



What is Counsel for Kids?

Counsel for Kids is a campaign dedicated to ensuring that children in the nation's foster care systems have access to attorneys of their own to ensure that their voices are heard and respected.

Why must state law be changed to guarantee legal representation for children in foster care?

- [14 states](#) still have not guaranteed legal representation for all children in child welfare court proceedings.
- The one person at the center of a child welfare case is also the one person that doesn't get their own attorney.
- Without legal representation, children are left to navigate complex proceedings on their own, putting them at risk of receiving unfair treatment, or having vital decisions about their future made without their input.
- Appointing legal counsel is necessary to protect the life, liberty, and safety of every child involved in a child welfare proceeding.
- 36 states have already recognized the legal rights of children and guaranteed legal counsel for every child in child welfare proceedings.

Why do kids need attorneys?

- When a child has a medical problem, they need a doctor; when a child has a legal problem, they need an attorney to advocate for them in the courtroom where key decisions about their life are made.
- Attorneys conduct investigations, counsel their clients, help children and youth understand their options, give voice to their client's counseled wishes, insist on school stability, develop trial strategy, file motions and appeals, call and cross-examine witnesses, ensure treatment, advocate for family time and kinship placements, and pursue other well-being priorities on behalf of their client.
- Attorneys help ensure children receive adequate notice and an opportunity to be heard; ensure that they can participate fully in hearings and case planning; ensure that they are respected and treated fairly in court processes; and ensure that legal decisionmakers listen to them and consider their perspective.

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- The confidentiality of the attorney-client relationship allows children and youth to feel safe sharing sensitive and deeply personal information with attorneys that they might not otherwise be willing to discuss.
- A Court Appointed Special Advocate (CASA) volunteer provides information to the court but is not a substitute for legal representation. A lay volunteer does not and cannot render legal advice or meet the legal or ethical responsibilities of an attorney.

Why should state law align with nationally recognized best practice?

- Children and youth with lived experience in the child welfare system overwhelmingly indicate a desire to be seen, heard, and represented. This requires notice and opportunity to be present at hearings, effective communication with their attorney, meaningful engagement in their court proceedings, and explanation of what is happening in their case.
- **Better outcomes:** Children and parents who have legal counsel obtain better results than those who do not, including less time in foster care or group settings, shorter time to adoption or guardianship, and more successful reunifications. Children represented by specially trained legal counsel are 40% more likely to leave the foster care system within their first six months and experience 45% higher reunification rate with their biological parents; 30% reduction in the rate of placement moves; and 65% reduction in the rate of unnecessary school moves.
- **Save taxpayer money:** An attorney can shorten the time a child is in the foster care system, meaning cost savings for state and federal taxpayers.
- **Federal funding opportunity:** The federal government encourages the appointment of legal counsel to every child and provides IV-E funding opportunities for legal representation.
- There is national consensus, consistent with federal recommendations, that best practice requires the appointment of independent legal representation for children in foster care. The American Bar Association (ABA) Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings and the National Council of Juvenile and Family Court Judges Enhanced Resource Guidelines advocate that children subject to court proceedings involving allegations of abuse and neglect should have legal representation throughout the case.

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