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National Legal Organizations Address Reform, Improvements for Dependency Courts

*NACC calls for critical changes so courts can better
protect children in foster care, ABA to consider similar resolution*

CHICAGO – Two of the nation's leading legal organizations have set in motion resolutions urging Congress, state policymakers, and judicial leadership to ensure that the courts that oversee foster care cases have the tools and information needed to protect the children in their care. The resolutions were authored by the Children's Law Center of Los Angeles and others in response to recommendations made by the Pew Commission on Children in Foster Care. On July 29, the National Association of Counsel for Children approved the first resolution. And, on August 8, the second resolution, authored by the Los Angeles County Bar Association, will be considered by the American Bar Association (ABA), holding its Annual Meeting in Chicago.

"Every year, nearly one million abused and neglected children enter our nation's foster care system," said Miriam Krinsky, Executive Director of the Children's Law Center. "Following a traumatic childhood, too many of the youth our entire community has agreed to parent face a dismal future. More than half of former foster youth are unemployed, almost a third become homeless, and one in five will be incarcerated within two years of exiting care."

The national, nonpartisan Pew Commission urged reform of the nation's foster care system, focusing its attention on federal financing and court oversight of foster care. The Commission recognized the critical, yet often overlooked, role played by the courts in this arena. No child enters or leaves foster care without a judge's decision. A child cannot return home or be adopted without a judge's say-so. And every significant decision in between in the child's life is overseen by the court. In its recommendations, the Commission emphasized the need for reforms designed to support and enhance the functioning of the dependency judicial system

"In many states these children are without a voice – lacking effective legal representation - or are represented by attorneys carrying overwhelming caseloads," stated Marvin Ventrell, President of the NACC. "Often children and youth are not permitted to attend court proceedings where life-changing decisions will be made about their future. The NACC's resolution, approved by our Board of Directors on July 29, is designed both to ensure that children are given a voice in this process and to strengthen the court's ability to make the best possible decision for the children in their care."

The Los Angeles County Bar Association resolution under consideration by the ABA focuses on key areas where the dependency court must improve its performance. Adequate representation and participation of foster youth, attracting and retaining effective attorneys, encouraging collaboration between the courts and child welfare agencies, and establishing ‘top down’ leadership from Chief Justices and Judges – all are critical reforms addressed by the resolution.

The just-passed NACC resolution and pending ABA resolution support the following:

Collaboration – Children must not be dealt with piecemeal. Courts and child welfare agencies should be encouraged to communicate and share information in order to better serve the youth in their care. Existing barriers that preclude this must be identified and eliminated.

Legal Representation and Youth Participation - Children in foster care have the right to effective legal representation in the court process. They should be notified of their own court proceedings and given a meaningful opportunity to participate in them.

Judicial Leadership – Both resolutions highlight the critical role judicial leadership should play in facilitating reforms and providing support and oversight of dependency courts. They emphasize that judicial leadership should champion abused and neglected children in the court system.

Attracting and Retaining Qualified Attorneys and Judges – To attract qualified attorneys and judges to juvenile courts, both organizations support reasonable compensation for children’s attorneys and the establishment of loan forgiveness programs for lawyers who specialize in this area

Training - Because of the broad range of decisions associated with ensuring the welfare of abused and neglected children, attorneys and judges who work in dependency courts must have access to adequate, ongoing training.

Caseloads & Tracking – Both organizations recognize that judges and attorneys must have reasonable caseloads, if they are to consider the full ramifications of their decisions and effectively advocate on behalf of children. Additionally, courts need to have the ability and technology to manage their cases, track children’s progress through the system, execute federal and state mandates, and implement best practices.

Further, these resolutions urge Congress and state legislatures to support the dependency courts and the critical work that they perform through legislation and through the provision of adequate resources for the legal process and all other parts of the system.

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To view the Pew Commission recommendations, please visit www.pewfostercare.org.