

Children's Law Center of Minnesota Celebrates 13 Years of Making Children's Voices Heard

Children's Law Center of Minnesota (CLC) celebrated its 13th Annual Celebration & Benefit at the Millennium Hotel in Minneapolis on October 1, 2008. Since 1995, CLC has provided quality representation for over 1,300 children and now has a roster of over 300 volunteer attorneys.

Former Minnesota First Lady Honorable Susan Carlson received the Rosalie E. Wahl Justice for Children Award presented by former Chief Justice Kathleen Blatz. It was Susan's experience in Juvenile Court that led her to launch an initiative to promote fetal alcohol syndrome education and prevention in March 1997. In 1998, she founded the Minnesota Organization on Fetal Alcohol Syndrome (MOFAS), the only statewide organization dedicated to education and prevention of alcohol-related birth defects. Susan has played a very active role in improving the quality of life for children in Minnesota.

The Heroes for Children awards were



Shjon and Sherry Podein, Interim Executive Director Pete Hendrixson, Bernadette Benner and Cooper Ashley from Maslon Edelman Borman & Brand

presented to Shjon & Sherry Podein for their work with children who suffer from ataxia telangiectasia (AT) and other efforts to help children with diseases and illnesses, and Bernadette Benner for her tireless work as a social worker, foster mother and mentor to foster children over the last 30 years.

CLC also honored the law firms of Dorsey & Whitney, and Maslon Edelman Borman & Brand for their dedication to pro bono legal services for children. Dorsey & Whitney has partnered with CLC for many years, recruiting volunteer attorneys and hosting training sessions.



Former CLC Executive Director Hon. Gail Chang Bohr, Wheelock Whitney, Former Justice Kathleen Blatz, Hon. Susan Carlson and Governor Arne Carlson

Maslon Edelman Borman & Brand hosted CLC's first training in 1996 and continues to provide quality representation for CLC clients through volunteer attorneys. Lawyers from both firms have given substantial hours of pro bono representation to children in the foster care system and have helped

ensure Minnesota's foster children's voices are heard in proceedings where life-changing decisions are made about them. Their representation of CLC clients has been of the highest quality and makes a difference to the children and to our communities.

Jonathan, a former CLC client, shared his experience in the system and explained how his attorney helped him navigate and understand the systems that affected him. Jonathan has also helped CLC train volunteers by participating in training sessions.

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From the Executive Director



Hon. Gail Chang Bohr

Dear Friends:

It is with mixed feelings that I write this column as it will be the last column I write as executive director for Children's Law Center

News. As some of you know, I ran for the open judicial seat in Ramsey County District Court and was elected by the voters of Ramsey County. I am honored and delighted and I will do my best to live up to the faith that has been placed in me by the voters to be the best judge I can be.

At the same time, it is with sadness that I bring my tenure as executive director of Children's Law Center of Minnesota (CLC) to a close. I have been executive director since CLC opened for operation in 1995. Over these 13 years, we have grown from a staff of one to a staff of seven and have recruited and trained hundreds of lawyers and other child advocates. We currently have over 300 active volunteer lawyers who have helped us to represent over 1,300 children in the foster care system, primarily in Ramsey and Hennepin counties. CLC's legal representation has made a difference to children individually and systemically as CLC has also been a voice in changing legislation and policy to benefit children.

Over the years, CLC's work has garnered awards and kudos. For example, the Midwest Human Rights Hero Award 1998, the Minnesota Council of Nonprofits 2003 Nonprofit Mission Award for Non-profit Advocacy, and the 2007 Pro Bono Partner Award with 3M from CPBO Corporate Pro Bono and the Pro Bono Institute. Our volunteer attorneys have also been recognized for their work in Hennepin and Ramsey counties and have won pro bono awards. Additionally, one of our volunteer lawyers won the American Bar Association Pro Bono Publico Award in 2007.

CLC is a founding member of the National Children's Law Network and is recognized as one of the premier organizations around the country for advocacy of youth in foster care and in child welfare reform. CLC has earned a national reputation for its ability to recruit and retain pro bono lawyers to represent youth in foster care.

CLC's transition will be guided by the

Board of Directors under the leadership of Tom Fraser, Board President, and Pete Hendrixson, who assumed the role of interim executive director in January until a full-time director can be hired. Pete is the former Managing Partner of Dorsey & Whitney. He retired from Dorsey & Whitney at the end of 2008. Pete has been a CLC volunteer attorney representing children in the foster care system, a board member and Board President from 2005 to 2007. We are indeed honored by Pete's willingness to fill this role. As you can tell, CLC is in good hands. We look forward to CLC's continued success as it provides quality representation for children in Minnesota.



Pete Hendrixson

misses her. Gail built the organization into a strong advocacy unit for foster children and has positioned us for a terrific future. In the last month before she left, Gail spent a great deal of time educating me about various matters and took a number of steps to assist in the transition. We are, however, still finding various "Gail gems" as we sort through her files. It's hard to throw out those colorful posters from the 2002 benefit!

I am learning as well. In the first few weeks, I have been busy learning the ropes of the office, meeting individually and in groups with staff, attending court hearings, getting a new training session organized, and, in particular, getting our search for a new executive director commenced. In all this, I have been particularly impressed—as I have always been—with the competence, dedication, and work ethic of our staff. They are excellent at what they do, and they do it for the children. I am fortunate to work with such a group.

We have hit the ground running on the executive director search. We distributed the job description to a wide variety of organizations and email lists. The search committee Tom Fraser, Jody Alholinna,

It is my great privilege to serve as interim executive director of Children's Law Center of Minnesota (CLC). Our executive director for 13 years, Gail Chang Bohr, has been "elevated" to the bench and everyone here at CLC



Making children's voices heard

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Diane Simerson, Gerry Hendrickson, Lilian Ejebe, and I will be meeting to review the applicants. It is a very exciting time for CLC as we contemplate new leadership.

The core of CLC's work is representing foster kids in hearings in Ramsey and Hennepin County. Now, I can see more closely the give and take and discussion among our staff attorneys and social worker as they decide on volunteer assignments, positions to take, placements to urge, and motions to make. I can also see the tremendous difference that our pro bono attorneys—who appear and argue in court—make for our clients.

Finally and fortunately, one of the legacies Gail left CLC is a firm financial foundation. With the financial difficulties of the country, however, all non-profits need to work hard to find new revenue sources. Accordingly, the Development Committee, Jim Reece—Chair, and staff are preparing new strategies for resource building in the next year.

Over 300 Volunteer Attorneys Trained



UnitedHealth Group staff training attendees Elizabeth Wrobel, Kristin Olson, Hon. Gail Chang Bohr, Gaye Adams Massey, Michelle Huntley Dill and Jeanette Pfothenhauer

Children's Law Center of Minnesota (CLC) presented "Representing Youth in Foster Care: A Training Program for Child Advocates" on July 23, 2008. The program was used to recruit and train volunteer attorneys for CLC. UnitedHealth Group (UHG) in Hopkins hosted the event, which presented an exciting opportunity to reach out to lawyers in corporate practice.

Former CLC Executive Director Gail Chang Bohr led the event and commented on the day as a "great opportunity to get corporate [lawyers] involved in pro-bono [work]." The prospect for a UHG-hosted

training was discussed last May, after CLC had given a lecture on pro-bono work at the company's headquarters. It was at this time that both CLC and UHG saw a great opportunity for a new pro-bono-corporate partnership. Jeanette Pfothenhauer, Associate General Counsel of the UHG Corporate Legal Department, commented: "A number of our attorneys had previously expressed interest in working with children."

This joint venture is not the first of its kind, but reflects a project started by 3M back in 2000. The Minnesota-based corporation has for eight years done exten-

sive work with CLC and its efforts to help children in the foster care system.

UHG also opened its doors to several other companies and law firms, inviting them to be a part of the daylong event. The training saw record-breaking attendance, with over 60 attorneys from several different organizations, companies and firms participating. Lawyers from local firms like Dorsey & Whitney and Oppenheimer Wolff & Donnelly came out to learn about representing foster children.

The day included two live panels – the first consisting of CLC volunteer lawyers Lisa Fulton, Carolyn Ham, Gary Hansen and Steve Lucke. The lawyers were asked to describe their experiences volunteering for CLC. The training attendees then had the opportunity to ask questions and discuss scenarios with the panel.

The second panel consisted of former foster children represented by CLC. This exciting part of the training concluded the day, and was an opportunity for the kids to share their stories of being in the system. The former child clients were also able to discuss the influence their lawyers have had on their lives. The discussion was structured around a question and answer format, and was moderated by CLC managing attorney Anne Tyler Gueinzus.

CLC Attorneys Bring Child Issues Before the Minnesota Court of Appeals

This June, the Minnesota Court of Appeals decided two important child welfare cases. Through the Children's Law Center of Minnesota (CLC), volunteer lawyers Ann Marie Hanrahan, from 3M, and Andrew M. Carlson, from Briggs and Morgan, worked passionately on behalf of their clients to appeal their cases.

In re Welfare of T.T.B.

In an unpublished opinion on June 3, 2008, Andrew Carlson successfully argued to the Court of Appeals in *In re Welfare of T.T.B.* that the "best interests" of the child always be the basis for decisions about child welfare.

R.J.S., the young boy at issue in *T.T.B.*, stands in the all-too-common crossroads of being involved with both the child protection and the juvenile delinquency system. The county first placed R.J.S. in foster care at age 13. Less than a year later, he was adjudicated delinquent. When his foster parents requested his removal, R.J.S. was placed in a shelter. After several instances of running away from his placements in tempo-

rary shelters, the county approved a trial home placement with his father, a man who had been in prison for a sex offense against a child during the time of R.J.S.'s initial child protection hearings.

While R.J.S. was in his father's custody, the county recommended that R.J.S. be permanently placed with his father. Ultimately, R.J.S.'s father declined custody and when the county could not find a suitable foster family it placed R.J.S. in Mille Lacs Academy.

When R.J.S. ran from Mille Lacs, the juvenile delinquency court ordered him to complete a nine-to twelve-month program in the Ramsey County Juvenile Detention Center.

The county then recommended that R.J.S.'s child in need of protection or services (CHIPS) case be closed. Though R.J.S. was only sixteen years old and without a home, the county argued that the juvenile delinquency system would adequately serve his best interests without the continuing involvement of child protection services. Despite the failure of

the child protection system to correct the problems leading to R.J.S.'s removal from home, the child protection court agreed with the county's recommendation and dismissed R.J.S.'s CHIPS case.

On R.J.S.'s behalf, CLC volunteer attorney Carlson appealed the court's application of the law and the court's determination that closing the CHIPS case would be in the best interest of the child. While R.J.S. did not challenge the determination that the county had made "reasonable efforts" in his case, Carlson argued that these "reasonable efforts" did not absolve the county of their obligation to act in R.J.S.'s best interests.

The Minnesota Court of Appeals reviewed de novo the lower court's application of the law in dismissing the CHIPS petition, affirming the lower court's application.

The court of appeals then reviewed, for clear error, the court's determination that dismissing R.J.S.'s CHIPS case was in the best interest of the child.

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CLC Welcomes New Board Members

Jim Dorsey has been focused almost exclusively on litigation in the areas of eminent domain/condemnation and property taxes. He is and has been a shareholder/partner with Leonard, Street and Deinard for over 20 years, and has been practicing law for over 35 years. Jim has been a volunteer, representing CLC clients for seven years. Jim is admitted to practice law before the courts of the states of Minnesota and Illinois, the United States District Court for the State of Minnesota, the U.S. Court of Appeals for the Eighth Circuit, and the U.S. Supreme Court. He and his wife, Yvonne, have one daughter named Erin, who he claims is almost perfect and currently attending Trinity College in Hartford Connecticut as a freshman. His hobbies include tennis.

Diane Simerson is a partner with Robins, Kaplan, Miller & Ciresi. She practices primarily in patent and business litigation and is active on the firm's hiring and diversity committees. Diane also spends a considerable amount of time on pro bono work -- generally working with children and families. She has been a volunteer attorney for CLC for ten years and has been active with other local organizations that support children and families in the Twin Cities. Diane lives in Champlain with her husband.

Richard "Dick" Nigon has served as the Chief Financial Officer at Robins, Kaplan, Miller & Ciresi in Minneapolis for the last 20 years. He has an undergraduate degree in accounting, an MBA and is a Certified Public Accountant. He became a Certified Legal Manager in 2000. Dick has been an American Legal Association (ALA) member for 19 years. He served three years on ALA's Board of Directors as the Region 3 Director. He is currently the Immediate Past President of ALA. Dick has been a frequent speaker at chapter meetings and special functions. Beyond his service to ALA, Dick is a Trustee for his church & school and has spent several years (two years as President) on the Board of CLC. He spends his free time doing volunteer work, riding his motorcycle, fishing and playing golf.

CLC Celebrates 13 Years



CLC board member Jim Reece, Libby Larsen, Louise Wilson, and CLC volunteer attorney Elaine McGillivray.



CLC Staff Attorney Lori Semke with former client Jonathan who shared his story with benefit guests.



Cooper Ashley and CLC Board President Tom Fraser

Kay's Adoption Story

With the ongoing difficulty of recruiting enough adoptive families to meet the needs of all of Minnesota's children, it is a particularly rewarding moment to see a child find a loving and permanent adoptive home. On October 31, 2008, one of CLC's longtime clients realized her dream of finding a loving adoptive family. The celebration came after a long road of obstacles, changes and disappointments.

In 1998, Kay's mother—who had a long history of drug abuse and homelessness—sent her to live with her paternal grandmother. When her grandmother passed away in May 2003, Kay went to live with her godparents, with whom she stayed until she entered foster care in 2004. Her father's parental rights were terminated in March 2004; her mother's parental rights were terminated in September 2004.

Her godparents wanted to intervene and become an adoptive resource for Kay

but they had obstacles to being licensed caregivers. Therefore, the county social services agency started a plan for adoption by Kay's maternal grandmother in Chicago. Kay was torn in deciding if she wanted to live with her grandmother or her godparents. She finally decided her preference was to live with her grandmother. Kay's CLC attorney represented her in an evidentiary hearing in September 2006 addressing her placement and possible subsequent adoption by the godparents. The court denied her placement. Kay's adoption with her grandmother did not occur due to the grandmother's lack of follow-through and own mental health concerns. Subsequently, the county began pursuing non-relative adoption options.

In April 2008, after Kay's CLC attorney pressed to have the county consider the placement, Kay entered foster home placement with her godparents' daughter Tina,

Tina's husband, and their nine-year-old son. She knew the family well from her time spent with her godparents and felt positive about this placement. In May 2008, Kay received the devastating news that her godfather had passed away.

Kay has coped with intense grief coupled with feelings of both hope and disappointment throughout the many years of uncertainty in her life. She struggled with feelings of depression and anxiety. Finally, after years of patience and perseverance, Kay learned that Tina's family was approved as an adoptive home. Kay's adoption ceremony was held on October 31, 2008. Kay is happy in this secure and loving home. Cases like Kay's remind us of the strength and resiliency of children, and the impact that CLC attorneys can have to help their clients achieve their dreams.

CLC Attorneys Bring Child Issues Before the Minnesota Court of Appeals

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The Minnesota Court of Appeals reversed the lower court's decision, finding that discharge of a CHIPS case is an abuse of discretion when doing so is not in the child's best interest. The court took note of the different goals of CHIPS proceedings and juvenile delinquency court. While the purpose of a CHIPS proceeding is to secure services, care and guidance for the best interests of the child, the purpose of juvenile delinquency court is to promote public safety and reduce juvenile delinquency. There was no evidence of duplicate or contradictory services in having both courts involved, and it was clear that without the aid of the child protection system, after completing his juvenile delinquency program, R.J.S. would be without any support and potentially even homeless, a situation unlikely to be in the best interests of a minor. With many more services the child protection court could offer R.J.S., closing his CHIPS case was not in his best interest. The Court of Appeals thus reversed and remanded to the child protection court "to continue providing protection and services to R.J.S. until such time as permanency is achieved, the bases for adjudicating R.J.S. a CHIPS no longer exist, evidence supports that termination of the child-protection court's jurisdiction is in R.J.S.'s best interests, or R.J.S. is no longer a child, whichever occurs first."

In re Expulsion of N.Y.B.

On June 10, 2008, the Minnesota Court of Appeals issued a published opinion in the case of another child represented by a CLC volunteer attorney, Ann Marie Hanrahan. The court remanded *In re Expulsion of N.Y.B.*, a case opposing the length of expulsion of a student, finding that there was not enough evidence in the record to sustain the Anoka-Hennepin school board's decision to expel N.Y.B..

N.Y.B., a freshman in high school, was expelled for one full calendar year following a lunch-room fight with a classmate. After the fight, which was allegedly in response to racial slurs made toward her, the principal recommended expulsion.

The school board initially rationalized its decision to expel N.Y.B. for an entire calendar year merely by noting that N.Y.B. "assaulted another student and was insubordinate." N.Y.B. appealed to the Commissioner of Education under the Pupil Fair Dismissal Act (PFDA). The board returned an amended decision noting that there were multiple other incidents in the district which had resulted in year-long expulsions of students, and that this situation was at least as egregious as those. When the Commissioner accepted the board's amended decision, N.Y.B.'s CLC attorney, Hanrahan, appealed to the Minnesota Court of Appeals.

Hanrahan argued that the length of the suspension was inappropriate based on the record, that the decision failed to adequately explain why the longer expulsion was imposed, and that the school board's actions had violated her due process rights. The school district defended the school board's conduct, arguing that the amended decision issued in N.Y.B.'s case complied with the requirement that the report give sufficient detail.

When the school board is performing quasi-judicial functions, the court of appeals will defer to its judgment if the school board's decision is based on substantial evidence. Where, however, the school board fails to provide sufficient detail, there is no basis for deference from the court. The Minnesota Court of Appeals determined that the school board had failed to "state the controlling facts on which the decision is made in sufficient detail to apprise the parties and the commissioner of education of the basis and reason for the decision." The court

analogized the deficiencies of the amended decision to a student's failure to show their work in a math test. The court noted that "the PFDA requires the school board to explain its decision for the same reason that a teacher requires students to record the steps taken to solve and equation. Without an explanation of the analysis performed, the school board's decision cannot be fairly evaluated." The court explained that the school board's reliance on other expulsion lengths was insufficient because the decision did not provide any information for a factual comparison.

With only the conclusory comparison that N.Y.B.'s behavior was as egregious as the other students' conduct, the court had no means to evaluate the board's explanation of the year-long expulsion. The court remanded the case with instructions to the school board to provide sufficient detail such that a court could determine if the decision was supported by the evidence, or if it was arbitrary or capricious. The court rejected N.Y.B.'s due process claim finding that while there may have been procedural violations, there was no prejudice to N.Y.B. because of them.

Published appellate decisions such as *N.Y.B.* help to develop case law necessary for consistent implementation of child welfare policies. Due to the large volume of cases, many decisions are not chosen by the court for publication. As a published decision, *N.Y.B.* may be cited as authority in future child welfare cases.

While *T.T.B.* was not a published decision, and may only be cited in compliance with certain restrictions, its holding still shows strong support for legal rights of children in the system. With the help of volunteer attorneys like Andrew Carlson and Ann Marie Hanrahan working with CLC, children are able to appeal unfair decisions not necessarily made with their best interests in mind.

Ann D. Kahn, University of Minnesota

CLC thanks the generous contributors to our auctions that made the annual Celebration & Benefit such a success!

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(CLC regrets if we have inadvertently omitted any names.)



Tom Fraser and Pete Hendrixson

On behalf of the Board of Directors and staff at CLC, thank you, donors and volunteers, for your generosity. Your steadfast support makes it possible for CLC to continue to make Minnesota children's voices heard and to make a difference in their lives.

Donations received from January 1, 2008 through December 31, 2008 (Names not appearing will be in the next issue).

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in memory of Andy Nelson
 Dan & Lynne O'Connell
 Mark & Carol Ponsolle
 Elizabeth & Dr. Paul Quie
 Robert Rasmussen
 Jessica & Robert Ryan
 James & Amy Le Claire-Sachs
 Franklin Saksena
 Lindsey Saunders
 Hon. Gary & Lynn Schurrer

Margaret Semke
 Russell Sherer
 Hon. John & Doris Simonett
 Rodger & Sheila Stageberg
 Brian & Cynthia Stalock
 Suzanne & Mark Starr
 Leo Stern
 David Stordahl
in honor of Andy Nelson
 Brooke Swenson
 John Taft
 Mark Toogood
 Lisa & Mark Ulrich
in memory of Andy Nelson
 James & Ellen Van Iwaarden
 Tom & Laurie Vesledahl
 Pam Wandzel
 Mary & Stuart Weitzman
 David & Mary Woodward
 Elizabeth Wrobel
 Hilary Gibbens Ziols

In Kind

Brenda Buechler
 April Erickson
 Britt Lundberg-Sax
 Millennium Hotel
 Minnesota Lawyer
 MLB Printing
 Mod & Company
 Robert Nelsen
 Richard Nigon
 Melanie Olson
 Boyd Savage
 Fredrikson & Byron
 Tracy Weil

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Transitions

Change has come to the leadership of CLC. Former executive director Gail Chang Bohr was sworn in to the Ramsey County bench on January 12th at the Landmark Center in St. Paul. Pete Hendrixson, former CLC board president and former Managing Partner at Dorsey & Whitney, has stepped in as interim executive director while CLC's board searches for a new permanent director.

Gail's accomplishment and Pete's new position were recognized on December 18th at a Celebration hosted by Fredrikson & Byron. CLC is pleased to have Pete at the helm and wishes Gail the best of luck in Ramsey County.



CLC Staff say goodbye to Gail at her swearing-in ceremony at the Landmark Center on January 12th. From the left; Lori Semke, Tricia Kiefer, Jessica Passaro, Hon. Gail Chang Bohr, Tom Frasier, Weida Allen, Pete Hendrixson, and Anne Tyler Gueinzus.



Good luck Judge Bohr! Thank you for all that you do for the children.

Nominate a Hero for Children

Children's Law Center of Minnesota (CLC) is accepting nominations for its Heroes for Children Award. This award recognizes an individual who has made significant contributions to the well being of Minnesota's children in either a career or volunteer position. The nominee may work with children in any area; for example, teaching, health care, legislation, advocacy, physical, spiritual, social, or emotional well being.

Past winners of the Heroes for Children Award include: Dave Moore, Boy Scout Troop 100; Raeann Ruth, The Portage for Youth; Roy Magnuson, St. Paul Public Schools; Shjon & Sherry Podein, The Shjon Podein Children's Foundation; and Bernadette Benner, foster parent.

Nominators must submit a one to three page narrative about the nominee's qualifications, why the nominee deserves the award, and contact information. Please send the award nomination to CLC by July 31, 2009. Please call 651.644.4438 if you have any questions or would like additional information.

SAVE THE DATE

Children's Law Center of Minnesota
14th Anniversary Celebration & Benefit

Awards given:

Rosalie E. Wahl Justice for Children Award
Distinguished Service for Children Award
Heroes for Children Award

Foster youth share their stories
Silent/Live Auctions

Wednesday, October 21, 2009, 5:00 p.m.-8:30 p.m.
Millennium Hotel Minneapolis

SAVE THE DATE

**Representing Youth in Foster Care Training:
A Training Program for Child Advocates**

Presented on

Wednesday, March 4th

hosted by

Leonard, Street & Deinard

8:00 a.m. to 4:30 p.m.

7 CLE Credits

To register please call Jessica at 651.644.4438

Special Thanks to our 2008 Interns & Volunteers



Theak Pel, Katie Benke, Grant Stegner

Katie Benke
Ivy Chang
April Erickson
Angela Haukebo
Kathleen Holland
Ann Kahn

Theak Pel
Colin Plummer
Margaret Semke
Grant Stegner
Quisha Stewart
Gaiob Xiong



*CLC
summer
2008
interns
Ann Kahn
and Colin
Plummer*



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