



The State Bar Child Abuse and Neglect Committee celebrated its 25th anniversary with a reception on Aug. 11 at the Advanced Family Law Course in San Antonio. Pictured, from left, are Sandra Hachem, Carole Hurley, Fairy D. Rutland, former Texas Supreme Court Justice Harriet O'Neill, and Barbara Elias-Perciful.

Committee On Child Abuse and Neglect Celebrates 25 Years

BY FAIRY DAVENPORT RUTLAND

In the mid-1980s, a young lawyer appointed to represent an abused child had few places to turn for guidance or support. The State Bar Family Law Section was 25 years old by then, but the primary attention of family lawyers was focused on property division and custody/visitation issues. Child maltreatment was not new, but few family law practitioners faced issues of serious physical or sexual abuse or neglect in their usual divorce cases. Consequently, a lawyer appointed to represent a young child who had been abused by his or her parent or an attorney trying to advocate for an accused parent was virtually on his or her own.

For years, lawmakers and courts struggled with how to protect children, balancing their best interests while recognizing parents' constitutional rights to raise their children. Increasing numbers of children removed from their parents were growing up in foster care. Some of these children aged out of the system, completely unprepared to face life on their own.

To address this issue, Congress began passing a succession of laws. Funds from the federal government flowed to state child protection agencies to pay for staff and to provide services to families. There was, however, no attention or funding to help lawyers and judges, despite the fact that they are critical to the effective functioning of the child welfare system and the protection of children whose lives are touched by the system.

Creation of the Committee

In 1985, San Antonio attorney Charles L. Smith was preparing to assume the presidency of the State Bar. Smith did not practice family law and knew little about the plight of abused children. A young lawyer in his firm, John Compere, was very aware of the growing number of abuse issues he was seeing in his

family law practice. He suggested to Smith that it was time for the State Bar to address this expanding area of the law, and creating a new committee was the appropriate way to begin.

Smith formed the State Bar's Standing Committee on Child Abuse and Neglect with the assistance of another young lawyer he knew in San Antonio. John Specia, a San Antonio attorney with the Department of Public Welfare, was very familiar with child welfare issues and helped identify the appropriate people to serve on the committee: attorneys from across the state, including prosecutors, state agency lawyers, defense attorneys, and judges. The original committee set out to:

- Study and evaluate child abuse and neglect;
- Define the legal profession's role in working to ameliorate the problems;
- Mobilize the legal profession in the fight against abuse and neglect;
- Educate the public about the legal and social problems of abuse and neglect; and
- Recommend legislation to the Board of Directors.

Celebrating Accomplishments

In 1985, given the scarcity of resources for attorneys and judges, it wasn't hard for the committee to develop a long list of projects. It was evident to the members that, if they were to have a positive impact on the lives of abused children, they would have to identify and work with a wide range of other professionals and groups. Each potential partner would have its own agenda, but a multidisciplinary approach to child abuse and neglect seemed like the only way to improve representation of children and decision making in critical child maltreatment cases.

Through the years and with the support of an impressive list of collaborators, the committee has accomplished the following:

- Presented educational seminars as part of the Advanced Family Law Courses, the Juvenile Law Conferences, State Bar Annual Meetings, Bar Leaders Conferences, and Marriage Dissolution Programs;
- Published three manuals to assist attorneys who represent children and parents involved with the child welfare system;
- Developed a manual and training for conducting successful Adoption Day events, arranged for funding to cover the costs, and promoted these celebrations for the past 10 years;
- Provided input on proposed legislation, including developing definitions of abuse and neglect in the Texas Family Code and providing for the admission into evidence at civil and criminal trials the videotaped interviews of children made during sexual abuse investigations;
- Developed and operated the Texas Legal Resource Center for Child Abuse and Neglect at the University of Texas School of Law Library, providing free resources to judges and attorneys involved in cases of abuse. This center operated for three years and served as a forerunner of the current Online Legal Resource Center that is operated by Texas Lawyers for Children;
- Developed and conducted training for lawyers serving as attorneys ad litem for child abuse victims, helping them provide more effective representation;
- Recognized for the past 12 years a practicing lawyer who has provided outstanding service to children and families;
- Developed and distributed at no cost several thousand copies of English and Spanish DVDs to train parents and caregivers about the dangers of shaking infants; and
- Assisted with the development of three issues of the *Texas Bar Journal* devoted to abuse and neglect topics.

On Aug. 11, 2010, at the Advanced Family Law Course in San Antonio, the committee celebrated these contributions and the people who made them possible. A reception featured former Texas Supreme Court Justice and chair emeritus of the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families Harriet O'Neill. Justice O'Neill addressed the collaborative work of the commission, the State Bar committee, and the partners and stakeholders working to improve outcomes for children and families.

The Next 25 Years

The current committee, under the leadership of Chair Barbara Elias-Perciful, welcomes new members with fresh ideas about ways to address issues of child abuse and neglect. There are still too many children in foster care, not enough foster and adoptive homes to meet the needs, not enough funding to provide programs to keep families together, too many attorneys who still fail to discharge their responsibilities to their young clients, child welfare staff with caseloads too high to adequately

ly manage, not enough CASA volunteers to serve all the children that need them, and on and on.

Despite the committee's accomplishments, members are keenly aware of how much work remains to be done. The committee continues to focus on its original charge: Educate the Bar and the public, improve the legal response to problems in the child welfare system, and provide resources to help attorneys and judges make the best decisions for children and families. Its list of current projects includes developing a training resource for teens and young women on the dangers of drinking during pregnancy (in collaboration with the Texas Office of Prevention of Developmental Disabilities), and partnering with the Texas Young Lawyers Association and Texas Lawyers for Children to develop a program for pro bono representation of children growing up in the foster care system who do not have an advocate.



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