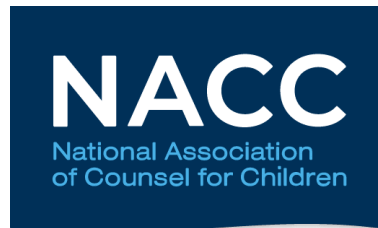


Protecting Children's Rights
High Quality Representation and System Accountability

Presented by:



**CENTER FOR THE RIGHTS
OF ABUSED CHILDREN**



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Illinois

	Yes	No
The state provides every child in need of care a traditional attorney. Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The state enumerates judicially enforceable rights of children in need of care. To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The state operates a centralized office to ensure high-quality representation. Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Opportunities to Improve

Illinois has an opportunity to improve child welfare in all three areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.¹ Policymakers can codify a judicially enforceable bill of rights.² And, to ensure quality representation, establish a centralized office to set standards for representing children in need of care, provide attorney oversight and training.

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¹ Ill. Comp. Stat. Ann. 405/1-5(1) (No client-directed counsel is required if a guardian ad litem is appointed to the child and an attorney is appointed to the court appointed special advocate).

² 20 Ill. Comp. Stat. Ann. 521/5(8) (allowing for an administrative complaint regarding violated rights).

Indiana

	Yes	No
The state provides every child in need of care a traditional attorney.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.		
The state enumerates judicially enforceable rights of children in need of care.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.		
The state operates a centralized office to ensure high-quality representation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.		

Opportunities to Improve

Indiana has an opportunity to improve child welfare in all three areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.³ Policymakers can codify a judicially enforceable bill of rights.⁴ And, to ensure quality representation, establish a centralized office to set standards for representing children in need of care, provide attorney oversight and training.

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³ Ind. Code Ann. § 31-32-4-2 (Appointment of counsel for children in juvenile court, other than delinquency proceedings, is discretionary).

⁴ Indiana Department of Child Services, *Indiana Bill of Rights for Youth in Foster Care*, https://www.in.gov/dcs/files/Indiana_DCS_Bill_of_Rights_for_Youth_in_Care.pdf (policy provides numerous administrative options to allege violated rights, including requesting a meeting with judge but fall short of allowing formal equitable relief).

Iowa

	Yes	No
The state provides every child in need of care a traditional attorney.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.</p>		
The state enumerates judicially enforceable rights of children in need of care.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.</p>		
The state operates a centralized office to ensure high-quality representation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.</p>		

Opportunities to Improve

Iowa has an opportunity to improve child welfare in two areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.⁵ Policymakers can codify a judicially enforceable bill of rights.⁶ And, to ensure quality representation, establish a centralized office to set standards for representing children in need of care, provide attorney oversight and training.⁷

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⁵ Iowa Code Ann. § 232.89 (4) (same person may serve both as the child's counsel and as guardian ad litem)

⁶ Children's rights should be elevated from rules (Rule: Iowa Admin. Code 441-114.13(237)) and made judicially enforceable.

⁷ In Iowa, there are local public defender's offices and a few nonprofits that represent children. The system is not fully centralized.

Kansas

	Yes	No
The state provides every child in need of care a traditional attorney.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.</p>		
The state enumerates judicially enforceable rights of children in need of care.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.</p>		
The state operates a centralized office to ensure high-quality representation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.</p>		

Opportunities to Improve

While there is room for continued improvement to the state's bill of rights,⁸ Kansas has a significant opportunity to improve child welfare in the remaining two areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.⁹ To ensure quality representation, establish a centralized office to set standards for representing children in need of care, provide attorney oversight and training.

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⁸ Kan. Stat. Ann. § 38-2201a.

⁹ Kan. Stat. § 38-2205(a) (Currently, Kansas's judges appoint attorneys to serve as guardians ad litem to "make an independent investigation of the facts upon which the petition is based and shall appear for and represent the best interests of the child")

Michigan

	Yes	No
The state provides every child in need of care a traditional attorney.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.</p>		
The state enumerates judicially enforceable rights of children in need of care.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.</p>		
The state operates a centralized office to ensure high-quality representation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.</p>		

Opportunities to Improve

Michigan has an opportunity to improve child welfare in all three areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.¹⁰ Policymakers can expand the children's rights and strengthen judicial enforcement of those rights.¹¹ And, to ensure quality representation, establish a centralized office to set standards for representing children in need of care, provide attorney oversight and training.

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¹⁰ Mich. Comp. Laws Ann. § 722.630 (Michigan offers children an attorney to represent the child's *best interests* as a guardian ad litem, but they are also responsible for some attorney like duties (Mich. Comp. Laws Ann. § 712A.17d)).

¹¹ Michigan law does contain provisions akin to a bill of rights as assurances of "quality foster care" that are enforceable in court after exhausting administrative remedies. Mich. Comp. Laws Ann. §§ 722.958b - 722.958d & §§ 722.958b (5) - (7).

Minnesota

	Yes	No
The state provides every child in need of care a traditional attorney.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.</p>		
The state enumerates judicially enforceable rights of children in need of care.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.</p>		
The state operates a centralized office to ensure high-quality representation.¹²	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.</p>		

Opportunities to Improve

Minnesota has an opportunity to improve child welfare in two areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.¹³ Policymakers can codify a judicially enforceable bill of rights.¹⁴

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¹² Minnesota Judicial Branch, *Children's Justice Initiative*, <https://www.mncourts.gov/Help-Topics/CJl.aspx>; Children's Law Center of Minnesota, <https://clcmn.org/about-us/>.

¹³ Minn. Stat. Ann. § 260C.163 Subd. 3 (Youth aged ten years or older are informed of their right to be represented by counsel upon request).

¹⁴ Minn. Stat. Ann. § 260C.008 (Providing for the option of seeking remedy for violations of siblings rights by filing a complaint with the Office of Ombudsperson for Families).

Nebraska

	Yes	No
The state provides every child in need of care a traditional attorney.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.</p>		
The state enumerates judicially enforceable rights of children in need of care.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.</p>		
The state operates a centralized office to ensure high-quality representation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.</p>		

Opportunities to Improve

Nebraska has an opportunity to improve child welfare in all three areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.¹⁵ Policymakers can codify a judicially enforceable bill of rights.¹⁶ And, to ensure quality representation, establish a centralized office to set standards for representing children in need of care, provide attorney oversight and training.

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¹⁵ Neb. Rev. Stat. Ann. § 43-272 (Outside of delinquency proceedings, parents and children have the right to independently retain counsel while appointed representation serves as both guardian ad litem and counsel).

¹⁶ Some rights provided, such as, "access to reasonable opportunities to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities." Neb. Rev. Stat. Ann. § 43-4704. No concrete enforcement mechanism was found in statute.

North Dakota

	Yes	No
The state provides every child in need of care a traditional attorney.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.		
The state enumerates judicially enforceable rights of children in need of care.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.		
The state operates a centralized office to ensure high-quality representation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.		

Opportunities to Improve

North Dakota has an opportunity to improve child welfare in two areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.¹⁷ Policymakers can codify a judicially enforceable bill of rights.¹⁸

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¹⁷ N.D. Cent. Code Ann. §§ 27-20.1-09 and 27-20.2-12 (limiting appointment of counsel based on age and competency).

¹⁸ The current bill of rights should be codified and made judicially enforceable. See Form DN 402 (07-2015) <https://www.nd.gov/dhs/policymanuals/62405/content/Attachments/DN%20402%20Youth%20Rights%202015.pdf>.

Ohio

	Yes	No
The state provides every child in need of care a traditional attorney.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.</p>		
The state enumerates judicially enforceable rights of children in need of care.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.</p>		
The state operates a centralized office to ensure high-quality representation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.</p>		

Opportunities to Improve

Ohio has an opportunity to improve child welfare in all three areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.¹⁹ Policymakers can codify a judicially enforceable bill of rights.²⁰ And, to ensure quality representation, establish a centralized office to set standards for representing children in need of care, provide attorney oversight and training.

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¹⁹ Ohio Rev. Code Ann. § 2151.352 (Attorneys can represent parent and child simultaneously. Statute does not guarantee independent, client-directed counsel the child.).

²⁰ Generally, statute has not included affirmative provisions for enforcement. Ohio Admin. Code 5101:2-5-35 does prohibit action against the department arising from enumerated rights.

South Dakota

	Yes	No
The state provides every child in need of care a traditional attorney.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.		
The state enumerates judicially enforceable rights of children in need of care.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.		
The state operates a centralized office to ensure high-quality representation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.		

Opportunities to Improve

South Dakota has an opportunity to improve child welfare in all three areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.²¹ Policymakers can codify a judicially enforceable bill of rights. And, to ensure quality representation, establish a centralized office to set standards for representing children in need of care, provide attorney oversight and training.

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²¹ S.D. Codified Laws § 26-8A-18 (providing for best-interests representation).

Wisconsin

	Yes	No
The state provides every child in need of care a traditional attorney.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Children possess natural, human, legal rights that must be protected. These rights, ranging from family integrity and safety to education and permanency, are central to abuse and neglect proceedings. With so much at stake, children need an attorney to help them navigate the complex legal system, argue on their behalf, hold the child welfare system accountable to the child, and zealously protect children's rights.		
The state enumerates judicially enforceable rights of children in need of care.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
To enhance accountability and ensure that children's rights are clearly defined, known, and defensible, states should statutorily enumerate the rights of children in need of care. These rights must be communicated to each child. Children whose rights have been violated should be able to seek a remedy in court as part of their abuse and neglect proceeding. Without enforceability, any bill of rights is merely performative.		
The state operates a centralized office to ensure high-quality representation. ²²	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Children have the right to <i>high-quality</i> representation. Statutorily mandating the appointment of traditional legal counsel establishes the foundation for satisfying due process. However, it may have a negligible effect if lawyers do not provide quality representation.		

Opportunities to Improve

Wisconsin has an opportunity to improve child welfare in all three areas. It can require the appointment of client-directed counsel for *all* children from before filing a petition for dependency through permanency.²³ Policymakers can codify a judicially enforceable bill of rights.²⁴

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²² There is a centralized office for representation for children who get attorneys - but not for those represented by a GAL.

²³ Wis. Stat. Ann. § 48.23 (split, with older children getting client-directed counsel and younger children receiving a guardian ad litem).

²⁴ Wis. Stat. Ann. § 48.38 (4)(h)(7) (providing for the documentation of rights related to education, health, visitation, and participation in court proceedings as part of permanency planning) *In Your Best Interest*, 6, https://www.kidsmatterinc.org/wp-content/uploads/2023/05/FINAL-Teen-Guide-08-2021_Online-Hyperlink-Version.pdf; Wisconsin Department of Children and Families, *File a Complaint*, <https://dcf.wisconsin.gov/about-us/complaint> (administrative complaint process).