



State Legislators Lead Counsel for Kids Policy Advocacy

Right now 13 states leave youth to navigate complex child welfare proceedings without legal assistance. In October 2021, NACC launched **Counsel for Kids**, a campaign dedicated to ensuring that children in foster care receive lawyers of their own. The campaign has provided technical assistance to state advocates and legislators in three consecutive legislative sessions. Each session, respected state legislators emerge as leaders in Counsel for Kids (C4K) policy reform. They guided bills through the lawmaking process, educated peers, and built support among influential legislators and committees.

2024 LEGISLATIVE CHAMPIONS



In **NEW HAMPSHIRE** State Representatives **Pat Long**, Vice-Chair of the Children and Family Law Committee, and **Mark Pearson**, Chair of the Children and Family Law Committee, demonstrated their commitment to expanding youth access to legal counsel in child protection court proceedings in the 2023 (House Bill 535) and 2024 (Senate Bill 463) legislative sessions. These lawmakers co-authored an [op-ed](#) "Our Abused and Neglected Children Need Legal Representation" to attract media coverage and encourage discourse and support for youth right to counsel.



They posed the critical question, "Without an attorney, how is a child expected to exercise [their] rights in court?" Their advocacy among peer legislators and child protection stakeholders clarified that attorneys are necessary to protect youth legal rights and buoyed the progress of the legislative proposals. With their leadership and support, both chambers approved SB 463. Rep. Pearson is a [National Conference of State Legislatures Child Welfare Fellow](#) gaining specific expertise in child maltreatment prevention in the context of state child protection systems to influence state policy and practice.

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2023 LEGISLATIVE CHAMPIONS



In **FLORIDA**, State Senator **Jennifer Bradley** (R) sponsored Senate Bill 488 (2023), which would expand the categories of special needs dependent children who are entitled to appointed counsel. The bill was referred to three Senate committees but was never set for a public hearing. While SB 488 would take only a modest step to increase access to justice, it faced powerful opposition from a competing bill. The competing proposal, House Bill 875, supported by the State Guardian ad Litem Office, aimed to eliminate the current guarantee of counsel for special needs children. Though HB 875 passed the House, it did not have enough support to be set for hearing in the Senate. Thus, in Florida, the status quo remains as neither proposal was finalized before session adjournment.



In **ILLINOIS**, State Senator **Ann Gillespie** (D), led a powerful campaign to secure children's right to client-directed counsel. Long before the session commenced, Sen. Gillespie convened a diverse group of stakeholders, including NACC, and lived experience experts, to develop a strategic plan to pass C4K legislation. Knowing that funding would be critical, Gillespie's first strategic effort focused on ensuring Title IV-E funding for children's legal representation by sponsoring Senate Bill 1720 (2023). This bill was signed into law by Governor Pritzker on January 9, 2023. With this initial step completed, Sen. Gillespie next sponsored SB 1478 (2023) to guarantee legal counsel for all Illinois children in child protection court proceedings. She worked collaboratively with a coalition of aligned organizations and individuals to help support the proposal. Gillespie used the media as a tool to advance C4K policy, convening a press conference upon filing of the bill. She also co-authored [an opinion piece](#) with State Rep. Lakesia Collins in the Chicago Tribune to describe how system reform must include guaranteed legal counsel for children in foster care. Under her leadership, SB 1478 sailed through the Senate with unanimous approval. The bill stalled after being transmitted to the House, where it was met with opposition.



In **MONTANA**, legislators secured right to counsel for all children involved in child protection court proceedings — reducing the number of states not guaranteeing children's counsel from 14 to 13. State Representative **Jennifer Carlson** (R) advanced work initiated by her colleague, former Representative Danny Tennenbaum (D), during the 2022 summer Interim Committee Meetings of the Children, Families, and Health and Human

“For legislators in other states, I would say that this should not be a partisan issue. It really is common sense. We didn't have a model bill, but spent the interim as a committee listening to parents, agencies, attorneys, judges and advocates for children to craft this bill based on our current law.”

— REP. CARLSON



Services committee. When the committee chose not to sponsor a C4K bill during the 2023 session, she proposed her own legislation: House Bill 37 (2023) to guarantee children's right to appointed counsel. As a [National Conference of State Legislatures Child Welfare Fellow](#), Rep. Carlson demonstrates her commitment to improving the lives and outcomes of children in foster care by working to ensure their access to high-quality legal representation. She also sponsored House Bill 555 (2023) that would require the state child protection agency to maximize Title IV-E federal funding for children legal representation and would establish training requirements and practice standards for children's attorneys. Governor Gianforte signed HB 555 on April 20. HB 37, which also includes provisions related to warrant requirements for child removal and shortening the time frame for hearings after removals, was approved by the Senate and House but vetoed by the Governor on May 11. Its companion bill, Senate Bill 148 (2023), sponsored by State Senator Dennis Lenz (R), was signed into law on May 19, 2023.



In **NEW HAMPSHIRE**, State Representative **J.R. Hoell** (R) battled to maximize youth voice in child protection court proceedings. Rep. Hoell proposed House Bill 535 (2023), which would permit the court to appoint counsel for a child in abuse and neglect proceedings where the child's expressed interests conflict with any recommendation of the guardian *ad litem*. Fortunately, during debate, the role of legal counsel for children in broader contexts was examined. Ultimately, the Children and Family law committee voted to retain the bill for further consideration. Rep. Hoell's work has rung a bell for New Hampshire law makers that cannot be unrung. His passionate advocacy has brought needed attention to this critical issue and the deleterious impact of court proceedings where youth input is not solicited or represented by and through legal counsel.



In **INDIANA**, Senator **Jon Ford** (R) maintained his unwavering commitment to children and youth experiencing foster care. This year, he championed Senate Bill 485 (2023) which would require the appointment of legal counsel to a child in certain circumstances. This proposal was a renewed effort of his prior C4K proposal, Senate Bill 180 (2022). SB 485 was not scheduled for committee consideration. Sen. Ford also convened an independent interim study committee (2022) to examine the value and impact of children's legal representation, composed of legislators, members of the judiciary, and lived experience experts.



2022 LEGISLATIVE CHAMPIONS

“Empowering our youth is essential for them to create a positive future. We need to ensure that our youth have the tools and resources necessary to make something of themselves, and that all starts with amplifying our children’s voices so that they know they are actually heard.”

— REP. DAUGHERTY



In **COLORADO**, Representatives **Lindsey Daugherty** (D) and **Tonya Van Beber** (R) successfully led the charge to pass House Bill 22-1038 (2022), legislation that guarantees client-directed legal counsel for children age 12 and older in child protection court proceedings. The legislators prioritized centering young people in reform efforts. Hearing directly from young people about the need for an attorney to ascertain and advance “what they actually [want]” solidified legislative support. Rep. Daugherty said “Empowering our youth is essential for them to create a positive future. We need to ensure that our youth have the tools and resources necessary to make something of themselves, and that all starts with amplifying our children’s voices so that they know they are actually heard.”



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— SEN. BARTO



In **ARIZONA**, Sen. **Nancy Barto** (R) sponsored Senate Bill 1391 (2021), signed into law in April 2021, which shifts the state’s system from a best-interest to a client-directed model guaranteeing legal counsel to every child. Sen. Barto kept the bill on track and galvanized her peers. She said, “As some of the most vulnerable within our purview, the rights of dependent children should no longer be overlooked. They deserve to have their rights protected, especially within the agency whose stated goal is achieving their best interest and outcome – but that is literally impossible if they are denied the protection and advocacy professional legal representation can provide on their behalf.”



In **WASHINGTON** State, Rep. **Noel Frame** (D) championed House Bill 1219 (2021), signed into law in May 2021, which requires client-directed legal counsel for children age eight and older. Rep. Frame worked with lawmakers and coalitions of experts with lived experience, challenged problematic amendments, and developed extraordinary bipartisan support.



In **FLORIDA**, Sen. **Lauren Book** (D) sponsored Senate Bill 1920 (2021), requiring counsel for kids in licensed foster care. This proposal enjoyed unprecedented support before it reached Senate appropriations, where time ran out before a vote occurred. Sen. Book sponsored a similar bill in the 2022 session that sailed through the Children, Family and Elders Committee before stalling in the Appropriations subcommittee on Criminal and Civil Justice.