

NACC envisions a justice system wherein every child has his/her voice heard with the assistance of well-trained, well-resourced independent lawyers resulting in the child's rights being protected and needs being met.

Diagnosing Head Injuries when Child Abuse Is Suspected: Cavazos and a Response to Narang

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In *Cavazos v. Smith*,¹ a six to three majority rejected the 9th Circuit Court of Appeals reversal of a conviction for physical child abuse. The primary reason cited in the Per Curiam majority opinion is the "necessity of deference to state courts in §2254(d) habeas cases." The dissent written by Justice Ginsburg focuses on both the scientific opinion and factual evidence presented at trial and "the grave consequences of upsetting (the Court of Appeals decision): Smith, who has already served ten years will be returned to prison to complete a sentence of fifteen years to life." (Smith's sentence has been commuted since the *Cavazos v. Smith* ruling).

Soon to be published in the *Houston Journal of Health Law & Policy* is an article titled "Shaken

Baby Syndrome, Abusive Head Trauma and Actual Innocence: Getting It Right" by two physicians and two attorneys, Patrick D. Barnes, Keith A. Findley, David A. Moran, and Waney Squier. In the introduction to their article, the authors state that they are responding to the earlier article published in the same Journal by Dr. Sandeep Narang.² Their conclusion is that the current terms "shaken baby syndrome" or "abusive head trauma" are inappropriate since they assume causation. They do not specify whether there is any term, similar to "child abuse" or "battered child syndrome" that would be acceptable if the testifying physician is of the opinion that injuries documented are not supported by evidence of intrinsic biological vulnerability, disease process, but do have indications of being caused by trauma. They support continuing dialogue that will promote continued evolution of medical understanding of head injuries to children,

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» Head Injuries from page 1

pointing out that two physicians on seemingly opposing sides reached agreement that short falls can indeed be fatal, albeit rarely.

They assert that the findings of subdural hemorrhages, retinal hemorrhages, and encephalopathy are not “diagnostic” but do not reject the importance of such findings, asserting only that each case requires an extended inquiry into the child’s medical history and findings. The authors also reject the vilification of those with opposing views.

The tone and care with which the article is written do not lead Barnes et al. to global rejections of the “flawed science” of diagnosing non-accidental head injury as has been the approach of a few critics. The article also returns reasonable observers to the idea that scientifically-informed medicine continues to evolve as both old and new research is evaluated. In this light, an example of recent research noted by both Narang and Barnes et al. is a comparison of retinal hemorrhage types found in 45 cases in which there was a confession to inflicted injury compared to 39 cases of accidental trauma occurring in public places. As with all studies, limitations can and are noted, but the research demonstrates the continuing effort to refine the specificity of findings that can properly be used to differentiate accidental from non-accidental harm.

The Narang article continues to serve as an organized documentation of the long-term, committed, and extensive efforts by at least five medical specialties “to get the diagnosis right.” Narang’s article also documents the reality that the diagnosis of non-accidental head trauma has not been “frozen” nor has it been unscientific, as evidenced by the endorsement of continuing efforts to properly diag-

nose non-accidental head injury by fifteen of the most relevant domestic and international professional medical bodies.

Before and after these publications appeared, the basic process for the practice of medicine, including when applied to the differential diagnosis of child abuse, is as Dr. Narang describes in his article:

“The physician gathers information on a patient’s symptoms and signs and generates hypotheses (also known as a differential diagnosis). Through the attainment of additional clinical information (via various diagnostic tests), the physician goes through an inferential and deductive process of hypothesis refinement until a consistent ‘working diagnosis’ is achieved. Hypothesis refinement utilizes a variety of reasoning strategies—probabilistic, causal and deterministic—to discriminate among the existing diagnoses of the differential diagnosis. While being mindful of the pitfalls of heuristics, the physician ultimately proceeds to hypothesis confirmation when the laws of diagnostic adequacy, coherency, and parsimony are satisfied.

Many courts have held that the ‘differential diagnosis’ methodology is a reliable method of ascertaining medical causation. Courts have stated that the ‘differential diagnosis is a well-recognized and widely-used technique in the medical community to identify and isolate causes of disease and death.’ As long as the expert ‘at least considers alternative causes,’ then testimony based upon the ‘differential diagnosis’ methodology is admissible.”³ (citations omitted)

This is the same process by which millions of life and death diagnoses are made by physicians every year in the U.S., and inevitably, in some of these

cases, physicians will testify about diagnoses they have made. Throughout their article, Barnes et al. identify risks of diagnostic bias, including “the Prosecutor’s Fallacy”. Subsequently, Barnes et al. question Narang’s assertion that specialists like Pediatric Child Abuse Specialists have a significant role to play in the diagnosis and testimony related to these cases, but, in all fairness they, end only by suggesting that other voices should be heard also. Their position is reasonable since child abuse specialists may be less likely to find child abuse than non-specialists.”⁴

1 Cavazos v. Smith, 565 U.S. 1 (2011).

2 S. Narang. (2011). A Daubert Analysis of Abusive Head Trauma/Shaken Baby Syndrome. 11 *Houston J. Health Law & Pol.* 505-633.

3 S. Narang at pp. 584-5.

4 J. Anderst, N. Kellog, I. Jung. (2009). Is the diagnosis of physical abuse changed when child protective services consults a child abuse pediatrics subspecialty group as a second opinion? *Child Abuse Negl.* 33:481-489

“Stepping Up for Kids: What Government and Communities Should Do to Support Kinship Families”

The Annie E. Casey Foundation’s KIDS COUNT project recently released this policy report focusing on the increased number of children living with extended family members and close friends, known as kinship care. This report includes the latest national and state data and it provides helpful suggestions on how to support kinship families.

» [Read report](#)



Cases

In Re C.P. No. 2010-0731, slip op. 1446, *1 (Ohio Apr. 3, 2012),

CONSTITUTIONALITY OF JUVENILE SEX-OFFENDER REGISTRATION

The Ohio Supreme Court considered the constitutionality of R.C. 2152.86, which creates a new class of juvenile sex-offender registrants. Under this statute, juveniles adjudicated as public-registry-qualified juvenile-offender registrants (PRQJOR) are automatically subject to lifetime, sex-offender registration and notification requirements.⁵

C.P., a fifteen-year-old, was charged with two counts of rape and one count of kidnapping with sexual motivation against his six-year-old relative.⁶ The lower court refused to transfer the case to the General Division so the juvenile could be tried as an adult, articulating the hope that the juvenile system could rehabilitate the child.⁷ Subsequently, the State sought to have C.P. sentenced as a serious youthful offender (SYO) pursuant to R.C. 2152.13(A)(4)(b).⁸ A grand jury indicted C.P. on all counts, attaching an SYO specification to each.⁹ C.P. admitted having committed the acts of which he was accused.¹⁰

The lower court informed C.P. of his classification as a juvenile-offender registrant under R.C. 2152.86.¹¹

The court also instructed him regarding his duty to abide by the registration and notification requirements automatically imposed with such classification.¹² Additionally, the court determined that C.P. qualified as a PRQJOR.¹³ It classified him as a Tier III sex-offender/child-victim offender.¹⁴ C.P. appealed his automatic classification as a Tier III juvenile-offender registrant and PRQJOR. He argued that R.C. 2152.86 violated his right against cruel and unusual punishment.¹⁵

For PRQJORS, Tier III classification imposes a lifetime penalty. The Supreme Court noted that this extends beyond the age during which the juvenile court has jurisdiction.¹⁶ This classification and its requirements leave a juvenile with no means of avoiding the adult penalty juveniles adjudicated delinquent generally benefit from a stayed adult penalty.¹⁷

This Court ultimately ruled that lifetime registration and notification requirements defeat the goals of the juvenile system: rehabilitating the offender and aiding his mental and physical development.¹⁸ The Court found that because of “the limited culpability of juvenile non-homicide offenders, the severity of lifetime registration and notification requirements of PRQJOR status, and the inadequacy of penological theory to justify the punishment,” the lifetime registration and notification requirements are cruel and unusual.¹⁹

Cecilia v. Arizona Dept. of Econ. Sec. 274 P.3d 1220, 1220 (2012).

DUE PROCESS RIGHTS OF MENTALLY IMPAIRED PARENTS

An Arizona Court of Appeals decided whether the juvenile court violated a mentally impaired parent’s

due process rights by failing to suspend a severance hearing until the parent regained the ability to assist counsel and meaningfully participate. The Court specifically considered a guardian ad litem’s (GAL) authority to act on behalf of a parent in severance proceedings.²⁰

A.G. was placed in protective custody after a dependency petition alleged that A.G.’s mother neglected him.²¹ She suffered from a mental illness which made parenting impossible for her. A.G. was adjudicated as dependent. Two years later, his GAL moved to terminate the mother’s rights.²² The mother’s GAL, in agreement with A.G.’s GAL and the Arizona Department of Economic Security (ADES), petitioned the court to rule that it was not in the mother’s best interest to hear testimony or to testify during the severance hearing.²³ The court accepted the motion, excused the mother from the court room during the severance proceeding, and subsequently terminated her parental rights.²⁴

Afterward, the mother’s GAL notified the court of the mother’s interest in appealing the termination.²⁵ ADES moved to have the appeal dismissed because it lacked the attorney avowal as required by Ariz. Juv. Ct. R. 104(B).²⁶ Rule 104(B) requires the attorney filing the appeal to avow that: (1) they notified the client that a final judgment has been made; (2) they explained the merits of an appeal with the client; and (3) the client desired to file an appeal.²⁷ The court overruled ADES’s motion for dismissal and allowed the mother’s GAL to file an appeal nunc pro tunc.²⁸

Ariz. R. 40(c) allows the court to enter orders that serve to protect the parent’s best interest.²⁹ In this case, the juvenile court held a hearing to determine the mother’s wishes regarding an appeal. This hearing produced evidence of the mother’s hopes

for appeal. The juvenile court justified allowing the GAL to file an appeal based on this hearing.³⁰

ADES argued that the mother's appeal was invalid because it did not contain the specific attorney avowal required by Rule 104(B). The Court of Appeals acknowledged that this avowal was not present; however, the avowal applied only to attorneys, and not to GALs.³¹ Courts appoint GALs to assist people who cannot make meaningful decisions independently.³² Therefore, the role of a GAL would be undermined if they were required to avow their work as being done at the direction of their client.

ADES also argued that even if the avowal was not necessary, the GAL was not the correct party to file the appeal making the appeal invalid.³³ The Court of Appeals agreed to the extent that, in this specific case, the mother was never adjudicated incompetent.³⁴ Therefore, her right to make decisions for herself in court was still intact; the GAL could not make decisions for her.³⁵ The Court of Appeals noted the mother actually waived the right to raise competency as an issue because she had not first done so during the juvenile court proceedings. However, the court said it would review the appeal for fundamental errors.³⁶

The Court of Appeals held that the juvenile court did not violate the mother's due process rights. First, the mother was never officially adjudicated as incompetent.³⁷ Second, a parent in a civil severance matter has very different rights than a criminal defendant.³⁸ Arizona's Title VIII does not require the juvenile court to stay proceedings until the parent regains competency.³⁹ One of the many grounds for terminating parental rights is the parent's inability to care for his/her child due to ongoing mental illness.⁴⁰ The court also explained the different

standard in criminal and civil severance cases by the fact that no one suffers by waiting for a criminal defendant to gain competency. However, the child would suffer harm if asked to wait for his/her parent to regain competency before proceeding with severance.⁴¹ The Court of Appeals also looked to other states because Arizona has no authoritative precedent on this issue. All other states reviewed agreed that the parent has no due process right to have a severance proceeding stayed for reasons of incompetency because it is against the child's best interest.⁴² The proper procedure for protecting a parent's due process rights consists of appointing both an attorney and a GAL for that parent.⁴³ Since the court below complied with this procedure, the Court of Appeals held that the juvenile court did not violate the mother's due process rights.⁴⁴

NOTICE TO READERS : Decisions reported herein may not be final. Case history should always be checked before relying on a case. Cases and other material reported are intended for educational purposes and should not be considered legal advice. Featured cases are identified by NACC staff and our members. We encourage all readers to submit cases. If you are unable to obtain the full text of a case, please contact the NACC and we will be happy to furnish NACC members with a copy at no charge.

- 5 In Re C.P., No. 2010-0731, slip op. 1446, *1 (Ohio Apr. 3, 2012), 846 [Read full opinion.](#)
- 6 Id. at *2.
- 7 Id. at *4.
- 8 Id. at *6.
- 9 Id.
- 10 Id. at *7.
- 11 Id. at *8.
- 12 Id. a
- 13 Id.
- 14 Id.
- 15 Id. at *9.
- 16 Id. at *24.
- 17 Id.
- 18 Id. at *47.
- 19 Id. at *58.
- 20 Cecilia v. Arizona Dept. of Econ. Sec., 274 P.3d 1220, 1220 (2012).
- 21 Id. at 1221.
- 22 Id. at 1222.
- 23 Id.
- 24 Id.
- 25 Id. at 1223.
- 26 Id.
- 27 Id. at 1226.
- 28 Id. at 1223.
- 29 Id. at 1230.
- 30 Id. at 1229.
- 31 Id. at 1226.
- 32 Id. at 1228.
- 33 Id. at 1227.
- 34 Id.
- 35 Id.
- 36 Id. at 1230.
- 37 Id. at 1232.
- 38 Id. at 1233.
- 39 Id.
- 40 Id.
- 41 Id. at 1236.
- 42 Id. at 1237.
- 43 Id. at 1238.
- 44 Id.

Supreme Court Rules on Eighth Amendment Cases

On June 25, 2012, the Supreme Court ruled in *Miller v. Alabama* (10-9646) that the Eighth Amendment prohibits mandatory life without parole for juvenile homicide offenders. Look for a more thorough examination of the Supreme Court's ruling in the next issue of the e-Guardian!

› [Read the full opinion](#)



Amicus

In re Mays

OPPOSITION TO THE “ONE PARENT DOCTRINE”

In re Mays involves the termination of a father’s parental rights based solely on a finding against the mother, who was the offending parent. The trial court ordered the father to participate in a treatment plan, which included drug testing, counseling, and parenting classes. The trial court determined that the father failed to adequately complete the treatment plan requirements, and the court terminated his parental rights. The Court of Appeals affirmed the trial court’s determination.

Previously, the NACC filed an amicus curiae brief when the case came before the Michigan Supreme Court for the first time. The Michigan Supreme Court considered whether the father “failed to successfully complete and benefit from... parenting classes” and whether the termination of his parental rights was in his children’s best interests.

The Michigan Supreme Court found that the father had successfully completed parenting classes, as evidenced by a certificate of completion. The Court also found that, since some of the facts supporting the statutory basis for terminating the father’s parental rights were established using hearsay testimony, there was an insufficient factual basis for the court to make a best interests determination. The Court temporarily restored the father’s parental rights and ordered the trial court to review the merits of the father’s case.

The NACC’s amicus curiae brief focused on the “one parent doctrine,” which requires a non-offending parent to prove his/her fitness. Unfortunately,

The NACC Amicus Curiae Program promotes the legal interests of children and families through the filing of amicus curiae (friend of the court) briefs in state and federal appellate courts. The NACC files its own briefs and participates as co-amici in cases of particular importance to the development of child welfare and juvenile law. In recent years, the NACC has filed briefs in numerous state appellate courts, federal courts of appeal and The Supreme Court of the United States. To view briefs or submit a request for the NACC to participate as Amicus Curiae in a case, visit the Amicus Curiae page on our web site at www.NACCchildlaw.org.

the Michigan Supreme Court held that the father had waived this issue since he did not raise it in the lower appellate court. Justice Kelly’s dissenting opinion indicated that the “one parent doctrine” was significant and central to the case because it dealt with the father’s inherent responsibility for the children’s neglect, his resultant treatment plan, and his adherence to this plan, which ultimately resulted in termination of his parental rights in the lower court. The “one parent doctrine” was a central issue even though the father did not raise it, Kelly argued, because it precipitated the chain of events surrounding this litigation.

On remand, the trial court again ordered the father to comply with a service plan that included more parenting classes. The trial court also continued the placement of the children in foster care and restricted his parenting time to supervised visits. The father’s counsel filed a motion challenging the application of the “one parent doctrine” and asking for immediate placement and dismissal of wardship. The trial court denied the motion, and the father’s counsel appealed the decision.

On review, Michigan Court of Appeals was asked to determine whether a Michigan trial court’s application of the “one parent doctrine” violated federal due process. Again, the NACC filed an amicus curiae brief in opposition to the trial court’s application of the “one parent doctrine.”

In its amicus curiae brief, the NACC argued that the “one parent doctrine” creates a presumption

against a non-offending parent and thus violates the principle established in *Troxel*, which is that the United States Constitution recognizes a presumption that a child’s parents are fit unless they demonstrate otherwise.⁴⁵ Because the trial court assumed the role of a parent and exercised jurisdiction over the children without any prior adjudication of the non-offending parent’s fitness, the trial court violated the non-offending parent’s due process rights and acted against the best interests of the child.

The Constitution protects the parent’s right to be a parent as well as the parent’s right to custody of his child. The Supreme Court has held that the fundamental liberty interest of a parent to retain custody over his/her child also serves to promote the best interest of the child because “there is a presumption that fit parents act in the best interests of their children.”⁴⁶ It is clear that if no fit parent is available, it is appropriate for the state to exercise custody over the child until a better option is found; however, between the option of a fit parent and the state, the Constitution demands the former. When an offending parent is found to be unfit, the unfitness of the non-offending parent is a matter to be adjudicated, not presumed. The trial court violated the father’s due process rights when it failed to conduct a hearing to determine whether the father was an unfit parent before it took jurisdiction over the children.

⁴⁵ *Troxel v. Granville*, 530 U.S. 57, 68 (2000).

⁴⁶ *Troxel*, supra at 68.

FAMILIES MATTER

The 35th National Child Welfare, Juvenile, and Family Law Conference

The 35th National Child Welfare, Juvenile, and Family Law Conference:

Families Matter — Advocacy for All Parties in the Child's Best Interests

This conference is the NACC's premier training and is the product of 35 years of experience. It is designed primarily for attorneys who practice child welfare, juvenile, and family law. NACC members and attendees dedicate most of their practice to the representation of children and youth, parents, or the state in juvenile dependency, delinquency, or family law cases. Due to the multi-disciplinary nature of this work, professionals from the fields of medicine, mental health, social work, probation, law enforcement, and education also belong to the NACC, attend our conferences, and serve as faculty. The conference is comprised of Plenary and Breakout Sessions.

New Breakout Sessions!

This year Breakout Sessions will feature revised tracks:

TRACK 1: BEGINNER — Sessions are aimed at practitioners with 0–5 years of experience in child welfare law;

TRACK 2: INTERMEDIATE — Targeted to those with 5–15 years of experience in child welfare law;

TRACK 3: ADVANCED — For those with 15 years and beyond;

TRACK 4: SKILLS — This track features sessions designed to help improve advocacy skills;

TRACK 5: GENERAL INTEREST — This track features a variety of topics of interest to NACC members and conference attendees.

PRE-CONFERENCE

Monday, August 13, 2012

9:00a–4:30p

NACC Red Book, 2nd Ed., 2010

Survey and Certification Exam Prep Course in Child Welfare Law and Practice

» Crystal Room – 3rd Floor

The course will follow the 2nd Edition of the Red Book (**Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases**, Duquette and Haralambie, Bradford Publishing 2010). The course covers the major competency areas of dependency practice and prepares attendees for the NACC Child Welfare Attorney Certification Exam. Registration fee includes a copy of the Red Book for you to keep.

1:00–5:00p

Identifying, Documenting & Serving Drug Endangered Children: A Collaborative Response Between Criminal Justice & Child Welfare

» Red Laquer Room – 4th Floor

Ignored, abused, and abandoned — these are some of the chronic conditions experienced by children raised in environments where there is drug use, manufacturing, cultivation, and distribution. Drug endangered children are part of a very large and growing population of children whose lives have been seriously and negatively impacted by dangerous drugs. Attendees will gain an understanding of opportunities to identify children living in dangerous drug environments and encourage intervention at the earliest possible point when endangerment is suspected to reduce physical and psychological harm to children; how exchanging information, altering activities, and sharing resources enhances the capacity of each agency for the mutual benefit of all to achieve a common outcome; and provide better service to children and families. Attendees will also learn more about what evidence can be collected and documented to show the risk of neglect, physical or emotional abuse, or exposure to criminal activity to help demonstrate the life of the child so appropriate services can be provided. And lastly, the course will review a multi-disciplinary response that considers the unique and often limited resources within a community and how these resources can be coordinated and applied in a manner that allows the child to receive better care.

- **Lori Moriarty**, National Alliance for Drug Endangered Children
- **Stacey Read**, Office of Colorado's Child Protection Ombudsman
- **Eric Nation**, Jasper County Sheriff's Office, Newton Iowa

2:00–5:00p

Registration Open

» Grand Ballroom Foyer – 4th Floor

CONFERENCE

Tuesday, August 14, 2012

7:30a

Registration Opens

» Grand Ballroom Foyer – 4th Floor

8:00–8:30a

Continental Breakfast

» State Room – 4th Floor

8:45–10:15a

Keynote Address: Families Matter: Supporting Lifelong Connections for Court-Involved Youth

» Grand Ballroom – 4th Floor

Judge Patricia M. Martin is the Presiding Judge of the Child Protection Division of the Circuit Court of Cook County, Illinois and President the National Council of Juvenile and Family Court Judges. She has chaired the Supreme Court of Illinois Judicial Conference Study Committee on Juvenile Justice and has been a member of other Illinois Supreme Court committees.



10:15–10:30a

Coffee Break

» State Room – 4th Floor

10:30a–12:00p

Breakout A

TRACK 1 : BEGINNER

» Wabash Room – 3rd Floor

Healthy Development & Well-being for Youth: What Your Client Needs to Thrive

• Charlyn Harper Browne • Martha Raimon • Youth Presenter

TRACK 2 : INTERMEDIATE

» Wilson Room – 3rd Floor

Fathers and Children in Foster Care: Challenges and Opportunities in Social Work, Law and Parenting

• Kevin Brown • Richard Cozzola • Sonia Velazquez

TRACK 3 : ADVANCED

» Grand Ballroom – 4th Floor

Recent Case Developments in the Complex, Fascinating, and Challenging Field of Dependency Law

• Bruce Boyer • Erik Pitchal

TRACK 4 : SKILLS

» Red Lacquer Room – 4th Floor

Representation Without Words: Techniques for Interviewing and Representing the Non-Verbal Child

• Roxanna Alavi • Jeanine McKelvey • Jennifer Kelleher • Nathan Thomas

TRACK 5 : GENERAL INTEREST

» Crystal Room – 3rd Floor

Getting it Right from the Start: An Interactive Training for Child Welfare / Court System Stakeholders on the Courts Catalyzing Change (CCC) Benchcard for Judges

• Judge Patricia Martin

12:00-1:45p

Lunch on your own OR **Networking Lunch:** **Reforming the ICPC: “How We Can Move the Conversation Forward”**

- Josh Gupta-Kagan
- Stephen Pennypacker
- Vivek Sankaran

» **Chicago - 5th Floor**

The ICPC has been subject to much criticism and recently a national effort has emerged to reform the Compact. The luncheon presentation will provide an overview of the Compact and discuss efforts to reform the process. There will also be an opportunity to share strategies with practitioners from across the US.

» **Separate registration and fee:** \$50 for attendees and guests. Space is limited – visit the registration desk to register.



2:00-3:30p

Breakout B

TRACK 1 : BEGINNER

Effective Representation of Very Young Children in Dependency Proceedings

- Candice Maze

» Crystal Room – 3rd Floor

TRACK 2 : INTERMEDIATE

Qualified Expert Witnesses under the Indian Child Welfare Act

- Tana Fye

» Wilson Room – 3rd Floor

TRACK 3 : ADVANCED

Creating and Sustaining Effective Local Collaboration to Improve Outcomes for Families and Children

- Diane Nunn • Christopher Wu

» Red Lacquer Room – 4th Floor

TRACK 4 : SKILLS

From Courtroom to Schoolroom to Conference Room: A Practitioner’s Guide to Advocacy at Informal Meetings

- Richard Cozzola • Erin Han

» Grand Ballroom – 4th Floor

TRACK 5 : GENERAL INTEREST

DHHS Enforcement of Child Welfare Standards: A Better Option than Reform Litigation

- Robert Fellmeth • Steve Keane • Christina Riehl

» Wabash Room – 3rd Floor

3:30-3:45p

Break

» **Note:** no beverages will be served.

3:45-5:15p

Plenary Session I: Story-Telling & Lawyering: Changing the Narrative in Child Welfare

• Matthew Fraidin • Faith Mullen

» Grand Ballroom – 4th Floor

Professor Matthew Fraidin is a Visiting Professor at Georgetown University Law Center – where he teaches in the Domestic Violence Clinic – and Associate Professor of Law and Director of the University of the District of Columbia David A. Clarke School of Law HIV/AIDS legal clinic. Can we achieve our goals of limiting entries to foster care and speeding exits from it by looking for the strengths of the people involved in our cases rather than their weaknesses? The session will focus on the power of story-telling in law and using your lawyering skills to help families build.

Faith Mullen is an Assistant Clinical Professor supervising law students in the General Practice Clinic at the Columbus School of Law at The Catholic University of America. She has previously worked as a Senior Policy Advisor at the Public Policy Institute with AARP and as an attorney with Legal Counsel for the Elderly and the Legal Aid Society of the District of Columbia. While at the Legal Aid Society, she represented parents in child welfare cases. She writes about access-to-justice issues and the use of story to improve lawyer performance. She has been a member of the District of Columbia Bar since 1984.



5:15-6:30p

CWLS Recognition Ceremony

» Red Lacquer Room – 4th Floor

Join your colleagues for appetizers, drinks, and a performance by former foster youth, now rapper, **Kris Prince**.

Wednesday, August 15, 2012

7:45-8:45a

Special Session: Introduction to the Child Welfare Mediation Guidelines

• Frank Vandervort • Kelly Olson

» Grand Ballroom – 4th Floor

8:00-9:00a

Continental Breakfast

» State Room – 4th Floor

9:00-10:30a

Plenary Session II: A Daubert Analysis of Abusive Head Trauma

» Grand Ballroom – 4th Floor

Dr. Sandeep Narang, MD/JD, Assistant Professor of Pediatrics, University of Texas Health Center at San Diego

In recent years, there have been challenges to the science for diagnosing shaken baby syndrome resulting in legal commentary arguing that judgments, civil or criminal, are unsupported. Dr. Narang will review the leading science literature in the context of Daubert standards and offer options for judges dealing with the admissibility of complex medical expert testimony.



10:30-10:45a

Coffee / Exhibitor Break

» State Room – 4th Floor

10:45a-12:15p

Breakout C

TRACK 1 : BEGINNER

» Chicago – 5th Floor

The Intersection of Immigration and Child Welfare: Abuse, Neglect, and Green Cards — the Nuts and Bolts of Representing Undocumented Minors

• Julie Sollinger • Mony Ruiz-Velasco

TRACK 2 : INTERMEDIATE

» Crystal Room – 3rd Floor

AWA, SORNA & U = OMG!: Understanding How Sex Offenses and the Adam Walsh Act Affect Children and Families

• Mitchell Feld • Ken Harris

TRACK 3 : ADVANCED

» Wabash Room – 3rd Floor

Building Resilience in Traumatized Children: What Children’s Lawyers Can Do

• Jim Henry • Mark Sloan • Frank Vandervort

TRACK 4 : SKILLS

» Red Lacquer Room – 4th Floor

Win the Case, Save the Child, Change the Law

• Jeff Koy • Shari Shink • Former Foster Youth

TRACK 5 : GENERAL INTEREST

» Wilson Room – 3rd Floor

Representation of the Severely Maltreated Infant

• Diane Baird • Donald Bross • Antonia Chiesa

12:30-2:00p

Annual Luncheon

» Grand Ballroom – 4th Floor

Presentation followed by book-signing. **Alison Arngrim** is an actress, stand-up comedian, and author best known for her portrayal of Nellie Oleson on the television series **Little House on the Prairie**. She is also a survivor of childhood abuse. Her 2010 memoir, **Confessions of a Prairie Bitch: How I Survived Nellie Oleson and Learned to Love Being Hated**, has been critically praised for her ability to mix humor and personal tragedy.

» **Separate registration required; no fee.** If you have not registered for the event but would like to attend, please visit the registration desk on the first day of the conference as space is limited.



2:15-3:45p

Breakout D

TRACK 1 : BEGINNER

» Chicago – 5th Floor

Educational Legal Advocacy for Foster Youth: Challenges and Opportunities

• Richard Cozzola • Erin Han

TRACK 2 : INTERMEDIATE

» Crystal Room – 3rd Floor

Undocumented and Abused Kids: Who They Are and How We Can Help Them

• Jessica Daman

TRACK 3 : ADVANCED

» Wabash Room – 3rd Floor

Kids, Social Media, and the Law

• Marsha Levick • Mae Quinn

TRACK 4 : SKILLS

» Red Lacquer Room – 4th Floor

Analyzing and Preparing Cases Involving Medically-Based Allegations of Child Abuse

• Bruce Boyer • Diana Rugh Johnson • Stephanie Plasier • Melissa Staas

TRACK 5 : GENERAL INTEREST

» Wilson Room – 3rd Floor

Maximizing Training Resources: Developing Comprehensive Training Programs and Partnerships

• Wilma Brier • Nancy Drane

3:45-4:00p

Break

» Note: no beverages will be served.

3:45-5:15p

Breakout E

TRACK 1 : BEGINNER

» Chicago – 5th Floor

Parental Substance Abuse and Children: Complications, Consequences, and Cures

• Demetra Frazier • Clara Goetz • Brad Martin • Ellen Werlin

TRACK 2 : INTERMEDIATE

» Wabash Room – 3rd Floor

Ready or Not, Case Closed!: Strategies to Help Older Youth Transition to Adulthood

• Rohit Chandra • Chase Gordon • Robert Harris • Jeremy Harvey • Katina Smith

TRACK 3 : ADVANCED

» Crystal Room – 3rd Floor

Polyvictimization and Child Trauma: Identifying and Addressing Client Needs

• Elena Cohen • Lisa Conradi • Howard Davidson • Lisa Pilnik

TRACK 4 : SKILLS

» Red Lacquer Room – 4th Floor

Common Pitfalls and Hot Button Topics in Evidence

• William Ladd • Deborah Paruch • Jennifer Pilette

TRACK 5 : GENERAL INTEREST

» Wilson Room – 3rd Floor

Automation of Case Management: A Success Story

• Lori Brown • Rick Smith

6:15p

Off-Site Activity: Chicago Skyline Boat Tour

Join your colleagues in the lobby at 6:15p for a short walk to the Navy Pier and an hour Skyline Cruise highlighting the stories behind dozens of Chicago landmarks. A cash bar is available on the boat.

» Separate registration and fee: \$29

Thursday, August 16, 2012

8:00-9:00a

Continental Breakfast

» State Room – 4th Floor

8:00-9:00a

Special Session:

Moving Forward? The Latest Updates on the Right to Counsel for Children Movement

• Cathy Krebs
• Ira Lustbader
• Casey Trupin

» Grand Ballroom – 4th Floor

9:15-10:45a

Breakout F

TRACK 1 : BEGINNER

» Chicago – 5th Floor

Fetal Alcohol Spectrum Disorders as a Mitigating Factor in Juvenile Litigation and Sentencing

• Ira Chasnoff • Carole Hurley

TRACK 2 : INTERMEDIATE

» Red Lacquer Room – 4th Floor

Drug Testing in Child Welfare Cases: Understanding the Chemistry, Methodology, and Legal Implications

• Diana Rugh Johnson • LaMia Saxby

TRACK 3 : ADVANCED

» Wabash Room – 3rd Floor

Finding Another Path to Permanency: The Policy Argument for a Statutory Right to Reinstate Parental Rights

• Meredith Schalick

TRACK 4 : SKILLS

» Crystal Room – 3rd Floor

How to Talk with Teens About Sexual & Reproductive Health Issues

• Leslie Heimov • Commissioner Anthony Trendacosta

TRACK 5 : GENERAL INTEREST

» Wilson Room – 3rd Floor

A New Day in Tribal Engagement: ICWA Compliance and Innovative Court Collaboration

• Gina Jackson • William Thorne

10:45-11:00a

Break

» Note: no beverages will be served.

11:00a-12:30p

Closing Session: Child Representation in America: Update on QIC

• Professor Don N. Duquette

» Grand Ballroom – 4th Floor

In 2009 the U.S. Children's Bureau named University of Michigan Law School the **National Quality Improvement Center on the Representation of Children in the Child Welfare System (QIC-ChildRep)**. Professor Duquette will report on his efforts to gather, develop, and communicate knowledge on child representation, promote consensus on the role of the child's legal representative, and provide one of the first empirically-based analyses of how legal representation for the child might best be delivered.



Help Us Help You!

Nancy Drane, Training Director at the Children's Law Center, and Wilma Brier, Branch Chief at the Counsel for Child Abuse and Neglect, are presenting at the upcoming NACC conference in August on "Maximizing Training Resources." The presentation will aim to provide a framework to other jurisdictions for developing training programs for new and experienced attorneys. In order to ensure that the presentation meets conference attendees' needs, Nancy and Wilma have developed a brief survey to learn more about training practices, challenges, and needs across jurisdictions. The survey should only take a few minutes to complete, but would be extremely useful to Nancy and Wilma as they prepare for the conference.

> [Please take a few minutes to participate in the survey](#)