Children and adults do not speak the same language. It is a simple fact and a major contributor to serious misunderstandings in the courtroom. Join the PBA Children’s Rights Committee for their fall CLE on Nov. 11 in Mechanicsburg, where internationally-known forensic linguist Anne Graffam Walker will unravel the mystery of understanding how children process language. For over 20 years now, Dr. Walker has helped audiences throughout North America and abroad discover some of the most common causes of miscommunication between adults and children, and she has helped hundreds improve their interviewing skills in the courtroom. She will help you improve your child advocacy practice by teaching you how children develop and use their language skills. Dr. Walker will examine the critical areas of our own adult language system and explain how language and cognitive skills in children do not develop at the same rate, leading to these misunderstandings and jeopardizing your case.

Children and adults do not speak the same language. It is a simple fact and a major contributor to serious misunderstandings in the courtroom.

There is no back seat in this course! This is a hands-on workshop for the child advocate or family lawyer who wants to improve his or her skills for interviewing children. Join Dr. Walker for a day of interactive training and small-group problem-solving so that you can achieve a better understanding of children’s linguistic/cognitive capabilities, recognize some of the linguistically inappropriate words and question forms that lead to miscommunications, and enhance your own skills at getting the most accurate information you can when you interview children.

Dr. Walker will discuss how—
• Children and adults don’t speak the same “language.”
• Language learning is an uncertain process.

(Continued on Page 3)
By Joyce A. Hatfield-Wise

My mom passed away on Oct. 4. I can think of no better advocate for me as a child, an adult and now as a parent, as well. My mom taught me so many things. She taught not by sitting me at a desk and lecturing, but by example and through love. She taught me to believe in myself or at least allowed this belief to blossom. She cheered for me at every step, not through a loud voice from the sidelines, but quietly through smiles, hugs and support every day. She was patient and kind and she never stopped giving. She loved my children as though they were her own. I watched as she quietly taught those same lessons of love to my children.

In a world where real advocacy is far too absent, it is my hope that every child (and every adult) can experience the love and dedication of an “advocate,” a person whose interest is all your own, whose heart and actions you never have to question and who loves without limit.

Though the angels have taken my mom from this world, the legacy she has left behind is immeasurable. I can think of no better job title than “mom” and no better an example than my own.

May the experiences of our individual lives enrich us and allow us to be the best advocates for all whom we serve: our families, our clients, our profession and our world.

Notes from the Co-Chair

PBA Children’s Rights Committee

Lucy Johnston-Walsh and Joyce A. Hatfield-Wise, Co-Chairs
Andrea Marceca, Vice Chair
William Carlucci, PBA Board of Governors Liaison
Joan M. Smith and Joyce A. Hatfield-Wise, Newsletter Co-Editors
Louann Bell, PBA Staff Liaison
Patricia M. Graybill, PBA Newsletter Liaison

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To Submit Articles

The Children’s Rights Committee newsletter invites members to submit articles or letters to the editor for publication in the newsletter. Please contact Joan M. Smith at fax (215) 635-5003 or joanesq@comcast.net, or Joyce A. Hatfield-Wise at phone (724) 228-6705, fax (724) 223-4713, or e-mail hatfielj@co.washington.pa.us.

We invite your comments and suggestions.
PBA Children’s Rights Committee presents:
Children and Their Advocates:
Learning to Speak the Same Language

(Continued from Page 1)

• Children are egocentric.
• Language and cognition don’t develop at the same rate.
• Children do not give narratives the way we do.
• Children cannot process complex utterances accurately.
• Children’s true awareness of truth and lies can be assessed.

Featured Speaker:
Anne Graffam Walker is an internationally-known forensic linguist who specializes in courtroom communication. A former professional court reporter, she holds an M.S. and Ph.D. in Sociolinguistics from Georgetown University. She was largely responsible for the first national convention on language and law (funded by the National Science Foundation) and has been doing research, presentations and publishing in that field since 1980. Since 1989, she has taught on the subject of questioning young children who have become involved in our legal processes.

A former member of the adjunct faculty at American University, and consultant to the National Center for State Courts, and Office for Victim of Crimes, among others, she has served on many state, national and international judicial faculties.

Among the many organizations for which she has provided training are the American Bar Association; the American Prosecutors Research Institute; the Association of Family and Conciliation Courts; the National Associations for Prevention of Child Abuse and Neglect in the U.S., Australia, and Norway; the National Center on Child Abuse and Neglect; the National Children’s Advocacy Center and the National Council of Juvenile and Family Court Judges.


Dr. Walker’s professional affiliations include membership in, among others, the American Professional Society on the Abuse of Children, American Psychology-Law Society, the International Society for Prevention of Child Abuse and Neglect, the Linguistic Society of America, and the Society for Research in Child Development.

Anne Graffam Walker

One copy of Children and Their Advocates: Learning to Speak the Same Language is included in your registration.

Tuition (includes lunch):
$159: Member — Pa., or any co. bar assn.
$139: Member admitted after 1/1/99
$179: Nonmember
$ 99: Paralegals attending with an attorney
$129: Paralegals attending alone
$ 80: Judges & judicial law clerks
$ 70: Judges & judicial law clerks (admitted after 1/1/99)

5 Substantive/1 Ethics CLE Credits

Also approved by the State Board of Social Workers, Marriage & Family Therapists & Professional Counselors for CE credit.

To register, call PBI at (800) 932-4637.
The 2003 PBA Children’s Rights Committee Child Advocate of the Year Award was presented at the Current Issues for Child Advocates Conference in Mechanicsburg on April 11 to Mary Allgood Noland, co-director of the Advocating on Behalf of Children Project (ABC) for Community Legal Services Inc. (CLS), Philadelphia. The committee established the award to recognize the accomplishments of lawyers and judges who are advocates for children within the commonwealth or who are involved with child advocacy.

“Ms. Noland has been a public interest lawyer in Philadelphia for 20 years and brings a wealth of knowledge and contacts to her work on behalf of children,” said Pennsylvania Legal Services Executive Director Samuel W. Milkes, who nominated her for the award. “She has continually integrated individual advocacy with efforts to bring about systemic change in the policies that affect children. …Through her advocacy, Ms. Noland protects the legal rights of severely disabled children of low-income families and has enabled CLS to become a leading national advocate for children receiving income through Social Security.”

Noland has led CLS’s advocacy effort for children on the Supplemental Security Income (SSI) program for six years and has represented individual local children. After learning that the Social Security Administration’s (SSA) eligibility process was unfair, especially in evaluating the needs of children with multiple impairments, she led CLS lawyers in an effort to influence the SSA to amend its regulations. This effort gained the attention of the former SSA commissioner and changed local Social Security office practices, which often deterred parents with disabled children from seeking benefits.

In addition to her individual case work, Noland has taught other advocates, including mental health workers and case managers, about the children’s SSI standard. She has led the development of a Web site to teach parents, lay advocates and public interest lawyers about the children’s SSI standard and how to represent disabled children effectively.

Noland also was involved with the “A Lawyer for Every Child” (ALEC) program that began in early 1997. ALEC was designed to help parents of children who were cut off of SSI due to program changes. Noland coordinated the efforts of this joint program with the Philadelphia Bar Association’s Children in Crisis SSI Task Force, the Philadelphia Volunteers for the Indigent Program and the ABC Project of CLS. She recruited volunteers from law schools and medical schools, as well as social work graduate students, and trained them to gather information so the cases could be matched with lawyer volunteers. Noland also worked to train the lawyer volunteers — one of whom was Pennsylvania Gov. Ed. Rendell.

Congratulations to Mary Allgood Noland for earning this award in recognition of her exemplary work on behalf of children in the commonwealth.
Update on Unaccompanied Refugee Children

In November 2002, Congress passed the Homeland Security Act, which threatened to make it more difficult for asylum seekers and refugees by transferring responsibility for all immigration-related functions to the Department of Homeland Security. However, thanks to a major advocacy effort spearheaded by the Women’s Commission for Refugee Women and Children, Congress transferred the custody of unaccompanied refugee children from the Immigration and Naturalization Service (INS) to the Office of Refugee Resettlement (ORR). This will mean improved conditions for refugee children who enter the United States unaccompanied by an adult parent or guardian.

Each year the INS detains approximately 5,000 unaccompanied children. Often, they spend prolonged periods of time in harsh living conditions. Many are housed with juvenile offenders. Based on their decades of experience working with foreign-born children, the ORR, as part of the Department of Health and Human Services, promises to provide more appropriate care than the INS. The Women’s Commission will continue to monitor treatment of these children.


Committee Activities on Behalf of Children

LegisAct (the Legislative Action subcommittee) is active, writes chair Rob Hawn.

In August, LegisAct convened the first of several teleconferences to discuss the subcommittee’s ongoing comprehensive analysis of proposed Pennsylvania Adoption Act revisions, both past (SB859, of the 2001-02 Legislative Session) and present (HB1093, of the current session). In mid-September, LegisAct divided the 28 sections of HB1093 among subcommittee members, in order to analyze and compare the currently proposed revision to the Adoption Act with the revision previously proposed by SB859. LegisAct is also analyzing the extent to which HB1093 may have adopted the PBA’s recommendations regarding SB859, which were submitted to the Senate Judiciary Committee in October 2001 by Children’s Rights Committee member Eleanor Bush, who was serving as chair of the Legislative Action Subcommittee at the time.

LegisAct’s objective is to complete its analysis by the end of November, and to submit its written findings and recommendations to the entire committee before Dec. 31.

Anyone wishing to participate in this or future LegisAct projects should contact Rob Hawn at rhawn@cozen.com.

Are you missing something?

The Child’s Advocate, the PBA Children’s Rights Committee newsletter, is distributed by electronic means only. Use the method below to supply your e-mail address for delivery of the newsletter and/or to subscribe to the free PBA E-News.

E-mail addresses will be used only for PBA communications and will not be sold or distributed to non-affiliated vendors.

If you haven’t given the PBA your e-mail address, you’re missing out on one of the latest member benefits, the PBA E-News. This electronic publication features up-to-the-minute announcements of PBA legislative action, special events, member benefits and meetings. The PBA E-News also contains “Court Summaries” — a popular feature of the PBA Bar News — two weeks before the print version.

There are three easy ways to sign up:

1. Send an e-mail to jodi.wilbert@pabar.org with the words “Member e-mail address update” in the subject line.

2. Log on to the Pennsylvania Bar Association Web site at www.pabar.org, scroll down to the bottom of the left column on the front page and complete the e-mail address form.

3. Call the PBA Member Services Center at (800) 932-0311 or (717) 238-6715. A Member Services Center representative will add your e-mail address to your membership information and will e-mail immediate verification of it to you.
Update on the Law

Where no evidence establishes standing to bring a termination proceeding through a valid assumption of parental status, blood testing to establish paternity is properly denied. Here, a third party supported the child and acknowledged his paternity to the child for many years.

Code enforcement inspector can be qualified as an expert witness regarding the condition of defendant’s home given specialized training and number of homes inspected in time as inspector.

Under the Uniform Child Custody Jurisdiction Act (UCCJA) and the federal Parental Kidnapping Prevention Act (PKPA), Pennsylvania court has no jurisdiction to hear biological mother’s petition for termination of biological father’s parental rights where Florida had entered initial custody decree and maintained continuing exclusive jurisdiction.

In re B.L.W., 581 A.2d 567 (Pa. Super 2002)
Where agency did not make reasonable efforts to maintain relationship between intellectually-challenged mother and her daughter in foster care, did not help mother find necessary in-home counseling, did not take proper steps to reunite mother and child, nor prove clearly and convincingly that mother could not provide for the well-being of her daughter despite the fact that another child was happily reunified with her, termination of parental rights is improper.

Motion of a newspaper to open juvenile dependency proceedings denied. The state has a compelling interest to protect children’s privacy that can only be accomplished by total closure of the dependency proceedings. The court considered the psychological and emotional harm to the children, publicity and the non-adversarial nature of the proceedings.

Walker-Serrano v. Leonard, 325 F.3d 412 (3rd Cir. 2003)
Public elementary school has the right to restrict a student’s right to gather names on a petition during school hours when it interferes with educational goals or with the rights of other students. Here the child was not permitted to circulate a petition during reading period while students were supposed to be quiet or during recess on an icy playground where someone could get hurt.

AFSC Workshop Helps Teens Know Their Rights

For years, the American Friends Service Committee (AFSC) has been concerned with civil liberties, peace and justice. Through its Help Increase the Peace Program (HIPP), teens explore ways to resolve conflicts without violence. In an era of the Patriot Act, police harassment and brutality and racial profiling, one HIPP club has designed a workshop to help teens understand their rights when confronted by police. The program informs teens of their rights and offers the opportunity to role-play and practice the skills of reporting police misconduct they witness. In an interesting expansion of the overview of rights the Children’s Rights Committee presents on the PBA Web site, this program outlines the following rights minors and immigrants have when confronted by the police:

• You never have to speak to police. You ALWAYS have the right to remain silent. If you are detained or arrested, you have the right to a lawyer.
• You can always ask if you are free to go. If police are NOT detaining you, you can always leave.
• You should ALWAYS tell police you do NOT consent to a search. Interfering physically with a police search may result in serious charges.
• If police have an arrest warrant when coming to your house, step outside and lock the door. They can search any room you go into, so stay outside.
• If they have a search warrant, read it to know what they are authorized to search. Check for flaws in address, dates, etc.
• An officer searching you must be of your own gender.
• Public school students have the First Amendment right to organize politically at school as long as they do not disrupt class.

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• Public school students have the First Amendment right to organize politically at school as long as they do not disrupt class.
The National Children’s Law Network


An exciting new project is underway nationwide. The National Children’s Law Network involves eight nonprofit children’s law centers that use pro bono attorneys, including the Support Center for Child Advocates (Child Advocates) in Philadelphia. These centers are working together in program development, volunteer training and support, outcomes measurement and evaluation, consultation in practice decisions and strategic planning.

The initiative features four component activities: service delivery, outcomes development, practice review, and a common policy initiative. To build the capacity to interact and collaborate, the Network will feature periodic meetings, e-mail/Internet linkage, and a Web presence. Ten to 20 additional organizations will participate periodically in practice review and policy advisory activities.

The goals of the National Children’s Law Network include:

- Promoting the effectiveness and growth of pro bono children’s law programs;
- Identifying concrete outcomes and measures by which child advocacy organizations can identify goals and evaluate effectiveness (i.e. how to define success in a child abuse case);
- Improving the quality of counsel and representation provided to children in complex cases;
- Delivering a coordinated message for effective change on vital national issues of policy and practice for children, pursuing advocacy on common themes in a multiplicity of jurisdictions and media markets.

Historically, attempts to coordinate efforts with children’s law centers across the nation have been burdened by distance and diversity of local practice. Although such law centers represent the strengths of locally-grounded, concrete work with children, we fail to make a broad impact or attract national charitable foundations for sustained support of local, direct-service children’s law efforts. Through such collaboration, the Network will build on common strengths to expand the capacity, quality, and sustainability of each organization and extend the impact on vital issues of children’s policy.

The Network will focus its activities primarily on a population of children and youth who are involved in the delinquency or dependency system and who receive or need specialized services from one or more public service-delivery systems.

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Child advocacy organizations represent youth from low-income families who are involved in the justice system due in part to their unmet needs for permanency, family resilience, safety, education, health services, or emotional supports, and whose complex problems and needs often confound traditional providers of legal and social services. What child clients are offered by public systems is largely fragmented and often inadequate to meet the youths’ complex needs. Children’s law organizations need to define success in complex cases so as to guide service planning, training, program development, resource allocation and policymakers.

The eight members of the National Children’s Network have taken the first step toward meeting these goals for our nation’s children.

The fruits of the initiative should help the eight organizations and others who represent children. The Network will develop consistent program objectives and performance standards for child advocacy service and identification and strategies for elimination of recurrent barriers. Sharing training materials and programs, the Network will create a formal linkage for consultations on questions of practice, ethics and program management. The several organizations will explore and develop their capacities to effect changes in policy and practice, demonstrating the techniques and strategies that work across jurisdictions. Ultimately, the locally-based child advocacy organizations may gain access to new and sustained funding from national sources including major foundation and government programs. By focusing on pro bono organizations, and articulating to others the lessons learned from the work, the Network will further engage members of the legal community in meeting the unmet legal needs of children and youth.

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The eight members of the National Children’s Network have taken the first step toward meeting these goals for our nation’s children.
Judge Cheryl Linn Allen of the Allegheny Court of Common Pleas shares a judicial perspective of the issue of open courtrooms in juvenile dependency cases.

Kevin R. Helm of the Dauphin County Public Defenders Office participates in a panel discussion on the quality of representation for juvenile offenders.

Frank P. Cervone, executive director of the Support Center for Child Advocates, Philadelphia, lends his expertise to a forum on open courtrooms and reports the pre- and post-forum polling of the CLE attendees whose majority voted against the opening of courtrooms in juvenile dependency cases.

John Biesecker from Wellspan Behavioral Health in York instructs on the effects of family violence and substance abuse on children.
Judge Kline (seated) and Judge Biehn (standing) enjoy the opportunity to talk together and with other child advocacy practitioners during a luncheon break.

Laval Miller-Wilson of the Juvenile Law Center in Philadelphia reports the results of the Pennsylvania Juvenile Defender Assessment Survey and stresses the importance of improving legal representation for all children.

(from left) Judges Samuel Kline, Lebanon County; Stephen Linebaugh, York County; Cheryl Lynn Allen, Allegheny County; and Kenneth Biehn, Bucks County, participate in a judges’ panel discussion of how to improve advocacy for children in termination of parental rights and dependency proceedings.

Sandra Simkins, assistant chief, Juvenile Unit, Defender Association of Philadelphia, offers her thoughts of a videotaped presentation of a juvenile’s confession and discusses the need for proper legal representation of juveniles at every stage of the delinquency matter.
Your PBA Listserv

To subscribe to the listserv, complete the form on the front page of the PBA Web site (www.pabar.org). Once subscribed to the listserv you will get the following confirmation message: “File sent due to actions of administrator traci.raho@pabar.org”

To unsubscribe, send a message to childrenrts-request@list.pabar.org with “unsubscribe” in the subject.

To change your e-mail address, you must unsubscribe the old e-mail address using the old e-mail address and subscribe the new e-mail address using your new e-mail address. Sending an e-mail to the list will not change your e-mail address on the listserv.

To send a message to members of the Committee listserv, address your e-mail to childrenrts@list.pabar.org.

IMPORTANT: When you reply to the message, make sure that the listserv name is included either in the “to” or “cc” fields. If you see the listserv name with “bounce” included in the name, remove that address. The “bounce” address is a black hole. You may have to manually add the listserv address to one of the address fields in order for your reply to make it to the members of that list.

To reply only to the sender, hit “Reply,” and type your personal reply to the sender. This response will only go to the sender, not to the entire listserv membership. You can use the message header to manually add other recipients outside of the sender or the membership.

To reply to the entire listserv membership, hit “Reply to All,” and type your response in the message body. This response will go to the sender and also to the entire listserv membership.

For customer service, contact Traci Raho, PBA internet coordinator, (800) 932-0311, ext. 2255.