

Children's Law Center of Minnesota Holds National Institute of Trial Advocacy Training Program

Children's Law Center of Minnesota (CLC) and the National Institute for Trial Advocacy (NITA) presented the "Training the Lawyer to Represent the Whole Child" from March 18 to March 22, 2007. The program was designed to teach trial advocacy skills in the specific area of dependency and delinquency to lawyers who represent parents, children and social services.

The intensive program, a joint project of CLC, NITA and the American Bar Association Section of Litigation Children's Rights Litigation Committee, was held at the University of St. Thomas Law School in Minneapolis.

"[When I] learned that CLC was bringing a NITA program to Minnesota," said Marian Saksena, associate at Walling, Berg & Debele. "I knew that this was an opportunity that could not be missed. It is extremely rare to have a training program which focuses on trial skills specifically for juvenile court lawyers."

Participants, who increased their advocacy skills in child welfare and juvenile justice, received training through lectures, presentations, workshops and drills culminating in a mock termination of parental rights trial.

A full child protection scenario, captioned, *In Re Pena*, created the types of case files that an attorney for children would be likely to



NITA reception at Fredrikson & Byron. From left: Tom Fraser, CLC Board member; Julie Harris, Assistant Hennepin County Attorney; Justice Sam Hanson, Minnesota Supreme Court; Ann Ploetz, Assistant Ramsey County Attorney; Marian Saksena, CLC volunteer attorney.

encounter. The simulated trial setting allowed the participants to exercise the skills and knowledge they were gaining in the program.

They were also able to examine how factors such as special education, homelessness, expulsion and mental health disabilities affect abuse, neglect and delinquency cases.

"I believe that the NITA approach to training trial advocacy is an excellent approach," said faculty member, Nancy Wiltgen, partner at Leonard Street and Deinard. "Getting up and trying these things is the best way to learn."

The 17 different workshops

presented taught various trial skills including case analysis and theory; direct and cross examination of fact witnesses, defense expert witnesses and prosecution expert witnesses; and both opening and closing

See NITA TRAINING page 3.

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From the Executive Director



Gail Chang Bohr

As we prepare for the 12th Anniversary Celebration and Benefit of Children's Law Center of Minnesota (CLC) at the Millennium Hotel Minneapolis on October 18, 2007, we are reminded of CLC's mission and how we continue to be touched by the lives of our former clients, now young adults, whom we represented as children. Sometimes the news is good – their transition from foster care led them to post secondary education that they are completing successfully. Other times, illegal acts they committed as youth will forever affect them.

One young woman, now 18, tried to get an entry level job in a nursing home as a nursing assistant but was rejected because of a fifth degree assault that had occurred when she was twelve. She called me up in tears, "I was twelve! I thought the records were closed." Another young person was barred from law enforcement work—a dream he had held for years.

This is known as the collateral effect of an underlying arrest, plea, and/or adjudication. It is collateral because besides the punishment meted out for the illegal act—be it probation, community service, treatment, etc.—the fact of the arrest and criminal charge often continues to affect the child and can be used against the child

subsequently even though the child was under the age of 18 when the offense was committed. The collateral consequence may be that the person can never be employed in jobs licensed by the Department of Human Services or in law enforcement; it may be used to enhance a sentence if the child subsequently commits a crime as an adult; it may lead to deportation in the case of non-citizen youth.

For most children, their misbehavior does not have such long lasting effects. Why? Because their parents will do everything in their power to ensure that their children's behavior does not carry such long-term consequences. But, for many children in foster care, that is not the case. Consider this: A 12-year-old Ramsey County child placed in a group home in Isanti County gets into an argument with another child, and pretty soon, there is a pushing match. A staff member intervenes, and this child ends up shoving the staff member. Police are called and the 12-year-old Ramsey County child is charged with

fifth degree assault. She has an Isanti County public defender who advises her to plead guilty. She follows this advice. Her county worker does not come to court with her, no one knows her, and no one speaks on her behalf. The case is referred back to Ramsey County for disposition. The plea is on her record.

What is CLC's response? On an individual basis, when the CLC lawyer attends the delinquency hearing for one of our clients and supports the child, they can inform the public defender and others about the child's foster care situation since often the CLC attorney is the only one in court who knows the child. As a county attorney once told me, "When there is no one else there for the child except for the CLC law-

Limiting the collateral effects of youth offenses will go a long way in returning to the original promise and purpose of Juvenile Court—that of providing second chances.



Making children's voices heard

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yer, the lawyer's presence gives the child status in the judge's eyes."

System-wide, we are working with others to propose legislation to limit the far-reaching effects of arrest and adjudication on youth who commit offenses. Limiting the collateral effects of youth offenses will go a long way to return to the original promise and purpose of Juvenile Court—that of providing second chances.

*Gail Chang Bohr, Esq.
Executive Director*

arguments.

The program was open to attorneys who work with youth. Participants included public defenders, county attorneys and volunteer lawyers. The high faculty-student ratio “was really a good thing for the students,” said faculty member, Larry D. Espel, partner at Greene Espel.

This sentiment was echoed by many of the participants. “The small class size was conducive to taking risks,” said CLC staff attorney Angela Montgomery-Montez, “and gave lots of one on one time between students and faculty.” Participants also noted that they had the opportunity to practice trying out the faculty feedback and suggestions over the course of the week leading to measurable improvements.

“It was riveting to watch some of the state’s top trial attorneys demonstrate various trial techniques,” added Saksena.

National faculty for the program included attorneys Ethan Berghoff and team leader Angela Vigil, Baker & McKenzie, Larry Espel, Greene Espel, Thomas Fraser, Fredrikson & Byron, Nancy Wiltgen, Leonard Street and Deinard, Julie Harris, Assistant Hennepin County Attorney, Ann Ploetz, Assistant Ramsey County Attorney, Marsha Levick Juvenile Law Center and Gail Chang Bohr, CLC Executive Director.

“The training was simply phenomenal,” said Saksena.

by Andrew Lai, Yale Alumni Association of the Northwest (YAANW) Bulldogs on the Lakes 2007 Intern

Below left: NITA faculty dinner. Standing, from left: Ethan Berghoff, Baker & McKenzie; Marsha Levick, Juvenile Law Center; Tom Fraser, Fredrikson & Byron; Ann Ploetz, Assistant Ramsey County Attorney. Sitting, from left: Angela Vigil, Baker & McKenzie; Larry Espel, Greene Espel; Gail Chang Bohr, Children's Law Center of Minnesota; Sarah Walsh, NITA; Nancy Wiltgen, Leonard Street and Deinard; Rachel Fournelle, student intern, Children's Law Center of Minnesota; Julie Harris, Assistant Hennepin County Attorney.



Below: NITA faculty and participants.



CLC Welcomes Tricia Kiefer as New Development Manager

Tricia comes to us most recently from the Minnesota House of Representatives Early Childhood Learning Committee. She has worked on federal policy with regard to children’s issues and as a fundraiser for a national non-profit. Her diverse experience and passion for children fit well with the mission of CLC.

Success Story

Between the ages of three and 11, Don was placed with several relatives who physically and emotionally abused him. His mother voluntarily gave up her parental rights by signing a consent for adoption by Joan, one of her relatives. The adoption was never completed although Don remained with Joan as a foster child. At age 13, Don was removed from Joan’s care because of severe neglect reported by his school.

Children's Law Center of Minnesota (CLC) was appointed to represent Don as a state ward. One of Don’s first requests was for his CLC volunteer lawyer to get Joan to return over 25 of his personal belongings. The CLC lawyer requested the court to order Joan to return or replace Don’s belongings. The items included compact discs, Playstation video games and memory cards, clothing and comic books that Don had made. Initially, the judge ordered Joan to return the items within ten days, which she agreed to do. After more than ten days had elapsed, the CLC lawyer notified the county that the judge’s order had not been followed and inquired about contempt proceedings. The county informed the lawyer that the county did not have jurisdiction to order Joan to pay for the missing items.

Don was disappointed. After consulting with CLC staff, the lawyer explored Conciliation Court. He also contacted the licensing worker to explain the situation. The worker learned that Joan had one more foster care payment pending. Don was compensated through the withholding of portions of that final payment. He was pleased with the considerable efforts of his lawyer on his behalf. Don is doing well in his non-relative foster home and is looking forward to the county’s efforts for adoption.

CLC lawyers build trust through listening to clients

Foster care children often lack stability; they bounce between placements, programs, and social workers. They may feel as if they have no control, and learn to trust no one. CLC aims to provide foster children with a chance to make their voices heard, but we can't do it alone—we rely on our volunteer attorneys not only to handle legal matters, but more importantly, to establish longstanding relationships with their clients so that the children know there is someone they can trust who will stick by them. The story of Tom and his client Shawn is one example of the dedication of our pro bono lawyers and the difference they make in their clients' lives.



*Tom Sheran, Esq.
Moss & Barnett*

*CLC Volunteer
Attorney*

When I first met Shawn in January of 2001, he was twelve years old and already in the middle of one of the many challenges we would face in the next seven years—proceedings for an adoption in which he just knew he would not “belong.”

Because of his concern for everyone's feelings, however, Shawn found it difficult to tell anyone what he really thought, and no one had asked him what he wanted. At the next review hearing, I saw to it that Shawn's views were heard, for the first time. The proposed adoption did not proceed, and though the experience was hard on everyone, Shawn was able to participate in a way that would not have been possible had he not had his own attorney.

More challenges were to follow. After being abruptly removed from his foster home by the county and placed in a series of temporary foster homes, Shawn landed in a children's psychiatric ward; it was clear he wanted to return to his previous foster home, but the foster parent's license had been terminated. With CLC's guidance, we were able to use juvenile court statutes in a resourceful way that allowed Shawn to return to the physical custody of his foster parent while preserving the county's legal custody and obligation to provide funding. Shawn was glad to be back in the only stable home situation he had ever known; my reward was in seeing Shawn recover a sense of stability in his life.

Next, Shawn had to deal with another trust issue when his guardian ad litem (GAL), with whom he had developed a close and caring relationship, suddenly ended her GAL relationship without explanation. Even though Shawn later

found out that his GAL was interested in adopting him and she had to end the GAL relationship while a home study was being performed, he still felt deceived that his GAL left him so abruptly. It was troubling for me to see Shawn lose this caring relationship.

As a result of all these disappointments, Shawn was at an impasse and no longer knew what he wanted; he began to reject the idea of being adopted and dreamed about returning to his biological mother. He stopped attending school consistently and began experimenting with marijuana, his relationship with his foster father deteriorated, and he was assigned to a new social worker with whom he did not get along. Based on Shawn's truancy problems and experimentation with marijuana, the social worker initiated proceedings to have him placed in a rigorous consequences program.

I researched the program and encouraged Shawn to use the point system that would allow him to earn his way out before the 120 days ordered by the court. I visited Shawn at the facility, an hour's drive outside of Minneapolis, and was pleased to learn that he had become an honors resident and received one of the highest point awards possible, which helped when I petitioned for an early release, which the court granted. Shawn recognized that he had been personally validated through the court process.

My longstanding relationship with Shawn isn't over, however—I think I'll have at least one more chance to help him. Though he did well after his return to school, when confronted with the need to plan for his transition to independence, Shawn clung to the idea of living with his biological mother—it was an understandable case of hope triumphing over experience. When he turned 18, he left his foster home and moved in with his mother. Shawn's social worker did not intervene, his foster parent was discharged, and as a result the county asked the Court to reinstate the remainder of the consequences program. I was afraid that Shawn was about to lose any mean-

ingful support from the system.

CLC staff social worker, Weida Allen, accompanied me to a meeting I arranged with Shawn and his mother. With her help, Shawn was able to see that his mother, who was not in stable housing, not employed, and still involved with drugs, could not realistically meet his needs. Without this intervention, I think the system would have failed Shawn when he was at his most vulnerable. As it turned out, we were able to persuade the court that placing Shawn back into the consequences program would be counter-productive in light of his desire to complete his schooling in an alternative foster home.

Shawn and his county social worker are still at odds with one another. Because Shawn was 18 years old, the social worker sought to discharge him from court supervision. However, he had not yet received the benefit of a Youth in Transition Conference (YTC). As Shawn's attorney, I requested a court hearing on the county's discharge motion in order to ensure that a YTC was scheduled so that Shawn was given the opportunity to fully explore the services that he would need when transitioning to independent living. The court directed that a YTC be scheduled.

It is often assumed that children in the foster care system want to leave the system when they turn 18. As Shawn's case shows, children are often not ready to be emancipated immediately. However, if they are fully informed of the benefits and services they are entitled to receive to help smooth their transition, they often choose to stay in foster care to be much better prepared for living independently. CLC staff attorneys and social worker were essential in helping me understand the law and resources as I helped Shawn navigate his way through the system. Lawyers can play such a guiding role and be someone their clients can trust, a difficult task for young people who have been let down so many times already by adults and by the system.

Tom Sheran, Esq.

CLC held 2nd Annual Open House in May

From left: Marian Saksena, CLC volunteer attorney, with goddaughter; Angela Montgomery Montez, CLC staff attorney, with daughters, Kiara and Kalia.



From left: Tom Fraser, CLC board member; Julia Morgan, volunteer attorney; Lori Semke, volunteer attorney; Cyrenthia Jordan, CLC board member.



CLC attracts summer interns from across the country

Children's Law Center of Minnesota (CLC) was pleased to have three interns this summer, Andrew Lai, Anthony Fryer, and Wenli Cai.

Lai, a sophomore at Yale University who hails from southern California, was here through the Yale Alumni Association of the Northwest (YAANW) Bulldogs on the Lakes program. Lai's responsibilities included organizing the previous CLC newsletter and inputting cases into the National Children's Law Network database. Reflecting on his internship, Lai said, "It was a very valuable learning experience, and I feel that I was able to gain a closer look into the world of children's law, social work and the operations of non-profit organizations."

Fryer, a second year law student at William Mitchell College of Law here in St. Paul, researched legal issues such as a child's right to counsel and class action suits filed on behalf of children who were failed by child protective ser-

vices, writing memoranda to the ABA Section of Litigation Children's Rights Litigation Committee and for CLC. Fryer said, "The most striking aspect of working for CLC was the commitment to children demonstrated by the CLC staff and volunteer attorneys. CLC is an incredibly important organization to the children of Minnesota and testament to the Minnesota legal community's desire to protect the rights of children."

Cai comes to us from Tennessee and is here through the Princeton University Class of 1969 Community Service Fund; she will be a junior at Princeton this fall. Besides working on this newsletter and organizing materials for CLC's 12th Anniversary Benefit, her major project was tracking the outcomes for children CLC has represented at the time their cases were dismissed. She added, "The fact that CLC attracts interns from all over the country attests to its national reputation."



CLC 2007 summer interns (from left) Anthony Fryer, William Mitchell College of Law; Andrew Lai, Yale University; and Wenli Cai, Princeton University.



On behalf of the Board of Directors and staff at CLC, thank you, donors and volunteers, for your generosity. Your steadfast support make it possible for CLC to continue to make Minnesota's children's voices heard and make a difference in their lives.

Peter Hendrixson and Gail Chang Bohr

Donations received from February 1, 2007 through August 31, 2007

Champion (\$10,000+)

F.R. Bigelow Foundation
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3M provides grant to Children's Law Center of Minnesota on behalf of 3M Volunteers

The 3M Foundation has donated \$600 to Children's Law Center in recognition of employees Lisa P. Fulton, and Nelson E. Schmidt's commitment to the community and for their outstanding service. Fulton, Schmidt, and other employees have donated countless pro bono hours to represent children in foster care.

"3M employees and retirees donate many thousands of hours to their

communities each year," said Alex Cirillo, staff vice-president, 3M Community Affairs. "We are pleased to recognize and support their commitment to helping others."

As part of the 3M Volunteer Match, the 3M Foundation will donate \$200 to eligible non-profit organizations for which a 3M employee and retiree volunteers 25 hours or more per calendar year. For more information on

this program, please contact 3M Community Affairs at 651-733-0144.

3M Community Giving consists of product donations and cash grants by 3M and the 3M Foundation and bolstered by employee and retiree volunteerism. Since 2000, Volunteer Matches totaling over \$2.1 million have gone to over 2,400 schools or non-profit organizations in 50 states plus the District of Columbia.

3rd Annual 'The Lud' Golf Outing and Dinner
Thursday, September 20, 2007, 1:00 PM
In Memory of George Ludcke

It's been three years since we lost our beloved friend George. It is time to commemorate his spirit again in a way he would approve ... having a good time on the golf course, sharing a few laughs, and exchanging fond stories of 'The Lud.' Even last year's horrible weather didn't dampen the spirits. We were soaked and cold, but warmed up quickly after sharing memories and our mutual friendships.

George enjoyed life but was also a man of service and charity. Thus, in addition to keeping his memory alive, one of the main goals of our outing is to raise dollars for a very important cause, Children's Law Center of Minnesota, something very near and dear to his heart. Last year \$1,300 was raised for this very important cause. We hope to surpass that this year with your help. Even with the bad weather we had 40 some golfers last year and another 20 dinner attendees. You don't have to play to come to the dinner, so if you are not a golfer, please consider joining us at 5:00 p.m. for cocktails and food.

The eventual goal for 'The Lud' is to take over the golf course. That will take at least 72 players, and we hope to see the number swell to near 100. So tell your friends. By the way, golfers of all abilities are very welcome, so please join us!

Date: Thursday, September 20, 2007

Time: Register from 12-1:00 P.M. Shotgun start at 1:30 P.M.

Place: Columbia Golf Course, 3300 Central Avenue Northwest,
Minneapolis, MN, (612) 789-2627

Cost: \$70 includes green fees, cart, range balls, dinner, and prizes. This is a coed event. Contributions to the Children's Law Center of Minnesota in George's name are optional.

Count me in! Please make check out to Georgianna Ludcke.

Golf & dinner _____ (\$70)
Dinner only _____ (\$15)

MUST BE RECEIVED IMMEDIATELY DUE TO GOLF COURSE REQUIREMENTS!!!
--

Contributions to the Children's Law Center of Minnesota should be made out separately.

Name

Phone

Address

City/State/Zip

I prefer to play with:

Send to: Frank Vogl & Larry Borgen, c/o Best & Flanagan LLP, 225 South Sixth Street, Suite 4000, Minneapolis, Minnesota 55402-4690. Questions? Late entry? Call Larry Borgen at (952) 221-0042 or Frank Vogl at (612) 349-5676. VOLUNTEERS ARE NEEDED AND WELCOMED.

JOIN US FOR

Children's Law Center of Minnesota 12th Anniversary Celebration and Benefit

Honoring:

Amy Brenneman, star of TV show *Judging Amy*, recipient of the Rosalie E. Wahl Justice for Children Award

Judge Frederica Brenneman and Russell Brenneman will be present as Amy accepts by video

Former Minnesota Supreme Court Chief Justice Kathleen Blatz will present the Rosalie E. Wahl Justice for Children Award

Zelle Hofmann Voelbel Mason & Gette - Distinguished Service for Children Award

Merchant and Gould - Distinguished Service for Children Award

Roy Magnuson - Heroes for Children Award

Foster youth share their stories

Live/Silent Auctions

Thursday, October 18, 2007, 5:00 to 8:30 p.m.
Millennium Hotel Minneapolis

Give to CLC through United Way

The United Way accommodates employees who want to support Children's Law Center of Minnesota through their workplace campaigns — even though CLC is not a United Way agency. CLC benefits from the donor choice programs of United Way of Minneapolis, United Way of St. Paul, Tri-State United Ways, and others.

Please consider writing "Children's Law Center of Minnesota" under "Other" when a campaign pledge card is presented for your selections, or make your preference known otherwise.

Pro Bono Opportunity: CLC to provide Volunteer Lawyer Training Program

CLC will present "Representing Youth in Foster Care," a training program for new and current volunteer lawyers, judges, county attorneys, public defenders, social workers, and other child advocates. The training will be held on **Friday, November 9, 2007, from 8 a.m. to 4:30 p.m. at Fredrikson & Byron.**

If you wish to become a pro bono attorney for CLC, you must attend this training program. As a pro bono lawyer, you will represent the child in court, file legal pleadings, identify and obtain appropriate services, argue motions and negotiate settlements, among other legal proceedings. Once you take a case, CLC staff attorneys and social worker will consult with you on legal strategies, substantive and procedural issues, give guidance and information about social service resources, as well as help you to assess the child's developmental and educational needs. **CLE credits available.**



Making children's voices heard

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