Program Spotlight: VOLS Children’s Project by William J. Dean and Sara Effron

Volunteers of Legal Service (VOLS) works to increase the availability of pro bono civil legal services to New York City’s poor. We identify areas of legal need, develop projects to meet those needs, and recruit and train volunteer lawyers to provide the necessary legal services. Our focus is on volunteer lawyers providing legal services. This is the thrust of everything we do. With few exceptions, VOLS staff members do not practice law. Indeed, on our small staff of five, we have only two lawyers. Our role is to develop projects, recruit lawyers for these projects, and oversee the projects.

For a long time, VOLS had wanted to have a children’s project. Three years ago, we learned of the Family Advocacy Program at Boston Medical Center when reading the American Bar Association publication, “Child Law Practice, Helping Lawyers Help Kids.” In this project, four lawyers work on staff at the hospital as part of the medical team to provide legal assistance to families of children being treated there.

The Boston Medical Center project was appealing to VOLS for a number of reasons. The fact that poor people were being served was essential to our mission. Second, the program goal — to improve health outcomes for poor children and their families by pro

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Education Advocacy for Highly Mobile Children: With the McKinney-Vento Act, unstable housing doesn’t have to mean unstable schooling by Patricia F. Julianelle, National Law Center on Homelessness & Poverty

In 2002, Subtitle VII-B of the McKinney-Vento Act was reauthorized as part of the No Child Left Behind Act. The McKinney-Vento Act provides federal funds to assist states in ensuring that children and youth in a wide variety of homeless situations can enroll and succeed in public schools. The Act also confers broad education rights on children, youth and families.

As every state accepts McKinney-Vento funds, its provisions apply to every school district in the country. (The District of Columbia has declined McKinney-Vento funds and is therefore not subject to the law).

Who Is Covered by the McKinney-Vento Act?

The McKinney-Vento Act covers children and youth in many unstable living situations, including those who are:

- sharing the housing of others due to loss of housing or economic hardship;
- living in motels, hotels, campgrounds or shelters;
- sleeping in cars, parks, bus/train stations or public places; or
- awaiting foster care placement.

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We are occasionally asked what opportunities there are for a lawyer who wants to represent children but whose area of practice is something other than children's law. When we are asked now, we can answer resoundingly — One Child, One Lawyer, a project of the Young Lawyers Division of the ABA. The project offers lawyers the chance to represent the interests of children who desperately need lawyers and it provides them with the training so that they can competently undertake the representation.

Some of the work you can do is with children in foster care. There is an overwhelming need for the assistance that a volunteer lawyer can provide. The number of foster children in the United States is well into the hundreds of thousands. Many of the children in foster care have been abused or neglected by their parents and all of them can use the advice that would be provided by competent counsel.

The project has as a goal convincing every young or new lawyer in the United States to commit to helping one child who is in the foster care system. If you’re not a young or new lawyer, don’t worry, read on, we can still use your help. The project offers training in three areas:

- It will train lawyers to act as guardians ad litem so that children who have been removed from their homes can have a voice in the system that will decide where they live and who raises them.
- It will train lawyers to act as counsel for families who want to adopt children who have been permanently removed from their parents. The project will provide sample adoption and guardianship forms as well as specific instructions for your jurisdiction to help with adoption.
- It will train lawyers to start school-based legal clinics that can help children who need guidance on issues that affect their ability to learn. For example, if a child is concerned about whether his mother may be deported, a lawyer can answer the child’s questions.

If you are interested in learning more about the One Child, One Lawyer project go to www.abanet.org/vld and click on the link for more information about One Child, One Lawyer. The Young Lawyers Division has created a CD that has information about each aspect of the project.

The CD can be accessed and downloaded from the website. The CD is a great source of information about how to proceed with adoptions and guardianships including forms, materials for guardian ad litem training, a national contact list, and many more topics. The Young Lawyers Division also has lawyers available to answer questions that you may have about how to get started. Frankly, between the materials and the offer of assistance from the YLD there is no excuse for any lawyer to say that he or she doesn’t know what to do to help a child.

We urge you to donate a relatively small amount of time to represent a child in your community who needs the help of a lawyer. It’s good for the child, your community, and your soul.

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

Marguerite Gualtieri is a staff attorney at the Support Center for Child Advocates in Philadelphia, PA.
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Providing free legal services — involved a multi-disciplinary approach which has always been part of VOLS projects. For example, we work with social workers and case-workers in our Elderly and Incarcerated Mothers Law Projects; with doctors and social workers in our AIDS Project; and with economic development staff in our Microenterprise Project. Third, the site where legal services were being offered was unusual — a hospital setting, not a law office. Sites in most VOLS projects are non-traditional. In the VOLS Elderly Project, the service delivery sites include senior centers and settlement houses; in our Incarcerated Mothers Law Project, where mothers are advised on custody and visitation issues, the sites include Rikers Island (the city’s main jail) and two state prisons; and in our AIDS Project, the sites are hospitals and community centers.

Because of our mission and history, we needed to amend the staff model used at Boston Medical Center to a volunteer model. Rather than recruit individual volunteer lawyers, VOLS seeks an institutional commitment from a law firm. Here our goal would be to match a law firm with a hospital. For the Children’s Project, this seemed a particularly sound approach, since each firm would be working with a large hospital in the city; one institution matched with another.

Poor people have the same basic legal problems, whether the project site is at a hospital or a poverty law office. These legal problems include housing, public benefits, family law, and in New York City, where 36 percent of residents are foreign-born, immigration.

The challenge for a project using a volunteer lawyer model is that most private sector lawyers are not familiar with these areas of law. They have to learn many new things, but then lawyers are constantly learning new things. Intelligence, enthusiasm, commitment and energy can overcome many barriers. It helps that firms with a strong pro bono tradition are naturally drawn to our projects. VOLS, with our close ties to the public interest law community, links volunteer lawyers to training programs, some of which we conduct, and to experienced mentors. Some firms undertake their own training programs. Some already have the necessary expertise to undertake the cases that arise through the Children’s Project.

To begin the Children’s Project we began to contact local law firms and hospitals. As word spread of the project, hospitals began to contact us. The head of pediatrics at Harlem Hospital Center startled a VOLS staff member by saying, “I want to work with you!” Based on the strong response from hospitals we currently work at five hospitals, and are developing a relationship with Bellevue Hospital Center which has asked to join the project.

Doctors and social workers who work in the hospitals where the Children’s Project is based need to learn how lawyers can assist their patients, as well as the contours of some legal areas, such as housing and immigration. VOLS provides programs on these issues at the hospitals to enable doctors and social workers to better identify legal needs, and to make them aware of measures that can be taken before problems become emergencies. These programs also encourage them to make full use of the valuable services the volunteer lawyers are offering.

And how very valuable these services are! There is no civil Gideon. Most poor people in New York City, and elsewhere in the country, have no access to legal assistance on civil matters. (As an example, 89 percent of tenants in Manhattan must represent themselves in housing court.)

One aspect of the Children’s Project is the potential for systemic reform. Volunteer lawyers are on the lookout for issues that repeatedly occur. A benefit of involving large firms is the availability of resources to pursue policy advocacy or class action litigation.

Since the project began, a hundred families have been served. What follows are brief reports on each hospital site:

New York-Presbyterian Hospital (Weill Center). When we began our project, we were delighted to learn that a VOLS Board member had ties to the chair of pediatrics at New York - Presbyterian Hospital (Weill Center). We met with her and her senior medical and social work staff to discuss our proposed project. They were thrilled with the prospect of having legal services made available to their patients. (It should be emphasized that in this project the client is the pediatric patient and family, not the hospital.)
Next we went to White & Case where a VOLS board member is a partner and the head of the pro bono committee. He has a young son so he thinks a lot about children! The firm was delighted to join the project. VOLS then arranged sessions between the medical and social work teams at the hospital and the White & Case lawyers.

It was decided that volunteer lawyers from White & Case would serve children and their families in the hospital’s Program for Children and Adolescents with AIDS. The volunteer lawyers have assisted families on a range of legal issues — adoption, special education, housing and family law. In one case, a family was living in a crowded, rodent-infested apartment with water leaks. Their lawyer was able to secure the necessary approvals for the family to move to another apartment. Another lawyer assisted the father of three children, whose mother had died suddenly, to establish paternity in Family Court so that the children could continue to receive Medicaid benefits and housing subsidies.

The Children’s Hospital at Montefiore. The second hospital to join was the new Children’s Hospital at Montefiore. Here a VOLS staff member knew a key person involved in the planning phase for the hospital. Montefiore was delighted to join the project, as was Cravath, Swaine & Moore which VOLS recruited, again helped by a VOLS Board member who is a Cravath partner.

Cravath lawyers work in teams of two to provide legal services to pediatric patients and their families at this state-of-the-art hospital serving some of the poorest families in the Bronx, who are among the poorest families in the nation. Thirty-five Cravath lawyers and six legal assistants work at the two hospitals where the firm is matched. Legal cases referred at Montefiore have been in the areas of immigration, housing, benefits, special education and lead poisoning.

In one case, a Cravath lawyer was representing a chronically ill six year-old and her mother on a housing matter. They were living with twelve adults and three children in a two-bedroom apartment. Through the efforts of the lawyer, the family now has their own home for the first time. “Working on this case,” said the lawyer, “has been an eye-opener. It is the hardest thing I ever have done and the most rewarding.”

In another case, a teenager received a kidney transplant. Cravath lawyers obtained a humanitarian visa for a six-month visit by the patient’s mother so she could come to the United States to care for her son while he recovers.

A meeting held last spring with pediatric social workers, doctors and volunteer lawyers resulted in a request from the Lead Poisoning Prevention Program to provide legal representation to families of children being treated by this program. Social workers attending the same meeting requested assistance for families served by several Montefiore community-based pediatric health clinics. Referrals from both programs to the Children’s Project began shortly after the meeting.

New York University Medical Center. A VOLS Board member introduced us to New York University Medical Center. (VOLS Board members, as may be evident by now, are deeply involved in the work of the organization!) Pillsbury Winthrop provides legal services at this site. The legal issues being addressed by the volunteer lawyers relate to housing, consumer debt, utility shutoff, lead poisoning, immigration and school placement. The hospital’s director of social work says that “Our relationship with lawyers has become an integral part of the work we do. The project has created a legal-friendly atmosphere.”

Harlem Hospital Center. A request to VOLS from the chairman of pediatrics at Harlem Hospital Center has resulted in a focused program where volunteer lawyers could have a significant impact. The hospital’s asthma initiative, undertaken in partnership with the Harlem Children’s Zone, identifies children with asthma in a 24-block area of Central Harlem for treatment and intensive family services. The rate of asthma within this community is about four times the national average.

Lawyers from LeBoeuf, Lamb, Greene & MacRae are now working on housing cases at Harlem Hospital as part of the asthma initiative. Dust, mold and the presence of rodents are known to be triggers for asthma. A lawyer can negotiate with a landlord to ameliorate these conditions, or if
Education Advocacy for Highly Mobile Children  (continued from page 1)

Unfortunately, the Act does not define “awaiting foster care placement.” The U.S. Department of Education (USDE) has issued non-regulatory guidance suggesting that students should be guided by the definition of foster care contained in Health and Human Services regulations and should consult with local social service agencies in determining whether a particular child in state custody is covered by the McKinney-Vento Act.

The Act also covers youth who have run away from or been forced to leave their homes.

What Rights Does the McKinney-Vento Act Confer?

- Increased emphasis on school stability, requiring school districts to keep students in their schools of origin the entire time they are homeless, to the extent feasible. USDE guidance emphasizes that feasibility is an individualized, student-centered determination.

- A requirement that school districts provide transportation to permit students to remain in their schools of origin.

- Immediate enrollment provisions if parents choose to enroll their children in the local school, permitting students to attend school immediately, even if they do not have normally required documents, including proof of residency, guardianship, immunizations and school records.

- A requirement that all school districts designate a staff person (called a “liaison”) to ensure that children and youth in homeless situations are identified and enrolled in school and receive all the services they need.

- A prohibition on segregating students experiencing homelessness in separate schools, programs or settings.

- Basic procedural safeguards, including the right to attend the school of choice while disputes are pending and rights to written notice regarding disputes. Further, every state is required to establish procedures for the prompt resolution of disputes. In litigation brought by the National Law Center on Homelessness & Poverty (NLCHP), the D.C. Court of Appeals held that the McKinney-Vento Act is also enforceable in federal court, via 42 U.S.C. §1983. The plaintiffs have won every case that has been brought pursuant to that authority.

What Are Some Other Basic Legal Protections for Students Experiencing Homelessness?

In addition to the McKinney-Vento Act, recent and pending changes in other federal programs will help ensure that students experiencing homelessness can succeed in school. First, in 2002 the U.S.D.A’s Child Nutrition Division issued a policy establishing that all students covered by the McKinney-Vento Act are categorically eligible for free school meals. (Stanley Garnett, Director, Child Nutrition Division. “Updated Guidance for Homeless Children in the School Nutrition Programs.” April 4, 2002.

A copy is available at www.fns.usda.gov/cnd/menu/whatsnew/WhatsNew.htm.) The policy exempts such students from standard application requirements, to ensure they have immediate access to good nutrition. Second, a recent regulation under Title I, Part A of the Elementary and Secondary Education Act requires states to include children who are homeless in their academic assessment, reporting, and accountability systems. (Proposed amendments to 34 C.F.R. Part 200, Sec. 200.6(d)(1). Proposed regulations are available at www.ed.gov/legislation/FedRegister/proprule/2002-2/050602a.html.) This regulation will incorporate children experiencing homelessness into the accountability movement that is driving education reform.

Third, Senate Bill 1619 was recently introduced, seeking to amend the Individuals with Disabilities Education Act to ensure access to special education and related services for homeless students with disabilities. The bill was co-sponsored by Patty Murray (D-WA) and Mike DeWine (R-OH) and would cover foster children as well as those experiencing homelessness. Finally, pending amendments to the Head Start Act would increase homeless children’s access to preschool services.

How Can Attorneys Use the McKinney-Vento Act to Support School Access and Success for Children and Youth?

Attorneys across the country have used the McKinney-Vento Act in their communities to increase the educational opportunities of children and youth experiencing homelessness. Attorneys from law firms, legal services, protection and advocacy
agencies and other organizations, as well as solo practitioners, all have a role to play. Whether forming a new project dedicated to homelessness, incorporating education advocacy into existing projects, or simply serving as a resource, attorneys have built powerful partnerships across the country.

How Can You Find Out About Opportunities To Help?

To find out where your services are needed in your community, contact the following:

- State and local homeless coalitions
  [http://www.nationalhomelessness.org/state/]
- Local homeless shelters and service providers
- State Coordinators for the Education of Homeless Children and Youth
- Local school district McKinney-Vento liaisons (contact your local school district main office)
- NLCHP can also share information about specific projects nationally and in your community

What Kind Of Help Is Needed?

Attorneys across the country have engaged in a wide variety of projects to promote school access and success for students experiencing homelessness. Here are just a few examples:

Improving school district policies, child welfare practices, and state laws and policies.

- Education Law Center ELC), Pittsburgh. ELC established a partnership with the Allegheny County McKinney-Vento liaison a decade ago. ELC also works through the state and local bar association to educate attorneys about the education rights of students in homeless situations. These collaborations have yielded significant benefits for children and youth. For example, ELC convinced the PA Department of Education to appoint a single state contact to handle all school enrollment disputes based on residency. Not only does this streamline the dispute resolution process so children can access school quickly, but it also allows the state and ELC to identify and address patterns of noncompliance.

- Heller Ehrman, New York, NY. A summer associate and two attorneys at Heller Ehrman researched Connecticut state education laws to determine areas of conflict between state laws and the federal McKinney-Vento Act. Simultaneously, NLCHP conducted a survey of shelter providers in Connecticut to determine the actual effects of the conflicting state laws on the school access, attendance and success of children and youth in the state. The firm produced an extensive analysis of statutory conflicts, drafted proposed legislation and is working with the state legislature and department of education to revise Connecticut's laws.

- Oklahoma Disability Law Center, Inc. (ODLC). ODLC has incorporated the McKinney-Vento Act into all their community and legal trainings. As a result, advocates, service providers and parents are more educated about the legal rights of children and youth experiencing homelessness. ODLC attorneys have been contacted by individual parents and have worked with school districts to ensure immediate enrollment and attendance in school.

Representing individual children and youth whose educational rights have been violated.

- Private youth law attorney in Houston. A private attorney specializing in youth law provides technical assistance to McKinney-Vento liaisons and local service providers to help them obtain public benefits, medical care and other services for unaccompanied youth in their communities. She recently worked with a pregnant 17-year-old girl whose guardians forced her out of her home.

- Law Project of the Chicago Coalition for the Homeless. Attorneys at the Law Project have represented children and youth experiencing homelessness in a wide variety of education and other cases. One such case, Salazar v. Edwards (No. 92-CH-5703 (Cook Co. Cir. filed June 12, 1992), led to significant revisions of state and local education policy and immeasurably improved the educational access and success of children and youth experiencing homelessness in Chicago.

Assisting with federal legislative and administrative advocacy to strengthen and expand the educational rights of low-income children

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Preparing for A Child Witness  By Alan D. Strasser

Sometimes, despite our best efforts, the worst of the adult world breaks into the child's, shattering its innocence and perhaps injuring the child. The event may only be a divorce, but it may be child abuse or sexual assault, or the child may be a witness to a crime. As an attorney involved in one of these situations, you must solve the problem of the child witness. Child witnesses have all the problems of adult witnesses and some unique ones of their own. If you treat a child witness like an adult, you will end up with a trial that looks like it was put together by a child.

Prepare Yourself First

Before you talk with your witness, you must prepare yourself. If you are a parent, you are accustomed to talking with children. If you are not a parent, you will have to learn. It may prove helpful to consult pediatric experts, but it will be more helpful to talk with some children. Talk about anything with them, so long as it is not traumatic. Children's conversational patterns differ from adults' patterns, and it is easiest to learn this through practice. Talk to a child who is about the same age as the child you will interview.

The child's age matters terrifically to your interview. For example, do you not want to try to interview a preschooler during naptime —this will be frustrating for you and annoying for the child. Even apart from the schedule of the interviews, the child's age will dictate psychological capacity to speak freely —or not—about certain things. For example, often it is harder to talk with a 13-year old girl about a sexual attack than it is with a nine-year-old girl.

The older child is becoming aware of her sexuality, and probably feels embarrassed, possibly even guilty, about her role in the incident. The nine-year-old, by contrast, should be free of this self-consciousness.

Once you have been prepared yourself, you must set the stage for the interviews. I never interview a child from behind my desk; for most children, talking to an adult who is behind a desk means they are in trouble. I will not take telephone calls or accept visitors during my interviews except in an emergency. I try to sit within five or six feet of the child when we talk.

The interviewing and trial techniques that work with adults may produce silence, confusion, or contradiction from children. If you plunge immediately into the traumatic event, you will make it very difficult for both of you. Children generally have no abstract understanding of why they are there, why you are there, or why they must see you. To the extent that the child does have an idea, it is probably from television and therefore is distorted. As a result, you will have to explain to the child everything about the courtroom, its procedures, your role in the trial, and the child's role as a witness.

The first interview is very important. If the child is the victim of a criminal offense, I never talk about the offense in our first meeting. I explain who I am, and say that we will talk about some things that happened to the child. I always have a parent or guardian nearby. Younger children love to draw and color so I give them felt-tip pens (at least two different colors) and a legal pad and let them draw by themselves. I display drawings by my own children prominently, to say that the child is welcome in my office. I keep the first interview short; when the interview ends, I thank the child for helping me and explain when the child will return to see me.

In later meetings I explore what happened to the child by asking simple, unambiguous, and direct questions. Some children will not speak out loud about what happened, so I ask them to whisper it. If this does not work, I might ask the child to draw it. I have had some luck letting children show what happened by using anatomically explicit dolls. The child names each of the dolls (“This is Uncle Bob, and this is me”) and the dolls do what the child is unable to say.

The interviewer must use language that is specific and concrete; children use language literally and do not understand euphemisms. David Lloyd of Children's Hospital in Washington, D.C., tells of a boy who was being interviewed about an incident in which he had been rectally sodomized. The interviewer first asked the boy if the attacker had touched him, and the boy replied “no.” Later questions revealed that the boy understood that “touching” was something that you did with your hand, and this attacker had not used his hand once.

Determine Competency

After the interview, you must decide if the child is competent to testify. Competency requires that the child know the difference between truth and falsehood and understand the duty to tell the truth. The child also must be able to recall the events about which he or she will testify. In re A.H.B., 491 A.2d 490, 492 (D.C. Ct. App. 1985). This rule traces its American origins back to Wheeler...
jury evaluate the testimony, like all proach: “Every person is competent companions. I ask the child about school, completely any requirement for a pretrial recollections accurately. McCormick calls this aspect of competency the child’s ability to observe, recall, and recount. McCormick on Evidence § 62 at 156 (3d ed., 1984).

Some states have abolished completely any requirement for a pretrial finding of competency. Rule 601, Fed. R. Evid. takes the same approach: “Every person is competent to be a witness” unless the rules provide otherwise. This approach lets the jury evaluate the testimony, like all other testimony, for what it is worth. Even in jurisdictions that do not require the child witness to be qualified in advance, the judge may exclude evidence that lacks probative value. In any jurisdiction, the prudent trial lawyer will demonstrate the value of the child’s testimony by showing the child’s competency.

During my first interview, I generally start to assess the child’s competency for trial. I ask about the child’s family, especially siblings, and I try to figure out who are the child’s companions. I ask the child about school, especially teachers and playmates. Occasionally, I ask about church during the first interview, but usually I save that for later. These questions let me gauge how well the child understands questions and can answer them. I also immediately identify some other sources of information about the child.

In later interviews, I focus more precisely on competency. I explain the competency voir dire to each child, but I explain it differently to children of different ages. I focus on the judge, who serves as the obvious authority figure in the courtroom. Children find it easy to grasp the notion that the judge decides who is allowed to speak in the courtroom; at least that idea is easier to understand than comprehending that the jury will be the fact-finder, but that the judge will decide what evidence the jury hears.

I tell a younger child that I will ask some questions so the judge will understand that the child is telling the truth. By contrast, the older child may feel insulted by a competency hearing. I tell older children that I believe them completely and think the hearing is unnecessary, but that the judge might disagree. So, I tell the older children, we will have to go through these questions for the judge alone.

The competency voir dire may take one of many forms. The trial judge has broad discretion over the form and content of the hearing. In the District of Columbia, for example, the competency voir dire may take place in front of the jury or before the trial. The judge may conduct the voir dire, or the lawyers may do it. The court also may hear expert testimony about the child’s competency.

Most importantly, the judge may conduct a pretrial voir dire outside the presence of the defendant. In Kentucky v. Stincer, 107 S. Ct. 2658 (1987), the Supreme Court found no violation of the Confrontation Clause when the judge and the lawyers examined two child victims of sexual abuse in chambers without the defendant. The Court found that the competency procedure was sufficiently separate from the trial to permit the exclusion of the defendant.

The judge’s broad discretion in conducting the inquiry gives the parties leeway to arrange the competency voir dire under circumstances best suited to their particular case. For instance, there are some children who are so intimidated in court that two hearings would damage them. In some cases, it is better to have the hearing before trial. For example, the child may benefit from the practice of testifying; the child’s answers, especially on cross, let you prepare testimony to account for the child’s reaction to opposing counsel.

In any event, you must conduct the voir dire before trial if you have serious doubts about the child’s competency and if the child’s testimony is crucial to your case. Otherwise, you risk a dismissal during trial, and prosecution will be barred forever. An adverse pretrial ruling, by contrast, may require only a postponement of the trial while the child receives further therapy or trial preparation.

The child’s testimony during the competency voir dire should be brief and should touch very little upon the substance of trial testimony. I ask the child’s age, the names and ages of siblings, whether the child goes to school, the names of teachers and of the school. Where pretrial preparation suggests the answer will be helpful, I also ask the child to explain what it means to tell the truth and tell a lie. Finally, I ask if the child will promise to tell the truth. Few children understand the notion of swearing an oath, but most understand the importance of keeping a promise.

Much of the rest of your preparation must address the same problems that adult witnesses have. Go over earlier statements with the

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**Children’s Rights Litigation Committee**

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Children’s Rights Litigation Committee

Announcements

◆ The ABA Center on Children and the Law will host the 11th National Conference on Children and the Law, which will be a joint undertaking with the American Psychological Association, at the Hyatt Hotel Capitol Hill in Washington D.C. on June 3-6, 2004.

◆ At the ABA Annual Meeting in August 2003, the ABA House of Delegates approved the Standards of Practice for Lawyers Representing Children in Custody Cases, which means the Standards are now ABA official policy. You can obtain the final version at www.abanet.org/family/Approved standards practice.pdf. The standards set forth important recommendations for lawyers and courts regarding when attorneys should be appointed for children in private custody cases, the role of such attorneys, the attorneys’ responsibilities and qualifications, and ethical issues.

◆ The Children’s Rights Litigation Committee is forming a law student subcommittee. The new subcommittee will work to determine how the committee can meet the needs of law student committee members. Please contact our committee director at 202-547-3060 or catherinekrebs@prodigy.net if you would like to become a member of this new subcommittee.

◆ The ABA Commission on Homelessness and Poverty and the Steering Committee on the Unmet Legal Needs of Children has published "Educating Children Without Housing: A Primer on Legal Requirements and Implementation Strategies for Educators, Advocates and Policymakers." The book highlights the recently reauthorized McKinney Act and its new laws concerning the education rights of homeless children and youth. To order the book go on-line to www.abanet.org/homeless

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Wanted:
Content for the Children’s Rights Litigation Committee Newsletter

Topics for articles can include:

- Unique or innovative children’s law projects or clinics
- The experience of children’s pro bono attorneys
- Information of interest to children’s lawyers or pro bono attorneys

Please contact our editor, Catherine Krebs at 202-547-3060 or catherinekrebs@prodigy.net if you have an idea for an article, or if you would like to write an article, but do not have a topic in mind.
Program Spotlight (continued from page 4)

necessary, bring a proceeding in housing court.

VOLS has worked with Harlem Hospital and LeBoeuf, Lamb to develop intake and referral procedures, and will organize legal workshops for the medical and social work teams participating in the project. Lawyers have received briefings on asthma from doctors and social workers, as well as on other medical and social issues facing these children and their families. Lawyers plan to make presentations to parents on basic tenant rights issues.

Morgan Stanley Children’s Hospital of New York-Presbyterian. Cravath provides legal services to the children and families served by this hospital. Recently, VOLS staff and the Cravath lawyers conducted pediatric grand rounds for the house staff, faculty and medical students. At this session, the director of social work presented a baseball cap bearing the name of the hospital to the Cravath lawyer who serves as project director at the firm, and conferred on him, in her words, “Honorary membership in the social work department.” She continued, “This program is a blessing for us and our children.” The chairman of the department of pediatrics said, “This is an opportunity for us to become stronger advocates for our children.”

At these grand rounds, everyone in the room felt that the goal of the VOLS Children’s Project, to have three great professions—law, medicine and social work—working together to serve pediatric patients and their families, had become a reality.

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and increase funding for education programs.

- Achieving free school meals for students experiencing homelessness. After learning from a McKinney-Vento liaison of the barriers homeless students faced in obtaining free school meals, an attorney from NLCHP worked with the liaison and the National Coalition for the Homeless to confront the USDA with this issue. The USDA responded with a new, national policy declaring homeless children and youth automatically eligible for free meals and establishing a one-step application process. As a result, children and youth across the country can count on at least one meal a day.

- Improving homeless children’s access to preschool services. Summer associates at Hogan & Hartson’s D.C. office completed extensive legal research and analysis on Head Start, Even Start and other federal preschool programs, analyzing access barriers for homeless children and suggesting substantive changes to the law. Research uncovered several ways the Head Start statute can be more responsive to children experiencing homelessness. National advocates have developed substantive reauthorization proposals based on this research and are working to see them become law.

Where Can You Find More Information About the McKinney-Vento Act?

Additional information on the McKinney-Vento Act, including the text of the Act, USDE guidance, flowcharts, memos, and issue briefs on specific topics, is available on NLCHP’s website: www.nlchp.org/FA_Education. For further information or assistance with any issues regarding the education of children and youth experiencing homelessness, contact Patricia Julianelle at julianelle@nlchp.org.

Patricia Julianelle is a staff attorney at the National Law Center on Homelessness & Poverty.
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