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SPRING 2002

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TBA Juvenile Justice Commission Issues Report and Recommendations

By Barbara Holmes

The lack, or perceived lack, of quality representation of children and other parties in juvenile matters is an indictment of the legal profession. The Juvenile Justice Commission of the Tennessee Bar Association was established with the goal of making recommendations for the improvement of quality advocacy for children and families in the juvenile justice and child welfare system, including through the development of initiatives and programs designed to meet the needs of children, families and other parties in juvenile proceedings

The juvenile courts in Tennessee have jurisdiction over matters involving some of the most important legal issues affecting children and their families, among which are child abuse, dependency and neglect (including educational neglect), custody and visitation, child support, unruliness and delinquency.¹ The juvenile court is to act through a "simple judicial procedure ... in a manner in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced."² Despite the best intentions of many of those involved, the juvenile court system has many problems. The protections afforded the parties by statute are frequently denied or absent.³ Even when the parties' rights are being met, there is often the perception of a denial of due process. To address these problems, the commission identified several issues: the unavailability of attorneys willing to serve in the juvenile justice and child welfare system; confusion over the role of an attorney in the proceedings; the lack of training of attorneys; and related concerns regarding the quality of representation provided by attorneys representing children and parents. During its short life, the commission took action on many of those issues and makes the additional recommendations described below to help ensure quality advocacy for children. Working with the Tennessee Bar Association, the commission already:

- Initiated studies by outside agencies of issues in juvenile courts in Tennessee. The first study will assess the representation of children in child welfare and unruly proceedings. A second study will look at the representation of children in delinquency proceedings. These studies will utilize various methods to identify the reality and perception of representation of parents and children in the state's juvenile court system. The TBA is sponsoring these studies with the American Bar Association.
- Established a Juvenile and Children's Law section within the TBA and formed an executive committee to direct the new section. In addition to furthering the knowledge of its members on issues affecting children, youth and their families, the section will "assist in the ... education of the members of the TBA."⁴

- Contributed to the development of guidelines for attorneys who act as guardians ad litem in dependency and neglect proceedings in Tennessee. These guidelines clarify the role of the guardian ad litem and provide guidance in how to competently represent a child in a dependency and neglect proceeding.
- Prepared a written response to the Tennessee Supreme Court on the proposed standards for guardians ad litem. The response fully supports the guidelines as proposed.
- Identified problems in receiving victim's compensation benefits for children and worked towards a resolution that will help attorneys get benefits for their child clients.

The commission makes the following recommendations for future action:

- Provide continuing legal education for attorneys who represent children and families, emphasizing an advocacy model for the child-client, and addressing related issues such as compensation for victims of crime, special education, and immigration issues for children who are not American citizens or whose parents are not American citizens;
- Complete the two studies by the Tennessee Bar Association and American Bar Association on the representation of children and parents in the juvenile court system and implement solutions to the identified issues;
- Establish a clearinghouse of information and data;
- Create checklists for attorneys who represent children and parents;
- Advocate for the reasonable compensation of appointed attorneys, including guardians ad litem, attorneys for parents, and attorneys for allegedly delinquent and unruly children;

Publish pamphlets (in multiple languages) for the various parties involved in juvenile proceedings, summarizing their rights and responsibilities;

- Develop ways to make juvenile courts more "user friendly" and seek the assistance of juvenile court judges, the Tennessee Supreme Court, the TBA and others for the implementation of those proposals;
- Examine and evaluate the possibility of the creation of a statewide legal advocacy center for children.

II. Identification of Problems and Perceptions of Problems Within the Juvenile Court System in Tennessee

Parties are not always represented in juvenile court proceedings. Further, the representation that is provided is not always adequate. The Tennessee Bar Association and the American Bar Association are undertaking two studies of the juvenile court system in Tennessee as a step in the process of addressing these issues. The first study, through the ABA National Child Welfare Resource Center on Legal and Judicial Issues, is assessing the availability, presence, and quality of representation for children and parents in child welfare proceedings and the representation of children in unruly proceedings. The TBA is also sponsoring a similar study by the ABA of the same issues in delinquency hearings. The data obtained will provide some of the information needed to develop programs and resources for the adequate representation of parties in juvenile proceedings.

III. Increasing the Availability of Attorneys

A. Juvenile and Children's Law Section

The Tennessee Bar Association, at the request of the commission, recently created a Juvenile and Children's Law Section, which shall continue the work of the commission and implement the commission's recommendations. The section will provide mentors for attorneys seeking to represent children but who are unfamiliar with juvenile and children's law. Further, the section will "enhance and increase the professional skills of its members through the dissemination of information and material on subjects of mutual interest and concern and provide for a medium through which the members may cooperate, encourage and assist each other in the solution of problems."⁵ As part of its mission, the section should look at innovations being made in the area of juvenile justice and child welfare, including the use of other models such as alternative dispute resolution. This section can also begin to establish a clearinghouse for data and information concerning children and the juvenile justice and child welfare system.

B. Suggestions to Make Juvenile Court Easier for Attorneys and Parties

The paucity of attorneys willing to represent children is partly due to the manner in which attorneys and parties are treated in court. In order to make the juvenile courts more "user friendly," the commission recommends that the court enter a scheduling order in each case detailing the dates for cutoff of discovery, court appearances, hearings and adjudications within the statutorily mandated times, foster care review; and any other critical dates or times. The scheduling order should also specifically designate the party responsible for notice and describe the procedures and allowed grounds for obtaining continuance. The form scheduling order used by the Robertson County Juvenile Court is a good model from which to start.

The Juvenile and Children's Law Section needs to continue the development of ideas to aid the practitioners in juvenile courts and should seek assistance from the TBA for the implementation of its recommendations. The section should also consider advocating local rules for the improvement of the juvenile justice and child welfare system and preparing a list of actions juvenile courts can take to be more user-friendly.

IV. Attorneys Who Serve As Guardians Ad Litem

A. Clarification of the Role of Attorneys Who Serve as Guardians Ad Litem

The commission spent significant time discussing the role of the guardian ad litem in dependency and neglect cases. The use of guardians ad litem varies greatly. In some courts guardians ad litem are to submit reports, testify and advocate for the child's best interest. In other courts, guardians ad litem act as an attorney for the child. Among attorneys, there has been concern about how they were to perform their duties as guardians ad litem competently and ethically. The commission developed guidelines for guardians ad litem. The guidelines are a major advancement in clarifying the proper role of an attorney serving as guardian ad litem. The commonality of members on our commission and the Permanency Planning Commission also provided an opportunity for the Permanency Planning Commission to consider our commission's work and input. As a result, our commission's guidelines were largely incorporated into those proposed by the Permanency Planning Commission.

Once the guidelines were finalized and published by the Tennessee Supreme Court for comment, the TBA, at the commission's recommendation, fully supported the guidelines and submitted a formal comment to the Supreme Court to that effect. The commission recommends that the Juvenile and Children's Law Section and the Tennessee Bar Association continue advocating for statewide standards for guardians ad litem.

Reasonable Compensation for Attorneys In Juvenile Court

The commission lauds the role that CASA has played in advocating for children. We support the use of lay advocates who have received proper training, such as that provided by the national CASA Association, and affirm the positive role they have in the juvenile justice and child welfare system. In addition to lay advocates, however, children need their own attorneys to represent them. Lawyers uniquely possess the necessary professional skills and training to fully advocate for the child and represent the child's interests in administrative and judicial proceedings.

Court appointed lawyers are entitled to reasonable compensation for their services. Attorneys who represent children and their families are engaged in serious, sometimes critical, matters. To encourage attorneys to continue taking appointments for representation of parties in juvenile court, they must be compensated at a level that is proper for attorneys and does not pose a hardship for them to continue to accept appointments. The Administrative Office of the Courts has worked to increase the compensation for appointed attorneys in juvenile court and to make it easier for those attorneys to receive their fees. The commission recommends the continued advocacy of reasonable compensation for appointed attorneys in juvenile court proceedings.

V. Professional Education of Attorneys

Current Resources Available to Attorneys

Attorneys need further education on legal issues involving juvenile court practice. The Administrative Office of the Courts has done an excellent job of training those involved in foster care and dependency proceedings. These programs should be expanded with the assistance of the TBA and more attorneys urged to participate.

The American Bar Association, through a grant provided by the MacArthur Foundation recently provided training on child and adolescent developmental issues (mainly to court personnel). This information on developmental issues is an invaluable aid for attorneys in competently represent their clients. A video copy of the training is available through the Administrative Office of the Courts.

Specific Issues Needing to be Addressed

1. Victim's Compensation

Children who are victims of crime are entitled to compensation. Attorneys need to be made aware of this fund as a resource for their child-clients and be educated on how the compensation can be obtained. One barrier to these funds has been the perceived reluctance of the Claims Commission to pay attorneys who would otherwise be entitled to fees. The Claims Commission's position was based on the belief that the Department of Children's Services could file on behalf of the child or that the attorney had already been compensated by the court. Another problem encountered by practitioners is that the victim's compensation has not traditionally operated on a prospective pay basis. In many situations, the child-client is in need of funds to pay for medical or other services in advance, yet the victim's compensation has been denied on that basis. The TBA, at the recommendation of the juvenile justice commission, is meeting with proper authorities to address these and other issues regarding the victim's compensation program. The Office of the General Counsel for the Department of Children's Services has also prepared a training packet for DCS attorneys and guardians ad litem explaining the procedures for making a claim for victim's compensation.

2. Rights of Non-citizens

Adjudications and dispositions made by a juvenile court can have consequences for non-American citizens that may not be known to the attorneys representing those parties in the juvenile court proceeding. Constitutional protections that apply to citizens may not be available for non-American citizens. With the increasing diversity of the state's population, the commission identified a need for attorneys who represent children, youth and families to be familiar with immigration issues. The commission recommends the development of a summary of issues the general practitioner may need to know when representing children or parents who are not citizens and continuing legal education of the impact of immigration issues on juvenile court proceedings.

3. Special Education

A large group of children in the juvenile justice and child welfare system qualify for special education. Other educational issues such as "zero tolerance" and the lack of alternative schools need further study and action as well. Educational issues are often unidentified by attorneys and courts and are not properly investigated and developed. The commission recommends that there be further education of attorneys on the identification of children who qualify for special education and what attorneys can do to access those resources on behalf of their clients. The commission further recommends that the Juvenile and Children's Law Section specifically consider these issues and develop possible solutions, including legislative action.

4. Practice Resources

A checklist for attorneys representing children and parents would give attorneys an easy reference to ensure that all issues have been identified. The commission recommends that checklists be developed in the various areas of juvenile court proceedings and other types of proceedings such as special education.

VI. Clarifying Juvenile Proceedings for Parties

Parties in juvenile proceedings are often confused about the proceedings and what is expected of them. Pamphlets in both English and Spanish are available for parents in proceedings involving termination of parental rights and dependency and neglect. The commission recommends the development and distribution of brochures in multiple languages to all parties. Separate brochures should be developed for each of the parties and should address specific issues. The brochures should also be written at a level that is understood by the majority of those involved in the juvenile justice and child welfare system. For children, the brochures should be written at different developmental levels so children can fully participate in the system.

VII. Conclusion

Although the commission identified and addressed certain issues affecting the quality of representation of children, there is much work to be done. The commission took the first concrete steps by arranging studies of the juvenile justice and child welfare system, seeking the creation of the Juvenile and Children's Law Section, and participating in the development of guidelines for attorneys who serve as guardians ad litem that clarify the attorney's role and provide direction for the adequate representation of the child. The commission's recommendations in this report address other issues and the commission expects that the Juvenile and Children's Law section of the TBA will provide a framework in which to continue the vital job of expanding and improving the representation of children.

NOTES

1. Tenn. Code Ann. §§ 37-1-103 and 37-1-104.
2. Tenn. Code Ann. § 37-1-101(a)(4).
3. See, for example, data reported in the Tennessee State Court Improvement Program for Juvenile Dependency Cases, Feb. 22, 1997 - Feb. 21, 1998.
4. Bylaws of the Juvenile and Children's Law Section of the Tennessee Bar Association, Article II(c).
5. Bylaws of the Juvenile and Children's Law Section of the Tennessee Bar Association, Article II (b).

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VICTIMS' COMPENSATION: YOUR CLIENT MAY BE ELIGIBLE

By Mary Jane Davis

Do you have clients who are minors that are victims of crimes, perhaps victims of physical or sexual abuse or criminal neglect? Did you know that there are state funds to help innocent victims of crime who have suffered bodily injury or death as a result of a crime? This fund is the Tennessee Criminal Injuries Compensation Fund¹ During the 2000-2001 fiscal year, the Victims' Compensation Program awarded 1,190 claims totaling \$9,101,646.²

Who Might Be Eligible?

Child victims of crime represent a special population due to their vulnerability and dependence. Children who have been physically or sexually abused, or neglected to a degree that causes bodily harm would be eligible for victim's compensation. Children who are dependents of crime victims are also eligible for compensation.

What Should You Do If You Think Your Client is Eligible?

Refer to Tenn. Code Ann. title 29, chapter 13 to determine if your client is eligible and file an application for Criminal Injury Compensation on behalf of your client with the Claims Administration of the state treasury department. The forms and instructions can be downloaded directly from www.treasury.state.tn.us/injury.

What Should You Do If Your Client's Claim is Successful?

You will receive a letter from the Claims Administration containing instructions on how to proceed once you have received your client's compensation check. If your client is a minor, your letter from the Claims Administration should contain instructions for setting up a trust fund for the minor through the juvenile court. File a claim for attorneys' fees with the Claims Administration unless your fees are paid by a federally or state funded legal services program.⁴ Note that court-appointed attorneys' fees from the Indigent Defense Fund do not pay for filing Criminal Injury Compensation Claims.⁵

Tips for Filing a Victim's Compensation Claim for a Child

The legal guardian must sign the application as claimant for a minor victim, pursuant to Tenn. Code Ann. 29-13-102(b). If a child is in state custody and the parent or guardian is unavailable, a representative of the Department of Children's Services (DCS) can sign as the claimant and their social security number will not be required.

The guardian ad litem cannot sign the application as the claimant.

There is no requirement for apprehension, conviction, or adjudication of the perpetrator in order for the victim to be eligible for compensation.

What kind of scenarios might qualify a child for victim's compensation?

There are a variety of scenarios where a child victim might be eligible for victim's compensation. Below are just a few examples:

Scenario 1: Attorney or guardian ad litem (GAL) learns about disclosure of past abuse of their 12-year-old client, while going through DCS file. At age 8, the child disclosed sexual abuse by two men that had happened when she was four years old. Attorney could file two separate victim's compensation claims for pain and suffering because there were two perpetrators.

Scenario 2: Child's mother is killed in child's presence by mother's boyfriend. Attorney or GAL could file claim for victim's compensation based upon the death of the mother. Child might be awarded victim's compensation for pecuniary loss and

for funeral expenses.

Scenario 3: Teenager reports sexual abuse by stepfather who consequently kills himself. Victim's compensation claim could be filed on behalf of the child for pain and suffering of sexual abuse. Reimbursement for any counseling or medical care not paid for by private insurance and for time that she missed from work due to the abuse and attending counseling might also be compensated.

NOTES

1. Tenn. Code Ann. title 29, chapter 13.
2. See the Annual Report of the Tennessee Treasury Department at: www.treasury.state.tn.us; accessed on 01/12/02.
3. *Id.*
4. Pursuant to Tenn. Code Ann. 29-13-112(b)(1), attorneys whose fees are paid for under any federally or state funded legal services program shall not be compensated by the Criminal Injuries Compensation Fund.
5. There is no constitutional or statutory right to representation in a victim's compensation claim as required by Supreme Court Rule 13 to allow for appointment or compensation under the Indigent Defense Fund.

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Survey shows judges have different views of GAL role

Judges' Expectations of Guardians Ad Litem

By William E. Robilio

Last year, the University of Memphis Child Advocacy Clinic conducted a survey¹ of judicial expectations of attorneys who serve as guardians ad litem.² The purpose of the survey was to examine how judges viewed the role of attorneys who are appointed to serve as guardians ad litem in cases involving custody or dependency and neglect. The results show a broad use of guardians ad litem that not only may vary from one court to another, but also may cause problems for attorneys who serve as guardians ad litem.

Appointment of Attorneys to Serve as Guardians Ad Litem

Most courts appoint only attorneys to serve as guardians ad litem. This is consistent with Tenn. Code Ann. §37-1-149, which authorizes juvenile courts to appoint guardians ad litem and is also consistent with Tennessee Attorney General Opinion 89-95, which states that non-attorneys acting as guardians ad litem in juvenile court are engaged in the unauthorized practice of law.³ Unfortunately, it is not easy for all courts to find attorneys who are willing to serve as guardians ad litem. Slightly over one-half of the juvenile court judges who responded indicated that it was either "somewhat difficult" or "very difficult" to find an attorney willing to serve as guardian ad litem. (All of those judges identified themselves as from rural or semi-rural areas.) Relatively few of the circuit and chancery court judges indicated that it was "somewhat difficult" to find an attorney to serve⁴ and none of them indicated that it was "very difficult." The fact that guardians ad litem in juvenile court cases had relatively low caps on their fees may be one factor that contributes to the discrepancy in the level of difficulty in appointing attorneys. The Administrative Office of the Courts has made a concerted effort to address the low rate of compensation and has had success in raising the amount of fees awarded.

Objections to the appointment of guardians ad litem by the parties was not a deterrent to their appointment. A clear majority of the circuit and chancery court judges and 49% of the juvenile court judges said they may appoint guardians ad litem even if a party objects.

Judicial Expectations of the Guardian Ad Litem

Advocating for the best interest of the child is the clear mandate given to the guardian ad litem by the judges. Of the judges responding, 96.1% of the juvenile court judges, 88.2% of the circuit court judges and 86.7% of the chancellors indicated they want the guardian ad litem to advocate for the best interest of the child and not for what the child wants. A majority did want the attorney to disclose the child's preference to the court. (As stated elsewhere in the juvenile justice commission's report, most practitioners think it is a rare occurrence when the best interest and wishes of the child conflict.)

Consistent with the guardian ad litem's active participation in the case, a large majority of all the courts expected certain actions to be taken by the attorneys. Guardians ad litem are to obtain copies of all pleadings, discovery and relevant notices; be present at all hearings, conferences and depositions; use discovery when the guardian ad litem feels it is necessary; file necessary motions and pleadings; call witnesses, if necessary; and participate equally with the other attorneys. This is consistent with the view that the guardian ad litem should act as an attorney and with the standards for guardians ad litem discussed elsewhere in this report.

Judges want the attorney to meet with the child at the home of the parties and/or at the attorney's office; meet with the parents; and talk with all persons the guardian ad litem thinks are significant. A slight majority of juvenile court judges (52.9%) felt the guardian ad litem should talk with all persons requested by either party. A minority of circuit and chancery court judges felt that was necessary.

A written report is wanted by almost all the judges. All the chancery court judges, 94.1% of circuit court judges and 90.2% of juvenile court judges expect the attorney to submit such a report. They want the report to contain a summary of facts, interviews and reports of others, such as doctors, teachers or therapists; conclusions about the merits of the positions of the parties; recommendations for disposition; and recommendations of services for the children and/or parents. In most courts, the attorney testifies about the report⁵ and may be cross-examined about it.⁶

Problems with the Current Use of Guardians Ad Litem

A guardian ad litem is the only one capable of fully representing the interests of a child. All other parties have interests at stake which create conflicts. This statement of the obvious is the reason a guardian ad litem is appointed. To the extent that the guardian ad litem acts as an attorney, the child's interests are advanced in much the same way as are the interests of all other parties.

When the guardian ad litem quits acting as an attorney, problems arise. The use of reports prepared by guardians ad litem is the prime example of a guardian ad litem functioning as a non-attorney. The report itself contains hearsay and hearsay within hearsay. Even when there may be an applicable exception to the hearsay rule, such as an admission by party-opponent, an excited utterance, or statement of abuse by a child alleged to be the victim, it would be better for the guardian ad litem to present the proof in the same manner as the attorneys for the other parties.

Both the Model Code and Model Rules of Professional Conduct prohibit an attorney from being a witness in a case except under certain circumstances which do not apply in the matter of a guardian ad litem.⁷ Having an attorney who serves as guardian ad litem testify and be cross-examined about the report places the attorney in an ethically uncomfortable position. Even accepting arguendo that a guardian ad litem could testify, the requirements of Tenn. Rules of Evidence 701 and 702 would still have to be met. Because most attorneys do not have any special training when serving as guardian ad litem, they certainly would not qualify as experts.

Overcoming these barriers makes the use of written reports impracticable. Since the courts are obviously desirous of the information normally contained in these reports, the guardian ad litem, acting as attorney for the child, should present proof on those matters. The attorney can also submit a pre-trial memoranda that includes a request for the relief sought; proposed stipulations of fact; other pre-trial or trial documents; and submit proof. In addition to relieving the guardian ad litem from the problem of testifying, the attorneys for the other parties could challenge the proof or requested relief without being placed in the unseemly position of challenging the credibility of another attorney.

Proposed Standards Achieve the Goals of the Judges

The proposed standards for attorneys who serve as guardians ad litem address the needs of both the children and the courts. By having specific guidelines to follow, attorneys would be clear about their role and what is expected of them. The guidelines direct the guardian ad litem to function as an attorney, which is desired by most of the judges. Further, the best interests are advocated by the guardian ad litem. The standards provide the framework within which an attorney is to determine the best interests and give a solution for the rare occasion when there is an actual conflict between what the child wants and his or her best interest.

By having the guardian ad litem function as an attorney, the problems of written reports and becoming a witness are avoided. The proposed standards will guarantee that the court's need for information and the child's needs for an advocate are met.

NOTES

1. The survey was completed in January 2001. The survey was sent to all the judges of the circuit, chancery and juvenile courts. The overall return rate was 46.5% from juvenile court judges and 40.7% from judges of the Circuit and Chancery courts, though not all the surveys returned were useable. Whenever percentages of responses are given, they are based on the total of responses given, unless indicated otherwise. Numbers have not been adjusted to reflect comments that may have expanded, narrowed or explained answers.
2. The survey did not address the role of lay guardians ad litem or Court Appointed Special Advocates. Likewise, this article is limited to the role of attorneys acting as guardians ad litem.
3. The opinion does not apply to Tenn. Code Ann. §37-1-149(b) which deals with non-lawyer advocates who are trained in accordance with the standards of the Tennessee CASA program.
4. 20% of the chancery court judges and 17.6 of the circuit court judges.
5. Attorneys testify about the report according to 73.3% of chancery court judges, 70.6% of circuit court judges, and 58.8% of juvenile court judges.
6. The same judges in chancery and circuit court who expect the attorney to testify about the report also expect the attorney to be cross-examined about it. While 58.8% of juvenile court judges thought the attorney should testify, only 49% thought the attorney should be subject to cross-examination. Tenn. Code Ann. §37-1-129(d) states that written and oral reports may be received by the juvenile court for purposes of disposition, even if otherwise not admissible, provided that "the parties or their counsel shall be afforded an opportunity to examine and controvert written reports ... and to cross-examine individuals making the reports." As discussed later, this may present ethical problems for an attorney acting as guardian ad litem.
7. Code of Professional Responsibility, DR 5-101 and 102; ABA Model Rule 3.7.

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COMMENT ON GUARDIAN AD LITEM GUIDELINES

By Andrew Shookhoff

Adoption of the guidelines for guardians ad litem helps address two of the priority goals of the Commission:

- Improving the quality of advocacy being provided by guardians ad litem; and
- Increasing the pool of attorneys willing to accept appointments as guardians ad litem

Many of those who are highly critical of the quality of advocacy presently provided by court appointed guardians ad litem

believe that a major contributing factor to this problem is the absence of specific guidelines for lawyers serving in this capacity. Most lawyers appointed to serve as guardians ad litem want to do a good job. However, the guardian ad litem role has been so vaguely defined and the practices and attitudes about that role so varied across the state, that many lawyers are unsure of their responsibilities. By clearly defining the role of the guardian ad litem and designating specific tasks expected of the guardian ad litem, we can help guardians ad litem improve the quality of their advocacy.

In addition to improving the quality of advocacy, these guidelines should help encourage lawyers to accept guardian ad litem appointments. Many lawyers are reluctant to accept guardian ad litem appointments because they are uncomfortable with the lack of clarity of their role and view some of the activities that guardians ad litem are asked to perform as inconsistent with their legal training and legal practice. The proposed guidelines not only provide clarity for lawyers, but they make clear that quality guardian ad litem work is absolutely consistent with good lawyering. The principles and practices developed by conscientious attorneys in counseling and advising clients, in preparing for negotiations and hearings, and in advocating for their clients, are the same principles and practices that ensure high quality guardian ad litem work.

There are some lawyers who may be discouraged from serving as guardians ad litem because they would prefer a more limited role. Some lawyers presently limit their activity to appearing at hearings, listening to the evidence presented, and, at the conclusion of the hearing, making recommendations to the judge about what is in the best interests of the child. Such an approach would not be acceptable under these guidelines. And to the extent that some lawyers decline to accept appointments because they are unwilling or unable to meet the expectations of these guidelines, the members of the commission believe that these guidelines serve the important function of weeding out potential guardians ad litem who would not provide the effective representation to which neglected and abused children are entitled.

The guidelines are derived from three sources:

- The ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases, which commission members viewed as the most thoughtful and widely respected national standards for representation developed to date;
- The standards for guardians ad litem adopted by the State of Michigan (Mich Stat Ann. 27.3178 (598.17d)(1998), which commission members viewed as the best guidelines presently enacted by a state; and
- Three decisions of the Tennessee Court of Appeals (McKeehan v. McKeehan, 1995 WL 695124, Tenn. App., Nov. 21, 1995; In re Kelch, 8 TAM 32-20, Tenn. App., July 6, 1983; and In re C.W.W., 37 S.W.3d 467 (Tenn. App. 2000), in which the Court of Appeals identified problematic practices and provided guidance for lawyers who serve as guardians ad litem.

Among the objectives of these guidelines are:

- Providing a list of specific factors for guardians ad litem to consider when forming a position on what course of action is in the best interests of a child, so that guardians ad litem take a position based on a thorough fact gathering process and with as much objectivity as is possible.
- Ensuring meaningful contact and consultation between the guardian ad litem and the child throughout the course of representation so that children can meaningfully participate in the process by which such significant decisions affecting their lives are made.
- Clarifying that the guardian ad litem, with respect to preparation for, participation in, and conduct during hearings, is to function as a lawyer, not as an expert witness or special master.
- Providing a protocol to assist the guardian ad litem in what most good practitioners believe is the relatively rare circumstances when, after thorough consultation and advice is given by the guardian ad litem, the child is urging the guardian ad litem to take a position that the guardian ad litem believes is not in the child's best interest.

With respect to this last objective, the guidelines recommended by the commission permit the guardian ad litem to follow either the ABA protocol (which contemplates that the lawyer will advocate for the child's wishes and request that the Court appoint a new lawyer to advocate for the child's best interests) or the Michigan protocol (which contemplates that the lawyer will advocate for the child's best interest and request that the court appoint a new lawyer to advocate for the child's wishes). For a good discussion of the thoughtful reasoning behind each of these positions see the Comments to the ABA Standards and Duquette, Don, Legal Representation for Children in Protection Proceedings, 34 Fam.LQ.441 (Fall 2000).

Commission members appreciated the thoughtfulness of the arguments made with respect to each approach but were not in agreement as to which of those approaches was the best, and therefore were not in favor of mandating one over the other. However, the commission unanimously agreed that in a particular case a guardian ad litem should have to follow either one approach or the other and that the guardian should be allowed to choose between the two based on his or her preference in a particular case.

Andy Shookhoff is the associate director of the Vanderbilt Child and Family Policy Center and member of the clinical faculty at Vanderbilt Law School and has devoted his professional career to advocacy for children and families in the child welfare and juvenile justice system. He served as Juvenile Court Judge for Davidson County from 1990-1998.

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Special Issues Facing Children of Immigrants in the Juvenile Justice System

By Amy Jones and Kristie Luffman

This article seeks to determine the special issues that face children of immigrants while under the jurisdiction of the juvenile court system. These issues are found on both a state and national level. In determining the issues that the juvenile justice system may face in regard to immigrant children, we consulted attorneys with knowledge of both the juvenile justice system and immigrant children, examined the status of the law, and explored the problems faced by other states. At the end of the article, several recommendations are presented for implementation in the Tennessee juvenile justice system.

I. How Immigration Status Affects Children

Children, even if born in the United States, face many obstacles if their parents or guardians are immigrants. It is especially difficult if they are undocumented and have no lawful immigration status. Undocumented immigrants cannot obtain employment authorization so they cannot work legally. Adding to the problems faced by undocumented immigrants, fear of deportation if caught by the INS (Immigration and Naturalization Service) always exists. These difficult circumstances often result in immigrant children growing up in poor surroundings. In addition to poverty, these children oftentimes do not receive quality education or health care. Their families may have difficulty speaking English and assimilating to American culture. In times of such difficulty, families may lack the resources to care properly for their children. These children may be placed in government funded foster care voluntarily or by court order.

Immigration status has a definite impact in the foster care system. While legally children may not be denied foster care and related services, the funding for that care depends on the immigration status of the particular child. Federally funded foster care and adoption assistance benefits can only be provided to U.S. citizens and "qualified" immigrants. Qualified immigrants include "those with a 'green card' who are lawful permanent residents, refugees and asylees, aliens whose deportation is being withheld, or who have been granted conditional entry, aliens who are Cuban or Haitian entrants under the Refugee Education Assistance Act, and aliens who have been battered or subjected to extreme cruelty, or whose child or parent has been subjected to extreme cruelty, by a citizen or LPR spouse or parent."¹ The cost of foster care for unqualified immigrants must be paid out of state and local funding, and adoption assistance for unqualified immigrants must also come from state funds. Problems with state funding may have devastating effects on immigrant children in Tennessee, and it is possible that the state will not have enough money in the budget to provide adoption assistance to a child's prospective adoptive parent. It is also possible that a child may be turned away from voluntarily-sought services.

Funding problems have arisen in Florida and California, which traditionally have had a large immigrant population. As the funding crisis escalated, the Florida governor, in 1994, sued the United States in federal court for reimbursement of the high costs of providing social services to immigrants.² While the lawsuit ultimately resulted in a settlement agreement, the lawsuit symbolizes the problems that states face with funding foster care for undocumented minors. As Tennessee also faces budget problems, funding for undocumented immigrants will be an issue.

Additionally, the inquiry into a child's immigrant status for funding purposes may cause an immigrant family fear and confusion. A family may be reluctant to seek desperately needed services for fear of deportation. While only the child's status is the subject of inquiry, in practicality the birth parent's status is usually exposed as well. Advocates need to caution parents of this possibility but continue to encourage families to seek these services if needed.

II. Problems Encountered by the Foster Care System

While the Department of Children Services (DCS) in Tennessee does not inquire as to the immigration status of juveniles or their parents, the issue may inadvertently arise in determining placement once the child has been taken into the state's custody. In Tennessee, once the Department of Children Services removes a child from his home, DCS decides if reunification is possible under the circumstances. Generally, reunification with the minor's parents or legal guardians is the main goal of DCS unless the situation is severe. After determining that reunification is the objective, DCS often places children in the homes of relatives minimizing the disruption in the child's life while the parents are working through their reunification plans. As federal law requires that children must be placed in an approved foster home, in order to place the child with a relative, the state must first approve the child's relatives as foster parents. To be approved as a foster parent in Tennessee, the investigator must have a face-to-face interview with the relative, visit the relative's home to conduct a safety inspection, check the department's records, and check criminal records for the last five years.

It may be difficult for relatives of both documented and undocumented juveniles to meet the requirements to be a foster parent. It has been the experience of the Knox County DCS that relatives who are undocumented are not likely to have lived in one place for five years making the process of checking records more difficult. However, in some cases, children whose parents are illegal aliens have adult relatives either in Tennessee or elsewhere in this country who have established legal residency or even citizenship and are willing to be the child's foster parent.

When abuse or neglect is reported, criminal charges may also be filed, which may alert INS to the immigration status of the offender. In Tennessee, while INS may deport the offender, INS has not taken any steps in the past to deport the child as well although they have the authority to do so. Regardless of the location of the parent if reunification is still possible, DCS will provide the parent with a plan to work. Location does, however, make it more difficult for DCS to identify resources available to the parents and to monitor what the parent has accomplished. Once the plan has been completed, DCS returns the child to his parent in the parent's native country. Just as location does not prevent DCS from implementing a reunification plan, DCS will file for termination of the parent's parental right if termination is deemed necessary.

When reunification is not an option, DCS next asks if the child can be placed with a relative permanently. The same problem, however, with obtaining information is an issue when trying to transfer full legal custody to the relative.

Another obstacle that DCS may encounter is a lack of reporting of abuse and neglect. Undocumented immigrants may be less likely to report crimes because they either are unfamiliar with reporting methods or fear that the local authorities

will report them to INS. Policing practices that prohibit or discourage local police from reporting undocumented immigrants' status to INS will encourage undocumented immigrants to report cases of abuse and neglect.

Language barriers are another problem that immigrant children face in foster homes. Since Tennessee does not have a system that tracks bilingual foster homes, it is unlikely that non-English speaking children will be placed with foster parents who speak their native language. After suffering from abuse or neglect, the child may have feelings of anxiety and distress which may be further intensified for the child who is unable to communicate with their foster parent. The language barrier also serves to hinder any nurturing, productive relationship that the child could form with the foster parent.

III. Obstacles faced by Immigrant Children within the Juvenile Justice System

Once in the juvenile justice system, immigrant children face further difficulties. The main problem reported is that these children and their families cannot understand English proficiently. In New York, interpreters are common in the court system. In Knoxville, interpreters are provided in all dependency and neglect proceedings while in more rural areas of the state, lack of access to interpreters may force courts to proceed without one. Even with an interpreter, some words and ideas still do not translate well. Also, few court documents and informational sheets are written in languages other than English. Another problem is that judges often do not look or talk to immigrant children directly when in court. They seem impatient with children who do not understand what is going on around them. In addition to the language barrier and lack of attention immigrants face, the vast cultural differences frighten immigrant families and children. They view the American court system as an intrusion upon their lives that they do not understand. Attorneys have difficulty getting children to trust them when they must speak through an interpreter.³

Immigrants who are juvenile delinquents face further problems. For example, a Honduran immigrant child named Alberto in New York City has been in a secure detention center far longer than necessary. He stole two t-shirts from a Macy's department store last year. He told officials that he was living with his uncle in Manhattan, but his uncle could never be found and his parents are still in Honduras. Because there is no one to claim Alberto, the judge cannot release him. While there are alternatives to detention centers, these options are not available to Alberto. Most private placement centers require a second grade reading level, which few immigrants have because they do not understand English. Group homes require insurance, which immigrant children often lack as well. As a result, Alberto may spend his childhood in a detention center where he will have to grow up quickly and harshly. This common occurrence could occur in Tennessee also, and there should be options available to children like Alberto.⁴

Undocumented minors adjudicated as juvenile delinquents also face deportation. Adjudication normally alerts the INS to the undocumented minor. In *Manuel P.*, the California juvenile court first ordered him placed in a state juvenile facility with the expectation that he would be released to the INS when state court jurisdiction ended. Pursuant to a state arrangement with the Mexican government, Manuel was released into the custody of INS to undergo federal deportation proceedings. Manuel challenged the state's agreement with Mexico and the court's authority to release him to INS. Manuel argued that the state's agreement with Mexico violated both the Supremacy Clause and the federal government's exclusive power to control foreign relations guaranteed by the Constitution. The California Court of Appeals found that as long as the final deportation order was reviewed and approved by INS, the juvenile court did not violate federal supremacy by ordering the minor sent out of the United States.⁵

While minors adjudicated as juvenile delinquents may also qualify for SIJS, which is discussed in Part IV, *infra*, it may be more difficult for delinquents to convince the state to initiate the determinations required for SIJS status. Minors involved in delinquency proceedings may be viewed as criminals and therefore harmful to society, unlike dependents in abuse and neglect proceedings who are often viewed as victims and in need of help.

Another problem facing immigrant children in the juvenile justice system is that their parents, if undocumented, may encounter difficulty in getting their children back from children services. Maria, a mother of three, had her children taken from her when her husband was accused of sexual abuse by a relative. The charges were subsequently dropped but the children have been in foster care for 15 months as of June 2001. The length of time the children have spent in foster care is distressing to Maria. After 15 months in care, the New York foster care system can begin to terminate parental rights and begin adoption proceedings for children. This is a nation-wide procedure. Maria has complied with all of the mandates set forth by children services including leaving her husband, finding employment and suitable housing, yet she still has not had her children returned.⁶ One of the founders for The Immigrant and Child Welfare Project in East Harlem, Ilze Earner, says, "The immigrant status is the real barrier for these families."⁷ It may be what is preventing Maria from being reunited with her children. This has certainly been true in Nebraska where, in some instances, parents have been ordered to become citizens before getting their children returned. This is because of the prevailing idea that in order to provide a stable home, a child's parents should be American citizens who can legally work, etc.

According to the Brian A. Settlement Agreement, "All children should have the best possible opportunity to grow up within a safe, nurturing family, either their biological family, or if that is not possible, within an adoptive family," and "services should be provided to preserve the biological family whenever that is reasonably possible."⁸ The goal of foster care in Tennessee is on the preservation of the biological family when it is feasible and in the best interests of the child. Immigrant status should not have an effect on this goal. If a biological family can provide a stable and loving environment, then a child should remain with that family or be reunited with them if temporarily separated. The settlement agreement also stresses that "all children in need of child welfare services should receive full and equal access to the best available services, regardless of race, religion, ethnicity, or disability."⁹ This statement also reinforces the idea that a child's immigrant status should not be taken into account when examining each individual case. In fact, other than for funding purposes, immigration status should never be considered in the juvenile court system.

IV. The Possibility of Special Immigrant Juvenile Status

If an immigrant child does become part of the state juvenile justice system, it is possible for that child to obtain lawful

immigration status. This is possible through federal law called The Special Immigrant Juvenile Status Law (SIJS). This law was created in 1990 and added to the Immigration and Nationality Act, which is codified in Title 8 of the United States Code. It allows people under the jurisdiction of a juvenile court who are "deemed eligible for long term foster care" to obtain special immigrant juvenile status and apply for a lawful permanent residency.¹⁰ To be deemed eligible for SIJS, a child must meet two qualifications. First, the child must qualify for long term foster care. To be deemed eligible for long term foster care, the court must find that family reunification is not an option and the child must go on to foster care, adoption or guardianship.¹¹ Second, the court or other administrative agency must also find that it is not in the best interests of the child to be returned to his or her home country.¹² Additionally, all of the court's findings must be based on the abuse, neglect, or abandonment of the child in order for an SIJS application to be granted.¹³

The ability of an abused or abandoned child to meet the first requirement depends entirely upon the state. Refusal by the state to declare an undocumented child dependent upon the state and eligible for long term foster care prevents the child from obtaining lawful permanent residency through the SIJS. SIJS applies in both dependency and delinquency proceedings.¹⁴

SIJS proceedings are initiated through children welfare workers and it is imperative that these workers are familiar with this law. This is because it may take from six to 36 months, possibly longer, until the INS grants the SIJS application, and the child must remain under the juvenile court's jurisdiction during this time.¹⁵ If SIJS procedures are not followed by children welfare workers, a child will leave the juvenile justice system at the age of majority and continue to have undocumented status. This means the child could then be deported or remain in the U.S. without the ability to work legally or to obtain higher education.

After a child has met the requirements for SIJS, he or she must still meet the requirements for lawful permanent residency (a green card).¹⁶ Applicants for a green card could be declined if they have a record "involving drugs, prostitution, or other crimes, if they are HIV positive, committed visa fraud, were previously deported, or have certain "bad marks" against them."¹⁷ This means that some children with juvenile delinquent records may not be granted a green card and it will be risky to apply. If a child is declined, the INS may attempt to remove the child after the child has reached the age of majority.¹⁸ However, the benefits of obtaining SIJS and a green card are numerous. Not only does the child benefit, but the state as well because the state is then able to receive federal funding for the child that it could not receive when the child was undocumented.¹⁹ Since the state of Tennessee faces numerous funding problems, the Department of Children Services and the Juvenile Justice Commission should be well informed as to the benefits of SIJS and should implement such proceedings whenever possible.

V. The Conflict Between INS and State Courts Concerning SIJS Status

SIJS requires the cooperation of federal and state law. As previously discussed state courts must determine that a child is eligible for long term foster care and that it is not in the child's best interest to be returned to his native country. This statute grants the power with the states to determine the child's needs and requires that INS rely upon those conclusions. The SIJS does not authorize INS review of state court decisions regarding minors. While the statute limits INS role to verification of certain information, INS may try to ask additional questions regarding the proof of abuse. This serves to further the trauma experienced by abused or neglected undocumented children.

Regardless of the explicit nature of the SIJS, states and INS have often disagreed over which department possessed jurisdiction in certain cases. Courts have also been split on the issue. Some courts have held that state juvenile courts lack the jurisdiction to order dependency for a minor in INS custody and in deportation proceedings. Other courts have held the opposite and concluded that the state did in fact have the authority to order a minor in INS custody dependent upon the state. In an attempt to clarify the situation, the SIJS was amend to state that "no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specially consents to such jurisdiction."²⁰

NOTES

1. Martha Matthews, *New Guidance on Immigrant Foster Children's Eligibility for Federal Benefits*, XX Youth Law News 1 (Jan./Feb. 1999) citing The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRA), Sec. 431, 8 U.S.C. 1641.
2. *Chiles v. United States*, 874 F. Supp. 1334 (S.D. Fla. 1994).
3. Theresa Vargas, ¿Que Es La Justicia? Immigrant Children Navigate the Juvenile Justice System, available at <http://www.jrn.columbia.edu/studentwork/children/download/immig.shtml>.
4. Vargas, *supra* note 23.
5. *In Re Manuel*, 215 Cal. App. 3d 48, (1989).
6. Daisy Hernandez, "Immigrants Frustrated by Laws that take Kids from Home," National Catholic Reporter, June 29, 2001, available at http://www.natcath.com/NCR_Online/archives/062901/062901e.htm.
7. *Id.*
8. See Settlement Agreement for Brian A., et al., v. Don Sundquist, et al., Civil Action Number 3-00-0445, §1(A) 1-2.
9. *Id.* at §1(A) 6.
10. *Id.* at §1.2 citing I NA 101(a)(27)(J), 8 U.S.C. §1101(a)(27)(J).
11. *Id.* at §1.2(A)(2).
12. *Id.* at §1.2(A)(3).
13. *Id.* at §1.2(A)(4).
14. *Id.* at §1.2(A)(1).
15. *Id.* at §1.2(A)(6).
16. *Id.* at §1.2(B).
17. *Id.*
18. *Id.* at §1.4.
19. *Id.* at §1.3

20. 8 U.S.C. §1101(a)(27)(J)(iii)(I) (amended on Nov. 27, 1997).

The authors wish to thank Susan Kovac with the Knox County Department of Children's Services and Dan Kesselbrenner of NGL for graciously allowing interviews to compile data for this article.

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Southern Migrant Legal Services Opens Nashville Office

Southern Migrant Legal Services (SMLS) opened its doors in Nashville in the fall of 2001. SMLS provides free employment-related legal services to indigent migrant farm workers in six southern states: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee.

The federal Legal Services Corporation (LSC) is the sole funder of SMLS's work. Until 2001, the LSC had given small grants to legal services programs in the six-state SMLS service area specifically for representing migrant farm workers. Both the LSC and these programs, however, recognized that such small grants did not maximize the use of LSC's migrant funding. Accordingly, the LSC, with the agreement of these programs, consolidated the funding for representation of migrant farm workers in these six states into one grant. In 2001, the LSC awarded the consolidated grant to Texas Rural Legal Aid (TRLA), which for more than 25 years has represented migrant workers. TRLA has taken advantage of the economies of scale inherent in the consolidated grant to establish the SMLS office in Nashville.

The principal protective statute with which SMLS works is the Migrant and Seasonal Agricultural Worker Protection Act of 1983 (AWPA), 29 U.S.C. §§1801 et seq. The AWPA mainly regulates the conduct of (a) farm labor contractors (FLCs), who often recruit, transport, and house migrant farm workers and who serve as the middle persons between the workers and the growers, and (b) agricultural employers. FLCs are required by the AWPA to register with the U.S. Department of Labor if they seek to recruit, house, or transport farm workers. Anyone who recruits migrant farm workers must, at the time of recruitment, disclose to the workers in writing in a language understood by the workers the terms and conditions of employment, and the recruiter must not give false and misleading information to the workers. As to agricultural employers, the AWPA requires them to use only registered farm labor contractors to recruit workers, to live up to the working arrangement made with the farm workers, to pay wages owed when due, and to provide to each worker a detailed pay statement explaining how pay was computed and the reason for any deductions from pay. The AWPA also protects farm workers from exploitation by others who may not be agricultural employers or FLCs: (1) anyone who uses or causes to be used a vehicle to transport farm workers must ensure that the vehicle meets certain safety standards and that the use of the vehicle is covered by an insurance policy or liability bond; and (2) anyone who owns or controls a facility used to house migrant farm workers must ensure that the housing meets certain habitability standards, unless the facility is a commercial establishment that provides housing to migrant farm workers of the same character and on the same terms as is provided to the general public. A migrant farm worker may sue in federal court to enforce rights under the AWPA and may recover up to \$500 in statutory damages per violation or, alternatively, actual damages.

A second protective statute is the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. §§201 et seq. The FLSA is the federal minimum wage and overtime statute. Generally, the FLSA requires that workers be paid the minimum wage of \$5.15 per hour, even if they work on a piece rate. Small agricultural employers, however, are not required to pay the federal minimum wage. The FLSA also requires that employers pay overtime of one and one-half times the worker's regular rate of pay for hours worked more than 40 hours in a workweek — but farm workers generally do not have to be paid overtime. A worker may sue in federal court to enforce rights under the FLSA, and private lawyers may recover attorney's fees in FLSA actions.

A third focus of SMLS's work is the H-2A program. H-2A workers are temporary non-immigrant agricultural guestworkers, primarily from Mexico, who are imported by growers into the United States. The terms of the H-2A worker's employment contract are largely set by federal regulations, so SMLS represents H-2A workers in state and federal court to enforce their H-2A contract rights. SMLS also represents U.S. workers who work alongside H-2A workers or who are frozen out of agricultural jobs because the employer wants to import guestworkers. In Tennessee, many H-2A workers work in the tobacco harvest.

In addition, SMLS represents migrant workers in the forestry, nursery, poultry, and catfish industries, which qualify as "agriculture" under many federal laws. Plus, SMLS represents, on a limited basis, migrant farm workers who have problems with worker's compensation, employment discrimination, unemployment insurance, educational access for their children, and taxes. Because SMLS receives its funding from the LSC, it cannot represent undocumented workers, even though the AWPA and FLSA protect these workers.

SMLS's lawyers and paralegals engage in substantial outreach and community legal education to migrant farm workers in its six-state service area. SMLS's clients are typically found in shopping center parking lots on weekend afternoons, at Spanish-language church services, in Mexican restaurants and stores, and in farm labor housing camps.

At present, SMLS has two staff lawyers, a Skadden Fellow who focuses on H-2A workers, a NAPIL Fellow who focuses on poultry and catfish workers, a paralegal, and an administrative assistant. All staff of SMLS and TRLA speak Spanish and English.

Message from the Juvenile Justice Commission Chair

"We worry about what a child will be tomorrow, yet we forget that he is someone today." – Stacia Tauscher

I am still not quite sure why Katie Edge, former president of the Tennessee Bar Association, picked me to chair the Juvenile Justice Commission. My law practice is not devoted entirely to children's and juvenile law issues as are those of many of the members of the commission, though I strongly believe that no other area of the law is more important or has more far-reaching impact than representing children and their families. Perhaps I was the only one who said yes. Whatever the reason, I have had a rewarding year. I have also had the good fortune and privilege to get to know and to work with some of Tennessee's most respected, thoughtful, and passionate advocates for children, youth, and parents. These are truly remarkable people who care about what happens to our youth and their families.

" ... because they are children and for no other reason they have dignity and worth simply because they are ... " – Unknown

The commission is a diverse group. There are lawyers and lay people, lawyers who are educators and educators who are not lawyers. Our members also include legislative staff and judges. What we all have in common is our commitment to the young people in our state and our desire to make sure that youth and their families have access to the highest quality representation and advocacy. To that end, we have spent nearly a year considering and discussing ways to improve the quality of advocacy in juvenile proceedings. The commission has already, with the enthusiastic support of the TBA, taken steps to achieve the goal of fully meeting the needs of youth, families, and other parties in juvenile proceedings. Those efforts and the other work of the commission are detailed in the commission's report and recommendations that follow.

"Our future generations – when they look back on this – what will they say that we have done for them, and will it be honorable?" – Jackie Warledo

I have been truly honored to have shared time and ideas with the people on this commission. Early on we committed to working toward the ideal expressed by Chief Sitting Bull of the Lakota Sioux when he said, "Let us put our heads together and see what life we will make for our children." The commission did a lot of putting our heads together. We even butted heads occasionally. But we accomplished much and are looking forward to passing on the work to the newly created TBA Juvenile and Children's Law Practice Section. I am encouraged about the future of our youth and our society because of people like my friends who gave of their considerable talent and limited time to serve on the juvenile justice commission. My thanks to them. Katie also deserves thanks for her vision in recognizing the need and making sure the juvenile justice commission became a reality.

Barbara D. Holmes
Chair, Juvenile Justice Commission