What Makes Justice for Children Different? by Jim Shields

Justice for Children (JFC) is unlike any other advocacy organization in the country. We are the only existing organization that speaks out for children who are not protected due to system failure. We were founded by the lead prosecuting attorney in the family offenses section of the District Attorney’s Office in Harris County, Texas, (Houston) in 1987.

That prosecutor, Randy Burton, was so offended by the systems we taxpayers fund to protect abused children that he founded JFC to change and reform those systems. Due to the nature of our work and to be credible in this reform movement, JFC operates in two arenas – case management, and political advocacy. We maintain our 501 C (3) status by concentrating on case management but because of our independence and focus, we are also very effective in the political arena.

JFC is headquartered in Houston and has chapters in Phoenix, Arizona and Washington, D.C. We provide life saving interventions for abused children in all 50 states. Many confuse JFC with CASA (Court Appointed Special Advocates) but we are not the same. CASA is only appointed to work on children’s cases that are already in the court system, and, therefore already removed from the dangerous environment. JFC on the other hand, advocates on behalf of the children for whom there has been no intervention by the courts and who remain in an abusive home – the children who are not protected.

- We are by definition hard nosed, confrontational, and controversial. It would be impossible to do what we do without being so.
- We advocate for children who are in impossible situations and we literally save lives.
- We help our legislators write laws so that more protection is afforded to children who have no rights in our society.

We receive more than 5,000 phone calls a year from protective parents or other individuals at their wit’s end because a child is being terribly abused and no one will listen. We listen.

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Children Have a Right to Counsel in Abuse and Neglect Cases by Catherine Krebs

In a landmark decision, the United States District Court of the Northern District for Georgia has held that children in Georgia who have been abused or neglected have a constitutional right to legal representation. Children’s Rights, Inc. filed Kenny A. v. Sonny Perdue, a class action suit against state agencies and officials who operate the foster care system, along with the local county governments on behalf of foster children in Fulton and DeKalb Counties. The suit alleges that the counties are failing to provide effective legal representation for children in deprivation (abuse and neglect) cases, and termination of parental rights (TPR) cases due to the fact that not enough child advocates are employed by the counties resulting

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Lawyers who begin their practice in juvenile law do most of their learning on the job. Some do not even have supervisors or mentors when they begin, which makes finding guidance even harder. The learning curve is very steep, especially considering the variety of areas in which juvenile advocates must be experts: state and federal juvenile law, collateral issues such as education and health, child development, trial advocacy, and the list goes on.

There are many organizations and agencies both locally and nationally that have recognized the need to give young advocates easy access to information and training. We are including in this edition a list of just a few of these organizations and some of the training that is available. Please confirm all details with the organization directly through their websites.

A few years ago our committee worked with NITA to put together Training the Lawyer to Represent the Whole Child, a six-day training that focuses on trial skills as well as the many collateral issues that children in child welfare and juvenile justice cases must deal with. This course has been offered for the last two years and will be presented this June 13-19, 2005 in Hofstra, NY. It may also be presented in October in Minnesota (keep checking our Committee website for details).

The National Association of Counsel for Children (NACC) (www.naccchildlaw.org), along with other organizations, sponsors an annual NITA trial skills course specific to child welfare cases called the Rocky Mountain Child Advocacy Training Institute which will be held this May 16-20, 2005 in Denver.

The National Children’s Advocacy Center (NCAC) (www.nationalcac.org) offers many child welfare training courses throughout the year at their National Training Center in Huntsville, Alabama, including Prosecuting Child Abuse 101; Victim Advocacy 101; and Investigating Child Abuse 101. The NCAC also offers a series of eight

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WHAT EVERY PUBLIC DEFENDER NEEDS TO KNOW ABOUT
FOSTER CARE by Erik Pitchal

O
er half a million children in the United States are in foster care. Almost all of them
are victims of neglect or abuse, and almost all of them are disadvantaged in many other ways. They are poor; they are more likely to need special education than other children; they are more likely to have special medical needs than other children; and they are more likely to have emotional or developmental problems than other children. And all of them have been separated from their parents, which alone can be deeply traumatic.

Research has shown what attorneys who practice in dependency courts across the country know and see every day—children who come into contact with the child welfare system are more likely to be arrested than other similarly situated children. One study found that abused and neglected children were five times more likely to be arrested as juveniles as a non-maltreated control group, and that the likelihood of arrest for a violent crime was 11 times as great. Another study compared foster children who had been maltreated but were not in foster care; this study found that 16 percent of the foster children were charged with delinquency, as compared to nine percent of the non-foster children. As one young person has put it:

If kids lived with their family, maybe they’d try not to get in trouble. But they don’t have a family—so what if their group home or foster family finds out—they’re not the real parents. You figure you got nothing to lose because you’re not with your family.

Because a disproportionate share of their clients are in foster care, it is incumbent on juvenile defenders to know all they can about the foster care system so as to best advocate for these youth. Some things that defense attorneys might take for granted in ordinary cases—for example, that there is a responsible adult who wants to take the child home—may not exist in cases involving foster youth. Learning who the players in the foster care bureaucracy are and how to navigate it are crucial to effective advocacy on behalf of foster children who “cross over” from that system into the equally Byzantine world of juvenile justice. In fact, providing effective advocacy in the context of a delinquency case may offer the opportunity to help a young person who has been failed by foster care—in that sense, the delinquency attorney can be seen as the last person who can intervene on behalf of a child before it is too late.

The first and most crucial step in defending a youth who is currently in foster care is to get an adult to come to court on the child’s behalf, at arraignment and at every subsequent appearance. Possibilities include a foster parent or group home staff, depending on where the child lives. If these individuals appear and tell the court that they are willing to take the child home, you can avoid detention in many cases. Many foster parents will not come to court because they are not obligated to do so, but foster care agency caseworkers are. The client should be asked for as much information about his caseworker as he can provide—name, phone number, and office location. Additionally, many public human services department contracts with private child welfare agencies to provide foster care services, so a foster child may have more familiarity with a private agency worker.

Defenders should also determine if there is an attorney or Court Appointed Special Advocate (CASA) who is assigned to the youth in connection with the dependency docket. Though they do not have legal authority to take custody of a child at arraignment, they may have more informal powers of persuasion over the relevant foster care agency staff than a defense attorney. Finally, as a last resort, defenders should seek out any other adult the child suggests could be helpful—a relative or adult friend; a teacher, minister, or counselor; or even a Little League coach. The presence in court of an adult from the community who knows the youth conveys the message that the child has stability and support and is not a lost cause.

In the course of trying to drum up the presence of an adult in court, juvenile defenders should learn all they can about their client’s foster care case history. Such knowledge is vital for effective advocacy both at arraignment and at disposition. Key areas of inquiry include the reason for placement in foster care; the placement history and reasons for changes in placement; any history of the child being AWOL from placement and the reasons for it; the permanency planning goal and progress being made towards that goal; medical and mental health information; and the youth’s education status.

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Before they get to us they have called the police and if they were lucky enough to get past the dispatcher, they were told that CPS (Children’s Protective Services) takes care of violent crimes against children. They call CPS and reach someone whose job it is to screen calls, and who may say that CPS can do nothing because the child is too young to be believed or there isn’t enough evidence.

Then out of frustration they get on the internet and find the numbers for a variety of help lines such as the Attorney General or the Justice Department. Some clients even call the White House. It is then that they find JFC. Yes the White House Operator actually refers people to us!!

When our phone rings – we listen. Often the caller is hysterical, and usually they are prepared for yet another gatekeeper. We tell them we believe them. We do not screen these initial phone calls, we believe everything we are told. We focus on credibility when we get the intake packet, but on that initial phone call, we believe them.

Then something remarkable happens on almost every call. When they are finished telling their story, we say, “You’re not crazy – the system is crazy and we may be able to help you.” Then there is a whispered “thank you” then a silence….then they cry.

That’s one of the most important thing we do – we offer hope!

How does JFC actually assist abused children?

When physical abuse or neglect does occur and is reported to and confirmed by a public agency, society has been put on notice: a particular child or group of children is in crisis. In this situation, the inviolability of the family must be weighed against the immediate safety needs of the child, often helpless behind closed doors. The responsibility for making the safety determination rests with each county’s CPS department.

Unless CPS takes great care, some abused children will "slip through the cracks" of the very system held responsible for their protection. All too frequently reports are filed in a cursory manner, services are negligible to nonexistent, treatment plans are ignored, case closure is premature and the child is sent back to the dangerous setting in which the abuse occurred. Because of CPS efforts to rehabilitate even the most dangerous offenders and to preserve families where felony child abuse is occurring, many abused and at risk children are never removed to begin with.

JFC’s mission is to prevent the re-abuse of children. When CPS or law enforcement fails to protect abused children, a call is often made to Justice for Children. One of JFC’s trained professionals goes to work to build a case for intervention on behalf of the child and provides a variety of advocacy services to move the case toward successful resolution. Justice for Children’s work is accomplished on a variety of levels, which include:

- **Child Abuse Hotline:** JFC assists callers from across the country in navigating the maze of governmental agencies in order to report abuse or neglect. More than half of the hotline referral calls received come from other child advocacy groups, legal, medical, and mental health professionals, civic organizations and governmental agencies. The 1-800-733-0059 number allows people from across the country to seek assistance for abused children. In addition, JFC is the organization to which ChildHelp USA (1-800-4ACHILD) refers callers when they identify a child needing rescue.

- **Casework:** JFC provides direct assistance for cases with credible, documented evidence of child abuse when the child is at risk for further abuse. Specifically, a JFC caseworker makes calls to officials such as prosecutors, law enforcement, child abuse investigators, medical examiners, forensic interviewers, etc.; writes letters; meets with officials; coordinates legal interventions; accompanies children to court; and secures therapy for abused children among other activities.

- **Legal Support:** When behind-the-scenes advocacy is unsuccessful, JFC’s caseworkers assign the child’s case to one of our pro bono attorneys to seek protection for abused children through the courts. Attorneys file protective orders, motions to modify custody, and amicus curiae or "friend of the court" briefs. Legal expenses that are not picked up by the pro bono attorney’s law firm are paid by JFC. We provide training to all volunteer attorneys and our training project won First Place with the American Bar Association’s Young Lawyer’s Division in 2001.

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What Makes Justice for Children Different? (continued from page 4)

- **Court Watch Program:** Trained staff and volunteers attend court hearings to assist those advocating for a child’s protection, to testify when necessary, and to monitor court proceedings to ensure that the outcome is in the child’s best interests.

- **Paid Therapy Program:** JFC provides therapy free of charge to abused children to help them in healing from the trauma of abuse.

- **Volunteer Program:** Currently there are over 100 active lay and attorney volunteers working with JFC. Their assistance includes answering the help line; reviewing, summarizing and organizing client files; making referrals for therapy; letter writing to district attorneys, law enforcement and CPS for case and issue advocacy; providing support for children in court; and supervising other volunteers to help protect abused children. Many JFC volunteers have full-time jobs and use vacation and their own time to attend court and work on children’s cases.

- **Educational Programs:** JFC believes that the public must be educated about the magnitude of child abuse. We accomplish this through a speaker’s bureau and through our substantial media contacts. JFC also provides specialized training to professionals whose vocation takes them into the child abuse arena.

- **Public Policy:** JFC’s public policy team educates policy makers on issues related to improving the child protection system and testifies on legislation aimed at improving the protection of children. Our expertise based on our research and experience with cases of systemic failure is highly sought after by many professionals, members of the media, and community leaders.

To learn more about Justice for Children visit our website at www.justiceforchildren.org.

Jim Shields became Executive Director of JFC in November 2003 after 30 years in the private sector. His first career was as a senior manager with a large engineering and construction firm followed by a second career in the financial services industry.

Children Have a Right to Counsel (continued from page 1)

in high caseloads that render effective representation impossible. (In Fulton County the child advocates represent an average of 439 children each and the DeKalb County child advocates represent an average of 183 children each.)

Fulton and DeKalb Counties countered with Motions for Summary Judgment which the Court rejected, holding that in Georgia children have both a statutory and a constitutional right to effective counsel in deprivation and TPR cases. The Court found that such a right is guaranteed under the Due Process Clause of the Georgia Constitution, Art. I., § 1, ¶ 1, but also noted that under both the Georgia Constitution and the U.S. Constitution children are entitled to constitutionally adequate procedural due process when their liberty or property interests are at stake. The Court then found that in deprivation and TPR cases children have fundamental liberty interests at stake, such as safety, health and family integrity. The Court went on to note that a child’s liberty interests continue to be at stake even after she or he is placed in state custody.

The Court applied the three-part test found in *Mathews v. Eldridge*, 424 U.S. 319, 334-5 (1976) to determine the process necessary to safeguard the liberty interests at stake in a deprivation case. The Court found that the risk of erroneous decisions in deprivation and TPR cases is significant based on the broad discretion of the judge and the evidence that social services agencies routinely make flawed decisions, and that only the appointment of counsel can mitigate this risk of significant error. The State also has an interest in reducing the possibilities of errors, and this interest outweighs any “fiscal or administrative burden that a right to counsel may entail” (*Kenny A v. Sonny Purdue*, Order, p. 18). The result of this analysis is that children are entitled to counsel in both deprivation and TPR cases, and that the right to counsel means the right to effective counsel.

This case now continues to trial, and child advocates across the country will be waiting for the results.

To get a copy of the order in *Kenny A* (2/7/05), please e-mail catherinekrebs@prodigy.net.

Catherine Krebs is the Committee Director of the Children’s Rights Litigation Committee and the Editor of this Newsletter. Previously she was a staff attorney at the Children’s Law Center of Massachusetts where she represented children in abuse and neglect cases.
What Every Defender Needs to Know About Foster Care (continued from page 3)

In addition to interviews with adult players in the foster care system, the delinquency attorney should obtain key documents that may provide even more information. Such documents might include the case plan, which is typically prepared by the public agency on a bi-annual basis and should be available from the agency case worker or the dependency attorney; status reports or letters from the agency to the court; a CASA report to the Court; an Individualized Education Plan (“IEP”), which should be available from the agency or the school; mental health reports and evaluations, which should be available from the provider with a release signed by the client or a court-issued subpoena; and various types of professional evaluations of the youth and her family that have been done pursuant to an order of the dependency court. Such documents might include the case plan, which is typically prepared by the public agency on a bi-annual basis and should be available from the agency case worker or the dependency attorney; status reports or letters from the agency to the court; a CASA report to the Court; an Individualized Education Plan (“IEP”), which should be available from the agency or the school; mental health reports and evaluations, which should be available from the provider with a release signed by the client or a court-issued subpoena; and various types of professional evaluations of the youth and her family that have been done pursuant to an order of the dependency court.

One of the major reasons for doing all of this legwork is to develop arguments against detaining the youth pre-trial or placing him in a secure facility post-verdict. All the positive information in the world will be useless, however, if the court does not have an actual alternative placement available. It is thus vital for the delinquency attorney to investigate and present options to the court, in the event the court is not satisfied to merely return the youth back to the custody of the foster care agency.

Questions to consider include: What kind of placement will satisfy the court? What kind of placement will satisfy the foster care system? Where does the child want to live? Working with the dependency attorney, the CASA volunteer, or a foster care caseworker who is willing to cooperate, the delinquency attorney should investigate possibilities such as former foster parents who may be able to take the child back, relatives who are willing to take the child and are eligible for emergency foster home certification, and group homes operated by the foster care system that offer programs, treatment, services, or a structured environment sufficient to allay the court’s concerns about the child.

Of course, most youth will prefer to stay in their community, and most will be better served there, even if they have been let down by the foster care system thus far. A thorough investigation of community-based programs that could be part of a probation disposition is essential. In trying to convince the court to let a young person stay in the community—whether she is allowed to return to her foster care placement or whether a new placement is necessary—the delinquency attorney will be in a stronger position if he can propose certain probationary terms. Attorneys can draw on the resources of the foster care system to put into place a variety of services, such as mental health counseling, group therapy, anger management, tutoring or after school programs, and outpatient substance abuse treatment. While foster care systems are notorious for not providing adequate services in these areas, a court order from the delinquency judge may bump your client to the front of the line.

Sometimes creative lawyering can make the difference for a foster youth facing a delinquency charge and possible incarceration. Zealous defense attorneys will consider finding constructive and educational programs for their clients to participate in—programs that are both good for the youth and fun. Things to consider include Little League, drama classes, and art or music classes. Many foster care systems have small discretionary funds available to pay for unusual expenses, but unless there is some advocacy, children do not get the benefit of them. If a client expresses an interest in Little League or some other activity, it could be useful for the public defender to inquire with the foster care caseworker whether arrangements can be made for the child to participate; being able to represent these arrangements to the delinquency court can make it more likely that the court will permit the child to remain in the community.

Many courts will order respondents to perform community service as a part of their probation, but adolescents can be reluctant to follow through on this kind of requirement. Creative attorneys should help their clients avoid possible probation violations by anticipating their natural reluctance to do community service and arranging for innovative service opportunities that meet their interests. For example, if a client loves animals, the attorney might consider making arrangements with the local animal shelter for her to volunteer there, if the shelter will agree to sign a certification attesting to her attendance and performance. Additionally, many private foster care agencies have the capacity to arrange for community service, because many of these agencies are full-service social welfare agencies that offer a variety of community programs for which they welcome volunteer help. Thus, the very agency that already has responsibility for a foster child’s case may be able to set up community service, ensure that he participates,
What Every Defender Needs to Know About Foster Care (continued from page 6)

guarantee transportation, and provide compliance reports to the court.

Finally, in keeping with the theme of anticipating possible pitfalls to a successful term of probation, attorneys should consider hiccups particular to their clients’ foster care status that could lead to probation violations, and pre-empt them. For example, foster children often have transportation problems. In areas poorly served by mass transit, it may be difficult for a child to attend required appointments, such as meetings with her probation officer. Children who rely on foster parents or caseworkers for transportation may be stuck. Defense attorneys should get the details worked out at the time of disposition and consider asking the court to order the foster care agency to provide the necessary transportation. Also, changes in placement mean changes in school. If as a result of the delinquency case a youth’s foster care placement changes, she may also have to change schools. To the extent that school attendance is a requirement of her probation, it will be crucial to ensure that she is re-enrolled in school right away. Foster care agencies cannot be relied upon to do this in a timely way, especially if they were hoping the child would be sent to detention and are displeased that they have to take the child back. Defense attorneys have to be especially vigilant about this to help their clients avoid a violation of probation.

Unquestionably, working with juvenile delinquency clients who are in foster care can present an enormous challenge to a public defender already overworked and frustrated with the juvenile justice bureaucracy. However, there is a special joy in being a forceful advocate for clients who have been through so much and who still have a long road ahead of them. The resilience and perseverance so many of these young people demonstrate is a testament to the power of youth and a motivating force to work hard on their behalf.

Erik Pitchal is a staff attorney at Children’s Rights, a national nonprofit advocacy group, where he litigates class action reform suits on behalf of children in foster care around the country (he is lead counsel on Kenny A. v. Perdue., p. 1). Previously, he was an attorney at the Legal Aid Society in New York City, where he represented children in dependency and delinquency proceedings.

2 It is estimated that 30 to 40 percent of foster children have significant medical problems such as developmental delays, neurological disabilities, malnutrition, HIV/AIDS, and asthma. See Child Welfare League of America, Health Care: Facts and Figures, available at http://www.cwla.org/programs/health/healthcareesfact.htm. It is also estimated that approximately 60 percent of foster children have moderate to severe mental health problems, but less than one-third of such children receive mental health services.
6 Morris and Freundlich, supra note 3, at 29.
7 Approximately 20,000 youth leave foster care at age 18 without having been reunified with their birth families or adopted. These young people struggle just to survive. One leading longitudinal study found that 12-18 months after discharge from foster care, 12% of this group reported having been homeless and another 22% had lived in four or more places. Forty percent reported being unemployed, 32% had received some form of public assistance, and 44% reported difficulty obtaining health care. See Mark E. Courtney et al., “Foster Youth Transitions to Adulthood: A Longitudinal View of Youth Leaving Care,” 80 CHILD WELFARE 685 (2001). Educational outcomes for foster youth are similarly poor. On average, they score 15 to 20 percentile points lower than non-foster youth on statewide achievement tests, and only 59 percent of foster youth enrolled in 11th grade complete high school by the end of 12th grade (compared to 86 percent for non-foster youth). See Mason Burley and Mina Halpern, Educational Attainment of Foster Youth: Achievement and Graduation Outcomes for Chil-

Visit the Children’s Rights Litigation Committee online at www.abanet.org/litigation/committee/childrens_l/
Social Workers As Expert Witnesses

by Daniel Pollack

Lawyers are increasingly calling upon social workers to serve as expert witnesses in cases involving children and families. Roles for social workers are emerging in the courtroom as expert witnesses in such areas as guardianship, forensic issues, child abuse and neglect, commitment hearings, education, and family custody evaluation.

As society gets more specialized and complicated, the courts are using the testimony of expert witnesses to help resolve cases. Whether defending social workers or agencies, or litigating on behalf of a client, having the right experienced expert witness can make the difference between winning or losing an important case.

How Social Work Experts Can Aid the Court

A social worker who is called as an expert witness should be able to provide:

• An in-depth analysis of the events and issues in question. For instance, in many states social workers are permitted to make diagnostic assessments.

• A thorough analysis of the procedures, policies and practices used by the social workers and agency to determine their appropriateness, legality, and conformity with current practice (e.g., were child abuse investigation procedures appropriately carried out?).

• A thorough analysis of the strengths and weaknesses of the case from many perspectives (e.g., clinical, administrative, managerial, supervisory

• Reviewing pertinent documents, evaluating their findings, and developing conclusions regarding the evidence.

• Trial preparation and assistance during the discovery and trial phases.

• A familiarity with relevant and applicable case law.

• Testimony which is ethical, accurate and persuasive. Contrary to popular myth, expert witnesses are sworn to be completely truthful -- they cannot 'fudge.' It is important to remember that they are not advocates; their primary duty is to the court, not to the person who retained the expert.

• Special qualifications to testify in a specific case (i.e., Does the witness have any unique publications regarding the issues at bar? Does the witness demonstrate any bias for the plaintiff or defendant? Does the witness offer previous testifying experience? For whom? Which specific cases?)

Assessing Qualifications

Who can be an expert witness and what is required to become an expert witness? Expert witnesses are usually expert consultants who testify under oath about the specifics of a case. They relate their conclusions and opinions about the actions in question. More than ever, social work issues in litigation require the services of expert witnesses. Experts are needed to inform judges and juries on technical matters and national standards of care for human services issues related to the cases brought before them.

When choosing social workers as expert witness, lawyers should look for people with qualifications that will help them accurately identify best practice standards, thus adding credibility to their position or allegations. Remember, social workers' expertise has limits. For instance, the Massachusetts Supreme Judicial Court recently found in Commonwealth v. Frangipane, 744 NE2d 25 (MA 2001) that a social worker was improperly allowed to testify about memory loss and recovery.

The witness was called to discuss traumatic memory in the context of sexual abuse. She did not review any case records, nor did she assess the alleged victim. Rather, she articulated a phenomenon known as "dissociative memory loss," using her clinical experience and background of attending seminars on traumatic memory.

The Massachusetts Supreme Court did not take issue with the trial court's admitting her testimony on child abuse or trauma victim experience, but did find reversible error in allowing her to testify about how traumatic memories are stored and retrieved in the brain, which depended on advanced scientific knowledge of brain function. It held that these were physiological matters about which the social worker was not trained and was not expert.

Generally, witnesses must testify to facts, not opinions. The exception to this rule is for expert witnesses. Indeed, an expert witness is on the witness stand to offer an opinion. For this reason a
Social Workers As Expert Witnesses (continued from page 8)

A social worker can be qualified as an expert witness only if she has special knowledge, skill, experience, training, or education.

Attorneys should look for social workers who have real work experience and an academic or theoretical background. They should be prepared to answer such questions as: Have you referred to any articles or books in preparing for this case? Which texts do you consider authoritative? Who are the authoritative authors in this field?

Because a case can be won or lost depending upon how well the expert witness delivers information in court, it is important that the experts can speak with authority and know how to communicate effectively. As soon as the expert witness takes the stand, the judge and jury begin to draw conclusions. So, the stature and appearance of an expert witness is crucial in establishing credibility.

Lawyers should seek effective expert witnesses who understand how a lawsuit unfolds through the pleadings, written discovery, depositions, hearings, and trial. The expert is a more valuable asset when there is an understanding of the overall court process, whether it is in criminal court, civil court, or before an administrative body.

Lawyers should especially seek social workers as expert witnesses whose responses to questions are succinct, and who can communicate confidence, sincerity and professionalism. Social workers as expert witnesses should never volunteer information outside their area of expertise; doing so can quickly weaken their credibility. One primary purpose of opposing legal counsel is to undermine the credibility of the expert witness, which can then nullify their testimony.

The ideal social work expert witness will have significant frontline and administrative experience and come across as someone who is unquestionably neutral. Indeed, many attorneys look for an expert witness who has testified as often for the prosecution as for the defense. The expert should be someone who has not changed jobs frequently, is known and respected in the wider social services community, has written extensively in professional journals, and is able to accurately and clearly summarize complex social work issues.

Social workers who have been trained in the use of objective assessment instruments and techniques which have been empirically validated are especially well-suited to be called as experts.

Costs

The cost of retaining social workers can vary considerably. They are usually paid by the hour.

The hourly fee typically covers reviewing documents, interviewing key people in the case, travel expenses, and any other time spent working on the case. Rates for being deposed or testifying in court are usually higher than for other kinds of preparatory work.

Conclusion

The growing use of social workers as expert witness will likely continue. Social workers who serve in this role will play an important part in litigation and dispute resolution. Retaining a social work expert witness will not necessarily result in a victory in the courtroom. A credible expert witness, however, can offer invaluable information that can be used to present a more comprehensive case.

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Daniel Pollack is Professor, Yeshiva University, School of Social Work, New York City, and Senior Fellow at the Center for Adoption Research, University of Massachusetts Medical School, Worcester, MA. email: dpollack@yu.edu.

To find a volunteer opportunity to represent a child, visit the ABA Directory of Pro Bono Children’s Law Programs at www.abanet.org/litigation/committee/childrens_l/publications.html
Announcements

♦ The ABA Section of Litigation Annual Conference will be held April 20-23, 2005 at the Waldorf Astoria, New York, NY. The CRLC will sponsor a breakfast at the conference for NYC pro bono partners to highlight pro bono opportunities for children in New York City. For more information contact our committee director at catherinekrebs@prodigy.net. To register for the Annual Conference visit www.abanet.org/litigation

♦ The Committee will co-sponsor Protecting Our Future: Law Firm Partnerships that Benefit Children at the ABA/NLADA Equal Justice Conference, May 5-7, 2005 in Austin, TX. To register visit: http://www.abanet.org/legalservices/ejc/

♦ The Committee is putting together an editorial board for this newsletter. This is a great chance to get involved in the Committee and to have input on the focus of the newsletter. Please contact our committee director at catherinekrebs@prodigy.net or (202) 547-3060 if you are interested in joining the editorial board, if you have ideas for new features, or if you would like to write an article for the newsletter.

♦ The National Child Welfare Resource Center on Legal and Judicial Issues has listed its publication, "Representing Parents In Child Welfare Cases A Basic Introduction for Attorneys," by: Diane Boyd Rauber, J.D., with Lisa A. Granik on its website at: http://www.abanet.org/child/rclji/online.html - please scroll down, the link is at the top of the "OTHER" section.

This publication helps attorneys new to child protection cases understand their role as parents' representative and advocate; reviews the various stages of the child protection case; and highlights other key resources that discuss and explore the child welfare system generally.

From the Chairs (continued from page 2)

free online training seminars, including seminars on interviewing children and child development. With free and easy registration, these seminars can be taken at any time upon demand and, yes, they are absolutely free.


Wrightslaw.com focuses on Special Education Advocacy. The website, www.wrightslaw.com, has countless free publications, resources and trainings on a variety of necessary topics. The Bazelon Center for Mental Health Law website contains resources on special education, mental health and Medicaid (http://www.bazelon.org/about/index.htm)

The National Juvenile Defender Center (formerly the ABA Juvenile Justice Center) can offer local trainings on most if not all juvenile justice issues.

(www.njdc.info/training.php)

We hope these resources will assist you in your practice for children. ■

Hillary Harrison McNally assisted with the research for this column.

K. Ann Barker is Assistant General Council for the Tennessee Department of Children’s Services.

Geoffrey Vitt is a partner at Vitt & Rattigan, PLC, in Norwich, VT.
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