

**Enhancing the Representation of Children
in Private Custody Cases:
Resources and Lessons Learned from the
ABA Child Custody and Adoption Pro Bono Project
2001-2008**

A Joint Project of the ABA Standing Committee on
Pro Bono and Public Service and the
ABA Family Law Section

Supported by a gift from Bill and Melita Grunow, in memory of
Ann Liechty, a 1998 recipient of the ABA Pro Bono Publico Award



**Enhancing the Representation of Children
in Private Custody Cases**

**Resources and Lessons Learned from the
ABA Child Custody and
Adoption Pro Bono Project**

2001-2008

**A Joint Project of the
ABA Standing Committee on Pro Bono and Public Service
and the ABA Family Law Section**

**Supported by a gift from Bill and Melita Grunow
in memory of Ann Liechty, a 1998 recipient of the
ABA Pro Bono Publico Award.**

American Bar Association
321 N. Clark Street
Chicago, Illinois 60654-7598

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

Supported by a gift from Bill and Melita Grunow
in memory of Ann Liechty, a 1998 recipient of the
ABA Pro Bono Publico Award.

© Copyright 2008, American Bar Association. All Rights Reserved.

10 Digit ISBN 1-60442-151-7

13 Digit ISBN 978-1-60442-151-4

The views expressed herein have not been approved by the ABA House of Delegates or Board of Governors of the American Bar Association, and accordingly, should not be construed as representing policy of the Association unless expressly noted therein.

The materials herein may be reproduced, in whole or in part, provided that such use is for informational, non-commercial purposes only and any copy of the materials or portion thereof acknowledges original publication by the American Bar Association and includes the title of the publication, the name of the author, and the legend "Copyright 2008 American Bar Association. Reprinted by permission." Requests to reproduce materials in any other manner should be addressed to: Copyrights & Contracts Department, American Bar Association, 321 N. Clark, Chicago, IL 60610; Phone: 312/988-6102; FAX: 312/988-6030; E-mail: copyright@abanet.org.

**ABA Child Custody and Adoption Pro Bono Project
Advisory Committee**

Dina Bakst
New York, NY

Katherine Holliday
Charlotte, NC

Donna Beavers
Washington, DC

Lisae Jordan
Washington, DC

Bruce Boyer
Chicago, IL

Catherine Krebs
Washington, DC

Hon. Pamila Brown
Ellicott City, MD

Sandra P. Lax
Fairfield, CT

Hon. Arthur Burnett
Washington, DC

Bob Liechty
Denver, Co

Frank Cervone
Philadelphia, PA

Lauren Litton
Cleveland Heights, OH

John Ciccolella
Colorado Springs, CO

Joy Ashton Lyngar
Reno, NV

John Crouch
Arlington, VA

Hon. Denise Herman McColley
Napoleon, OH

Howard Davidson
Washington, DC

Marlene Moses
Nashville, TN

Robin Deutsch
Wellesley, MA

MaryAnn Baker Randall
Albuquerque, NM

Linda Elrod
Topeka, KS

Debbie Segal
Atlanta, GA

Hon. Ernestine Gray
New Orleans, LA

Robert Weiner
Washington, DC

Ann Haralambie
Tucson, AZ

Janet Ward
Columbus, IN

David Hofstein
Philadelphia, PA

Judy Williams
Billings, MT

ABA Standing Committee on Pro Bono and Public Service

www.abaprobono.org

Mark I. Schickman, Chair
San Francisco, CA

James J. Sandman
Washington, DC

Peter Carson
San Francisco, CA

Ada Shen-Jaffe
Seattle, WA

Rory Fitzpatrick
Boston, MA

Honorable Richard B. Teitelman
Jefferson City, MO

Josephine McNeil
West Newton, MA

Suzanne Turner
Washington, DC

Steven A. Nissen
Los Angeles, CA

Carole Lynch Worthington
Knoxville, TN

ABA Family Law Section

2007-2008 Officers

www.abanet.org/family/

Gregg Herman
Milwaukee, WI

Anita M. Ventrelli
Chicago, IL

Mitchell K. Karpf
North Miami Beach, FL

Debra H. Lehrmann
Fort Worth, TX

Deborah Akers-Parry
Cleveland, OH

James B. Preston
Visalia, CA

Marshall J. Wolf
Cleveland, OH

Tim Walker
Centennial, OH

TABLE OF CONTENTS

INTRODUCTION	7
HISTORY	7
MISSION AND GOALS	8
Mission.....	8
Goals	8
STRUCTURE	9
Advisory Committee.....	9
Employees.....	9
Consultants.....	9
Volunteer Law Students.....	10
ACCOMPLISHMENTS	10
Training Series.....	10
Research Initiatives.....	11
Grant Programs	11
Resources and Technical Assistance	20
Ann Liechty Child Custody Pro Bono Award	22
RECOMMENDATIONS.....	23
Recommendation 1	24
<i>The Quantity of Representation of Children in Private Custody Cases Should Increase</i>	24
Recommendation 2	28
<i>Programs Should Work to Improve the Quality of Representation of Children in Private Custody Cases</i>	28
Recommendation 3	34
<i>The Judiciary Should be More Involved in Improving Representation for Children in Private Custody Cases</i>	34
Recommendation 4	37
<i>Law Schools Should Participate in the Representation of Children in Private Custody Cases</i>	37
Recommendation 5	39
<i>Mental Health Expertise and Assistance should be brought into the Representation of Children in Private Custody Cases</i>	39
Recommendation 5	44
<i>Bar Associations Can Greatly Improve the Representation of Children in Custody Cases</i>	44
Recommendation 6	47
<i>Law Firms Should Provide Representation to Children in Private Custody Cases and Assistance to Children’s Law Programs</i>	47
Recommendation 7	49
<i>Government Agency Assistance and Funding Should Increase for Representing Children in Private Custody Cases</i>	49
CONCLUSION.....	51
Appendix I - Advisory Committee	53

Appendix II - Grant Advocates.....	55
Appendix III - Project Publications	57
Appendix IV - Other Resources.....	59
Useful Publications	59
Helpful Websites.....	60

Enhancing the Representation of Children in Private Custody Cases

Resources and Lessons Learned from the ABA Child Custody and Adoption Pro Bono Project

2001-2008

INTRODUCTION

The American Bar Association Child Custody and Adoption Pro Bono Project operated from January 2001 to June 2008. The Project's mission was to enhance and expand the delivery of pro bono legal services to children involved in divorce, adoption, guardianship, unmarried parent, and civil protective order matters. The Project's focus was to design, implement, enhance and support programs and policies fostering children's well-being in custody cases, and to provide children meaningful participation in the process. The Project served and will continue to serve as a critical national resource in the important area of child custody.

This Report summarizes the work of the project during its seven-and-a-half years, and makes recommendations for those carrying forth the advocacy and educational efforts of the Project. Although the Project will no longer exist as a separate staffed entity, its legacy and benefits will continue through resources available at the American Bar Association and other entities committed to ensuring critical representation for children in child custody cases.

HISTORY

In 1998, Ann Liechty, a dedicated child law advocate, received the ABA Pro Bono Publico Award. Only thirteen months later, in September 1999, Ann's life was cut short by cancer. In late 2000, Ms. Liechty's aunt and uncle, Melita and Bill Grunow, made a generous donation of over \$1,000,000 to the American Bar Association Fund for Justice and Education. The ABA formed a Planning Committee, which included Steve Scudder, Greg McConnell, Krista Kauper and Judy Williams. Glenda Sharp and members of the Family Law Section were soon added to the Committee. The Committee established a structure for the Project, which would be co-sponsored by the Standing Committee on Pro Bono and Public Service and the Family Law Section, and housed in the ABA Center for Pro Bono. The Planning Committee also set up an operating budget to run through August 31, 2005. The remaining funds were set aside in an endowment, their use to be determined further into the Project's life. Project staff and the Advisory Committee later decided to use the endowed funds, as well as additional funds raised by the Project, to award grants to local programs, and to continue the Project through June 2008.

The Project's founding director, Linda Rio Reichmann, started in 2001. She and the Planning Committee soon established an Advisory Committee. After meeting with key constituents and experts from around the country, the staff and Advisory Committee

set forth the Mission and Goals for the ABA Child Custody and Adoption Pro Bono Project. Utilizing the Mission and Goals the Director and Advisory Committee prepared a Project Plan and began to implement its action items.

MISSION AND GOALS

Mission

The mission of the Project was to enhance and expand the delivery of legal services to children involved in divorce, adoption, guardianship, unmarried parent, and civil protective order matters; to design, implement, enhance and support programs and policies fostering children's well-being in custody cases; to provide children meaningful participation in the process; and to continue to serve as a critical national resource in the important area of child custody.

Goals

The following goals were established to help guide the Project's work at both the national and local levels:

1. A demonstrable increase in the number of pro bono child custody projects and opportunities, and a corresponding increase in the number of pro bono attorneys and children served.
2. Higher quality representation to children in child custody matters.
3. Implementation of innovative delivery strategies designed to expand legal services access for children involved in child custody matters.
4. Children and parents who are better educated and informed about custody proceedings, results, and impacts.
5. Heightened judicial sensitivity and knowledge in making decisions regarding children's custody.
6. Improved relationships between pro bono child custody attorneys and non-lawyer children's advocates, including doctors, psychologists, social workers, and teachers.
7. Greater support and participation in legislation impacting child custody matters.
8. Improved coordination and communication among groups working at a national level on the complex issues involved in child custody.

STRUCTURE

The Project was housed in the ABA Center for Pro Bono, a Project of the Standing Committee on Pro Bono and Public Service, and based in the ABA Legal Services Division. The Project was co-sponsored by the ABA Family Law Section. The work of the Project was accomplished through an Advisory Committee, staff, consultants, and volunteers.

Advisory Committee

The Project joined the expertise of 16 entities into an Advisory Committee. Half of the entities were from within the ABA and half from outside organizations. The committee met quarterly throughout the Project's life; once a year in person and three times a year by teleconference. The committee contributed valuable insight and direction for the Project, as well as helped make critical contacts and identify resources and opportunities. A list of groups represented on the Advisory Committee during the Project's history, with the individuals representing each group, can be found as Appendix I.

Employees

The employees of the Project were Linda Rio Reichmann, Director, 2001-2006; Genie Miller Gillespie, Director, 2006-2008; Barbara Chasnoff, Assistant Staff Counsel; Krista Herman and Angeliqne Shaw, Administrative Assistants; and Nicole Churchill, Project Assistant. The Project also received assistance from Steve Scudder, Counsel to the Standing Committee on Pro Bono and Public Service; Anthony Barash, Greg McConnell and Dina Merrell, Center for Pro Bono Directors; Dorothy Jackson, Tamaara Piquion, and Jessica Watson, from the Standing Committee on Pro Bono and Public Service; Family Law Section staff Glenda Sharp, Lynn Miller, Kate Hagan, Sena Sturgis Leach, Paula Nessel, Hilary Glazer and Alissa Brugger; Fund for Justice and Education staff Krista Kauper, Ellen Vollrath and Addie Meyer; Legal Services Division Director Terry Brooks; Office/Budget Manager Margie Bruynseels; and Center for Pro Bono Technology Information and Content Coordinator, Bill Jones.

Consultants

Three contractors provided video production services for the Project's training videos: thoughtCandle, CMB Enterprises, and Madtown Media. Madtown Media also worked with the Project Director and the Standing Committee on Pro Bono and Public Service to produce the Ann Liechty Child Custody Pro Bono Award videos on Jacquie Valdespino, Toby Hollander, Deborah Ebel, Winston and Strawn, and Patricia Yoedicke. Pam Zukowski consulted with the Project to set up the Child Custody Resource Library. Five experts were retained for a minimal honorarium to assist with various video training segments: Stacey Platt, Gregg Herman, Kelly Browe Olson, Suzette Speight and Robin

Deutsch. Diane Boyd Rauber was retained as an Editor for the second edition of **A Judge's Guide: Making Child-Centered Decisions in Custody Cases**.

Volunteer Law Students

Thirty law students served as interns or volunteers with the Project. There were four full-time summer interns: Amy Bouchard, Annette Gonzalez, Kelly Whalan and Nicole Churchill from Loyola University School of Law and Heather Small from Vanderbilt University Law School. Twelve law students conducted legal research at various times for the Project, and four other students worked on the library, the list service, and other pieces of the Project. In addition, five students worked on content for the children's web site, one student prepared personal stories for the Project's website, two students helped abstract and catalog documents in the Child Custody Library, and two students helped post and respond to postings on the Child Custody List Service.

ACCOMPLISHMENTS

The Child Custody and Adoption Pro Bono Project's activities have increased both the quantity and quality of representation for children in private custody cases. The following are the major accomplishments of the Project.

Training Series

The Project developed a multi-disciplinary training series for staff and pro bono attorneys representing children in custody cases. The series covers the following topics: Introduction [Linda Rio Reichmann, JD]; Case Development [Stacey Platt, JD]; Cultural Competence [Suzette Speight, PhD]; Ethical Considerations [Gregg Herman, JD]; Child Development [Kathryn Shands, MD]; Alternative Dispute Resolution [Kelly Brown Olson, JD, LLM]; Hearing the Child's Voice [Risa Garon, LCSW and Keith Schiszik, JD]; Mental Health Experts, Tests and Services [Robin Deutsch, PhD]; Child Abuse and Child Sexual Abuse [Ann Haralambie, JD]; and Domestic Violence [Leigh Goodmark, JD]. An extensive manual accompanies a videotape and DVD on each topic. The training series video is almost eight hours in length. Courts, programs, and bar associations have used the training in whole or in part to train new and experienced children's attorneys.

Having completed production of the training series, the Project then launched an intense effort to widely implement the training program throughout the country. During the course of two years, the training series was distributed to 146 persons, programs, courts, and other entities. The Project also secured Continuing Legal Education Accreditation for the series, and the entire series is now available as a free download from the Project's website.

Research Initiatives

The Project undertook three major research initiatives, all of which culminated in published original articles. The first was a 51-jurisdiction analysis of all laws governing appointment of representatives in divorce and unmarried parent cases. The resulting article was *Representing Children in Custody Cases: Where We Are and Where We Should Be Going*, published in the Children's Legal Rights Journal. The second effort looked at the laws in the 50 states, the District of Columbia, and the U.S. Territories on representing children in civil cases involving domestic violence and the relevance of domestic violence to decisions impacting children within custody cases. *Representing Children in Civil Cases Involving Domestic Violence* was published in 39 Fam. L. Q. 197 (2005). The last research endeavor looked at how children are advocated for and heard from in adoption and guardianship proceedings, and what courts and advocates should do differently. This article, entitled, *Hearing Children's Voices and Interests in Adoption and Guardianship Proceedings* was published in 41 Fam. L.Q. 365 (2007). Additionally, the Project had an article published in the April/May 2008 issue of GPSolo, the magazine of the ABA General Practice, Solo & Small Firm Division, entitled, *Impacting the Lives of Children through Pro Bono*.

In addition to being published in several journals, the research results are available on the Project's website. Much of the research was also published in the Annual States summaries in the Family Law Quarterly, in the National Association of Counsel for Children Annual Conference Manuals, and in the Association of Family and Conciliation Courts Conference Manuals.

Grant Programs

During its history the Project distributed \$286,500 in grants to help effectuate its Mission and Goals at a local level. Through grants ranging from \$3,000 to \$16,000 the Project helped to expand pro bono involvement in child representation in private custody proceedings; bring mental health and social services providers into child advocacy efforts; implement standards and develop trainings for children's lawyers; encourage lawyers and law students to partner together to serve children; and bring judges, courts, lawyers, and other entities together to develop pro bono programs to represent children in private custody cases.

Mini-Grant Program: 2002 to 2004

From 2002 to 2004, the Project awarded \$86,500 in mini-grants to 14 programs. \$40,000 was awarded in 2002, \$38,500 in 2003, and \$8,000 total in mentor grants in 2004. These grants, and the results they generated, were as follows:

2002 Mini-Grants

The largest award in 2002, \$11,000, was made to the *Children's Law Center* in Covington, Kentucky. The Children's Law Center has provided staff representation

directly to children since 1989 and in 1992 began representing children in custody and visitation cases. The Children's Law Center used the grant to hire a part-time pro bono coordinator to start and manage a new pro bono component to its custody and visitation case work. The coordinator recruited, trained, and provided case support to new volunteer attorneys.

Pine Tree Legal Assistance and *Maine Volunteer Lawyer's Project* received a \$10,000 award. Staff at the two projects used their combined experiences with pro bono guardians *ad litem* for children in custody cases and with evaluating Maine's family law guardian *ad litem* system to develop: (1) a Resource Listing for GALs working with Low-Income Families; (2) an online GAL Best Practices Manual; and (3) a new GAL mentoring program that will allow more attorneys to serve as GALs.

Also receiving a \$10,000 award was the *Legal Aid Society of Northwest North Carolina*. The Society partnered with the Winston-Salem law office of Kilpatrick, Stockton to start a new pro bono guardian *ad litem* program for children in divorce and unmarried parent custody disputes. The grant money was used to hire a part-time social worker coordinator, who worked with the court and the volunteer attorneys on placements, training, and case support.

Three awards in the amount of \$3,000 were made. The first was to *Chicago Volunteer Legal Services Foundation*, which added a volunteer component to its staff representation project for children in contested or complex private guardianship proceedings in Cook County, Illinois Probate Court. The second was to *West Tennessee Legal Services Pro Bono Project*, to recruit and support volunteer attorneys in a new family law GAL program. The final \$3,000 grant went to the Franklin County Bar Association's *Bar Advocates for Children*, in Massachusetts, to establish a mentoring program to increase the number of attorneys capable of representing children in custody cases.

2003 Mini-Grants

The *Children's Law Center of Kentucky* received a \$5,000 grant to enhance its ability to provide representation to children by increasing judicial collaboration through dialogue, educational materials and dissemination of ethical standards of practice for attorneys representing children; and initiating the use of law and social work students to be placed with pro bono panel attorneys.

The *Children's Law Center* of Washington, D.C. received a \$10,000 grant for its Pro Bono Guardian *Ad litem* Project. The Project represents low-income children in domestic violence and custody cases in the District of Columbia. The Project used the funds to recruit and train volunteer attorneys to serve as guardians *ad litem*, to volunteer as the intake and referral coordinator for the court, and to provide ongoing mentoring to pro bono attorneys.

The *Law Foundation of Prince George's County*, MD received a \$10,000 award to create a corps of volunteer attorneys to represent children in contested custody cases. The project provides training, certification, mentoring and support services for the pro bono attorneys.

A \$3,500 grant was given to *Legal Aid of East Tennessee's Domestic Violence Custody Project*. This Project is a collaborative initiative between Legal Aid of East Tennessee and the General Sessions/Juvenile Court for Bradley County, Tennessee. The Project planned to provide pro bono legal representation to children in domestic violence/protective order custody cases and in paternity cases where domestic violence is involved. A key component of the program was recruiting, training and mentoring lawyers so they understand the differences between representing children as opposed to parents in custody disputes, the dynamics of domestic violence and other legal issues surrounding the representation of children.

A \$5,000 award went to *Put Something Back* in Miami, Florida. A joint pro bono project of the Dade County Bar Association and the Eleventh Judicial Circuit, Put Something Back provides volunteer attorneys as guardians *ad litem* in domestic violence cases for children who are victims of or witnesses to domestic violence. The grant expanded the existing GAL program and developed a special domestic violence GAL panel for investigating and reporting findings to the Court when a child seeks an injunction against a parent, guardian or caretaker.

The *Support Center for Child Advocates* in Philadelphia, Pennsylvania, received a \$5,000 grant for its Kinship Care Project. This initiative helps children living with relative caregivers due to issues of parental mistreatment, addiction, and incarceration as well as family violence and HIV/AIDS. The project provides direct legal representation to children in the Philadelphia court system and develops policies and practices that support kinship families. The grant helped provide follow-up monitoring and evaluation of assisted families to insure that they remain outside the formal child welfare system and progress successfully toward legal custody, adoption, or long-term placement.

Volunteer Legal Services Hawaii, Na Keiki (The Children's) Law Center Project received \$5,000 to provide education and training to the courts on how attorneys can better advocate on behalf of needy children. The project planned to provide training for judges on the issues involved in guardian *ad litem* cases and demonstrate the necessity of providing a separate voice for children in these cases.

2004 Mentor Grants

In 2004, the Project provided mentor grants to two existing programs to encourage them to mentor and assist other groups interested in developing similar programs. The recipients were chosen based on their history of providing pro bono representation to children in private custody cases, and the ability of these programs to be replicated by other projects. The Project provided mentor grants to *Atlanta Volunteer*

Lawyers Foundation (\$4,000) and the *Rocky Mountain Children's Law Center* (\$4,000). Among the results of these grants were:

- Extensive technical assistance to seven programs;
- List service, phone and mail assistance to dozens of programs;
- Five workshop presentations by mentor program staff; and
- Mentor program assistance in Child Custody Project activities including the library, reports, and articles.

Grant Advocate Program

After the success of the mini-grants program, the ABA Child Custody and Adoption Pro Bono Project launched a new campaign in 2004 to establish a four-year grant program. The Advisory Committee's plan for this program involved directing grants to a different topic area each year, as follows:

- 2005: Bringing Mental Health and Social Services into Child Advocacy Efforts
- 2006: Implementing Standards and Trainings for Children's Lawyers
- 2007: Lawyers and Law School Clinics Partnering to Serve Children
- 2008: Starting a Dialogue: Bringing People Together to Develop Pro Bono Child Representation Programs in Private Custody Cases

To assist the Grant Advocate Program, the Project raised \$130,000 in new funds. These funds supplemented the Project's prior funding, allowing the Project to maintain its ongoing core efforts while adding the grant program as a new feature. Contributors to the Grant Advocate Program are listed in Appendix II. All donations were made to the Fund for Justice and Education and were tax-deductible as charitable donations.

2005 Grants

The Project received 21 applications for the 2005 Child Custody Grants. Committee members Debbie Segal, Linda Elrod, Donna Beavers, Janet Ward, Judy Williams, Robin Deutsch, Steve Scudder and Linda Rio Reichmann reviewed the applications, and met by conference call to make the final grant decisions. The Project awarded \$50,000 in grants under the category of "Bringing Mental Health and Social Services into Child Advocacy." The recipients were:

New Orleans Pro Bono Project, Children's Law Program -- \$16,000

The proposal from the New Orleans Pro Bono Project was to hire a social worker to identify mental health services for children in disputed custody cases, to train their attorneys in the needs they and their families may be experiencing, and to provide some of these needs in the form of custody evaluations carried out by supervised social work students.

Children’s Legal Services of Houston -- \$15,000

CLS partnered with the University of Houston Forensic Psychology Department to provide mental health evaluations and services to children in custody cases for free or very minimal cost.

Montana Legal Services Association -- \$10,000

MLSA developed an attorney training packet and DVD to give attorneys the resources and information necessary to address children’s mental health issues in custody cases.

Community Justice, Inc, Wisconsin -- \$5,000

Community Justice partnered with The Rainbow Project, a mental health agency, to address the need for providing legal services to children who disclose abuse during the divorce process and to children seeking civil protective relief.

Kansas Legal Services -- \$4,000

KLS developed an interactive sourcebook for youth aged 6 to 14, to encourage youth to work through emotional and mental health issues that may arise from their experiences in custody court proceedings and training sessions for Guardian *Ad litem* (GAL) attorneys and mediators on how to use the sourcebook with children involved in custody cases and how to help youth access services and information.

2006 Grants

The Project received 12 applications for the 2006 Child Custody Grants. Committee members Linda Elrod, Debbie Segal, Bob Liechty, Bruce Boyer, Howard Davidson, Denise McColley, Sandy Lax, Steve Scudder, Linda Rio Reichmann and Barbara Chasnoff reviewed the applications, and met by conference call to make the final grant decisions. The Project awarded \$50,000 in grants under the category of “Implementing Standards and Trainings for Children’s Lawyers.” The recipients were:

Oklahoma Indian Legal Services -- \$12,000

OILS developed a “Care Advocacy Project” which offered free training to child representative attorneys. The training was based on the ABA training series, as well as extensive information on the Indian Child Welfare Act and tribal court practice. In exchange for the training, attending attorneys agreed to represent children in tribal courts in divorces, adoptions and private guardianships, and agreed to follow the ABA Standards of Representation. OILS designed and maintained a pro bono referral service for all attending attorneys. OILS also attempted to seek standardization in the 22 tribal courts serving 38 tribes in Oklahoma, using the ABA Standards.

Legal Aid Society of Middle Tennessee and the Cumberland -- \$10,000

The program used the grant to create a new initiative to provide representation to children in civil protective order cases. A staff attorney at the Legal Aid Society

represented children directly, and recruited, trained, and supervised volunteers who also provided representation. Staff from the Legal Aid Society worked in conjunction with the Davidson County Juvenile Court and the Nashville Pro Bono Program to design and implement a pro bono attorney referral system. The Nashville Pro Bono Program provided CLE credit and malpractice coverage, and used its current well-established referral system to help monitor the cases. The attorneys provided representation to children in a newly formed Juvenile Court Order of Protection docket, in domestic violence cases involving unmarried parents. The attorneys were involved in all custody, placement, and visitation issues that arose in these cases, as well as in securing necessary services for the children and parents, and compliance with the court's orders.

Pima County Superior Court and Univ. of Arizona College of Law -- \$8,000

The Pima County Superior Court and the University of Arizona, College of Law Child Law Clinic partnered to train volunteer attorneys and law students to represent children in Pima County cases involving divorce, parentage and domestic violence protective orders. The funds were used to provide a "Representing Children" seminar at the James E. Rogers College of Law in the fall of 2006, a training program for practicing lawyers in 2007, and a field placement component for law students.

Justice for Children Project, Ohio State University College of Law -- \$8,000

The Justice for Children Project used the grant funds to help create the "Pro Bono Partnership." Partnering with the project under the grant were the Columbus Bar Association, the Pro Bono Research Group, the Columbus Bar Foundation, and the Franklin County Domestic and Juvenile Court. The project trained private attorneys, pursuant to Ohio and ABA Standards, to represent children in divorce and parentage cases. These trained private attorney volunteers were paired with third-year law students who provided research, drafting, and on-the-ground support to the attorneys. In addition, project staff served as experienced mentors for the volunteer attorneys; met with them regularly regarding their cases; and were available for court appearances if requested.

Kids First Law Center, Iowa -- \$7,500

The Center's practice is devoted exclusively to providing free, quality representation to children in high conflict custody and divorce cases, and related guardianship and protective order proceedings. The Center uses a child's attorney model as defined in the ABA Standards. Kids First is the only organization providing pro bono divorce representation to children in Iowa. Under the grant, the Center provided a multi-disciplinary training that introduced attorneys to the ABA Standards. The training was recorded and continues to be used to train new volunteer attorneys. The Center also worked to ensure that ABA Standards are followed in the judicial district by requiring attorneys to comply with the standards when they accept pro bono cases through Kids First. Finally, the Center developed a database of attorneys who regularly accept pro bono cases.

ChildLaw Services, West Virginia -- \$4,500

ChildLaw Services designed and implemented a statewide training for volunteer attorneys who agreed to handle at least one pro bono custody case representing children. The training consisted of a full-day training based on the ABA training, supplemented with West Virginia law, procedures and court rules. There was also participation by local experts in domestic violence, child abuse, child development, and child psychology.

2007 Grants

The Project received eight applications for the 2007 Child Custody Grants. Committee members Linda Elrod, Bob Liechty, Bruce Boyer, Howard Davidson, Judy Williams, Linda Rio Reichmann, Steve Scudder, Genie Miller Gillespie and Barbara Chasnoff reviewed the applications, and met by conference call to make the final grant decisions. The Project awarded \$50,000 in grants under the category of "Lawyers and Law School Clinics Partnering to Serve Children." The recipients were:

AdvoCourt for Kids, Houston, Texas -- \$15,000

AdvoCourt for Kids used the grant to fund an assistant clinical professorship at the University of Houston Law Center Civil Clinic supervising law students representing children in divorce, custody and parentage cases. Additionally, the grant funded a free training for law students and private attorneys on issues which arise in these cases. After completing the training, the law students were paired with experienced volunteer attorneys who supervised the students in pending cases, giving the students the opportunity for hands-on experience.

Atlanta Volunteer Lawyers Foundation, Atlanta, GA -- \$15,000

The AVLF used the grant to expand its One Child, One Lawyer program to private guardianship cases. The grant allowed one staff person and law students on field placement from some of the three Atlanta law schools to review actions filed in Fulton County Juvenile Court by private parties. The staff attorney and law students conducted preliminary investigations of these cases with a focus on the best interest of the child who is the subject of the action. If the case was not resolved at the first hearing, AVLF referred the case to a volunteer attorney who partnered with the law student to investigate the case and advocate on behalf of the child until the case was resolved.

ChildLaw Services, Inc., Princeton, West Virginia -- \$7,950

CLS used the grant to implement a two-pronged project which partnered attorneys with students from the Appalachian School of Law (ASL). Third-year ASL students performed 15-week clinics with CLS, learning to represent children in private custody and adoption cases. Additionally, CLS staff attorneys, law students, and local volunteer attorneys implemented free one-day clinics on a monthly basis across southern West Virginia to assist young people in obtaining guardianships and other legal and social services. CLS also partnered with the

12th Circuit Family Court to train and support the interns and volunteer attorneys regarding the ABA Standards and West Virginia law, procedures and court rules.

Children’s Law Center, Covington, Kentucky -- \$12,000

The Center implemented a program with law students from the Northern Kentucky University Chase College of Law who received pro bono hours for participation in this program. These students worked with pro bono attorneys on private custody cases. The grant was used to hire a part-time coordinator to serve as a liaison among the pro bono attorneys, courts, Center, and the Chase College of Law. The objectives of the project were to 1) provide legal representation to children in divorce, parentage, adoption and domestic violence cases; 2) sponsor a continuing legal education program for the pro bono attorneys, law students, and family court judges, utilizing the ABA Standards for Child Custody Representation; and 3) provide a written assessment and report from information obtained by circuit and family court judges in Kentucky to encourage implementation of pro bono child custody representation in their court.

2008 Grants

The Project received eight applications for the 2008 Child Custody Grants. Committee members Bruce Boyer, Howard Davidson, Judy Williams, David Hofstein, Frank Cervone, Janet Ward, Steve Scudder and Genie Miller Gillespie reviewed the applications, and met by conference call to make the final grant decisions. The Project awarded \$50,000 in grants under the category of “Starting a Dialogue: Bringing People Together to Develop Pro Bono Child Representation Programs in Private Custody Cases” The recipients were:

Center for Children, Law & Policy, Houston, TX -- \$3,000

The Center for Children, Law & Policy convened a series of meetings and surveys to identify the perceived barriers to providing pro bono representation of children in custody and adoption cases and to create and disseminate a “game-plan” report to coordinate the activities of the groups and resources in the community. The primary purpose of the project was to focus on delineating the willingness and ability of the Houston legal community to provide pro bono services to children in these cases.

Children’s Law Center, Inc., Covington, KY -- \$9,800

Children’s Law Center, Inc. used the grant to respond to the need that judges identified in a survey conducted by its program for more information on establishing child custody representation models in their jurisdictions by (a) providing the opportunity for training through Kentucky’s Judicial College on the need for child custody representation in certain cases; (b) identifying specific family and circuit courts in Kentucky that wish to initiate and/or expand upon existing pro bono panels for child custody representation; and (c) providing technical assistance to local family and circuit courts who wish to create and/or expand upon existing pro bono panels for child custody representation.

Georgia Legal Services Program, Atlanta, GA -- \$7,200

Georgia Legal Services Program used the grant to develop a complimentary parenting plan form to be suggested, or required, by the courts when family violence is found in divorce and custody cases; to make it readily available to pro bono attorneys; and to provide training to pro bono attorneys representing children in custody cases. Georgia Legal Services Program worked with the Council of Superior Court Judges Family Violence Benchbook Project and the State Bar of Georgia Pro Bono Project to develop this form and make it available through the Benchbook, websites and collaborative training. The Safety Focused Parenting Plan was developed specifically for private attorneys who provide pro bono representation for children in custody cases and who have been referred custody cases from Georgia Legal Services Program or the Georgia Bar Pro Bono Project.

Kids First Law Center, Cedar Rapids, IA -- \$9,400

Kids First Law Center used the grant to expand pro bono child representation across Iowa while improving the quality of the representation. The Center drafted and promoted the adoption of best practices standards in Iowa; established training requirements and offered training for attorneys to be qualified to represent children in custody cases; and implemented procedures to ensure compliance with the ABA Standards by pro bono attorneys. To do this, Kids First engaged in collaborative discussions with private attorneys, the local and state bar associations, local and statewide judges, and other organizations serving children.

Lake Superior Court, Gary, IN -- \$6,000

Lake Superior Court conducted guardian *ad litem* training seminars to develop a “pro bono GAL pool” from which to provide qualified representation for children in private custody cases in the Lake and Porter County Indiana area. The judges and magistrates of Lake County presented the program in cooperation with Indiana First Judicial Pro Bono Committee, Inc., the Indiana University-Bloomington Law School and the Lake County Bar Association.

MidPenn Legal Services, Harrisburg, PA -- \$7,500

MidPenn Legal Services hosted a series of meetings with judges, private family law attorneys, bar association leaders, MidPenn Legal Services staff attorneys, pro bono attorneys, courthouse staff, and Widener Law School and Dickenson Law School legal aid clinics. At these meetings attendees brainstormed methods to develop programs which will provide pro bono representation to children in private custody cases. As a result of these meetings, fact sheets, brochures and other communications will be developed and disseminated to the broader community. If support exists, the strength and resources of the Pro Bono Program and the support of the broader community will be used to launch a pilot project and measure its effectiveness.

St. Louis County Family Court -- \$7,100

St. Louis County Family Court trained and then utilized attorneys in civil order of protection dockets as pro bono guardian *ad litem*s. The St. Louis University School of Law Legal Clinic, in conjunction with the Catholic Legal Assistance Ministry, provided GAL training at no cost to the participants. The ABA Standards of Practice for Attorneys Representing Children in Custody Cases were the focus of part of the training.

Resources and Technical Assistance

A critical focus for the Project was ensuring that resources were developed that could be used by those wanting to develop, improve or expand their efforts to ensure quality representation for children in custody cases. In addition, the Project felt strongly that technical assistance and consulting resources should be available as needed. During the Project's life it provided direct technical assistance to over 300 persons or entities, helped set up new programs, designed and implemented trainings, worked with local courts, linked programs to other areas of expertise, drafted legislation and court rules, identified funding resources, developed standards, and provided legal or policy research to help with reform efforts. The types of persons and entities assisted include pro bono and legal service programs; individual attorneys, judges and mental health professionals; law schools; bar associations; state reform committees; court projects; social service agencies; and national research projects.

Some of the specific resources and technical assistance initiatives of the Project included the following:

Child Custody Library

The Project collected, abstracted, catalogued and placed over 300 documents in the Child Custody Resource Library. All of these documents are summarized and catalogued in an online database, easily accessible from the Project's web site. All documents have permitted copyright waivers for distribution. The materials are distributed free of charge, except for extremely large requests or certain requests from members of the general public.

Standards of Practice for Children's Representatives in Custody Cases

The Project worked with the ABA Family Law Section to prepare and receive approval of Standards of Practice for Lawyers Representing Children in Custody Cases. These Standards were passed by the Family Law Section in May 2003 and adopted as official ABA policy in August 2003. The Standards have been widely circulated and many programs and jurisdictions are considering implementing all or parts of the Standards.

The Project's Director also served as an official Observer to the National Conference of Commissioners on Uniform State Laws ("NCCUSL") in its drafting of the

Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act. The Uniform Law Commission approved this Uniform Act in August 2007. The ABA Family Law Section voted to support the Act in March, 2008. The Act can be viewed at www.law.upenn.edu/bll/archives/ulc/rarccda/2007_final.htm.

Presentations

Staff, volunteers and consultants have made over 30 presentations about the Project and its recommendations, and have conducted 16 substantive workshops. Workshops have included those at the meetings of the ABA/NLADA Equal Justice Conference, the Association of Family and Conciliation Courts, the National Association of Counsel for Children, the ABA Center on Children and the Law, and the ABA Annual Meeting Presidential CLE Program. Some of the workshop topics were: *Representing Children in Private Custody Cases*; *Working with Child Clients*; *Representing Children in Civil Cases Involving Domestic Violence*; *The Family Lawyer as Problem Solver*; *Standards for Lawyers Representing Children*; and *Interdisciplinary Training Regarding Representing Children in Custody Cases*. The Project also produced a program that is available free of charge at <http://www.abanet.org/cle/clenow/probonorepchildreg.html> as an ABA Audio CLE program, entitled *Representing Children in Civil Domestic Violence Cases*.

Child Custody Project List Serve

The Project established and ran a list service open to anyone involved in child custody cases, particularly advocates for children. There were 175 subscribers to the list service. On average, the Project posted two items per week and regularly responded to inquiries from other subscribers. The list became an excellent mechanism for child advocates to exchange information, network, and enhance their own programs.

Child Custody Pro Bono Project Report and Directory

In 2003 the Project completed a survey of all known programs representing children in private custody cases. The results were turned into a report and directory, which is posted on the project's web site. Many programs have used the directory as a resource to network with other programs, and volunteers have used the directory to find pro bono programs at which to volunteer. The directory is updated regularly as new programs are developed and existing programs have changes in their contact information.

Project Website

The Project's website, located at www.abachildcustodyproject.org, provides information about the project as well as the results of research about laws and programs. The site also provided current information on applying for grants and awards and will continue to be a resource after the end of the Project. Several of the Project's resources and materials, including the training series, are available as free downloads from the website.

Creating a Culture of Representing Children in Private Custody Cases

One of the major accomplishments of the Project was to help create understanding and support for the need for advocacy for children in private custody cases. Project staff and consultants have encouraged such a conversation throughout the country through the above activities, as well as through attendance at many meetings, conferences, symposiums, and conference calls.

Ann Liechty Child Custody Pro Bono Award

The Advisory Committee determined that an important way of promoting pro bono representation of children in custody cases would be to provide national recognition for lawyers who demonstrate outstanding service in these cases. The Project worked with the Standing Committee on Pro Bono and Public Service to obtain ABA approval to establish an annual Ann Liechty Child Custody Pro Bono Award. There have been six awards presented by the Project:

2002: Rebecca Rundgren; Denver, CO

Ms. Rundgren devoted a substantial amount of time in *pro bono* efforts to assist children involved in custody battles. At the Rocky Mountain Children's Law Center, Rundgren provided direct representation to children in domestic violence and divorce cases, and restraining order cases where she was appointed guardian *ad litem*.

2003: Jacqueline Valdespino; Miami, FL

Ms. Valdespino dedicated her 20-year legal career to enhancing the lives of children through the delivery of quality free legal services to children in child custody proceedings. She has served as a guardian *ad litem* in numerous family, matrimonial, and protective order cases, and in 1997 was named as the Put Something Back organization's Guardian *Ad litem* of the year. Since 1992, when she established her own law practice, Ms. Valdespino has accepted 33 pro bono guardian *ad litem* assignments, to which she has dedicated nearly 2,000 hours of work.

2004: Toby Hollander; Portland, ME

Mr. Hollander had worked in legal services on behalf of families for decades, and then in 2000 he closed his private practice to focus on representing low-income children as a guardian *ad litem* in custody and protective order cases. In addition to directly representing children, Mr. Hollander also created a "brown bag lunch" series to help guardian *ad litem*s improve their practices, and assists with Maine's mandatory training for court-appointed guardian *ad litem*s.

2005: Deborah Ebel; Atlanta, GA

Ms. Ebel is the Pro Bono Coordinator and a litigation partner at McKenna, Long & Aldridge in Atlanta, Georgia. Ms. Ebel was the co-founder of the Atlanta

Volunteer Lawyers Foundation's ("AVLF") Guardian *Ad litem* ("GAL") program, the first of its kind in Georgia. Her law firm served as the program's initial sponsor, and supplied the first group of volunteers. Her firm remains the primary sponsor and regularly offers its offices and resources for GAL trainings. To date, the AVLF program has served as GAL in over 1,300 cases, and is a national model for programs advocating for children in private custody cases. Ms. Ebel herself has accepted almost thirty GAL cases through AVLF, has participated in over twenty GAL trainings, and has traveled throughout Georgia to help other jurisdictions develop similar programs and to help develop statewide guidelines for GALs.

2006: Winston & Strawn; Chicago, IL

Winston & Strawn began a partnership with Chicago Volunteer Legal Services Foundation in 2003 at the inception of CVLS's Guardianship Program. Through the CVLS Guardianship program the Probate court is able to appoint Guardian *Ad litem*s for at-risk children in contested guardianship matters when the children would otherwise not have a voice. More than 40 Winston & Strawn lawyers, including managing partner Chris Gangemi and other partners, have donated over 2,300 hours representing more than 70 children through the CVLS Guardianship Program.

2007: Patricia Yoedicke; Minneapolis, MN

Ms. Yoedicke is an attorney with Robins, Kaplan, Miller & Ciresi in Minneapolis, Minnesota. Since 2000, Ms. Yoedicke has provided close to 800 pro bono hours representing children through the Children's Law Center of Minnesota. These children are state wards whose parents' rights have been terminated. Under Minnesota law, these children are not entitled to representation after the point at which their parents' rights are terminated. Ms. Yoedicke's volunteer representation has filled the void for the children she has represented.

Starting in 2003, a video was created about each recipient, his or her efforts on behalf of children, and the program through which he or she volunteers. These videos are available on the Project web site at www.abachildcustodyproject.org. The awards were presented each year at the ABA Annual Pro Bono Publico Luncheon.

RECOMMENDATIONS

One of the Project's main goals was to determine what needed to be done to increase the quality and the quantity of representation for children in private custody cases. Through its work, many ideas came to light. Some of these ideas were pursued by offering grants to programs around the country to pilot or expand representation of children. Other ideas were pursued by offering assistance, education, or training to programs, individuals, courts, firms, and bar associations across the country. The recommendations presented here are offered as suggestions for these and other entities to continue to improve representation for children in private custody cases. This is an ongoing process, and organizations and individuals interested in improving not only

representation of children in custody cases, but improving children's overall experience in the process, will need to diligently continue their efforts over the coming years.

The first two recommendations are over-arching ones encouraging more and better presentation for children. Although all of the other recommendations are also tied to these goals, they are each worthy of their own specific recommendations. Each recommendation below contains several examples of a project or program that has successfully pursued the goal stated in the recommendation. There are many other examples of such efforts, and those described here should not be viewed as the exclusive resource or exemplification of suggested action. Other resources are listed at the end of this report, or found in programs across the country.

Recommendation 1

The Quantity of Representation of Children in Private Custody Cases Should Increase

It was clear from the beginning of the Project that many children involved in private custody cases were not receiving the representation they needed. This was true across all case types we researched: divorce, adoption, guardianship, and civil domestic violence.

The Project implemented several mechanisms to address the need for increased representation. It awarded over \$280,000 in grants to pro bono programs, legal service providers, law schools, courts, and bar associations to initiate or expand representation of children. It set up free-access libraries, list services, and research summaries to help programs increase or initiate programs. Project staff attorneys provided technical assistance to hundreds of programs and persons in their effort to represent children. Staff also traveled to many conferences and programs to present information on why and how to represent children in custody cases.

Although the Project raised awareness, recognition, efforts and funds, and facilitated many new projects, we continue to hear from programs, courts, and families throughout the country of their need for legal representation for children in private custody cases. Greater commitment and energy must be devoted to further expanding representation for children. Programs already representing children through paid staff can expand their numbers by adding a pro bono component. Programs already representing children in other areas can add divorce, adoption, guardianship, or civil domestic violence to their case work. Programs not representing children currently can add children to their client base. And finally, where no programs exist at all, attorneys, judges, bar associations, children's groups, and government agencies should look at the need in their jurisdiction and create a program to fill the gap in representation of children.

The following three programs serve as excellent models for increasing representation of children. The first program moved from a staff-only model to one making extensive use of volunteer attorneys to represent children in divorce cases. The second program expanded its private custody representation of children from divorce cases to civil domestic violence ones. The third program added private custody cases to

its other non-custody work on behalf of children. Information on many other programs is available in the Project's "Child Custody Pro Bono Volunteer Programs Directory" at www.abanet.org/legalservices/probono/program_report_directory.pdf.

Examples

Children's Law Center, Inc, Kentucky:

Expanded from a staff-only representation model to one also using pro bono attorneys.

The Children's Law Center, Inc, ("CLC") is located in Covington, Kentucky, and opened in 1989. Its mission is to protect and enhance the legal rights and entitlements of children in Kentucky through quality legal representation, research and policy development, and training and education to attorneys and other professionals regarding the rights of children. CLC works to improve the quality of and accessibility to legal representation for children in Kentucky and Ohio.

In 1992, CLC began representing children in custody and visitation cases through a staff attorney. Since 1992, CLC has continued to increase its case load by extending its referral sources. CLC currently receives client referrals through court appointments, as well as, referrals from state and local social service agencies, school counselors and families. In 2007, CLC provided representation to over 150 children in custody or related proceedings. This staff-based representation continues. Increasingly, however, there have been more children in need of representation and two staff attorneys could not handle the number of children needing a lawyer.

In 2002, to meet the growing need for representation of children in custody proceedings, CLC received an ABA Child Custody Project grant of \$11,000 to hire a part-time pro bono coordinator to start and manage a new pro bono component to CLC's custody and visitation case work. The coordinator recruited, trained, and provided case support to new volunteer attorneys on the pro bono panels. Since 2002, CLC has continued to regularly receive appointments for its pro bono panel to represent children in custody cases. CLC's pro bono panels have been utilized by judges in five Northern Kentucky counties and currently have a roster of 30 attorneys who generally handle at least one pro bono case representing a child in a custody related proceeding each year.

In addition to the pro bono panels, CLC has sought other ways to increase the number of children receiving representation in Kentucky. In 2003, CLC developed two strategies to both increase and enhance representation of children in CLC's service area as well as statewide. The first strategy was to increase judicial awareness of the importance of appointments. CLC has accomplished this goal by increasing judicial collaboration through on-going dialogue, educational and training materials and the dissemination of standards of practice. CLC has continued to accomplish this goal by providing regular trainings, publications, advice and other support regarding the representation of children to members of the bench and bar.

As an example, CLC published a Guardian *Ad litem* Manual for pro bono panel attorneys and local judges. Over three hundred (300) copies of the Guardian *Ad litem* manual were provided to various courts, family law committees, legal aid organizations and private practitioners. The Guardian *Ad litem* Manual continues to be utilized in a number of courts both as a guide and resource and is regularly requested by new attorneys and judges.

The second strategy implemented by CLC was to utilize the untapped value of law students as a resource for both staff and pro bono attorneys to better manage their cases and to represent more children as clients. The ABA Project awarded CLC \$5,000 to pursue this strategy. CLC has and continues to use law students and undergraduate social work students to assist in handling child custody cases. The students are involved in all aspects of representation from meeting with clients and performing home visits to preparing motions and attending court proceedings. Students from Northern Kentucky University's Chase College of Law, Northern Kentucky University, the University of Cincinnati College of Law, the University of Notre Dame College of Law, the University of Dayton College of Law, the University of Toledo College of Law, Georgetown University and Spalding University, have participated as interns, externs or fellows assisting attorneys at CLC in the representation of children. In the summer of 2008, CLC had ten law students participating in the summer program which involved each student in at least one CLC child custody case.

In addition to the programs and strategies articulated above, with the support of the ABA Child Custody Project, CLC has held numerous CLE programs regarding issues affecting children. These CLE programs include both in-house programs for the pro bono panels and CLE programs conducted throughout the Commonwealth for attorneys, family court staff and law students regarding issues involving the representation of children. For example, in the fall of 2007, CLC hosted a well attended full day continuing legal education program based on the ABA Standards for Child Custody Representation. This full day CLE training was provided to over sixty-five representatives from every jurisdiction throughout the commonwealth, including, judges, attorneys, law students and family court personnel.

Contact: Kim Brooks Tandy, Executive Director
(859) 431-3313
childrenslaw@fuse.net
www.childrenslawky.org.

Put Something Back:

Expanded from divorce cases to representing children in civil protective order cases.

Put Something Back ("PSB") is a Joint Pro Bono Project of the Eleventh Judicial Circuit and the Dade County Bar Association. Since 1992, PSB has served as the official pro bono provider for legal assistance in Miami-Dade County. It is designed to increase access to the civil legal system by serving as an umbrella agency for referral to all other legal service providers and as a clearinghouse for attorneys who volunteer to help the

indigent of the community. Since its inception, the program has handled over 50,000 cases and recruited more than 7,000 attorneys, including 210 law firms who have signed up 100% of their membership.

By 2003, PSB was regularly representing children in cases involving divorce, disabled children, or prior dependency status. Nonetheless, staff at PSB saw a great need for access to attorneys specifically trained to represent children in domestic violence situations where the child is a victim of domestic violence or a witness to it. Pursuant to a \$5,000 Project grant, PSB developed a special domestic violence GAL panel for investigating and reporting findings to the Court when a child seeks an injunction against a parent, guardian or caretaker. Within one year, 59 new attorneys had signed up to take cases representing children in domestic violence protective order cases. 39 of these attorneys took cases that first year, representing a total of 51 children. In 2007, PSB provided volunteer GALs in 88 cases.

New trainings are now held each year, at the courthouses, law firms, and the U.S. Attorneys' Office. PSB also uses Law Week as an opportunity to recruit and train attorneys. In 2008, PSB teamed up with the Dade County Bar Association Young Lawyers Section to train attorneys as GALs in high conflict domestic violence cases. Liaisons were set up at both the program and the courthouse to facilitate appointments and volunteer referrals, and the program has developed a close relationship with the judges handling these cases. All judges hearing civil domestic violence cases are now making attorney appointments through the program, as are many hearing divorce cases with serious allegations of domestic violence.

PBS also partners with local law schools. When an attorney accepts a referral they are paired with a law student if they need legal research or other assistance. In 2007, PBS and the Dade County Bar Association established "legalline," where callers can receive free legal advice over the phone from volunteer lawyers. Domestic violence related callers are able to call in for assistance on the first Wednesday evening each month.

In 2007, PBS presented a seminar on domestic violence for non-lawyer professionals. The purpose was to build relationships with front line people that will lead to successful client identification and future referrals. A great deal of emphasis was placed on increasing awareness of the legal responsibilities toward children and to reduce violence.

Contact: Karen Ladis
(305) 579-5733
kladis@dadelegalaid.org
www.pbslegalaid.org

Children’s Law Center of Washington, D.C.:
Added staff and pro bono representation to prior child protection representation.

The Children’s Law Center of Washington, D.C. (“CLC”) began in 1996, and helps at-risk children in the District of Columbia find safe, permanent homes and the education, health care and social services they need to flourish by providing a comprehensive range of legal services to children, families, and foster and kinship caregivers.

In 2001, CLC hired a staff attorney to serve as a Guardian *Ad litem* in cases involving domestic violence, including civil protection order cases. In 2002, the CLC received a grant from the ABA Project to expand its representation of children by adding a pro bono component to its GAL program. CLC’s Pro Bono Custody Guardian *Ad litem* Project used the funds to recruit and train volunteer attorneys to serve as guardians *ad litem* in complex custody cases. The grant allowed CLC to fund part of an attorney’s time to serve as the intake and referral coordinator for the court, to create a high-quality and ongoing training program, and to provide ongoing mentoring to pro bono attorneys.

In the first year, CLC trained 80 new attorneys under the grant. Three trainings were held -- one for the DC Bar Pro Bono Program, and the other two for large law firms. During the first year, 45 of the attorneys took cases, and 65 children were represented. All of the cases involved domestic violence or complex custody disputes. CLC also created an extensive training manual, conducts live trainings several times each year, and provides mentoring to pro bono attorneys taking these cases. CLC’s online training and resources for attorneys is available at www.probono.net/dc/family. In 2008, CLC had over 400 volunteer attorneys handling these cases.

At CLC’s ten-year mark in 2006 it was providing representation each year to almost 1,000 children, their families and foster and kinship caregivers through CLC’s key its Family Permanency Project, Health Access Project and Guardian ad litem Project.

Contact: Jennifer Di Toro, Legal Director
(202) 467-4900
jditoro@childrenslawcenter.org
www.childrenslawcenter.org

Recommendation 2

Programs Should Work to Improve the Quality of Representation of Children in Private Custody Cases

In addition to a need for more representation, the Project found a need for improving the quality of the existing and emerging representation of children in private custody cases. Judges, attorneys, and families complained that there was not enough training available for attorneys representing children, particularly of a multi-disciplinary nature. Attorneys themselves often felt ill-equipped to represent their child clients, and

programs rightly felt they should not assign child clients to attorneys not sufficiently trained to represent them.

The following training programs are excellent examples of ways to increase the quality of representation of children in private custody cases. Each program was either awarded a Project grant, received assistance from Project attorneys, or implemented the Project's multi-disciplinary training series.

Examples

Kids First Law Center, Iowa

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

Kids First receives appointments directly through the courts. For a child to be eligible for services: (1) the child's family must be low income or middle income and unable to afford a private attorney for the child; (2) the child must be 6 to 17 years old; (3) the child must live in Linn County, Iowa; and (4) a high-conflict family law (divorce or custody) case must be pending. Kids First receives no government funding, but rather operates on grants and individual donations.

In 2006, the ABA Project awarded Kids First a \$7,500 grant. Pursuant to the grant, Kids First held a multi-disciplinary, one-day training attended by 45 attorneys. The training was titled, *Can You Hear Me Now? Making Children's Voices Heard in Custody Cases*. Five speakers made presentations and parts of the ABA training videos were shown. The speakers included a child's attorney, a judge, a child and family therapist, a children's grief counselor, and a law professor. Topics included the ABA standards, local judges' views on child representation, child development, interviewing children, case development, ethics, children's grief, and domestic violence. Attorneys received a comprehensive set of materials on multidisciplinary topics. In addition, the training was recorded so that attorneys who were unable to attend could later borrow the DVDs and watch the training independently.

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

represented the children at trial; two settled the case; and two are still pending. With each case referral, Kids First also sends the ABA Case Development Checklist to the volunteer attorney as a refresher. Kids First also mails a copy of the domestic violence video section of the training to volunteer attorneys who take cases which have domestic violence allegations.

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

Subsequent to the initial training, Kids First has held several trainings, including one for the Iowa State Bar Association Family Law Section on the ABA Standards and NCCUSL Act regarding the ethical duties of attorneys representing children in custody cases. Over 300 attorneys attended this session. Kids First has also made a presentation on the topic of children as witnesses to the Dean Mason Ladd American Inn of Court.

Lastly, Kids First created three evaluation tools to measure outcomes for child clients from the pro bono program. A series of surveys was designed to be given to the child client, the pro bono attorney, and the parents' attorneys. Additionally, Kids First will continue surveying local judges about the ongoing success of the pro bono program. To date, all feedback from the court has been positive. In one case, the presiding judge reported that the pro bono attorney gave the child a voice, made the child as comfortable as possible, and gave him a clear avenue to testify. She did not realize that the attorney was performing services pro bono until Kids First surveyed her after the case concluded.

Kids First originally intended to provide the training free of charge to attorneys who agreed to represent children in custody cases pro bono. However, many attorneys were interested in attending the training and learning more about the area of child representation but did not want to commit to accepting pro bono cases. Many felt unsure about their ability to serve as a child's attorney in custody cases, either because they were not experienced in family law, had limited litigation experience, or because they were concerned about communicating effectively with a young client. Therefore, a fee was charged for attorneys who did not want to commit to representation with the option of having it refunded later should they change their minds. In addition to the \$7,500 ABA grant, Kids First collected almost \$3,000 in CLE fees, which covered the cost of the training, DVD production, pro bono liability insurance and staff time involved.

Contact: Jenny Schulz
jenny@kidsfirstiowa.org
(319) 365-5437
www.kidsfirstiowa.org.

Maine Volunteer Lawyers/Pine Tree Legal Assistance

In 199, following an appeal from the Maine District Court to provide help for low-income families who could not afford to secure a guardian ad litem, the Maine Volunteer Lawyers Project of Pine Tree Legal Assistance began providing guardians to represent the interests of children in custody cases. A three-year fellowship allowed Pine Tree to develop a deeper appreciation of the needs of low-income children and this ultimately led to creation of a new statewide children's law project, KIDS LEGAL. Today, KIDS LEGAL has three full-time staff attorneys and one paralegal, with offices in Bangor and Portland. KIDS LEGAL provides direct representation to children, consultations to community providers and group trainings on legal issues affecting low income children and youth in Maine, such as education, housing, public benefits, and family law matters.

In 2002, the ABA Project awarded the Maine Volunteer Lawyers Project a grant to develop an online Best Practices manual. The manual begins with "Ten Things" to always consider when representing low-income children in family law matters. In addition, it contains sections on standards and rules, health insurance, government assistance, parenting resources, domestic violence, mental health services, education, the role of the guardian ad litem, poverty and culture, and investigations and reports.

In 2005, KIDS LEGAL formed its own website at www.kidslegal.org. The ABA-funded manual provided the impetus for an expansive listing of information for multidisciplinary professionals working with low-income children. The original "Ten Things" and updates on the other issues covered in the manual are now provided in the special section for attorneys at <http://www.kidslegal.org/attorneys/>. A second section for other professionals, including those from the medical community, is provided at <http://www.kidslegal.org/professionals/>, where "Ten Things" is also referenced. The Manual also remains available to *pro bono* attorneys working with the Maine Volunteer Lawyers Project.

Contact:	Juliet Holmes-Smith	Sara Anne Meerse
	(207) 774-4518	207-774-8246
	jholmes-smith@vlp.org	smeerse@ptla.org
	www.kidslegal.org	

Oklahoma Indian Legal Services

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

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

The ABA Project awarded OILS a \$12,000 grant to develop a “Care Advocacy Project” to offer free training to child attorneys. The training, based primarily on the ABA Custody Standards as well as the ABA Abuse and Neglect Standards, ICWA, and tribal court practice, was first presented at four mini conferences around the state, with between six and thirty attendees. A fifth, more formal conference, was later held in Oklahoma City and included seven hours of Continuing Legal Education credit for Oklahoma attorneys. Approximately 133 people attended that training, including attorneys, court personnel, CASA workers, social workers, students, and judges. As a result of the program, forty-two attorneys committed to representing Indian children in tribal court proceedings. Additionally, the Oklahoma City conference was made available on DVD, and will be used to train future volunteers.

OILS successfully used technology for advertising purposes. Web sites and email lists were cost-effective and reach a large audience. OILS used email lists for the Indian Law Section and the Family Law Section of the Oklahoma Bar Association, and the Oklahoma Indian Bar Association, as well as email notices to the three law schools in Oklahoma. This served to increase participation and directly targeted the persons who would likely participate in this project. At the OILS conferences, every attendee received a coffee mug and an insulated, zippered lunch bag with OILS’s logo, as well as pens and other small gifts. OILS believes that this serves to strengthen a connection with the program that would otherwise fade over time.

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

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

The CAP Project is still underway, and as of April 2008, OILS had presented to an additional 200 attorneys since the main training concluded (including 50 legal aid attorneys at the National Legal Aid and Defenders Annual Conference in November, 2008 in Tucson, Arizona). There are 47 attorneys in the Project who have been through full trainings and who already have experience representing children. At this point, most

children in the tribal court systems now have attorney advocates, all of whom have received high-quality training.

Contact: C. Steven Hager
405-943-6457.
hager@oilsonline.org
www.oilsonline.org

Pima County Superior Court and University of Arizona College of Law

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

The Child Advocacy Clinic of the University of Arizona, James E. Rogers College of Law, has itself accepted several pro bono appointments to represent children in family court. Established in 1996, the Child Advocacy Clinic is a working law office in which senior law students represent children under the personal supervision of law college faculty in exchange for school credit. The Child Advocacy Clinic has four main goals: (1) to enhance students' lawyering skills; (2) to teach students how to better learn from experience; (3) to help students develop sound and ethical lawyer judgment; and (4) to deliver high quality legal services to the children of Pima County.

An \$8,000 grant from the ABA Project to the Pima County Court and the Child Advocacy Clinic funded training of volunteer attorneys and law students on the representation of children in Pima County cases involving divorce, parentage and domestic violence protective orders. Professors Paul Bennett and Barbara Atwood co-taught two seminars titled *Representing Children* over the 2006-07 academic year. During the fall semester, students explored the law surrounding child custody, the roles of children's lawyers, issues relating to child development, interviewing techniques, mediation, and other topics through readings, guest speakers, and writing assignments. Additionally, students used the ABA training materials as a basis to begin developing an Arizona-specific training to be offered to attorneys and law students.

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

experts, child custody evaluators, and child development experts were consulted on the training design.

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

The completed DVD and training materials are available to lawyers in Pima County to check out as they wish. A copy of the DVD was also sent to each of the superior courts in the other fourteen counties in Arizona along with copies of the written materials. The College of Law has several copies of the DVD for future use with law students.

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

Recommendation 3

The Judiciary Should be More Involved in Improving Representation for Children in Private Custody Cases

Having well-trained and motivated pro bono attorneys willing to represent children in private custody cases will only work if the judiciary supports the involvement of these attorneys in the court process. Throughout the ABA Project it became clear that, while many judges appreciate the efforts of attorneys who represent children, a large portion of the judiciary is still unsure of the potential benefit of adding another player to what is already a complicated situation. Additionally, those judges who have become comfortable with giving a “voice” to a child in a custody case, are often more comfortable with the well-established guardian *ad litem* model. Some of these judges prefer to get another opinion or recommendation to assist them in the decision-making process, rather than adding another advocate to the mix. It is crucial for the judiciary to understand the benefits of giving a voice to a child in a complex custody matter.

In 2008, the Project embarked on a final round of grants to involve the judiciary in discussions about the benefits of appointing attorneys to represent children in complex custody cases through the models outlined in the ABA Standards of Representation. Examples of some of these projects are outlined below. Additionally, the Project was instrumental in the drafting and editing of the second edition of **A Judge’s Guide: Making Child-Centered Decisions in Custody Cases** (originally published in 2001). This second edition includes the ABA Standards of Practice for Lawyers Representing

Children in Custody Cases. The Judge's Guide has been distributed to family courts around the country and is available free of charge through the Project website.

Examples

Children's Law Center, Inc., Kentucky

In 2007, CLC conducted a survey regarding the appointment of counsel to represent children in child custody proceedings. Every family court and circuit court in Kentucky, which retains family law functions, was sent this survey. Judges from 90 of the 120 counties sent this survey responded. An analysis and assessment of the survey was presented at the 2007 Child Custody Conference.

The Judicial Survey formed the basis of CLC's 2008 ABA Child Custody Project funding. This funding allowed the CLC to help establish pro bono panels for the representation of children in custody proceedings in four family court circuits throughout the Commonwealth. CLC will provide low cost CLE and training to attorneys, judges and staff in each of these family court jurisdictions. In addition CLC will assist with ongoing technical support and development of local rules regarding the appointment of counsel for children in custody proceedings. Two of the four family courts identified and committed to establishing pro bono panels including Kentucky's largest family court and the family court located in Kentucky's fastest growing county. This project will ultimately result in hundreds of children being represented in court proceedings who otherwise would not have been given a voice.

The Children's Law Center has worked diligently with three local family courts, three family courts outside of their service area, numerous law-school programs, the Kentucky Volunteer Lawyer Program, the Access to Justice Foundation and private attorneys to form strategic partnerships to develop programs which will provide pro bono representation to children in private custody cases. In addition to the establishment of pro bono panels, Children's Law Center has sought other ways to increase the number of children receiving representation in Kentucky. The Children's Law Center has utilized a number of strategies to both increase and enhance representation of children in Children's Law Center's service area as well as statewide. An example of one strategy was to increase judicial awareness of the importance of appointments. Children's Law Center has accomplished this goal by increasing judicial collaboration through on-going dialogue, educational and training materials and the dissemination of standards of practice. Children's Law Center has continued to accomplish this goal by providing regular trainings, publications, advice and other support regarding the representation of children to members of the bench and bar.

Contact: Kim Brooks Tandy, Executive Director
(859) 431-3313
childrenslaw@fuse.net
www.childrenslawky.org.

The following two projects were initiated by judges who understand the importance of representation for children in private custody cases. These judges were able to start pro bono GAL projects through their own initiatives.

Family Court of St. Louis County, St. Louis, MO

Family Court Administrative Judge Michael Burton worked with other judges, GALs and law school personnel to develop a project at the St. Louis Family Court to provide free quality representation to children who have experienced domestic violence, either directly or indirectly. The focus of the project was to ensure that all children in the newly formed domestic violence court were protected and that their voices were heard. The goal of the project was to train and then utilize attorneys in civil orders of protection dockets as pro bono guardians *ad litem*. The St. Louis University School of Law Legal Clinic, in conjunction with the Catholic Legal Assistance Ministry, provided the GAL training at no cost to the participants in exchange for the attorneys agreeing to act as the GAL for at least three cases per year. Judge Burton also recruited an expert in the field of domestic violence to provide this comprehensive training.

As the Administrative Judge of the Family Court, Judge Burton has been able to encourage his fellow judges to appoint these new, well-trained GALs to promote the children's best interests.

Contact: Hon. Michael Burton
314-615-4774
Michael.burton@courts.mo.gov

Lake Superior Court, Domestic Relations Division, Gary, IN

Judge Elizabeth F. Tavitaf, of the Lake Superior Court, Domestic Relations Division, worked with the other judges and magistrates of her division, in conjunction with the Indiana First Judicial Pro Bono Committee, the Indiana University-Bloomington Law School and the Lake County Bar Association to produce a guardian *ad litem* seminar to develop qualified representation for children in private custody cases in the Lake and Porter County Indiana area. The pro bono guardian *ad litem* services are provided to indigent, qualifying families who appear before the domestic relations courts and juvenile court. Through this program it was anticipated that 300 families would receive pro bono GAL services.

Contact: Hon. Elizabeth F. Tavitaf
219-881-6157
tavitef@lakecountyin.org

Recommendation 4

Law Schools Should Participate in the Representation of Children in Private Custody Cases

Representation of children in private custody cases can be a great experience for all attorneys. Working with these attorneys, law students can learn early on in their careers how to give a voice to these often vulnerable clients. Law schools, through their curriculum and their clinics, can and should form partnerships with child representation programs and pro bono lawyers to provide a unique educational experience for the students and some much-needed volunteers for these programs.

Examples

AdvoCourt for Kids, Houston, Texas

The primary mission of AdvoCourt for Kids is serving indigent children in custody and parentage cases for the Family Courts in Harris County, Texas. Their goal is to “protect the legal rights of disenfranchised children who would not otherwise be afforded the protections granted by our judicial system.” AdvoCourt for Kids was created so the Family Court judges of Harris County and surrounding counties would have a steady source of volunteers to appoint as *amicus* attorneys for indigent children in private custody cases.

In September 2007, AdvoCourt hosted a training session for thirty-one lawyers and five law students. The training included information about the legal process of representing the child in court, resources available to volunteers, information about interviewing parties and witnesses, and extensive information regarding mental health issues, criminal behavior issues, and multicultural and low-income issues.

After the training, all interested attorneys and law students were offered the opportunity to work with experienced lawyers who are presently acting as pro bono *amicus* attorneys in the family courts to become more comfortable with the system and with representing children. Twenty-seven attorneys who attended the training committed to represent children on a pro bono basis. A second, similar training was held in February, 2008.

Contact: Lisa E. Creson, President of Board of Directors
(713) 681-7300
lisaecreson@advocourt.com

Atlanta Volunteer Lawyers Foundation

Atlanta Volunteer Lawyers Foundation (AVLF) coordinates the provision of free legal services by private lawyers for the nearly 150,000 Fulton County, Georgia residents who live in poverty. Fifteen years ago, Deborah Ebel (the 2005 recipient of the Ann

Liechty Child Custody Pro Bono Award) helped create the GAL Project for AVLF. The GAL Project assists the Fulton County Superior Court Family Division in contested custody matters. Since its inception AVLF volunteers have served as GAL in over 1,500 contested custody cases. The GAL Project is a national model for programs advocating for children in private custody cases.

An ABA Project grant helped AVLF expand its One Child/One Lawyer Program, which provides pro bono representation to children in the custody of the Fulton County Department of Family and Children Services. For this project, a staff attorney and area law students review custody and guardianship actions filed within the county and conduct preliminary investigations of these cases. Their focus is on the best interests of the child. The staff attorney and law students also appear in court at the first hearing on the case to advocate for the child. If the case is not resolved at that time, AVLF refers the case to a volunteer attorney, who partners with the law students to fully investigate the case and advocate on behalf of the child until the case is resolved.

In the spring of 2007 AVLF reviewed the current Fulton County Juvenile Court procedures for providing legal representation for children in private custody cases and developed the policies and procedures for the One Child/One Lawyer Program children. In August, 2007, the One Child/One Lawyer Program began accepting cases and providing representation to children in private custody cases. To date, two staff attorneys, one law student intern, one volunteer paralegal, and eleven volunteer attorneys have provided representation to twenty-six children.

Contact: Lila Newberry Bradley
(404) 521-0790, ext. 23
lnbradley@avlf.org

ChildLaw Services, Inc., Princeton, West Virginia

ChildLaw Services, Inc. (CLS) is West Virginia's only children's legal services program. In the last six years, CLS has served over 2,500 children involved in the court system. Clients are referred to CLS by the courts, Child Protective Services, law enforcement officers, and domestic violence programs. CLS's mission is "to provide a stronger voice for children" through direct representation and public policy advocacy.

CLS sought ABA Project funding to implement an initiative to partner attorneys with students from the Appalachian School of Law (ASL). Pursuant to the grant, third-year ASL students performed 15-week clinics with CLS learning to represent children in private custody and adoption cases. Additionally, CLS staff attorneys, law students, and local volunteer attorneys hold one-day clinics on a monthly basis across southern West Virginia to assist young people in obtaining guardianships and other legal and social services. CLS also plans to partner with the 12th Circuit Family Court to train and support the interns and volunteer attorneys regarding the ABA Standards, West Virginia law, procedures and court rules.

CLS selected its first ASL student for an internship in September, 2007. During the first six months, the student performed approximately fifty hours of service reviewing cases and working with staff attorneys on private custody cases. In addition, she researched court procedures and notice requirements for parents and relatives in adoption and guardianship cases.

Contact: Shannon Atwell
(304) 425-9973
shannon.atwell@gmail.com

Recommendation 5

Mental Health Expertise and Assistance should be brought into the Representation of Children in Private Custody Cases

Incorporating mental health and social services into child representation is critical to preventing lawyers from representing children in a vacuum. Attorneys must understand the mental health issues for children in custody cases in order to know what positions to take on their behalf, how to interact with their child clients (and their parents), and how to deal with mental health experts and evidence raised in the case. Moreover, holistic advocacy is very important in family and child-involved cases. Mental health and social services are often what provide children with long-term benefits, well after the legal proceeding has ended. But many lawyers are not trained in or are unfamiliar with the need for and/or availability of these services. This is particularly problematic in higher conflict cases, where the child is at a greater risk for physical and emotional abuse. Furthermore, the anger and conflict between parents and other adults may prevent a lawyer from focusing on their children's needs. Attorneys working with children should be trained to identify their client's emotional needs and be able to advocate for proper interventions.

The Project identified three areas where mental health expertise and assistance can enhance the representation of children: (1) increased mental health and social service training, mentoring, partnering, and consulting, including cross-education of legal professionals with mental health or social services professionals; (2) avenues for children's attorneys to tap into free or low-cost mental health or social services for their clients; and (3) development of local mental health or social service resource materials for children's attorneys and their clients. An example of each method is given here.

Examples

Montana Legal Services Association:

Written materials and a DVD training for attorneys who represent children in custody and parenting plan actions.

Montana Legal Services Association (MLSA) is a statewide agency providing access to justice for low income individuals in need of civil legal assistance. MLSA's client services include attorney advice, representation through pro bono attorneys, support from a self-help clinic, pro se materials, referrals to the MLSA family law

mediation program, and access to an information website. MLSA conducts an extensive family law practice, including legal assistance in cases of marriage dissolution, parenting plans and orders of protection.

MLSA manages or provides referrals for most of the local pro bono programs in Montana, and prioritizes support for attorneys who provide pro bono service in the area of family law. MLSA locates and assigns pro bono attorneys for children in custody cases when requested by the court, including divorce, parenting plan and civil protective order cases.

MLSA developed the *Montana Child Custody Pro Bono Project* attorney training packet to address the need for mental health consideration in legal representation of children in custody and parenting plan actions. The emphasis of the project is to increase attorney understanding and knowledge of how family transitions impact children, and how to recognize a child client's mental health issues. The result of the project is a training packet for Montana attorneys who volunteer to represent children in custody and parenting plan actions. MLSA collaborated with attorneys, judges, a physician and mental health professionals to create written materials and a video for attorneys who represent children in both custody and parenting plan actions.

Chapter I of the materials includes basic legal information that pertains to representing a child client and a *Child Warning Signs Guide*. The project director conducted individual and collaborative meetings to produce a *Child Warning Signs Guide* for Montana attorneys. A.W.A.R.E., a statewide children's mental health provider in Montana, partnered with MLSA on the project by providing children's mental health resources and professional consulting. *The Child Warning Signs Guide* describes particular indicators, differentiated by a child's age, which may suggest that a child client is at risk for mental health difficulties. In addition, the materials include a statewide resource list of children's mental health agencies in Montana.

Chapter II of the *Montana Child Custody Pro Bono Project* emphasizes skills specific to working effectively with a child client. The chapter focuses on specific communication skills and advocates for a child-centered residential schedule for each child. The First Judicial District of Montana provided a Power-Point presentation entitled *Children First* to include in the training materials, which helps parents understand their child's needs throughout the divorce.

The training materials include an appendix of relevant Montana statutes, Montana Model Rules of Conduct, two relevant Montana cases, the ABA Standards of Practice for Lawyers Representing Children in Custody Cases and the 2006 draft of the Uniform Representation of Children in Abuse and Neglect and Custody Proceedings Act. In addition, there is a bibliography of both legal and mental health sources for the *Montana Child Custody Pro Bono Project* research.

Finally, a 35 minute DVD accompanies the written materials. The DVD is narrated by Brian Morris, a Montana Supreme Court Justice. The DVD follows the same

two chapters as the written materials. The participation of a Supreme Court Justice encourages Montana attorneys to seriously consider the training. The video includes two child actors in scenes with attorneys and several playground scenes. The video also contains interviews with three district judges, an attorney experienced in child custody representation and Dr. Ira Lourie, a child psychiatrist and medical director of A.W.A.R.E.

The Montana Child Custody and Pro Bono Attorney Training Project is still in operation. Thirty-two of the training packets have been distributed. In exchange for the manual and DVD Montana attorneys are required to take a pro bono case. The University of Montana School of Law, and the Montana State Law Library also have copies. The Montana State Bar Association reviewed the materials and has approved the manual and DVD for continuing legal education credits. The Montana Supreme Court sponsored a Summit on Child Protection in August 2007, and the training manual and DVD were showcased in the lobby of the conference center both days of the Summit.

The manual is available online at www.mtlsa.org. The Montana probono.net website will post the DVD in the near future.

Contact: Dana Toole, Project Director
(406) 442-9830, ext. 21
dtoole@mtlsa.org.

***The Children's Law Center of Connecticut:
Hiring a trained social worker to coordinate mental health needs of child clients.***

The Children's Law Center of Connecticut, Inc. (CLC) is a non-profit agency founded in 1993. CLC provides indigent children with experienced lawyers who give them a voice in family court. They also provide information in legal matters involving children and advocate in support of legislative policies that advance the well-being and best interests of children. In 2006, CLC hired a clinical social worker to partner with the staff attorneys to collect collateral information and put into place needed services for their young clients. There are three components to CLC's attention to mental health issues.

First, CLC's child representation program has increased its attention to its clients' and their parents' mental health needs by sending the CLC social worker on home visits with the attorney to assess the family, identify needs and discuss options with the children and parents. The social worker discusses his observations with the attorney and make recommendations. He also works to identify available resources to meet those assessed needs, refer the family to those resources, and later follow-up to ensure that the resources continue being provided. Needs may include therapeutic interventions, school-related services, or individual therapy.

After the court activity has ended, if needed, the family will be referred from the attorney to the social worker for continued services. These services may include assisting the parents with the implementation of new orders, meeting with the parents to address

new issues that arise, and monitoring services. The social worker continues to report his communication with the family to the attorney as his case management services progress.

Second, CLC runs a *Families in Transition* program, which is a hybrid mediation/parent education program. CLC's social worker conducts an extensive intake and assessment to determine whether the case is appropriate for the program. Then he assigns the case to an attorney/mental health professional team. This team conducts child-centered mediation, parent education, and offers ideas for behavior modification. In most cases the end result is a parenting agreement in the best interests of the child. The psychologists and other mental health professionals receive extensive mediation and family law training and, in exchange, agree to provide two years of volunteer service to CLC. This program is funded partially through private foundation grants. The parties are also charged according to a sliding fee scale ranging from \$10 to \$50 per person per session.

Finally, in 2008, CLC is planning to launch a support group for children of separating and conflict-addicted parents. This program is modeled loosely after a program called *Banana Splits*, begun by Elizabeth M. McGonagle, a social worker in upstate New York. *Banana Splits* began in an elementary school in Ballston Spa, NY in 1978, and has spread throughout the state and to hundreds of schools elsewhere in the country. The program is designed to provide encouragement and peer-support to children living with one parent or one parent at a time. While not considered group therapy, CLC believes that program is necessary for its embattled clients to know that they are not alone and that they can and should have hope that their lives will get better.

Contact: Justine Rakich-Kelly
(860)232-9993
clc@clcct.org

Kansas Legal Services:

Interactive sourcebook for youth aged 6 to 14 to work through emotional and mental health issues that may arise from their experiences in custody court proceedings.

Kansas Legal Services (KLS) is a statewide non-profit organization dedicated to helping Kansas citizens meet their basic needs through the provision of essential legal, mediation, and employment training services. KLS was formed in 1977 to make legal assistance more widely available to the poor. Since then KLS has progressively focused its efforts on special needs individuals such as victims of domestic violence, the homeless, the elderly, farmers, people with disabling conditions, children in foster care and their families and people who need basic life skills and employment training. KLS serves individuals in all 105 Kansas counties through thirteen legal services, two mediation and six employment training offices located across the state.

KLS saw a need to provide better information to children about divorce proceedings and, in particular, to help them address emotional and mental issues arising from that experience. KLS developed a two-prong approach to this need: 1) an

interactive sourcebook for youth aged 6 to 14, to encourage youth to work through emotional and mental health issues that may arise from their experiences in custody court proceedings; and 2) training sessions for guardian *ad litem* (GAL) attorneys and mediators on how to use the sourcebook with children involved in custody cases and how to help youth access services and information.

The sourcebook is entitled **Being a Kid Isn't Easy** and is directed to children in divorce proceedings. It includes activities to familiarize children with court personnel; "how to" activities dealing with anger, confusion and other emotions; and education on expectations and feelings and ways to express themselves in the legal process. The sourcebook has been used throughout the state at GAL trainings and through direct distribution. Dr. Jane Adams, a children's mental health professional, was consulted in the development of the sourcebook and has presented at many of the GAL trainings. Dr. Adams also presented at GAL trainings on children's mental health and mental health resources in Kansas.

The four trainings presented for guardians *ad litem*, attorneys and mediators covered how to use the sourcebook with children involved in custody cases and how to help youth access mental health services and information. KLS organized the trainings around topics including children's mental health issues, advocacy and disability; the criminalization of disability; roles and responsibilities of attorneys, and foster care's impact on youth. Evaluation surveys from the trainings show that the participants felt that the training was effective and worth their time and that the learning objectives of the training were clearly expressed and clearly achieved.

GALs and attorneys were trained in using the sourcebook with their clients as an introduction to referring them to services in their geographic locale. Referral sources include courts in Kansas, child welfare agencies, social service agencies, and community health centers. The sourcebook has been and will continue to be distributed as requested by the referring entities. No income guidelines are required for the book's distribution.

Approximately 200 professionals received the first run of the sourcebook. KLS distributes the sourcebook at their Children's Advocacy Resource Center, through its pro bono panel; and through the advisory boards of the 13 individual KLS legal services field offices. KLS also will distribute the sourcebook at future guardian *ad litem* trainings, to legal aid organizations, to SRS offices across the state, to private attorney (particularly those who work with pro bono clients), family resource and counseling agencies who work with children, the Supportive Families Community Action team in Topeka and on the KLS website.

Contact: Tom Stratton, Project Director
(785) 354-8531
strattont@klsinc.org
www.kansaslegalservices.org)

Recommendation 5

Bar Associations Can Greatly Improve the Representation of Children in Custody Cases

Bar associations are particularly well suited to improve the representation of children. Most bar associations already have committees and projects focused on child and family issues. They often have staff and leadership with personal knowledge of the great need for more, quality representation. In addition, they are often uniquely situated to bring together all of the relevant players: legal services, pro bono, judges, government agencies, and other professionals.

The ABA Child Custody and Adoption Pro Bono Project itself is an excellent example of the impact a bar association can have on children's representation. The efforts of this Project can be replicated at the state and local levels. State and local bar associations can analyze the status of children's representation in their jurisdiction; propose improvements and expansion of these legal services; set up resources for attorneys, judges, other professionals, and children and families; and seek funding and legislative support.

Direct representation through bar association projects is another way to increase the number of children being represented in custody cases. Below are three examples of such programs.

Examples

Maricopa Volunteer Lawyers Children's Law Center

In 1998, the Maricopa County (Arizona) Bar Association partnered with Community Legal Services, and through its Volunteer Lawyers Program (VLP), established the Children's Law Center (CLC) in order to address unmet legal needs of children. More than 150 attorneys provide pro bono assistance through the Children's Law Center programs per year. Private custody case work is handled by the CLC in three programs: the Guardian *Ad litem* Project (now known as the Court Advisor Project) the Guardianship Project and the Adoption Project.

Since 1999 the Court Advisor Project has been very successful in providing the family court in Maricopa County with volunteer attorneys to represent the best interests of children. Attorneys from a variety of practice areas have volunteered to serve as guardians *ad litem*, not just family law attorneys. Previously, guardians *ad litem* were appointed by the court only in family court cases where it appeared that a dependency might be indicated and the case was going to be heard in juvenile court. Yet, there are many other instances where the child needed representation in Family Court.

Through the Court Advisor Project the Maricopa County Superior Court makes referrals to the CLC, which then assigns a volunteer attorney to the case. The CLC director spends about 1/3 of her time on this project. The Children's Law Center

provides support for attorneys who work outside their usual area of practice by providing training and materials, consultants, mentors, support services and malpractice insurance. CLC provides CLE approved trainings at least once a year for both small and large groups to recruit new attorney volunteers. Where there is enough interest within a law firm, CLC brings the CLE to that firm. In addition, they hold brown bag lunches to give updated information to volunteers or just allow them a forum to ask questions.

CLC also runs a Guardianship Program. Through this program they represent caretakers who need to establish legal guardianship to enroll the child in school, remain in public housing, get the child some medical treatment or receive other services. CLC has also created clinics, with staff who speak both English and Spanish, to meet with people in need of guardianship, help them fill out the paperwork, and understand how to notice and publish in order to file the guardianship paperwork themselves.

In addition, the Adoption Project, funded primarily by The Youth Partner's Foundation, matches volunteer attorneys with families who are caring for children and need legal help to adopt them and make it permanent. CLC partnered with Arizona's Children's Association to do the home and severance studies, which are very costly, at a reduced rate for CLC, which pays for them using Youth Partner's Funding. The Arizona's Children Association caseworker works hand in hand with the volunteer attorney to make sure studies are done and petitions are filed in the proper timeframes.

The Children's Law Center receives funding for the Court Advisor Project from the Arizona Community Foundation, the Maricopa County Bar Foundation, The Maricopa County Bar Association, Community Legal Services, and the Arizona Bar Foundation.

Contact: Roni Tropper
(602) 258-3434 ext 2660
rtropper@clsaz.org.

Hampden County (Massachusetts) Bar Association Children's Law Project

In 1992, the Hampden County (Massachusetts) Bar Association responded to a need for children's lawyers in probate and family court cases where children needed but were not entitled to appointed counsel. They established the Children's Law Project ("CLP"). An advisory board was established that includes representatives from the probate and family court bars, the court systems themselves, and Massachusetts Legal Services. The Massachusetts Department of Social Services oversees the Project which is funded in large part by the Massachusetts Bar Foundation.

Attorneys are screened by the bar association and court, and must agree to take at least one pro bono case each year. In addition, they are assigned to cases where they are paid by the Project at a rate of \$50 an hour for up to 20 hour of work. The court's Probation Department provides the direct referral to the attorney and sends all relevant documentation on the case to the attorney to expedite the representation. CLP holds at

least two trainings each year which panel attorneys are required to attend. Newer attorneys are assigned a mentor to assist with cases. Since 2001, the CLP has handled over 700 cases, representing over 1,100 children.

Contact: Noreen Nardi
(413) 748-7951
Noreen@hcbar.org
www.hcbar.org.

Franklin County (Massachusetts) Bar Association Bar Advocates for Children

The Franklin County (Massachusetts) Bar Association began the Bar Advocates for Children program in 1990. The volunteer attorneys in this program provide services to children who are in crisis and in need of independent legal advice and/or representation. Courts, schools, attorneys and social agencies refer a wide variety of matters to the program, including situations involving custody, visitation, emancipation and abuse. The coordinator is a non-attorney bar association staff person who devotes 10% of her overall time to the program. There are over thirty volunteer attorneys on the panel.

In 2002, the Bar Advocates program received a grant from the ABA Project to set up a mentoring program for volunteer attorneys wishing to take cases but who needed guidance from more experienced attorneys. The program recruited ten experienced family law attorneys and ten new, less experienced attorneys to take cases in conjunction with these mentors. Both informal meetings and formal trainings were held with all attorneys and the bar association staff. In many cases, the handling attorneys receive a small stipend of \$40 per hour up to a maximum of \$750.

The Bar Advocates program receives funding from the Massachusetts Bar Foundation and in-kind support from the Franklin County Bar Association.

Contact: Mimi Gordon
(413) 773-9839
cbar@franklincountybar.org.

Columbus Bar Association Court Appointed GAL Program

The Columbus Bar Association Court Appointed GAL Program began in 2006 with an ABA Project grant. The project is a partnership of five local entities: the Justice for Children Project and Pro Bono Research Group of the Moritz School of Law at The Ohio State University, the Columbus Bar Association, the Columbus Bar Foundation, the Franklin County Domestic and Juvenile Courts, and the Kellogg Foundation. The Justice for Children Project developed an extensive, three-hour, interdisciplinary training program, incorporating the ABA Child Custody Pro Bono Project training materials, to prepare pro bono attorneys for work as guardians *ad litem* in juvenile court.

Attorneys volunteer to be a court-appointed guardian *ad litem* for low-income children embroiled in juvenile custody cases in Franklin County. In order to volunteer, attorneys are required to attend the training program which concentrates solely on the duties of a GAL. Once the training is completed the volunteer attorney is assigned a 2nd or 3rd year law student from the Pro Bono Research Group and given a case. The law student supports the attorney by gathering documents, drafting letters and pleadings and generally being available to research any issues of law that may arise. An experienced attorney from the Justice for Children Project at the Moritz College of Law serves as a mentor to the volunteer attorney: attending court appearances and answering procedural questions as they arise. The volunteer attorneys also meet on a regular basis to discuss their cases and to discuss interesting developments in the law around guardians *ad litem*.

Four trainings were held in 2007. Through those trainings 17 volunteer attorneys were trained to be guardians *ad litem* in custody cases; five more than the project's original goal of 12. The program accepted court appointments in 19 cases, seven of which have already closed as a result of negotiated settlements by the guardian *ad litem*. Fourteen students have been paired with volunteer attorneys. These students have, made home visits, appeared at court hearings, gathered doctors' records, and drafted proposed court orders and agreed entries.

The court is an enthusiast supporter of the program and would like to see it expanded. Each of the three custody magistrates strongly endorses the program. At present, the program is hoping to schedule three to four additional trainings and to recruit ten to fifteen additional attorneys.

Contact: Angie Lloyd, Associate Clinical Professor
The Justice for Children Project, The Moritz College of Law
(614) 292-9176
Lloyd.148@osu.edu.

Recommendation 6

Law Firms Should Provide Representation to Children in Private Custody Cases and Assistance to Children's Law Programs

Law firms have the ability to greatly enhance the representation of children in custody cases. They can provide volunteer attorneys and can support staff and volunteer training through the donation of facilities, materials production, and speakers. Firms can help effectuate changes in court and legislative policies to increase the quantity and quality of representation. They can also contribute funds to support the operation of these programs.

Many law firms and lawyers across the country provide such support. The first example below is a firm that received the Ann Liechty Pro Bono Publico Award in 2006. The second firm has a long-established history of initiating and helping maintain guardian *ad litem* programs in Atlanta, and has expanded that assistance to other offices in North Carolina.

Examples

Winston & Strawn, Chicago:

Partnered with Chicago Volunteer Legal Services to represent children in guardianship proceedings.

Winston & Strawn's Chicago office began a partnership with Chicago Volunteer Legal Services Foundation ("CVLS") in 2003 as part of CVLS's Guardianship for Minors Program. The ABA awarded a child custody grant to CVLS to help initiate a pro bono component to what was formerly a staff-representation project. Through the CVLS Guardianship program the probate court is able to appoint guardian *ad litem*s for at-risk children in contested guardianship matters when the children would otherwise not have a voice. More than 50 Winston & Strawn lawyers, including their managing partner, have donated over 3,000 hours representing more than 100 children through the CVLS Guardianship Program. Nearly two-thirds of Winston volunteers have active cases at any one time. It is not just associates or litigation attorneys taking these cases; partners, and transactional attorneys have done amazing work through the program, including handling follow up work as it becomes necessary.

In 2006, the ABA Project awarded Winston & Strawn its Ann Liechty Child Custody Pro Bono Award. Winston & Strawn was nominated by Margaret Benson, Executive Director of Chicago Volunteer Legal Services Foundation. As stated by Ms. Benson:

Winston attorneys are superb GALs. While representing children in very complex and emotionally charged guardianship cases, they investigate issues and make recommendations to the Probate Court as to the children's best interest. Without the exceptional partnership that has developed between Winston & Strawn and CVLS, we would not be able to accept anywhere near the volume of GAL appointments that we do now. Scores of at-risk children would not have a voice in where or with whom they are living. The court would be forced to make significant decisions in the lives of these children without crucial information. It is extraordinary to see a large law firm embrace this type of difficult, family law legal work with the enthusiasm, diligence and the top to bottom commitment that Winston has given.

Kilpatrick Stockton, Atlanta and North Carolina

Kilpatrick Stockton's Pro Bono Partner was the former Executive Director of Atlanta Volunteer Lawyers Foundation (AVLF), a free-standing pro bono program that works with lawyers in the Atlanta community to provide representation to low income people in the metropolitan area. In 1989, in conjunction with the law firm Long Aldridge & Norman (now Mckenna Long Aldridge) and Fulton County Superior Court, AVLF created a pro bono guardian *ad litem* program to represent the best interests of children

whose parents were engaged in a custody dispute. Lawyers, and teams of lawyers and paralegals, were trained in a variety of disciplines, including law and mental health, to provide this representation. Although the program began with Long Aldridge lawyers and paralegals, it quickly expanded to include lawyers throughout the Atlanta legal community. Since that time, children of almost 2,000 families have been served.

In 2002, in response to a challenge grant from the ABA's Child Custody Project, and in conjunction with Legal Aid of Northwest North Carolina and the Forsyth County District Court judges, the Winston Salem office of Kilpatrick Stockton replicated the AVLF guardian *ad litem* model. Child custody disputes were crowding jurists' dockets, and there was no mechanism to provide advocacy for the children of divorce and custody conflicts.

With the strong support of Judges Reingold and Fine, and the expertise of local mental health, child development and ethics professionals, Kilpatrick Stockton trained numerous firm lawyers and staff to provide advocacy for the best interests of children who were the subject of custody litigation. Referrals from the court were directed to Legal Aid which used the ABA's Challenge Grant to hire a part-time attorney to administer the program.

Initially, all cases were referred to Kilpatrick Stockton. From the inception of the program to date, 61 lawyers and paralegals at the firm have represented the best interests of children in over 50 cases, donating 4,400 hours at a value of \$1.3 million.

In 2004, when the need began to exceed the capacity of the firm, the firm sponsored a second training event and invited the Winston Salem legal community to participate in the effort. A couple of years later, two of the most active lawyers from the community formed the Children's Law Center in Winston Salem, and began to handle a significant number of the court's referrals, often partnering with Kilpatrick Stockton lawyers.

Recommendation 7

Government Agency Assistance and Funding Should Increase for Representing Children in Private Custody Cases

One of the interesting disparities among the states the ABA Project identified was the difference in government-based or funded support for children's representation. States ranged from providing full legal service offices for such representation, such as Utah, to no assistance at all. In some jurisdictions there is no state-wide government legal service program of representation, but such representation is provided at the county level, such as the Cook County, Illinois Office of the Public Guardian. The ABA Project strongly recommends that government agencies, at both the state and local levels, fund representation of children in private custody cases. Such support can come in the form of government-staffed offices, funding to legal service or pro bono programs, legislatively mandated and funded but independently run providers, or some combination of all of these approaches. The examples given below represent two different options.

Examples

Delaware Office of the Child Advocate: Legislatively mandated and funded independent provider.

The Delaware Office of the Child Advocate (“OCA”) was created by statute in February 2000 to secure legal representation for Delaware's abused, neglected and dependent children. The mission of the office is to “safeguard the welfare of Delaware's children through educational advocacy, system reform, public awareness, training, and legal representation of children as set forth in 29 Del. C., Ch. 90A.” The first goal of the office is to “ensure that every child’s voice is heard in every court proceeding, which affects his or her life.”

Most of the work of the OCA involves representing children in the legal custody of the Delaware Department of Services for Children, Youth and Their Families (“DSCYF”). As of March 31, 2008, 707 children were actively receiving legal representation through the OCA. Six-percent of those children were involved in private custody disputes between parents or relatives with no DSCYF involvement.

Four OCA staff attorneys were representing 118 of those children, while more than 400 volunteer attorneys from the Delaware Bar represented the remaining 589 children. Attorneys are recruited through semi-annual listserv solicitations to the entire state bar, as well as through judges and legal publications. These solicitations require the volunteers to sign up for the OCA Nuts & Bolts Training. Volunteer attorneys receive CLE credit for representing children as well as for the training program. OCA offers frequent seminars, brown bag lunch trainings, and opportunities to attend local conferences on children. OCA has a Pro Bono Coordinator who provides support and case assignments to volunteer attorneys. The Volunteer Attorney Training Manual is available online at <http://courts.delaware.gov/childadvocate/html/trmanual/index.htm>. The Delaware Supreme Court sends a letter of recognition to each attorney when they take their first pro bono case. OCA also works closely with Delaware Volunteer Legal Services and the two organizations participate together in the Low Income Persons Committee of the Delaware State Bar Association.

Contact: Allison McDowell, OCA Program Administrator
(302) 255-1730
allison.mcdowell@state.de.us
<http://courts.delaware.gov/childadvocate>.

Utah Office of the Guardian Ad litem: State funding and training for private attorney pro bono representation.

The Utah Office of the Guardian *Ad litem* has 39 staff attorneys who handle abuse and neglect cases. In 2001, state legislation was passed allowing for the appointment of a

private attorney guardian *ad litem* to represent children in private custody and visitation actions where there are no allegations of abuse or neglect. Utah Code 78-7-45, which governs appointments of private attorney guardian *ad litem*s, states: “The attorney guardian *ad litem* shall be certified by the Director of the Office of the Guardian *Ad litem* as having met the minimum qualifications for appointment, but shall not be employed by or under contract with the Office of the Guardian *Ad litem*.”

The office recruits private attorney guardian *ad litem*s through mailings to all Utah attorneys. Attorneys must complete an application, attend six training classes within a two-year period, offered for free through the Utah Office of GAL, and attend at least one in-service training or its outside equivalent annually. They also must have a criminal background check, and file monthly reports with the Utah Office. Private attorneys are required to accept one pro bono case for every five cases for which they receive compensation. The office is available for ongoing training and to answer questions although, once appointed, the private attorneys act independent of the office, and can only be released by the court.

A Utah statute passed during the 1994 session increased funding for the Utah Office of the Guardian *Ad litem* over three-fold from about \$400,000 in FY1994 to over \$1.4 million for FY1995. This funding in part comes through the sale of specialty state license plates for children. However, this primarily covers representation in abuse and neglect cases. In private custody cases, the court had the discretion to assess the GAL fees against one or more parties.

Contact: Craig Bunnell
(801) 238-7861
craigb@email.utcourts.gov.

CONCLUSION

The important work of the ABA Child Custody and Adoption Pro Bono Project enhanced the quantity and quality of representation of children in private custody cases. Although the seven-and-a-half year work of the project comes to an end in August 2008, its legacy and benefits will continue through resources available at the American Bar Association and other entities committed to ensuring critical representation for children in child custody cases.

The Project is extremely grateful to Bill and Melita Grunow, and to Dale and Valerie Liechty, for their substantial financial support, as well as their input and guidance throughout the Project, and their sharing of the passion that inspired Ann Liechty to dedicate much of her volunteer efforts to helping children. The legacy of the Project really belongs to Ann Liechty, as none of this work would have happened without the inspiration she provided to those who wanted to honor her work and her memory. On behalf of all of the children, attorneys, judges, and others who benefited from this Project, we thank Ann and her family for making all of this possible. We encourage everyone

involved in the legal representation of children to use this report and the resources of the Project to carry on these important efforts.

Appendix I - Advisory Committee

Group Represented	Representatives
ABA Standing Committee on Pro Bono and Public Service	Debbie Segal Hon. Pamela Brown Robert Weiner
ABA Family Law Section	Linda Elrod David Hofstein John Crouch
ABA Steering Committee on the Unmet Legal Needs of Children	Bruce Boyer
ABA Litigation Section Children's Law Committee	Catherine Krebs Frank Cervone
ABA Center on Children and the Law	Howard Davidson
ABA General Practice, Solo and Small Firms Section	Mary Ann Baker Randall
ABA Commission on Domestic Violence	Dina Bakst Lisae Jordan
ABA Judicial Division	Hon. Arthur Burnett Hon. Ernestine Gray
American Academy of Matrimonial Lawyers	Marlene Moses
National Association of Counsel for Children	Katherine Holliday John Ciccolella
National CASA Association	Janet Ward
American Psychological Association	Beth Clark (deceased) Donna Beavers Robin Deutsch
Association of Family and Conciliation Courts	Hon. Denise Herman McColley
National Counsel of Juvenile and Family Court Judges	Joy Ashton Lyngar
Melita and Bill Grunow Family	Bob Liechty Judge Williams
At-Large Representative Child's Attorney	Ann Haralambie

Appendix II - Grant Advocates

Five-Year Pledges:

Malcolm H. Goodrich and Judy Williams
Dr. and Mrs Richard D. Liechty
Debbie Segal
American Psychological Association
Kilpatrick Stockton LLP
Minnesota Lawyers Mutual Insurance Company.

Individual Contributions:

Jackie Baker
Patricia A. Brennan
Richard E. Buckley, Esq.
Angela Burke
Anne Carlisle Campbell
Linda D. Elrod
H.M.Enright
Max A. Hansen
David and Gail Hofstein
Dana I. Jonusaitis
Sena S. Leach
Judith Legg
Denise H. McColley
John J. Mickevice
Marilyn Neforas
Jill Pena
Peggy L. Podell
Charles I. Scudder, Jr.
Susan Stewart
Liz Williamson
Beermann Swerdlove LLP
Berger Schatz
Holland & Hart
Nadler Pritikin & Mirabelli LLC
Schiller DuCanto & Fleck
University of North Dakota.

Appendix III - Project Publications

Impacting the Lives of Children through Pro Bono, GP/Solo Magazine (April/May 2008)

Discusses the benefits of doing pro bono work on behalf of children.

Hearing Children's Voices and Interests in Adoption and Guardianship Proceedings, 41 Family Law Quarterly 365 (Summer 2007)

Examines how children's voices are currently being heard by presenting the results of a fifty-one jurisdiction analysis of the laws on (1) appointing advocates for children and (2) hearing and considering children's preferences in adoption and guardianship cases.

Domestic Relations Law - Representing Children in Civil Cases Involving Domestic Violence, GP/Solo Magazine (March 2006)

Explains the current status of the law in custody and civil protective order cases with regard to substantive decisions and representation for children. Also proposes recommendations regarding legal representation and other services for children, statutory changes for jurisdictions, and decision-making guidelines for civil cases with domestic violence issues.

Representing Children in Civil Cases Involving Domestic Violence, 39 Family Law Quarterly 197 (Spring 2005)

Explores representation and services for children in civil cases with domestic violence issues. The authors explain the current status of the law in both custody and civil protective order cases with regard to general children's issues and representation for children. They conclude with recommendations regarding legal representation and other services for children, statutory changes for jurisdictions, and decision-making guidelines for civil cases with domestic violence issues.

Representing Children in Child Custody Cases: Where We Are and Where We Should Go, 23 Children's Legal Rights Journal 2 (Summer 2003)

In recognizing the need for more child representatives in private custody disputes, especially for low-income families, this article discusses the current state of child custody representation in the fifty-one U.S. jurisdictions and prescribes improvements for the current system. Specifically, this article focuses on the importance of court-appointed child representatives, and the access that judges have to them, as well as the need for better training for lawyers, judges and psychologists in the fundamental issues involving children in custody cases. Finally, the article describes the work done at the American Bar Association's Child Custody and Adoption Pro Bono Project and how it can help court systems,

state or local bar associations, or pro bono legal services organizations in their efforts to reform their laws to better protect children, or to establish an effective child custody representation program.

Additionally, the Project compiled and updated a chart of Appointment Laws in Adoption, Guardianship, Unmarried Parents, and Divorce Cases for all fifty-one jurisdictions for the Winter issues of the Family Law Quarterly from 2002 through 2008.

Appendix IV - Other Resources

Useful Publications

The *ABA Child Law Practice* is published monthly and keeps lawyers, judges and other professionals abreast of case law, legislative, and research developments, particularly in the areas of child maltreatment, child custody, adoption, termination of parental rights, child and adolescent health, civil rights, and juvenile justice. For a complimentary copy and to inquire about a subscription, contact Charles Teague at (202) 662-1513 or teaguec@staff.abanet.org.

Child CourtWorks is a bimonthly newsletter published by the ABA Center on Children and the Law. *Child CourtWorks* keeps judges, court administrators, attorneys, social workers, child advocates and others informed of new developments and innovations across state court improvement projects focusing on child abuse and neglect and foster care and offers suggestions for productive juvenile dependency court reform. The newsletter, which focuses solely on issues of court improvements, is available free of charge. To receive a print copy, send your name, and address to: Charles Teague, American Bar Association, Center on Children and the Law, 740 15th Street, NW, Washington, DC 20005-1022, (202) 662-1513, teaguec@staff.abanet.org

Children's Legal Rights Journal is a quarterly legal journal, edited by Loyola students in conjunction with the American Bar Association Center on Children and the Law and with the cooperation of the National Association of Counsel for Children. The journal focuses on the broad range of legal issues confronting children. Its goal is to provide practitioners in law and related fields with the practical resources they need to be effective advocates for their child clients.

The Family Advocate is the quarterly news-and-feature membership magazine of the Section of Family Law at the American Bar Association. It addresses current family law topics and provides useful how-to articles for mental health professionals, judges, family lawyers, and their clients. Subscriptions for Section members are included in their dues and outside subscriptions are permitted. Inquiries about subscriptions should be directed to the ABA Service Center at 1-800-285-2221.

Family Law Quarterly is published by the ABA Family Law Section. A scholarly journal, issues are devoted to relevant topics concerning families, including abduction, tax issues, and custodial concerns. Membership in the Section includes a subscription and outside subscriptions are permitted. Back issues may be ordered. For information regarding *Family Law Quarterly*, direct inquiries to the ABA Service Center at 1-800-285-2221

The Guardian is the quarterly newsletter of the NACC. *The Guardian* includes case reviews, a federal policy update, practice tips, news, jobs, a training and conference calendar, and newly released publications. All NACC members receive *The Guardian* as

a benefit of membership. Outside subscriptions to *The Guardian* are also available. Inquiries should be directed to: 1-888-828-NACC, 1825 Marion Street, Suite 242 Denver, CO 80218, advocate@NACCchildlaw.org.

Helpful Websites

These websites offer information on current publications, the availability of technical assistance, and law and public policy relevant to child custody issues. In addition, they may provide information pertinent to the health and developmental concerns of children that may arise during legal proceedings.

Academy of Family Mediators

www.mediate.com

- non-profit educational membership association
- standards for mediation, listing of mediators by state that specialize in family mediation

American Academy of Matrimonial Lawyers

www.aaml.org

- resources for family law attorneys, articles for parents, child's bill of rights

American Bar Association

Center on Children and the Law

www.abanet.org/child

- links to ABA entities such as
Commission on Domestic Violence,
Commission on Mental and Physical
Disability Law, Family Law Section,
Juvenile Justice Center, Litigation Section Task Force on Children, and Steering
Committee on the Unmet Legal Needs
of Children

Association of Family and Conciliation Courts

www.afccnet.org

Children's Defense Fund

www.childrensdefense.org

Child Welfare League of America

www.cwla.org

- parenting tips, general welfare of children

National Family Resiliency Center, Inc.

www.divorceabc.com

- child focused seminars for professionals
- books related to the effects of divorce on children

Court Appointed Special Advocates

www.nationalcasa.org

- resources for volunteer court appointed special advocates

National Association of Counsel for Children

www.NACCchildlaw.org

National Center for State Courts

www.ncsconline.org

National Council of Juvenile and Family Court Judges

www.ncjfcj.org

State Justice Institute

www.statejustice.org

Health and Development

Administration for Children and Families of the Department of Health and Human Services

www.acf.dhhs.gov

American Academy of Child and Adolescent Psychiatry

www.aacap.org

American Academy of Pediatrics

www.aap.org

American Medical Association

www.ama-assn.org

American Psychiatric Association

www.psych.org

American Psychological Association

www.apa.org

Centers for Disease Control and Prevention

www.cdc.gov

Federation of Families for Children's Mental Health

www.ffcmh.org

National Adolescent Health Information Center

http://nahic.ucsf.edu

National Association of Protection and Advocacy Systems
www.napas.org

National Institutes of Health
www.nih.gov

National Institute of Mental Health
www.nimh.nih.gov

Mental Health America
www.nmha.org

New England Journal of Medicine
www.nejm.org

Office of the United States Surgeon General
www.surgeongeneral.gov

Parenting

www.parenting.ivillage.com

- Basic resource center, advice forum, online tools for pregnancy and parenting.

www.4children.org

- Offers information on current issues, trends, and public policies that affect children and families.
- All information is available in English and Spanish, with pdfs available in Chinese for some articles as well.

www.childwelfare.gov

- Provides access to information and resources to help protect children and strengthen families, including child abuse, neglect, and adoption.

www.familysupportamerica.org

- Parenting advice, and information regarding child abuse, alcoholism, disciplining children, divorce, and other topics related to families.

www.talkingwithkids.org/

- Advice for talking with kids about sex, HIV/AIDS, violence, drugs and alcohol.

www.Familyequality.org

- Organization committed to securing family equality for lesbian, gay, bisexual, transgender and queer parents, guardians and allies.
- Includes links to publications, parent groups, FAQ, research, and other organizations.

www.ed.gov/parents

- Tools for parents to help children succeed in school.

www.Divorcenet.com

- Basic information regarding child support, alimony, custody and visitation.

www.Divorcesource.com

- State specific divorce laws, parenting plans, child support calculators.

www.divorceinfo.com/children.htm

- Information for “Getting Your Child Through Your Divorce.”

www.acbr.com/paragree.htm

- Sample separation and co-parenting agreement.