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NACC Releases Policymaker’s Guide to Counsel for Kids as States Fail to Guarantee Legal Representation, Tap Federal Funds

First comprehensive, state-level policy paper to address woeful lack of legal representation for children experiencing the child protection system.

DENVER, CO. – As states grapple with the unfulfilled promise of justice for all, the National Association of Counsel for Children (NACC) releases the first comprehensive, state-level guide for policymakers to address the lack of legal representation for children in child protection court proceedings. [Seen, Heard, and Represented: A Policymaker’s Guide to Counsel for Kids](#) explains why kids need high-quality attorneys and provides a blueprint for legislators to develop excellent children’s legal representation systems and strengthen state policy.

When a parent or guardian is accused of abuse or neglect, a judge determines where the child will live and what relationship they will have with their family. The state and parents will have legal counsel, but [in 14 states](#), the one person at the center of a child welfare case—the child—is also the one person who doesn’t get their own lawyer. Without legal representation, children could lose their family, home, school, and community and bounce through the foster care system without the court hearing their voice and preferences.

This year marks the 60th anniversary of the landmark case of [Gideon v Wainwright](#), which guarantees legal representation for defendants in criminal cases. As the country works toward fully realizing the promise of *Gideon*, lawmakers must ensure that children and youth in foster care – who face similar restrictions on their liberty - are not left behind. While judges make the ultimate case decisions, high-quality legal representation amplifies a youth voice so that the judge has complete information to determine the best course of action.

The Counsel for Kids guide highlights five top priorities for policymakers and includes model legislation for legislators to adopt in their state. It also describes untapped and underutilized funding, such as [federal title IV-E dollars](#), to provide counsel for kids and details how investing in justice for children can save taxpayer’s money.

The momentum to guarantee counsel for kids grows nationally; 36 states ensure legal representation in these cases, and other states including Florida, Illinois, Indiana, New Hampshire, and Montana considered or still weigh counsel for kids legislation this term.

“From babies to young adults, youth in court should be seen, heard, and represented,” said **Sandy Santana, Executive Director of Children’s Rights**. “If we are serious about the promise of ‘justice for all,’ we must ensure that children are represented by counsel when navigating a system with the power to sever their bonds with family, place them in a stranger’s home or a dangerous institution, and control most aspects of their young lives.”

“Despite being the subject of child protection proceedings, kids aren’t always guaranteed an attorney to make sure their wishes are heard and advocated for,” said **John Pollock, Coordinator for the National Coalition for a Civil Right to Counsel**. “Legislative champions can correct this injustice, and this guide explains how.”

"Court proceedings can be difficult for anyone, but especially for our children in foster care," **Indiana State Sen. Jon Ford (R-Terre Haute)** said. "For several years, I have worked on legislation that would provide attorneys for children in Indiana's foster care system, and this will remain a priority of mine so young Hoosiers can navigate the legal system and have their voices heard."

“As long as court is a forum where children's futures are decided, justice requires that children have access to highly skilled lawyers who will utilize their talents and power to safeguard the rights of every child in foster care, including their right to love, family, and opportunity,” said **Jennifer Rodriguez, Executive Director of Youth Law Center**.

“Courts work best when everyone involved in a case has legal representation,” said **Natalece Washington, Policy Counsel, National Association of Counsel for Children**. “Children are experts in their own lives, and judges can only hear their voice if they have an attorney.”

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Founded in 1977, the [National Association of Counsel for Children](https://www.naccchildlaw.org/) is a non-profit professional membership and advocacy organization dedicated to advancing justice for children, youth, and families. NACC provides programs, training, certification, and resources that improve the quality of legal representation for children, parents, and agencies; supports a community of dedicated professionals and helps attract and retain diverse talent in the children's legal advocacy profession; and advocates for policies that advance children's rights, including the right to counsel. <https://www.naccchildlaw.org/>