



RHODE ISLAND BAR ASSOCIATION

CHILDREN AT RISK COMMITTEE

The Children at Risk Task Force was appointed by President Thomas W. Lyons to review factors adversely affecting children in Rhode Island's legal system, identify issues and determine some reasonable goals and objectives in which the organized bar can make a difference. This project was prompted by ABA president-elect Karen Mathis (originally from Barrington RI) who has recommended that each state bar develop lawyer service initiatives and collaborations to help Teens at Risk. Their general charge was to identify the issues and recommend projects for where lawyers might use their unique abilities and expertise to help.

At the initial meeting, members were asked to come prepared to discuss what they think lawyers can do to help children at risk. The members of the committee present were asked to introduce themselves and note any particular issues that they would like see addressed by the committee. In addition, following the discussion they were asked to present any suggestions on projects that the committee might take on as a group.

There was discussion at length regarding tangible projects and also the scope of the committee. It was noted that as a unified bar, the association cannot become involved in partisan political issues. However, there was much potential identified that falls under the association's goals and objectives to assist lawyers and improve the administration of

justice. Discussion focused on social services, educational issues, gang violence, and substance abuse.

Elizabeth Burke Bryant from **RI Kids Count** reviewed the charge to her agency and their advocacy work. She noted that she had resource material available for the committee to review with statistics on child poverty in RI and issues affecting children most at risk. She suggested that the committee might address educational issues for children.

Joseph Fernandez reported that as part of his position as **Chief Legal Counsel for the City of Providence**, he is chief prosecutor of juveniles, chief counsel to the policy department and chief counsel to the school department. He reviewed a national initiative involving the relationship of minority youth and government institutions. Mr. Fernandez suggested the committee might play a role in addressing the adequacy of funding for public education; provide volunteers to engage in “street level” interaction with groups of children, including gangs; and consider the impact coming with the increasing use of crystal meth.

Vincent DiMonte noted that his private practice is in family law. He has a long involvement with children’s issues and long service to the **Big Brothers Organizations**. Mr. DiMonte encouraged the utilization of bar association to educate the public and lawyers as to the issues and resources available and the needs out there.

Deborah Tate, past president of RIBA noted that her practice is restricted to contested divorce. She mentioned that there are many issues involving children of divorce both legal and societal. She reviewed initiatives of the **Academy of Matrimonial Trial Lawyers** including standards of conduct for divorce attorneys that

prohibits advocating in a way that will harm children of the divorcing parents. She suggested that the Committee propose educational programming and perhaps include a similar standard. She suggested that the Texas Bar has a program that might be looked at as a model.

Martha Parks , **Child and Family Services**, noted that she sees a great need for lawyers to speak to children and their parents about their rights and responsibilities. She noted that lawyers do not appreciate the affect of their divorce advocacy on the children involved; and that they might broaden their skills to understand the social and emotional problems of children.

Sharon O'Keefe, past **Assistant Child Advocate**, noted that she has long been a "children's lawyer". She discussed the issue of guardian ad litem in divorce and how it might be a good idea to work with the court to develop a system so that all children involved in divorce and domestic abuse cases can get guardians ad litem, not just the ones with parents who can afford to pay. She noted that children coming out of the "system" frequently do have what they need to avoid recurring problems and a mechanism should be in place to address that. She also suggested that issues involving children who witness violence need to be addressed.

Cliff Monteiro, **NAACP**, noted that children at risk come from families at risk. He suggested that a better referral system be developed and that families need to know where they can get help. He suggested more outreach so that families at risk understand to call the Bar Association or the other appropriate service provider. He also suggested that lawyers be trained on to speak with inner city/lower income people. He noted a model program that involved training minorities for positions in law enforcement.

Laura Pisaturo reviewed her work at the **Children's Advocacy Center** and noted that she works primarily with children who are victims of violence. She suggested that training be provided for lawyers on the standards of practice suggested by Ms. Tate and on the role of children in custody proceedings. She also noted a forum for lay people, especially on custody and abuse issues would be helpful.

Jacqueline Kelly noted that she is representing both the **RI Department of Human Services** and also Kevin Aucoin from **DCYF**. She discussed the licensing of day care, the division of child support and the issues involved in the termination of parental rights. She supported the concept of a CLE program for lawyers and also training for parents.

David Bazar noted that he is editor of the **R.I. Bar Journal** and also practiced in family court for some time. He noted that he is anxious to protect those who can't protect themselves and is very supportive of the goals of the committee. He discussed his experience with Law Day and noted that the children have much information to provide. He suggested that the committee should not think too narrowly about solutions to children's problems and consider societal issues and broader thinking.

Kathy DiMuro chairs the **RIBA Ethics Committee**. She noted that greater communications with community agencies would assist in getting organizations to refer people to the Bar Association or other appropriate agency for help. She noted that a seminar with an ethics component would be welcome by the members of the Association.

William Delaney, a member of the **Executive Committee** noted that he has longed been involved in children's issues as a volunteer attorney. He noted his personal experience with adopting two children and having served as a foster parent. He noted

that the failing economy is likely to place even more children at risk, impacting their educational opportunities. He noted that education in RI must be equalized and he suggested that RWU law students might provide a resource for any initiatives.

Ellen Balasco reviewed the role of **CASA** and noted that she sees a lack of education for the private bar in the representation of children. She noted that prior to **CASA**, she had been in private practice and involved in children's issues. She noted that the RI CASE program is anxious to see the development of a Children's Law Center similar to the model in Los Angeles County. She noted that the emphasis now is instead of just serving as the advocates of youth, to actually empower youth to use their own voice.

Ann Travers, chief of the Juvenile Division of the **Public Defender's Office**, noted that the roll of her office is limited. She would like to see greater work with school departments and more advocacy in the area of educational rights for children. She noted that in her experience there are cycles and they must be broken.

Lisa Dinerman noted the programs in place at the **RI Supreme Court** in the area of law related education. She noted that she would like to see a greater number of volunteer lawyers in the classroom. She noted that mediation and conflict resolution is a theme. She noted that she would also like to see a program of education for the educators who are in the best position to identify children at risk. She noted that she has access to a database of school-based coordinators who are charged with providing education from outside sources for students and teachers. There was also discussion regarding children at risk due to parents with addictions.

William A. Shuey and Ellen Gallagher reviewed some of the issues they see at the **International Institute**. The organization has a staff attorney and spends a great deal of time on community outreach. They noted that there are orphaned immigrant children who have no legal assistance. It was noted that neither the public defender nor RI Legal Services could represent the immigrant community, due to funding and statutory restrictions. They noted that attorneys might benefit from educational programming in on the immigration consequences of deportation proceedings. Ms. Gallagher also noted the potential long-term effects of changes in the option for non-residents to receive RITE care health insurance benefits, which will ultimately affect the ability of their children to attend school and make them at much greater risk.

Tina Benik noted that in her work with the **United Way**, there is currently a great emphasis on the needs of children. She also suggested that programming be provided to educate lawyers as to the legal issues affecting children and the affect of their representation on children.

There was an inquiry regarding whether Rhode Island has standards of practice for those attorneys receiving appointments as Guardians Ad Litem. Ms. Iwon noted that there are standards and that there is also a proposal on the table to develop a pro bono program requiring those who receive court appointments to take one free case per year.

Subcommittees were appointed to continue discussion and propose projects for recommendation in particular, ways that members of the bar association can assist children at risk through outreach and education both for the public and for members of the bar association.

The Subcommittee on Annual Meeting programming was chaired by Lise Iwon. Other members include Vincent DiMonte, Deborah Tate and Merrill Friedemann. That subcommittee is considering proposals for breakout sessions on “The Role of Children in Family Court Proceedings” and a session on “Things to Know About Public Benefits For Your Clients.”

The Subcommittee on CLE was chaired by Laura Pisaturo. Other members are Joseph Fernandez, Susan Urso and Kathy DiMuro. The subcommittee reviewed a number of suggestions for possible RIBA Food For Thought sessions, which are 60 minutes long, are held at lunchtime at the RI Law Center. Suggested topics included “Education Law (ex. Student & Parents Rights and Responsibilities”); “What Does it Mean to Be A Guardian Ad Litem and What Are the Requirements?”; “ Representing Victims of Violence”; “Criminal Proceedings and Juvenile Law”; “Gang Violence” etc. It was also noted that Sharon O’Keefe had volunteered to participate on a program regarding Guardians Ad Litem. Other possible topics included Funding for Public Education; Prosecuting Juveniles in Family Court; The Scope and Authority of DCYF Abuse Investigations, and special education and meeting federal mandates.

The Subcommittee on Community Outreach was chaired by Philip Weinstein. The focus of that committee was specifically geared toward children of immigrants. Also serving are Leslie Gifford, Bill Shuey, and Erica Acevedo. The subcommittee produced presentations in the community, the first being through “Progressive Latino”, which focused on the rights of children of illegal aliens who face deportation. Carl Krueger, staff attorney for International Institute of RI and the staff of Progresso Latino will finalize details for the program.

The full Task Force recommended greater outreach in the area of law related education. A suggestion had been made for the development of a general presentation for teachers and parents on danger signs for Children at Risk. The Bar Association/Court Law Day Program is in the planning stages for May 2006. Over 135 volunteer bar members have already come forward. Members of the Committee were encouraged to participate and join the “speakers bureau.” Which provides speakers to schools and community organizations throughout the year.

The Task Force recommended the submission of articles and information for publication in the RI Bar Journal and the Association’s website on the issue of Children at Risk. Mr. Shuey volunteered to submit a short piece on the work of International Institute and the other organizations, which are accredited to do immigration work in Rhode Island. Ms. DiMuro volunteered to assist in coordinating a regular outreach piece for the Bar Journal. The consensus was to ask all members of the committee to prepare a one-page biography/mission statement that can be used to develop both articles for the Bar Journal and a resource guide for children’s issues.

The Task Force and it’s subcommittees will continue to meet and follow up on the recommended programs and services throughout the year.

Respectfully Submitted

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