
NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN



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OF COUNSEL FOR CHILDREN**

STRATEGIC PLAN 2005 - 2010

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CONTENTS		page
I.	Introduction	3
	A. The NACC	3
	B. This Document	3
II.	NACC Strategic Plan 2005-2010	4
	A. Mission	4
	B. Historical Environmental Scan	4
	C. Current Environmental Reality	8
	1. Assisting Factors	8
	2. Resisting Factors	9
	D. Strategic Goals	11
	E. Objectives and Implementation Actions	11
	• Fund Development	11
	• Administration	12
	• Program	14
III.	The Next Strategic Plan	18
	<hr/> Appendix	19
	2005-2010 Objectives and Programs Chart	

I. Introduction

A. The NACC

The National Association of Counsel for Children (NACC) was founded in 1977 to promote quality representation of children in the legal system. The NACC is a 501 (c) (3) non-profit child advocacy and professional membership association dedicated to enhancing the well being of children by promoting excellence in the field of children's law. The only national organization specifically dedicated to this purpose, the NACC works to improve the legal protection and representation of children by training and educating child advocates and by effecting policy and legal systems improvement. The NACC also assists the public by providing educational information and professional referrals.

The NACC is a multidisciplinary organization with approximately 2000 members representing all 50 states and several foreign countries. NACC membership is comprised primarily of attorneys and judges, although the fields of medicine, social work, mental health, education, and law enforcement are also represented. Many attorney and non-attorney guardians *ad litem* and court appointed special advocates are active in the NACC.

B. This Document

This is the NACC's third strategic plan. The first plan ran from 1995 to 2000 and the second from 2000 to 2005. This plan will take effect January 2005 and terminate December 2009. In 2003, the NACC Board of Directors assigned the task of developing the third strategic plan to the NACC Executive Committee. The Executive Committee held a strategic planning session in January 2004. A strategic plan working draft was then produced by NACC staff and approved by the Executive Committee for full board review and comment. The full board then reviewed the plan at the NACC 2004 Mid-Year Meeting in April. A series of modifications were made following the mid-year meeting and the plan was approved by the full Board of Directors at the NACC 2004 Annual Meeting.

Adopted, NACC Board of Directors, September 6, 2004

Angela Adams	Candace Barr	Marjorie Cahn
Donald Duquette	Robert Fellmeth	Donna Wickham Furth
Gerard Glynn	Jack Hogan	Katherine Holliday
David Katner	Kathleen McCaffrey	John Myers
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John Stuemky	Christopher Wu	Marvin Ventrell (<i>Ex Officio</i> / Executive Director)

II. NACC Strategic Plan 2005-2010

A. Mission

The Mission of the National Association of Counsel for Children is to:

- Strengthen the Delivery of Legal Services for Children

The NACC works to ensure that children are provided with well resourced, high quality legal counsel when their welfare is at stake

- Enhance the Quality of Legal Services Affecting Children

The NACC establishes standards of practice and provides training, education, and technical assistance to promote specialized high quality legal services

- Improve Courts and Agencies Serving Children, and

The NACC promotes systemic improvement in our child serving agencies and court systems

- Advance the Rights and Interests of Children

The NACC promotes law and policy that advance the welfare of children

B. Historical Environmental Scan

The following internal and external events create the historical context for the work of the NACC.

- In 1839, the Pennsylvania court issued the *Ex parte Crouse* decision judicially affirming the *parens patriae* role of the government to "care for" society's children.
- In 1860, French physician Ambrose Tardieu conducted a study of thirty-two children whom he believed died of child abuse. Tardieu's findings described medical, psychiatric, social and demographic features of the condition of child abuse as a syndrome.
- The first juvenile court was founded in Cook County, IL in 1899 with exclusive jurisdiction of minors.
- In 1912, as a result of President Roosevelt's 1909 White House Conference on Children, Congress created the United States Children's Bureau.
- In 1921, Congress passed the Sheppard-Towner Act, which established Children's Bureaus at the state level and promoted maternal-infant health.
- In 1944, the Supreme Court of the United States confirmed the state's authority to intervene in family relationships to protect children in *Prince v. Massachusetts*.
- In 1946, Aid to Dependent Children was added to the Social Security Act.

- In 1946, Dr. Caffey, a pediatric radiologist in Pittsburgh, published the results of his research showing that subdural hematomas and fractures of the long bones in infants were inconsistent with accidental trauma.
- In 1960, New York became the first state to adopt the Interstate Compact on Placement of Children (ICPC). ICPC is a uniform law now adopted by all 50 states, Washington D.C., and the U.S. Virgin Islands. It established orderly procedures for the interstate placement of children and fixed responsibility for those involved in placing children.
- In 1962, following a medical symposium the previous year, Denver physician C. Henry Kempe and others published the landmark article “The Battered Child Syndrome” in the Journal of the American Medical Association. Through the article, Kempe and his colleagues exposed the reality that significant numbers of parents and caretakers batter their children, even to death. “The Battered Child Syndrome” described a pattern of child abuse resulting in certain clinical conditions and established a medical and psychiatric model of the cause of child abuse. The article marked the development of child abuse as a distinct academic subject. The work led to professional and public awareness of the existence and magnitude of child abuse in the United States and throughout the world.
- In 1962, in response to the developments precipitated by the battered child syndrome research, the Children's Bureau held a symposium on child abuse that produced a recommendation for a model child abuse reporting law.
- In 1966, the United States Supreme Court decided *Kent v. US*. The Court held that a “waiver” or “transfer” hearing was a critically important proceeding and that a juvenile has a statutory right to avail himself of the juvenile court’s exclusive jurisdiction.
- In 1967, the Supreme Court of the United States issued the *In re Gault* decision guaranteeing constitutional protection to children accused of crimes.
- By 1967, all states had reporting laws (44 mandatory), requiring certain professionals to report reasonable suspicion of child abuse.
- In 1971, the California Court of Appeals, in *People v. Jackson*, recognized the Battered Child Syndrome as a medical diagnosis and a legal syndrome.
- In 1974, Congress passed landmark legislation in the federal Child Abuse Prevention and Treatment Act (CAPTA; Public Law 93-273; 42 U.S.C. 5101). The Act provided states with funding for the investigation and prevention of child maltreatment, conditioned on states' adoption of a mandatory reporting law. The act also conditioned funding on reporter immunity, confidentiality, and appointment of guardians *ad litem* for children.
- In 1974, the National Center on Child Abuse and Neglect (NCCAN) was created to serve as an information clearinghouse.
- In 1974, Congress adopted the Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5601). The act required Congress to provide the necessary resource, leadership, and coordination to develop and support juvenile delinquency prevention programs.

- In 1974, Congress adopted the Family Education Rights and Privacy Act (Public Law 93-568). FERPA required state educational agencies to comply with certain privacy and access rights regarding education records.
- The National Association of Counsel for Children (NACC) was founded in 1977.
- In 1977, the NACC held its first National Children's Law Conference.
- The ABA Center on Children and the Law was founded in 1978.
- In 1978, the NACC produced the first issue of its quarterly journal *The Guardian*.
- In 1978, Congress passed the Indian Child Welfare Act (ICWA; Public Law 96-608; 25 U.S.C. 1901 *et seq.*). After a series of hearings, Congress concluded that Indian children were removed from their families inappropriately. ICWA provided that federally recognized Indian Tribes and Native Alaskan Villages had jurisdiction over child welfare cases, and created new litigation standards for state court cases involving Indian children.
- In 1980, Congress passed the Adoption Assistance and Child Welfare Act (Adoption Act; Public Law 96-272; 42 U.S.C. 420) designed to remedy problems in the foster care system. The Act made federal funding for foster care dependent on certain reforms. In 1983, the Act was amended to include "reasonable efforts." It required the state to make reasonable efforts before removing a child and to reunify the family after removal. The Act provided fiscal incentives to encourage states to prevent unnecessary foster care placements and to provide children in placement with permanent homes as quickly as possible. The law also gave courts a new oversight role.
- In 1981, Title XX of the Social Security Act was amended to include the Social Services Block Grant to provide child protective services funding to states. This became the major source of state social service funding.
- In 1986, Congress passed the Child Abuse Victims' Rights Act, which gave child victims of sexual exploitation a civil damages claim.
- In 1989, the United Nations adopted the *Convention on the Rights of the Child*. The United States and Somalia have not ratified the Convention. In 2002, the NACC adopted the Convention and declared its support for ratification.
- In 1991, Congress passed the Victims of Child Abuse Act, to improve the investigation and prosecution of child abuse cases.
- In 1993, the NACC hired its first full-time professional director and began to define the association's mission and objectives.
- In 1993, a New York appellate court decided *In re Jamie TT*, finding a constitutional basis for the representation of children in dependency cases.
- In 1993, as part of the Omnibus Budget and Reconciliation Act, Congress provided funding for state courts to assess the impact of the Adoption Act on foster care proceedings, to study the handling of child protection cases, and to develop a plan for improvement.

- Congress passed the Multiethnic Placement Act in 1994 (MEPA; Public Law 103-382, 104-382). MEPA provided that adoption or foster care placements may not be denied or delayed based on race, color, or national origin of the individual, or the children, involved. The overriding goals of MEPA were to reduce the length of time children spend in an out-of-home placement and to prevent discrimination in placement decisions.
- In 1995, the NACC adopted its first long-range operating plan, expanding its program and adopting a public policy function.
- In 1996, the NACC membership reached an all-time high of 2,200.
- In 1996, Congress replaced AFDC with Temporary Assistance to Need Families (TANF). The goals of TANF were to provide assistance to low-income families with children so they could be cared for in their own home, promote job preparedness, reduce out-of-wedlock pregnancies, and encourage the formation and maintenance of two-parent families. Although TANF made few changes to federal child protection programs directly, it affected child welfare services by changing programs upon which they formerly relied.
- In 1997, Congress Passed the Adoption and Safe Families Act (ASFA; Public Law 105-89). ASFA represented the most significant change in federal child welfare law since the Adoption Assistance and Child Welfare Act of 1980. ASFA included provisions for legal representation, state funding of child welfare and adoption, and state performance requirements. In general, ASFA was intended to promote primacy of child safety and timely decisions while clarifying "reasonable efforts" and continuing family preservation. ASFA also included continuation funding for court improvement.
- In 1997, Congress amended the Individuals with Disabilities Education Act (IDEA; Public Law 105-17). IDEA provided funding to states to ensure that all children, regardless of disability, have the right to free, appropriate public education.
- In 1998, David and Lucile Packard Foundation awarded NACC its first grant to study the association's development potential, followed by a grant to conduct Strategic Planning for a broad-based association development program.
- In 1998, the NACC received the *Meritorious Service to the Children of America Award* presented by the National Council of Juvenile and Family Court Judges.
- Congress passed the *Chafee Foster Care Independence Act* in 1999 (Public Law 93-568). The Act provided funding and services for youth who are "aging out" of the child welfare system.
- In 2000, Congress passed the Child Abuse Prevention and Enforcement Act (CAPEA; Public Law 106-177). CAPEA focused on improving the criminal justice system's ability to provide timely, accurate criminal-record information to agencies engaged in child protection, and enhancing prevention and law enforcement activities.
- In 2001, Congress reauthorized the Stewart B. McKinney Homeless Assistance Act (McKinney-Vento; Public Law 100-77) as part of the No Child Left Behind Act. McKinney-Vento provided emergency assistance for homeless children and youth. The Act required that such youth be given a free and appropriate public education, and required schools to remove barriers to their enrollment, attendance, and success in school.

- In 2001, the NACC was awarded a grant from the U.S. Dept. of HHS Children's Bureau to create a national program to certify lawyers as specialists in child welfare law.
- In 2001, the NACC adopted *Recommendations for Representation of Children in Abuse and Neglect Cases*.
- In 2004, the ABA recognized child welfare law as a legal specialty and designated the NACC as the certifying agency.

C. **Current Environmental Reality**

NACC identified the following current environmental circumstances impacting the NACC's vision.

1. **Assisting Factors**

Membership Base

- Existing Membership
- Some Active Affiliates
- Professional Diversity

Shared Goal to Improve Practice

- Models exist in other fields
- Standards
- Have a vision
 - Recognized evidenced based practice
 - Research supporting the need for child advocacy

Networking Base

- Connections with good trainers
- Well-Networked
- Good collaborative relationships
- Part of children's national network
- Current director is recognized expert

Somewhat Marketable Cause

- Workable climate for children's issues
- Some public recognition of children's plight children's legal interests is a legitimate marketable issue

Niche

- Uniqueness of NACC
- Sound reputation
- Unique market niche: membership organization regarding children's rights

Good Program Base

- Good quality existing programs like The Guardian, annual conference, and RMCATI
- Conference serves as a built-in opportunity to attract new membership

Quality and Resourceful Staff and Facility

- Great / Strong Director
- Good staff base
- Good national office
- Good infrastructure

A Good Policy Beginning

- Recognized need for policy voice
- Policy focus articulated and underway

Dedicated Board

- Many knowledgeable board members
- Many committed board members
- Board is committed to growth
- Recognized fund development goal
- Improved board structure and processes

Improved Funding Base

- History of grantsmanship
- Demonstrated fund development capacity
- More diversified support

Communications Technology

- Strong website
- Active listserv

Reputation

- Credibility and reputation to leverage change
- National presence
- Expanded role as national systems change agent

Clear Direction

- Recognized mission

2. Resisting Factors

Racism, Classism, and Sexism

- Low income families over-represented in system
- Families of color over-represented in system
- Women, as single parents, are the most common respondents
- The field is viewed as less important than other areas of public interest law, i.e. kiddie law
- Because of the majority of women in field, this area of law viewed as predominated by “social work”, and not by legal reasoning

Society’s Failure to Empathize with and Thereby Value Children

- Society still believes children are chattel
- View that children should not have rights
- Society’s lack of appreciation for children’s issues

- Public apathy
- Communal ignorance on plight of children
- Media exploitation rather than meaningful exploration of issues
- Demonization of young people
- Hypocrisy: everyone purports to be for children but takes no action

Underdeveloped Profession

- Lack of respect for children's law practitioners and profession
- Low Expectations of children's lawyers
- Inadequate pay for children's lawyers
- High turnover of children's law practitioners
- Difficulty attracting enough first rate lawyers
- No consensus of states regarding role of children's lawyers
- Lack of maturity in field
- Models and programs not validated by research

Children are Dependent (economically, politically, and emotionally)

- Children do not vote
- Children have no economic base
- Client can't pay
- Powerlessness of constituents – lack of public scrutiny (closed system)
- Lack of opportunity for children to have voices heard

NACC Funding Limitations

- Small budget
- Competition for limited grant funds
- Small staff
- No dedicated development staff
- Not direct services (challenging funding hook)
- Resistance to funding lawyers
- More initiatives than staff can accomplish
- Not widely known

Failure to Establish and Market Our Value to Members

- Attrition of membership
- Members perceive they do not need us
- NACC member apathy
- Unperceived benefits
- Too few identify with NACC
- Small number of affiliates
- Lack of full racial diversity
- Small number of members

Lack of resources at national, state, and local levels for children's services and poor political climate for achieving greater resources

Lack of interdisciplinary communication

D. Strategic Goals (in order of priority within goal area)

Fund Development Goals

1. Secure adequate financial resources to maintain current administration and program, develop new activities, and insure long-term viability.

Administrative Goals

1. Enhance NACC's visibility, presence, and status.
2. Develop an association administrative structure designed to achieve the mission.
3. Ensure adequate NACC staff to run the association competently.
4. Maintain an effective NACC Board of Directors.

Program Goals

1. Enhance NACC effectiveness through a large, stable, and diverse **membership**.
2. Establish and maintain the practice of law for children as a full-time **legal specialty**.
3. Improve and support the practice of law affecting children through **education, training, and technical assistance**.
4. Achieve the NACC's mission through federal, state, local, and court **policy advocacy**.
5. Promote the welfare of children through **youth empowerment**.
6. Promote an effective, high quality juvenile court **judiciary**.
7. Enhance association effectiveness through **collaboration** with related child advocacy programs.
8. Enhance the welfare of children through **litigation** programs.

E. Objectives and Implementation Actions

• Fund Development

1. Run a Comprehensive Association Fund Development Program.

➤ Implementation Actions

- a. Structure fund development around the following fund development resources:
 - Grants
 - Major Gifts
 - Miscellaneous Gifts
 - Program Generated Funds

- Corporate Giving
- Clubs and Organizations
- Planned Giving
- Workplace Campaigns
- Special Events
- Cause Marketing
- Special Projects.

- b. Establish an effective development / donor database.
- c. Grow the NACC endowment.
- d. Complete the acquisition of the Lea Justice for Children funds.
- e. Structure staff such that fund development is the primary responsibility of a high level staff member.
- f. Establish a NACC workgroup / committee to develop and help execute a fund development plan focused on individual gifts.

- **Administration**

1. Participate in Activities that Enhance the NACC's Visibility, Presence, and Status.
 - Implementation Actions
 - a. Association (staff and board) leadership should participate in regular visibility opportunities.
 - b. Develop effective NACC marketing materials.
 - c. Develop a media strategy.
 - d. Participate in national child law policy initiatives.
2. Develop an association administrative structure designed to achieve the mission.
 - Implementation Actions
 - a. Adopt an organizational chart that illustrates the NACC's administrative / operational structure.
3. Ensure Adequate NACC Staff to Run the Association Competently.
 - Implementation Actions

Implement the following staff structure:

- a. Chief Executive Officer / President
 - b. Chief Operating Officer / Executive Director
 - c. Administrator
 - d. Senior Staff Attorney
 - e. Staff Attorney
 - f. Staff / Program Assistant
 - g. Policy Representative
 - h. Law Interns / Clerks
 - i. Volunteers
4. Maintain an Effective Board of Directors.
- Implementation Actions
 - a. Establish and maintain a board with development (fund and visibility / marketing) capability.
 - b. Establish and maintain a diverse board in terms of:
 - Gender
 - Race
 - Professional Discipline
 - Age and Experience
 - Geography
 - c. Establish and maintain a balance of legal specialties including:
 - Dependency
 - Delinquency
 - Family Law
 - d. Recruit judges for the board.
 - e. Develop youth representation.
 - f. Develop and mentor board members.

- **Program**

1. Develop Large, Stable, and Diverse Membership.

- Implementation Actions

- a. Adopt an affiliate development strategy (include law schools and state bar groups).
- b. Maintain NACC focus on dependency law.
- c. Increase NACC's focus on delinquency law.
- d. Increase NACC focus on family law.
- e. Engage in regular membership development activities including direct mail campaigns.
- f. Evaluate membership benefits such as professional liability insurance.
- g. Encourage non-attorney, multidisciplinary membership.
- h. Use program activity as a membership development opportunity.

2. Establish and Maintain the Practice of Law for Children as a Full Time Legal Specialty.

- Implementation Actions

- a. Run Attorney Certification Program.
- b. Run Model Children's Law Office Program.
- c. Run child law career paths programs.
 - Career Counseling
 - Loan Forgiveness
 - NACC recruitment and job matching programs for lawyers
 - Help develop law school curriculum
- d. Run law student essay program.
- e. Run awards program.
 - Advocacy
 - Cahn
- f. Evaluate effectiveness of representation (develop and promote client feedback mechanism).

- g. Run standards of practice program.
 - h. Produce scholarship on children and the law.
 - i. Develop part time and pro bono representation as a complement to specialty focus.
3. Run Education, Training and Technical Assistance Programs.
- Implementation Actions
 - a. Run the national resource center program.
 - 1. Member Consultation and Research
 - 2. Referrals
 - 3. General Information
 - 4. Systems Information
 - 5. Listserv
 - 6. Website
 - b. Run the Training/Speakers Bureau.
 - c. Produce an annual national conference.
 - d. Produce specialized training in the areas of:
 - 1. Trial Skills
 - 2. Clinical Skills
 - 3. Case Assessment
 - 4. Problem Solving
 - 5. Legal Ethics
 - e. Produce training / TA publications.
 - 1. The Guardian
 - 2. Annual Children’s Law Manual
 - 3. Children’s Legal Rights Journal
 - 4. Certification publications
 - 5. Children’s Law Office Publications
 - 6. Make useful non NACC publications available
 - f. Develop New, Innovative, and Multidisciplinary Programs.
4. Run an NACC Federal, State, Local, and Court Policy Development and Advocacy Program.
- Implementation Actions
 - a. Engage in federal policy advocacy.
 - b. Establish national policy office.
 - c. Engage in state and local policy advocacy.

- d. Form an NACC policy advocacy workgroup.
 - e. Create forums for policy discussion.
5. Run an NACC Youth Empowerment Program.
- Implementation Actions
 - a. Promote the establishment of California Youth Connection type programs.
 - b. Promote youth participation in training.
 - c. Promote youth empowerment in The Guardian.
 - d. Include youth in NACC administration, program, and development.
6. Promote an effective, high quality juvenile court judiciary.
- Implementation Actions
 - a. Recruit judges to NACC.
 - b. Promote judge training.
 - c. Promote judge juvenile specialization.
 - d. Support the promotion and appointment of juvenile judges to all levels of court positions (trial, appellate, and supreme).
 - e. Promote juvenile courts as high level courts.
 - f. Collaborate with NCJFCJ.
7. Enhance association effectiveness through collaboration with related child advocacy programs.
- Implementation Actions
 - a. Develop formal liaison relationships.
 - b. Engage in program collaboration.
 - c. NACC leadership should serve on project advisory boards.
 - d. Focus on U.S. Children's Bureau collaboration.
 - e. Develop collaborations with educational institutions including law, medicine, social work, psychology, and education.

8. Run Litigation Programs.

➤ Implementation Actions:

- a. Run amicus curiae program.
- b. Develop an impact litigation strategy.
- c. Engage in limited direct representation to inform policy.

III. The Next Strategic Plan

The next NACC strategic plan is expected to run from 2010 -2015. The NACC Executive Committee will begin work on the next plan during fall 2008 and focus the 2009 Annual Executive Committee Meeting on the preparation of the new plan.

APPENDIX

2005-2010 Objectives and Program Chart

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