

Senator Mee Moua Speaker at CLC's Eighth Anniversary

Senator Mee Moua, the first Hmong American state lawmaker in the U.S. and a Leonard Street and Deindard attorney, helped Children's Law Center of Minnesota (CLC) celebrate its Eighth Anniversary with her keynote address on October 8, 2003. Senator Moua shared her experiences coming to Wisconsin at the age of 9 after spending four years in a refugee camp in Thailand. She celebrated the heroes in her life and urged all of CLC's volunteers to see themselves as important advocates for children and to recognize themselves as heroes in their clients' eyes.

The Honorable John Simonett, retired Minnesota Supreme Court Associate Justice,

introduced Senator Moua and also read case studies submitted by CLC's volunteer attorneys. These studies expressed the significant contribution of CLC volunteer attorneys and stressed that, for CLC's clients, volunteer attorneys are often the only stable adult figure in their lives and truly are heroes for children.

Thank you to everyone involved in making CLC's Eighth



Senator Mee Moua was the keynote speaker at Children's Law Center of Minnesota's October 8, 2003 benefit.

Anniversary Celebration tremendously successful. The benefit raised funds to support CLC's representation projects, and everyone had a lot of fun along the way!

Mike Windey Receives CLC's First Annual Heroes for Children Award

Children's Law Center of Minnesota (CLC) was proud to name Mike Windey as its first recipient of the Heroes for Children Award, which recognizes and honors an individual who has made a significant contribution to the well being of Minnesota's children. Windey received a \$250 donation to the charity of his choice, courtesy of

Campbell Mithun's KidCom Worldwide division.

Though Windey currently serves as the Recreational Center Director at West Minnehaha Recreation Center in St. Paul, he has a long history working with St. Paul Parks and Recreation, beginning as a lifeguard in 1968.

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From the Executive Director ...



Gail Chang Bohr

Children's Law Center of Minnesota (CLC) continues to find new ways to make children's voices heard, thanks to its dedicated volunteers, staff, and board of directors, even as the current economy poses challenges for nonprofit funding from Minnesota foundations and individual donors.

With the help of over 150 volunteer attorneys, CLC Staff Attorney, Loretta Smith, and Staff Social Worker, Weida Allen, our representation programs remain strong and we continue to be a voice for children when the system fails them. In 2003 alone, we represented 429 children in the Foster Child Advocacy Project in Ramsey County and the State Wards: The Forgotten Children Project in Hennepin County. CLC, upon request, also represented children in other counties, including Anoka and Isanti, adding to our advocacy for system change in the child welfare system.

Indeed, we were humbled by the recognition of our peers who voted for CLC to receive the Minnesota Council of Nonprofits Mission Advocacy Award. The Award recognizes CLC's implementation of an effective advo-

cacy strategy, demonstrating success, and having a significant impact on Minnesota's children.

Thanks to the work of 2001-2003 Equal Justice Works Fellow, Julie Russomanno, CLC's Independent Living Project is incorporated in CLC's representation work. That project was developed from CLC's extensive experience and representation of youth "aging out" of the foster care system without completing high-school, job skills, housing, medical insurance, or even an identification card and CLC's help in writing legislation mandating an independent living plan for youth in foster care.

Now, CLC's third Equal Justice Works Fellow, Jaynie Leung, is working on the Children's Mental Health Project. This two-year project will help CLC achieve a better understanding of the availability and accessibility of mental health services for Minnesota's children so that we can develop and advance systemic solutions.

As we move forward at the state level, CLC's expertise is sought at the national level. As a member of the American Bar Association Section of Litigation Children's Rights Litigation Working Group since 1997, I help provide technical assistance in developing children's pro bono projects around the country, most recently in Houston and New Orleans. Our accomplishments led to the invitation for CLC to be a mem-

ber of the newly formed National Children's Law Network (NCLN).

Speaking of pro bono, we are participating in MSBA President Jim Baillie's goal to increase the number of lawyers doing pro bono for the first time. CLC is working with the New Lawyers' Section of the HCBA to implement the national initiative of One Child, One Lawyer and will hold a training for new lawyers in the first quarter of 2004.

CLC is grateful for the continued generosity of its donors in helping us to meet this year's McKnight Challenge. Together, we will keep on moving forward, and find new ways to make children's voices heard.

*-Gail Chang Bohr,
Executive Director*

Children's Law Center News is a publication of Children's Law Center of Minnesota.

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Jaynie Leung
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Weida Allen ... Staff Social Worker
Lisa McDonald
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..... Executive Assistant

CLC Receives MN Council of Nonprofit's Mission Award



Gail Chang Bohr, CLC Executive Director, and Grace Harkness, who nominated CLC for the Mission Award.

Children's Law Center of Minnesota (CLC) received the Minnesota Council of Nonprofits Mission Award for Nonprofit Advocacy on October 1, 2003. Richard Nigon, Board President and Gail Chang Bohr, CLC Executive Director, accepted the award at a ceremony at the Landmark Center in St. Paul, which was later broadcast on TPT.

"The recipient of this award has implemented an effective advocacy strategy, demonstrated success in its advocacy efforts, and has a significant impact on the organization's constituency," stated a spokesperson from the Council.

"CLC's volunteer attorneys and staff made this award possible," Chang Bohr said. "They are committed to making a difference for Minnesota's children and do so by their dedication and hard work on behalf of children."

CLC was recognized for its

efforts to work to make children's voices heard, and to achieve some measure of justice for children so that they might have an opportunity to become productive, contributing citizens. Grace Harkness, recently retired coordinator of the Minnesota

Women's Consortium, nominated CLC. She stated that the work of CLC's volunteers and staff "not only saves these children from deeper pain and grief, but also increases the future health and welfare of the whole community."

CLC was selected from over 75 nominations. The Minnesota Council of Nonprofits Awards Committee narrowed the nominations to three, and then opened the voting to more than 400 member organizations.

A special thank you to all of our volunteer attorneys. We know that you often think of your contribution in terms of the individual child you represent; now you know that a large part of the community recognizes the wider impact of your contribution.



Dick Nigon, CLC Board President, Gail Chang Bohr, CLC Executive Director, Loretta Smith, CLC Staff Attorney, Jody Alholinna, CLC Board Member, Lisa McDonald, CLC Development Director, Jaynie Leung, CLC Staff Attorney and Equal Justice Works Fellow, and Lloyd Brandt, CLC Board Member.

CLC Practice Tip

I recently assisted a client who has mental health issues for which s/he is medicated. The client stopped taking medication and was picked up by the police while looking inside a parked vehicle. While with the police, the client threatened suicide. As a result, the client was taken to a short-term locked mental facility on a 72-hour hold. What happened next illustrates the abuses that can occur when child protection workers try to shift the problem client to another social work division, such as mental health. In the process, ill informed social workers may ride roughshod on your client's constitutional rights due to their failure to go through the appropriate court procedures.

In the case of my client, the social worker persuaded the mental health facility to hold my client beyond the 72-hour hold because the county *would be* filing a mental health commitment petition. Never mind that the doctor did not believe my client was an immediate danger to himself, or that my client agreed to take the required medications.

But the petition was not filed within 72 hours – it wasn't filed until 6 days after the hold began.¹ So what can you do to free a client who has no desire to be locked up, even when the courts are closed? Get ahold of an on-call judge!!

What does that mean? At least in Hennepin County, there

is always a judge “on call” after the courts close. Typically, the judge will be called on criminal matters. But the on-call judge also handles other emergencies. For example, the judge is sometimes called when a hospital needs to perform a lifesaving procedure on a child whose parents will not authorize the treatment – waiting until the next business day could be fatal. Similarly, a client who is held without authorization by a court, after a 72-hour hold has expired, is irreparably harmed by the violation of his or her Constitutional rights.

To get the on-call judge, you simply call the Hennepin County Sheriff (who will give you the phone number for the prison). Tell the prison that you need the on-call judge to call you. The prison will ask you what the problem is and will then call the judge. The judge returns calls for issues that must be dealt with immediately. Holding someone after the expiration of a 72-hour hold, without further court authorization, is an issue that must be dealt with immediately.

The judge will talk to you on the phone and make a decision. If needed, you may need to draft a written order and deliver it to the judge for signature (I've gotten a judge in his pajamas once). You then deliver it to whoever needs a copy immediately. The rest can be taken care of the next business day.

It is particularly helpful if you

can get ahold of attorneys and/or representatives for all the other relevant parties in the loop. In the case of my CLC client, I got the on-call assistant county attorney, as well as the head nurse on duty at the mental health facility on the phone. While I was waiting for the on-call judge to return my call, I apprised them of the situation, gave the health facility the opportunity to get ahold of its attorneys and the county the opportunity to get ahold of its social worker. Then, when the judge returned my call, I teleconferenced in the county attorney and the designated representative for the mental health facility. Although not always achievable, this is preferable to an ex parte telephonic hearing with the judge.

In the case of my client, he was released from the 72-hour hold the next morning. When the county filed its mental health commitment petition it did not seek pre-hearing commitment. Then, the mental health procedures kicked in, including appointment of defense counsel – reversed in mental health commitments – for my client.

¹ Note: When counting for a 72-hour hold, weekends and holidays don't count toward the 72 hours.

-Emily Duke, Esq., Fredrikson & Byron P.A.

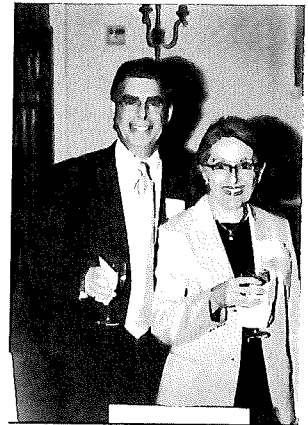
CLC Benefit Pictures



Nancy Wiltgen and Judge Steve Aldrich



Jerry Hendrickson, Mee Moua, and Jan Cronquist



Stuart and Mary Weitzman



Doris Simonett, Gail Chang Bohr, Dick Nigon and Judge John Simonett



Loan Huyhn, Robin Phillips, and Aviva Breen.



Gail Chang Bohr and Jim Reece



Cindy Streich,
Kathleen Holland,
Aaron Bohr, and
Dana Buchwald



Linda and Tom Sheran



Paige Bernston

CLC Welcomes Third Equal Justice Works Fellow

Why Children's Mental Health?

Several groups involved with children's mental health met in 2002 to gather information and to critically assess what can be done to improve children's access to quality mental health services in Minnesota. The Children's Mental Health Partnership is working on a set of advocacy priorities to improve children's access to mental health services that use a best practices approach. Children's Law Center of Minnesota's (CLC) participation in the Partnership, as well as its own experience through representation of children with mental health needs, led to the development of CLC's Children's Mental Health Advocacy Project.

In September, 2003, CLC welcomed its third Equal Justice Works Fellow, Jaynie Leung, to develop this project. Leung graduated from Carleton College and the University of Minnesota Law School and interned with Southern Minnesota Regional Legal Services.

The focus of the project is to look at Minnesota's compliance with federal laws around children's mental health, particularly in the areas of early identification, screening, and treatment of mental disorders. Leung will work with others in the Partnership to document in what areas and to what extent Minnesota is out of compliance, and incorporate this into CLC's representation projects.

In the first months of this project, Leung will meet with mental health providers, including several county Ombudsmen for Mental Health. With their help, CLC will develop criteria for accepting referrals for direct representation. She is also working with the Children's Mental Health Partnership to gain an understanding of the systemic issues that impede access to services.

Accessibility of EPSDT

About 30% of children eligible for Medicaid in Minnesota, including kids in foster care, have mental health needs. Periodic screening, diagnosis, and treatment for mental health is mandated through a federal benefit program called EPSDT. Through EPSDT, Medicaid-eligible children under age 21 must receive information and access to free preventive and early intervention health care. The elements of the EPSDT program are as follows:

- **Early:** assess children's physical and mental health status early in life so prevention and treatment services can be made available.
- **Periodic:** assess children's physical and mental health status at recommended intervals to detect any untreated physical and mental health needs.
- **Screening:** detect any physical and mental health conditions that may require further attention.
- **Diagnostic:** determine the nature and cause of identified physical and mental health issues.
- **Treatment:** address physical and mental health needs.

Mental health treatment through EPSDT has the potential to benefit many of Minnesota's children. Unfortunately, very few eligible children in the U.S. are receiving EPSDT. The rates are even lower among Minnesota's children. According to the Minnesota Department of Human Services August 2000 report, only 6% of children eligible for EPSDT services actually received comprehensive developmental screens in 1998. In addition, nearly half of all children in Minnesota's public health programs are not accessing primary or preventive healthcare services.

What factors cause such low rates of participation in the EPSDT program? Why are so few children accessing the preventive and comprehensive medical healthcare to which they are entitled? CLC is working with its partners to address these questions.

Jaynie Leung, Esq., Equal Justice Works Fellow

Education Funds for Youth

Federal funds for post-secondary education are now available to young people who have been in out-of-home placement, such as foster care. Each year the Minnesota Department of Human Services will issue Education and Training Vouchers (ETVs) to as many as 200 youth formerly in out-of-home placement. Detailed information and an application form are available at: <http://www.dhs.state.mn.us/CFS/Programs/Adolescent/default.htm> or call the Minnesota Department of Human Services at 651-296-4471.

Representing Youth in Foster Care



Participants in CLC's November 7, 2003 "Representing Youth in Foster Care" training session hosted by Fredrikson & Byron P.A.

Children's Law Center of Minnesota (CLC) gained new volunteers from three training sessions held in 2003. CLC's training, "Representing Youth in Foster Care," was held at Merchant and Gould in April, 3M Company in July, and at Fredrikson and Byron, P.A. in November. CLC gained 40 new volunteers and assigned 50 clients; we still have five or more children waiting for an attorney to be assigned at any given time. CLC has already started planning training sessions for this spring, so keep an eye open for upcoming volunteer opportunities.

The training gives a broad overview of the many complex issues, which can be present in CHIPS and state ward cases. Each case may have one or more issues that the attorney has to assess, advise and advocate accordingly. While CLC cannot anticipate what each case will hold, its staff attorneys and social worker are always available to assist with questions or to help in any way.

CLC appreciates the com-

pany/firms for hosting the training and their efforts in promoting *pro bono* work for children. CLC gives special thanks to the Pro Bono Coordinators for their assistance in making the training successful.

CLC's clients receive some of the best advocacy and much more from their attorneys. It humbles me to see the dedication of the volunteers. I wish I could speak in detail about each of our volunteers and their commitment to children, but my space is limited. Here is a recent example of one attorney's dedication. T.H., a client whose history shows that any reliance he had on an adult male figure was always met with disappointment, did not trust male adults. Mark Schuman, one of CLC's volunteers from Merchant and Gould, was assigned to T.H. T.H. questioned what a lawyer could do for him. Contact with T.H. was very difficult because of his distrust. The many efforts at avoidance did not dissuade Mark, and finally, his efforts paid off. Mark

counseled T.H. about placement options, but before the hearing, had to fly to China on business. While Mark could have made arrangements for another trained volunteer to attend the hearing for him, he wanted to be there himself for T.H. He expected to return from China just hours before the hearing time to represent T.H. In spite of his jet lag, Mark advocated zealously for T.H.'s wishes. Mark's commitment and dedication to T.H. marked the first time a male adult had made him a priority without expecting something in return.

Thanks to all of our volunteers on behalf of CLC and the children you represent.

-Loretta Smith, Esq.
CLC Staff Attorney

For the Children - CLC Success Stories

Pregnant and penniless, 17-year-old Tatia fled her foster home and was living with her boyfriend's parents in an unlicensed home inappropriate for her needs. Inadequate nutrition and lack of transportation for medical care threatened her health and the health of her baby. CLC staff and volunteer attorneys interceded. Tatia was placed in a licensed foster care home and her nutrition improved. She got maternity clothes and transportation to prenatal doctor visits. After over a year of inadequate out-of-home care, she and her unborn child had a chance for a healthy outcome.

CLC Implements Best Practices Through National Children's Law Network

Children's Law Center of Minnesota (CLC) is one of eight nonprofit children's law centers that were given the opportunity to work together for three years to create a sustainable network of organizations providing representation that involves *pro bono* attorneys. An anonymous donor provided financial support for the creation of the National Children's Law Network (NCLN or "Network"), and for each of the participating *pro bono* children's law programs in order to promote their effectiveness and growth, to identify concrete outcomes and measures, to improve the quality of counsel and representation provided to children, and to deliver a coordinated message for effective change on vital national issues of policy and practice for children.

The Network intends to broaden opportunities for sustained support by expanding the capacity of each individual children's law center and by forging a collaboration with greater national impact affecting justice for children.

The goals of the National Children's Law Network are:

a. promote the effectiveness and growth of *pro bono* children's law programs, by creating a network of programs that will assist in program development, volunteer training and support, outcomes measurement and evaluation,

consultation in practice decisions and strategic planning, and provide other forms of mutual support.

b. identify concrete outcomes and measures by which child advocacy organizations can identify goals and evaluate effectiveness (i.e., how to define success in a child abuse case).

c. improve the quality of counsel and representation provided to children in complex cases by further developing standards of practice for children's lawyers and child advocacy organizations, by reaching consensus on solutions to common substantive and procedural concerns, and by articulating to others the lessons we learn from our work.

d. deliver a coordinated message for effective change on vital national issues of policy and practice for children, by evaluating strategies of/approaches to professional and zealous legal representation and pursuing advocacy on common theme(s) in a multiplicity of jurisdictions and media markets.

CLC is excited and honored to participate in this effort to make children's voices heard across the country and to apply what we learn through direct representation to the improvement of systems and services for children at the national level.

For the Children - CLC Success Stories

Jack (11), a state ward, wanted to be adopted by a family but Jack's sister did not want to be adopted. The county opposed the adoption, in part because it would separate the siblings. Jack was torn between his sister and being adopted. CLC's staff attorney and social worker counseled Jack. He chose adoption, and the court granted his request. Jack and his sister continue to have contact.

Nicole (13) lived in long-term foster care with the same family for eight years because she could not be reunited with her abusive parents. Then, the county resumed a search for relatives and decided to move her to a relative's in a distant county. Nicole was crushed: she desperately wanted to stay with her foster family. CLC's team of volunteer attorney and social worker petitioned the court, which granted her request to remain with her foster parents.

Andrea (12), a state ward, wanted to be adopted by a family other than the family the county had chosen for her. Andrea's guardian ad litem agreed with Andrea but could not convince the county worker or the court that preadoptive placement with the family of Andrea's choice should take place. Andrea had contact with this family as an infant and throughout her childhood. Andrea's birthmother had also expressed her preference for this family. Moreover a search for possible adoptive homes deemed the family acceptable. CLC's volunteer lawyer successfully represented Andrea.

Heroes Award From

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Throughout his career, his professional successes include initiating the first community soccer league in St. Paul, raising community support and securing funds for members of the Minnehaha Recreation Center, and, with Wilder Foundation, co-sponsoring the Frogtown Free and Smart program, an after school and summer program for youth.

Windey's dedication to overcoming barriers to participation in recreation center activities is motivated by his compassionate character and strong principles. He believes that all children, regardless of their socio-economic level or ethnic background, should be treated kindly and justly and given the encouragement and guidance necessary to be a successful member of the community. Bob Bierscheid, CPRP Director of the St. Paul Parks and Recreation, nominated Windey for the award and said, "Windey's approach to children from multiple cultural and ethnic backgrounds is to treat them all equally, fairly, and compassionately in any given circumstances, as well as to set boundaries and hold them to high behavior stan-



Gail Chang Bohr, Mee Moua, Mike Windey, Dick Nigon, and John Simonett.

dards.... He has helped many children by expecting the best of them, treating them justly if and when they fall short, but then always giving them a second chance once they have accepted the consequences of their actions."

With this award CLC wishes to honor Windey for his over 34 years of commitment to the thousands of St. Paul children who have benefited from his service through St. Paul's recreation programs.

CLC is currently accepting nominations for next year's recipient of the Heroes for Children Award. If you know someone who exemplifies a long lasting and positive commitment to the

well being of Minnesota youth, please inquire through the CLC website at www.clcmn.org or contact Lisa McDonald, CLC Development Director, at 651-644-4438 or email her at lmcdonald@clcmn.org.

ABA Supports Lawyers For Children

The One Child, One Lawyer initiative of the American Bar Association (ABA) Young Lawyers Division was launched on October 10, 2003 to encourage lawyers nationally to do more pro bono representation for children. Here in Minnesota, CLC is working with the Hennepin County Bar Association New Lawyers Section to recruit lawyers to do pro bono work for children and a training on representing children in foster care will be held in Spring 2004.

Heroes for Children Award Honorable Mentions:

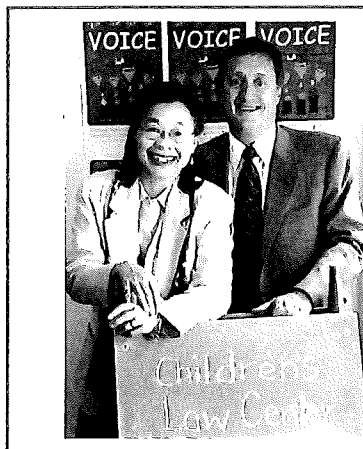
Sangeeta Jain: Family Law teacher at Hamline University and a staff member at MN Justice Foundation, also adopted three children from her native India.

Greg Krueger: Recently retired after 30 years teaching kindergarten at Marcy Open School.

Susan K. Moore: Middle school teacher and administrator for over 30 years in Apple Valley-Rosemount School District.

Joanne Olson: Second grade teacher at Roseville Area Public Schools.

Andrea Stephens: Volunteered with Kiwanis to start K-Kids.



We would especially like to thank our new donors and those who have increased their contributions from prior years. Because of your generosity, we have met the goal necessary to receive our 2003 McKnight Foundation Challenge Grant.

-Gail Chang Bohr and Dick Nigon

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**A Special Thank You to our Silent
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*Donations received after November 30,
 2003 will be listed in the Spring 2004 News-
 letter

**For the Children -
CLC Success Stories**

Twelve-year-old Sara's parents' rights had been terminated several years ago. She and her two younger siblings went to live with their grandparents, but after alleged abuse by the grandparents, the children were in foster care for a second time. Sara did not want to stay in foster care or be adopted. She kept saying, "my family is so important to me!" However, it appeared that there were no other family members available to step in, even though the county social worker felt that she had checked everyone, Sara insisted a young aunt would take the three siblings. This seemed unlikely, since the aunt had three children of her own and a full-time job. Sara's CLC attorney worked with the social worker to make sure this aunt was considered. The CLC attorney represented Sara at a Relative Care Conference and the aunt did step forward as willing to parent Sara and her siblings. Custody was transferred, Sara and her siblings moved in with their aunt, and they have been doing well with her. Sara was so happy at this result and felt empowered that she was the one who recognized a solution that many of the adults working on her cases didn't think would work.

CLC Wish List:

Can you supply any of the items on our wish list?

- *Filing Cabinets
- *Silent Auction Items
- *TV/VCR
- *Bankers boxes
- *Subscriptions: *Youth Today*, *Child Protection Reports*, and/or West Law Statute Updates (No past issues)
- *Paper cutter
- *Digital Camera
- *Color Printer
- *3 hole punch

CLC Upcoming Events & Announcements:

"Representing Youth In Foster Care," a video training session for volunteers is in the works for February 11. For more information please contact Loretta Smith, at 651-644-4438.

Check out *Children's Law Center News* online at www.clcmn.org

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