

National Association of Counsel for Children



RESOLUTION IN SUPPORT OF THE FINDINGS AND RECOMMENDATIONS OF THE PEW COMMISSION ON CHILDREN IN FOSTER CARE

NACC RESOLUTION 3

Whereas each year over 1 million children in America are victims of abuse and neglect; and

Whereas the National Association of Counsel for Children is dedicated to representation and protection of children in the legal system; and

Whereas the National Association of Counsel for Children has long recognized that quality representation, a dedicated and well-trained judiciary, and effective collaboration are essential to improved outcomes for child victims of abuse and neglect; and

Whereas in many states abused and neglected youth have no legal representation and are either not represented at all or are represented by volunteers or others without legal training; and

Whereas in those jurisdictions that do provide legal counsel for children, attorneys often have caseloads of hundreds of clients, thereby precluding effective and meaningful representation; and

Whereas in many jurisdictions children are not permitted to attend court hearings, receive no notice of the proceedings in their case, and are not meaningfully given a voice in their own case; and

Whereas while the court process is an integral part of attending to the needs of abused and neglected children, federal funds earmarked for the dependency court system do not support much needed court improvements necessary to allow courts to be able to track children's progress, adopt performance measures, and ensure accountability;

Be it resolved, that the National Association of Counsel for Children urges the United States Congress, state and territorial legislatures, and judicial leadership, to enact laws and adopt policies, consistent with the recommendations of the national bipartisan Pew Commission on Foster Care for improving outcomes for abused and neglected children under dependency court jurisdiction.

Be it further resolved, that the National Association of Counsel for Children supports the following principles and recommendations:

Children and parents involved with dependency court should have high quality legal representation, provided by highly qualified attorneys; and

Children should be notified of and afforded the opportunity to participate in the court proceedings in their own dependency case; and

States, territories, and the United States Congress should work to attract and retain effective, trained, and qualified lawyers in the dependency practice area by development and implementation of reasonable compensation for dependency counsel, establishment of loan forgiveness programs for attorneys who enter or currently practice in this area, development and

implementation of reasonable attorney caseloads, and allocation of resources and support for attorney training; and

States, territories, and the United States Congress should demonstrate improved efforts at recruitment and long-term retention of committed, qualified, and trained bench officers who oversee the needs of abused and neglected children in dedicated dependency courts because an effective judiciary is essential to any comprehensive system reform; and

Courts should adopt policies to ensure the development and implementation of effective outcome-focused data tracking and performance measures, strong case management capacities, and workload measurement tools that enable bench officers to effectively manage cases while increasing accountability; and

Chief Justices and other state court leaders should facilitate meaningful reforms in, and provide needed support and oversight of, dependency courts, and serve as champions for abused and neglected children in the court system; and

Effective collaboration between court, child welfare and other public social service agency leaders should be established and formalized at a state level to create a vehicle for identifying existing barriers and crafting feasible solutions to meeting the needs of children and families impacted by abuse and neglect; and

Be it further resolved, that the National Association of Counsel for Children urges Congress and the state and territorial legislatures to enact laws and policies to ensure increased and adequate federal resources, and provide flexibility in use of those resources, to support the needs of children and families at risk. Resources should be allocated to ensure adequate funding of preventative and other services to be provided to children and families who can be best served without removing the child from his or her family. Resources should also be allocated to the courts to ensure that the legal process can effectively oversee the needs of abused and neglected children under court jurisdiction

Be it further resolved, that the National Association of Counsel for Children applauds and thanks the PEW Commission on Children in Foster Care for its dedication and commitment to our nation's most vulnerable children and families and to those who seek to serve to them.

Adopted, NACC Board of Directors, July 29, 2005

Christopher N. Wu, NACC Board Chair

Marvin Ventrell, NACC President / CEO



Robert Fellmeth, NACC Board Secretary

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