



Counsel for Kids in Foster Care

WHY DO KIDS NEED ATTORNEYS?

- A child at the center of a child welfare case is also the one person that doesn't get their own lawyer.
- In only 14 states children in foster care are not guaranteed legal representation in child welfare court proceedings.
- Children cannot navigate complex child welfare court proceedings on their own. They are at risk of experiencing harm in foster care without an advocate to hold the state accountable for their safety and wellbeing, and ensure their input is considered as the court makes critical decisions about their lives.

HOW DO ATTORNEYS MAKE A DIFFERENCE?

- **PROVIDE COUNSELING AND ADVOCACY:** Attorneys investigate the case, provide legal advice, protect and advance their client's interests in court, and help children and youth understand the process. A Court Appointed Special Advocate (CASA) volunteer is not a substitute for legal representation — they cannot render legal advice, file motions, or meet the other legal or ethical responsibilities of an attorney.
- **ENSURE DUE PROCESS AND PARTICIPATION:** Attorneys help ensure children receive adequate notice and an opportunity to attend court, participate fully in hearings and case planning, are respected and treated fairly in court processes, and that legal decisionmakers listen to them and consider their perspective.
- **IMPROVE OUTCOMES:** Children appointed attorneys exit foster care at faster rates and with more individualized case plans than children who are not appointed attorneys.

WHY IS CHILDREN'S LEGAL REPRESENTATION A NATIONALLY RECOGNIZED BEST PRACTICE?

- Children represented by specially trained legal counsel are 40% more likely to exit the foster care system within the first six months; 45% more likely to reunify with their biological parents; 30% less likely to change placements; and 65% less likely to change schools for reasons other than graduation.
- An attorney can shorten the time a child is in the foster care system, meaning cost-savings on the daily expense of out-of-home care.
- Shortened foster care stays also reduce costly long term societal problems including criminal system involvement, imprisonment, unemployment, homelessness, teenage pregnancy, and drug and alcohol dependence and abuse.
- The federal government encourages states to provide counsel for kids by offering IV-E funding reimbursement for the costs of legal representation.
- The American Bar Association, National Council of Juvenile and Family Court Judges, and National Association of Counsel for Children agree that children subject to child welfare court proceedings should have legal representation throughout the case.

CONTACT

**Natalece
Washington,
JD, CWLS**

Policy Counsel,
National Association
of Counsel for Children

Natalece.Washington@NACCchildlaw.org

