homeless education liaisons, school personnel and administrators, and pro bono attorneys, so that homeless children's legal educational rights are recognized and met. Stressing cooperation among those parties, "Educating Children Without Housing" intends to avoid lawsuits that can further disrupt a homeless child's education; prevent additional hardships for the already vulnerable child; and end the legacy of family homelessness that threatens many children's futures.

Make a Difference in a Child's Life: 25 Projects for Lawyers

This publication for lawyers outlines various projects that can help children. In addition, it includes practical information for launching a project. Over 2,500 copies of this publication have been distributed to state and local bars, law firms, legal services programs, and individual attorneys.

Young Lawyers' Division

<http://www.abanet.org/yld/home.html>

The Young Lawyers' Division includes a Committee on Children and the Law (which works with and assists the Division's Center on Children and the Law) and a Committee on Public Education, the objective of which is to increase the public's understanding of the law through the development and promotion of adult and student law-related education programs and Law Day activities throughout the country.

Child Advocacy Award

The ABA Young Lawyers Division and the ABA/YLD Center on Children in the Law established the Annual Child Advocacy Award to honor lawyers for distinguished service on behalf of children. The award recognizes the contributions to the legal profession by child advocates who have actively labored on behalf of children. The award also celebrates the often unheralded services that child advocates bring to the legal profession and to children. The Division presents two awards, at least one of which is awarded to a young lawyer at the ABA Annual Meeting.

"One Child One Lawyer"

In 2003, the Young lawyers' Division created an initiative called "One Child One Lawyer", to provide lawyers with skills and contacts to make a difference in the life of a child. The initiative is multifaceted: "To give children who have been removed from their home a voice in the system that determines their fate, we will provide training programs for lawyers to serve as guardians ad litem. To give children who have no real hope for reunification with their birth family, we have training to enable young lawyers to serve as pro bono counsel for families wanting to adopt these children or create guardianships to formalize and finalize the commitment to that child. And for those children who need guidance on issues impacting their ability to learn, we have a program to create school-based legal clinics. These clinics can help students in middle and high school with issues from dating violence and immigration issues to parental rights and homelessness."

Youth Empowerment Summit

The YLD conducted the Youth Empowerment Summit ("Yes"), an education project in which teens are brought together to explore and discuss justice, freedom, equality, and peace within their community. The goal of the YES program is to demonstrate to young people that an understanding of the law is essential to reducing violence.

Kid's Safety Plans

YLD worked with the Commission on Domestic Violence to develop a brochure called "Safety for Kids" to teach children how to best protect themselves safely during a violent incident and who to go to for help.

Student Jury Program

With this project, the Division will educate high school students regarding one of the most valuable civic duties in which they can participate: jury service. We The Jury provides valuable public service with which the Division has long been associated, while at the same time

educating those individuals who will one day stand to deliver justice in the context of their civic duty.

“Courage to Live” curriculum

The *Courage To Live* program has 2 components:

1. To train judges throughout the country to implement the *Courage To Live* program in their communities.

2. To have judges teach young people in their state about the potentially tragic consequences associated with underage drinking and driving through the *Courage To Live* curriculum.

The target audience for the *Courage To Live* program is middle school students ages 11 – 14.

This target group was chosen because statistics show that children, ages 11 – 15 (and younger) are using alcohol and it is the number one drug of choice among our nation’s youth.

ABA Center on Children and the Law (part of the Young Lawyers' Division)

<http://www.abanet.org/child/home2.html>

*Please note that this web site contains all of the ABA policies relating to children from 1979-2004 at <http://www.abanet.org/child/abapolicies.html>

Center Activities

The Center's staff work involves considerable training and technical assistance to state and county child welfare agencies and courts throughout the country related to abuse and neglect cases, foster care, termination of parental rights and adoption, and improved legal representation of children. They are also involved with grant-funded projects on: sexual exploitation of youth; educational advocacy for youth in foster care; legal issues related to substance-abusing parents and incarcerated parents when their children are in foster care; domestic violence and its impact on children; and preparing youth for transitioning from foster care to adult independence. The Center is also involved in some international work, in collaboration with ABA-Latin America, ABA-Africa, and outside organizations, involving protection of children from abuse, exploitation, and trafficking.

The Center's research unit does grant-funded studies of the impact of federal laws and policies related to child protection, such as a long-term study of the use of closed-circuit television and videotape technology in child sexual abuse cases. The Center publishes the monthly "ABA Child Law Practice" that features articles to improve knowledge and skills of lawyers and judges involved in children and youth cases. The Center is collaborating with the group Generations United on an ABA Annual Meeting CLE program in Chicago on legal issues related to grandparents raising grandchildren who otherwise might be in foster care, including the use of Subsidized Guardianships to support the care of these children.

Making it Permanent: Reasonable Efforts to Finalize Permanency Plans for Foster Children [2002 report]

The Adoption and Safe Families Act requires that permanency plans for children be determined at permanency hearings. Judges must make findings that the child welfare agency is making "reasonable efforts" to finalize those plans. What this means, and how to do it, is the subject of a Center book, designed to help judges issue orders and resolve disputes so children move more quickly into permanent placements and guide child advocates in eliciting information on agency efforts to move children into permanent homes. Chapters address: determining the permanency plan; assessing reasonable efforts to finalize a permanency plan for reunification, termination of parental rights/adoption, legal guardianship, relative placement, and another planned permanent living arrangement; handling interstate placements (and use of the Interstate Compact); and securing adoption subsidies. Includes checklists and sample court forms and court orders (with each chapter), the text of relevant ASFA regulations, an ASFA timeline chart, and a resource directory. The Full Report (217 pages) is now available as a PDF document for downloading and printing at this link

Keeping Kids out of the System [book]

The ABA Center on Children and the Law has published Keeping Kids Out of the System: Creative Legal Practice As A Community Child Protection Strategy, by Center staff attorney

Leigh Goodmark. This book was made possible by a grant to the Center from the Edna McConnell Clark Foundation.

When children are abused or neglected by parents or caregivers, the child protective system must intervene to keep kids safe. But many families with children need help without needing protective services interventions. This book illustrates legal programs that step in to help families so that child protective services need not be involved. It describes specific work of a wide range of legal services providers that are helping, for example: families affected by HIV; parents with mental health or substance abuse issues; and families needing help with public benefits. Each section describes: a specific legal program and its services, plus contact information; how the program helps avoid child protective intervention; and how the program is funded and staffed. Included are examples of the program effectiveness and profiles of average clients, information about program partnerships with other organizations and disciplines, and challenges that programs face. The book is designed to give readers a sense of the scope of innovative legal work on behalf of children and families throughout the country. It aims to spur communities to import some of the program ideas into their efforts to meet the needs of at-risk families without necessitating full-scale child protective system involvement.

Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases [guide]

The Guide, developed with funding from the David and Lucile Packard Foundation, is designed to help courts handling child abuse and neglect cases improve court performance by measuring their performance and analyzing their judicial workload needs. The Guide is the result of a four-year combined effort of the American Bar Association (ABA) Center on Children and the Law, the National Center for State Courts (NCSC), and the National Council of Juvenile and Family Court Judges (NCJFCJ). It sets forth and explains a set of measures to analyze court performance and outlines a process that courts can use to measure judicial workload and provides. By measuring their performance courts can better identify their strengths and weaknesses and then carry out better reform efforts to achieve better results for abused and neglected children. By more objectively understanding and explaining their workload needs, courts can ensure that judges have the right amount of time to achieve excellence in their handling of child abuse and neglect litigation.

Parental Involvement Practices of Juvenile Courts [2001 report]

This report was developed for the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. It was produced by the ABA collaboratively with the Consortium on Children, Families, and the Law, Clemson University, University of Nebraska-Lincoln, and the State University of New York at Buffalo. The report describes research to identify and examine ways courts involve parents in juvenile cases, such as: providing notice of court proceedings to each parent; requiring parental attendance at court hearings; compelling parents to participate in parenting education; and occasionally ordering sanctions against parents. It includes findings from a national survey of juvenile judges and probation officers, site studies of 6 juvenile courts in 3 states, a description of 12 specific juvenile court-related parent education programs (with contact information), and 47 recommendations for improving parental involvement in juvenile court proceedings and follow-up interventions. It also has a nationwide analysis of state parental responsibility/accountability laws and an 80-page state-by-state description of parental accountability statutes.

Promoting Community Child Protection: A Legislative Agenda [book]

Describes role legislation can play in the community child protection movement that envisions partnerships between government and parents, extended families, neighborhoods and community organizations. Key ideas in community child protection include situating services in communities; providing services that are flexible, targeted and focused on family needs and strengths; and preventing need for formal child welfare interventions by providing preventive services to at-risk families. The book focuses on legislative innovations on differential responses, family group decision-making, kinship care, guardianship alternatives, and domestic violence and substance abuse, giving numerous examples of how state and federal laws can support community child protection efforts. This is intended to guide legislators, child advocates and anyone interested in child protection reform in new ways of supporting at-risk children and families.

Health for Teens in Care: A Judge's Guide [2002 guide]

Prepared under the Center's Partners in Program Planning for Adolescent Health initiative (funded by the U.S. Department of Health and Human Services, Maternal and Child Health Bureau), this book answers such questions as: Should the judge question the social worker regarding health issues presented in their cases? Should the information regarding educational, medical, dental, nutritional, psychological/behavioral, and sexual development/activity be available to the court in mandated court reports? Should updated health information be included in each teen's case plan? Should the court inquire regarding these issues during hearings? This guide is designed to help judges, attorneys, and social workers ensure the well being of teens under court supervision. It is a step toward continuing efforts to develop standards to ensure that the federal Adoption and Safe Families Act, Medicaid's Early and Periodic Screening, Diagnosis and Treatment law, and the Foster Care Independence Act of 1999 are used effectively to promote "well being" for teens in care.

A Judge's Guide: Making Child-Centered Decisions in Custody Cases [guide]

This Judge's Guide, supported by a grant from the State Justice Institute, is a "child-focused" look at child custody proceedings. While written for judges, it is a valuable resource for any professional engaged in child custody practice. The Guide contains chapters on: courtroom management techniques and considerations aimed at reducing tension in custody litigation; child and youth development as it relates to divorce and separation, broken into six distinct age groupings; and parenting considerations as they affect parent-child and parent-parent relationships. Also included is advice on appropriate use of expert testimony in custody/visitation disputes and on addressing several recurring issues in child custody cases, including family violence, relocation, and visitation. Appendices include an up-to-date listing of helpful publications, websites and other resources.

State Court Assessments 1995-1998: Dependency Proceedings [report/analysis]

Forty-eight states and the District of Columbia have completed assessment reports of their courts' performance in child abuse and neglect cases. This four-volume set (with each publication available separately) analyzes important findings, recommendations, and implementation strategies from these reports. Topics are: representing clients in child protection proceedings (Volume 1: Representing Clients); the quality of court hearings

(Volume 2: Quality of Hearings); judicial training and workloads (Volume 3: Judicial Training and Working Conditions); and delays in judicial decision making (Volume 4: Timely Judicial Decision making).

Foundations for Success: Strengthening Your Agency Attorney Office [1999 book]

Child welfare agencies need to present strong, compelling cases in court to ensure safety and permanence for children. Yet all too often, agency legal representation is not at the level it could be. This book helps child welfare agency attorney offices focus on necessary changes, such as hiring practices, evaluation processes, standards of practice, and efficient use of resources, to improve the level of representation. It highlights agency attorney offices around the country using creative and innovative methods to provide strong representation, and includes appendices containing such practical information as useful websites and forms.

A Judge's Guide to Improving Legal Representation of Children [1998 book]

This 200-page book provides judges, court administrators, and others with material to help them better access, utilize, and support lawyers appointed to represent children. It includes writings of judges and others on why courts and children alike will benefit from high caliber legal representation for children. It examines the role judges can play in advocating for additional financial resources to enhance children's legal representation. The book presents selected readings on child representation issues and the types of cases where children can be specially aided by high quality attorneys (and how to find attorneys for specialized kinds of cases). It also addresses attorney training, supervision, compensation, caseloads, and elements of "model" legal representation for children programs. Over a dozen child representation programs are described to provide examples of different approaches that can be taken. Appendices include: a list of other publications on children's legal representation and helpful related websites; the text (with commentary) of the ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases as well as other ABA-approved policies related to children's legal representation; information on how one can join the ABA's court improvement and E-mail discussion group activities; examples of published standards for training of children's lawyers; a model state contract for children's legal representation; a list of children's law courses being taught in law schools; and the text of an ABA Presidential Challenge to Improve Legal Representation for Children.

Sexual Relationships Between Adult Males and Young Teen Girls: Exploring the Legal and Social Responses [report]

This report includes findings and recommendations from an ABA project that examined state laws, the opinions of prosecutors and providers of services to adolescent girls, and the views of a small group of adolescent girls themselves, concerning interventions in cases commonly referred to as "statutory rape." The report urges changes in public awareness, interdisciplinary coordination, prosecutorial practices, and legislation, as well as steps to help prevent these unlawful relationships.

Making Differences Work: Cultural Context in Abuse and Neglect Practice For Judges and Attorneys [1996]

Outlines ways to interact with litigants from different cultures and backgrounds and identifying key culture and subculture issues. Features resource lists, practice tips, and question checklists to help lawyers and judges be more culturally sensitive.

Juvenile Justice Center (now the National Juvenile Defender Center)

<http://www.njdc.info/publications.php>

Delinquency Notebook [guide]

This guide, updated and improved for 2005, describes in detail and with practical explanations how to zealously and effectively represent youth in delinquency cases. The notebook is an invaluable tool for new juvenile defenders or attorneys looking to improve their advocacy in many areas of juvenile defense. It serves as a basis for NJDC training sessions introducing defenders to skills and strategies for handling juvenile cases.

State Juvenile Indigent Defense Assessments 2000-2003 [reports]

NJDC studies have consistently found that most juvenile defenders lack the resources and training they need to provide sufficient representation to their clients. To date, they have published assessments of access to counsel and quality of representation in juvenile delinquency proceedings in 12 states: Georgia, Kentucky, Louisiana, Maine, Maryland, Montana, North Carolina, Ohio, Pennsylvania, Texas, Virginia, and Washington.

Fact Sheets 2000-2004

NJDC produces and distributes fact sheets on various topics to provide useful information and practical strategies to juvenile defenders. Recent fact sheets have focused on the overuse of detention, the juvenile death penalty, and mental health medications used for adolescents. Those and other previous fact sheets are available to download.

Legal Strategies to Reduce the Unnecessary Detention of Children (2004)

This guide to detention advocacy, published with a grant from the Annie E. Casey Foundation, describes how best to keep juvenile clients out of detention at the early stages of delinquency proceedings. The guide presents specific strategies for representing youth at detention hearings as well as advocacy outside the courtroom. It also includes research explaining the harmful effects of detention.

Justice By Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System (2001)

It is important for juvenile justice professionals and policymakers to understand that the nature and causes of girls' delinquency are often different from those of boys. Research demonstrates that girls in the delinquency system have histories of physical, emotional, and sexual abuse, face family problems, suffer from physical and mental disorders, have experienced academic failure and succumb more easily to the pressures of domination by older males. Concerted efforts must be made to develop a continuum of policies, programs, and practices for girls and to identify and address needed changes in the processing, treatment, and overall care of girls in the justice system.

Division for Public Education

<http://www.abanet.org/publiced/home.html>

Youth for Justice (<http://www.youthforjustice.org/>)

The Division is one of five national partners in the Youth for Justice initiative, which is supported by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Youth for Justice is a consortium of five national partners, which support LRE centers in every state, and offer an array of law-related education (LRE) programs and activities for young people in their schools and communities. Over one million students participate in Youth for Justice programs annually.

The national partners of Youth for Justice

1. Provide technical assistance to state LRE leaders to provide teachers and administrators with staff development and training in implementing programs to serve youth at highest risk.
2. Assist state leaders in organizing and implementing youth summits that bring together diverse groups of young people to explore state and local issues related to youth, such as violence and violence prevention programs.
3. Develop programs for juvenile justice detention and other settings around the country.
4. Seek new ways to strengthen the citizenship skills of at-risk children, by implementing pilot curricular programs, providing training and dissemination of them, and evaluating their effectiveness.
5. Inform educators, national and state leaders, and the public about current practices and programs in LRE and citizenship education. Youth for Justice disseminates information through newsletters, presentations, websites, and a national network of state centers.

Youth for Justice programs include:

The *Teen Parents and the Law* program, which provides lessons focused on legal topics such as child support, paternity, custody, and housing, to help young parents improve their family life.

The *Violence Prevention Outcomes in Civic Education (VOICE)* program, which provides 4th/5th grade level lessons in mediation, law-related education, and service learning to enhance learning about U.S. history and government and improve student attitudes and behavior.

The *Bell Gardens Research Project*, which provides 4th/5th grade level lessons using law-related/civic education and service learning to enhance learning about U.S. and world history.

The *Law for Pregnant and Parenting Teens* program, which provides practical law lessons important to this special at-risk group.

The Division has produced several publications under its grant from OJJDP on juvenile justice issues. One 2003 publication, "The Promise of Law-Related Education as Delinquency Prevention", examines the connection between teaching children about the law in LRE classes and reducing juvenile delinquency. This publication is available online at <http://www.abanet.org/publiced/tabs.html>.

Youth Courts

The Division also works closely with the National Youth Courts Center. Youth Courts are diversion programs, in which young people sentence other young people who have committed crimes. Studies on youth courts have shown that they are a promising delinquency prevention strategy.

The Division has produced several publications about youth courts: “Youth Court: A National Movement”; “Making Youth Court as Effective as Possible, “ and “Youth Court Training for Results”. All are available at <http://www.abanet.org/publiced/tabs.html>.

Possible Partners within the ABA

Commission on Homelessness and Poverty

The Commission cooperated with the Steering Committee on the Unmet Legal Needs of Children on the handbook, "Educating Children Without Housing."

Senior Lawyers Division

In 1998 the Division published Guardianship & Conservatorship: A Handbook for Lawyers. The handbook examines the multi-faceted role a lawyer must play in guardianship and conservatorship proceedings and provides an overview of the guardianship process, including addressing issues specific to guardianship of minors.

Commission on Domestic Violence

The Commission has published a pamphlet called "Teen Dating Violence: There is no excuse" aimed at helping teens identify the dangers of dating violence; a brochure called "Safety for Kids" to teach children how to best protect themselves safely during a violent incident and who to go to for help; and "It's Not O.K.: Let's Talk About Domestic Violence", a video for professionals working with children who experience domestic violence.

Commission on Mental and Physical Disability Law

Published "The 1997 Amendments to the IDEA: Improving the Quality of Education for Children with Disabilities" (1999) and "The New IDEA Regulations: The Next Step in Improving the Quality of Special Education" (1999).

Litigation Section Task Force on Children

The Litigation Section has a Children's Law Committee that maintains a Directory of Pro Bono Children's Law Programs, which describes law centers and volunteer opportunities to represent children around the country.

Tax Section

This Section worked with the Steering Committee and the Commission on Homelessness and Poverty to draft policy supportive of the Earned Income Tax Credit for the working poor.

Commission on Immigration

The Commission created the ABA standards for the Custody, Placement and Care, Legal Representation, and Adjudication of Unaccompanied Alien Children in the United States.

Family Law Section and Standing Committee on Pro Bono and Public Service

The ABA's Child Custody Pro Bono Project enhances and expands the delivery of legal services to poor and low-income children involved in divorce, adoption, guardianship, unmarried parent, and protective order matters. With emphasis on identifying and developing "best practices," training, and technical assistance to courts and pro bono programs, the Project serves as a critical national resource in the important area of child custody. The project is a joint project of the ABA Standing Committee on Pro Bono and Public Service and Family Law Section, and is administered by the ABA Center for Pro Bono.

Tort and Insurance Section, Dispute Resolution Section, and Young Lawyers Division

To help students manage conflict in schools, these entities launched Project Out-Reach to implement and support school-based peer mediation programs. Originally started in the fall of 1996 in 13 cities, the project later added 14 additional training sites. Each of the three ABA entities has designated lawyers to work in teams to implement and enhance new and existing programs. The lawyers agree to help the designated school for a full year.

International Law Section

This Section has a Subcommittee on the Rights of the Child, which continues to study the impact of the Convention on the Rights of the Child on US law and policy, in order to advance the prospects for its eventual ratification.

Individual Rights and Responsibilities Section

The Section has a Public Education Committee and a Rights of Children Committee.

Juvenile Justice Committee

The Juvenile Justice Committee of the ABA Criminal Justice Section is an active voice in promoting changes in the juvenile justice system. The Committee is an interdisciplinary forum of defenders, judges, prosecutors, corrections staff, law students, and others interested in improving the juvenile justice system for kids, parents, and the professionals who serve them. The Committee's web site includes all ABA policies related to juvenile justice at <http://www.abanet.org/crimjust/juvjus/jjpolicies.html>.