



What is the issue? Federal law does not guarantee attorneys for children in foster care. Kids in [13 states](#) are forced to navigate complex court proceedings without legal assistance, leaving them at risk of receiving unfair treatment or having vital decisions made about their future without their input.

The solution: Ensure all [400,000 youth in the nation's foster care system](#) have access to attorneys of their own to ensure that their voices are heard and respected.

- **What is the need?** From babies to young adults, children and youth must be seen, heard, and represented as decisions are being made about their futures.
- **What say youth?** Children and youth in foster care overwhelmingly indicate a desire to be engaged in court proceedings and informed about what is happening in their case.
- **How do children's attorneys make a difference?**
 - **Child-centered advocacy:** Children's attorneys protect and advance their child-client's interests in court, provide legal advice, and help them understand the process and feel empowered. Attorneys give their client a voice, dignity, and respect.
 - **Better outcomes:** Children 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% more successful reunifications, 65% fewer unnecessary school moves, and 30% fewer placement changes. Shortened foster care stays save state funds and reduce costly long term societal problems like criminal system involvement, unemployment, homelessness, teenage pregnancy, and drug and alcohol dependence and abuse.
 - **Improved proceedings:** Attorneys ensure that judges have all information necessary to make well-informed decisions about children and families. Attorneys hold state agencies accountable for their duty to provide care, supervision, placement, and service provision.
- **Are there federal funds to support legal representation?** Yes. The federal government encourages states to provide high quality legal representation for all parties in the process, including children, by offering IV-E funding reimbursement for the costs of legal representation. The most recently published federal report shows that 27 states and 3 tribes utilized this funding in FY2022.
- **CASA/GAL volunteers cannot replace the role of an attorney.** CASA's are a valued resource appointed by judges to help children in foster care. They are not a substitute for legal representation. CASA's are unable to advise clients on their legal rights or engage in the unauthorized practice of law. Lawyers intervene against bad agency decisions (such as a refusal to terminate parental rights or remove a child from an inadequate placement), cross-examine witnesses, compel discovery, and file and respond to motions. Lawyers ensure proper therapeutic services, medical care, etc. for children in foster care by enforcing rights and redressing wrongs. CASAs are unable to do this.
- **Judge's Perspective** I am a member of the National Council of Juvenile and Family Court Judges. Our [Enhanced Resource Guidelines](#) have endorsed the right to counsel for youth in foster care since 2016.
 - In my state some or all children are represented by legal counsel.
 - In my courtroom, I've seen lawyers make a big difference by _____

The Ask: Amend federal law to ensure access to legal counsel for children in foster care. Please consider including this in upcoming Title IV-B reauthorization.

For More Information Contact:
Natalece Washington, Policy Counsel
National Association of Counsel for Children
Natalece.Washington@NACCchildlaw.org

