



## *Dear Friends and Colleagues:*

It is a good time to reflect on some important events of 2013, and to be thankful for what we have accomplished with your help. The Children's Law Center has entered its 25th year of service. Our Board of Directors and other advisers are engaged in a long range planning process that will help us to refine our vision and direction over the next five years. One of the major priorities will be a focus on long term sustainability and viability as an organization and the development of our human capital and financial resources for another 25 years of service.

In 2013, we provided individual advocacy to nearly 500 children and youth across Kentucky. We addressed their legal needs in a variety of forums, and increased their opportunities to become productive and healthy young adults. We opened an office in Eastern Kentucky to serve targeted counties and hired for the first time a graduate of the Chase Children's Law Center clinical program that you helped us to establish. Heather Tackett understands the culture of Eastern Kentucky because she grew up there, and we expect great work from her in this part of the state. We also expanded services into the Louisville area with the hope to provide more legal services to at-risk youth struggling to remain in school and increase their future opportunities. Lastly, the Chase Children's Law Clinic continues to take challenging cases, often involving multiple systems and issues producing amazing results in our community.

Our impact work on both sides of the river continues to focus on keeping young people out of incarceration and connecting them with evidenced based services that are effective in helping them bring about meaningful changes. Youth who are transitioning to adulthood from the child welfare system, as well as jails, prisons and correctional agencies, too often need the advocacy of attorneys that are not otherwise available to them. CLC hopes to move farther into this role to afford both individual advocacy as well as impacting policies for this population. Youth housed in adult jails and prisons continue to be a high priority for us as a forgotten population, and 2013 saw a substantial reduction in these numbers as well. Our work to reduce disparate treatment of disabled and minority youth in Kentucky

schools is beginning to see real results as targeted schools begin to implement PBIS (Positive Behavioral Interventions and Supports) and restorative justice an alternatives to harsh disciplinary policies.

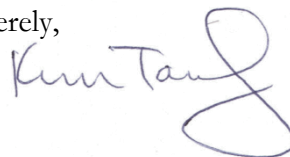
Our training and education programs have reached hundreds of lawyers and other professions, as well as community leaders and parents this year. We've afforded high quality training in Ohio, Indiana and Kentucky with great results this year. We've hosted a monthly radio blog on juvenile justice issues that has reached tens of thousands of listeners. Our website continues to grow and has become a valuable resource to those who need more information about the topics in which we are engaged.

This year has been a time of winding down as well as expansion. Our work to improve conditions of confinement in facilities operated by the Ohio Department of Youth Services has been significantly narrowed after nearly 10 years. Four facilities have closed, and a fifth is closing soon. The population in the remaining large facilities is a fraction of what it was 10 years ago. Conditions have substantially improved even though a few issues remain monitored by the federal courts.

We launched our first "Dancing with the CLC Stars" fundraiser with great success. We thank all the dancers, donors and sponsors for the event, especially Arthur Murray Studios and its great team. Many others have supported us this year and for many years, including our fabulous board.

Finally, we are blessed with a great staff, cadre of eager students, and many volunteers who help to support our work and carry out our mission. We look forward to what 2014 brings, and hope that we can continue to count on your support.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Tang". The signature is fluid and cursive, with a large loop at the end.



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### Clinic Director

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## Staff Attorneys

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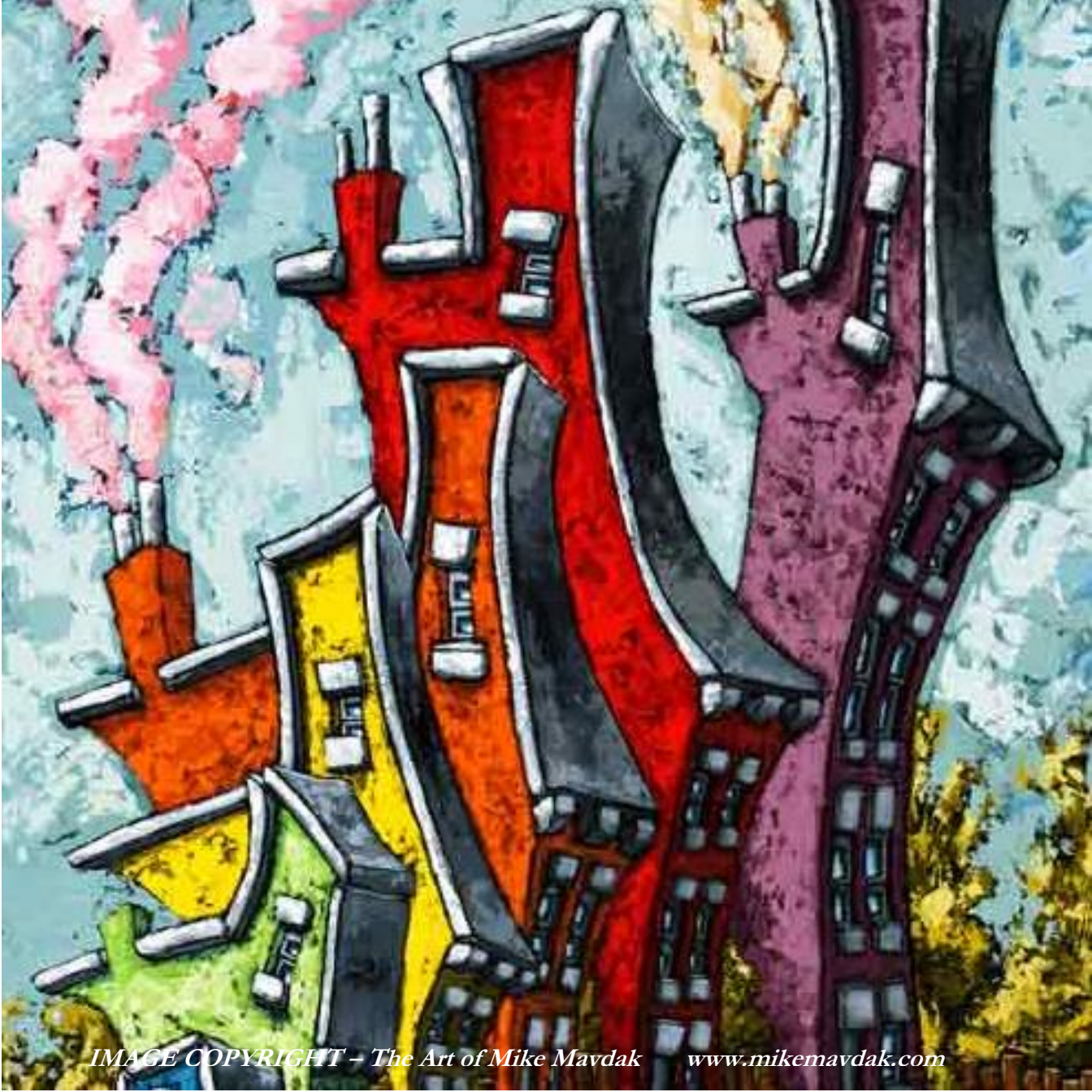
MyLinda Sims, Esq.

Heather Tackett, Esq.

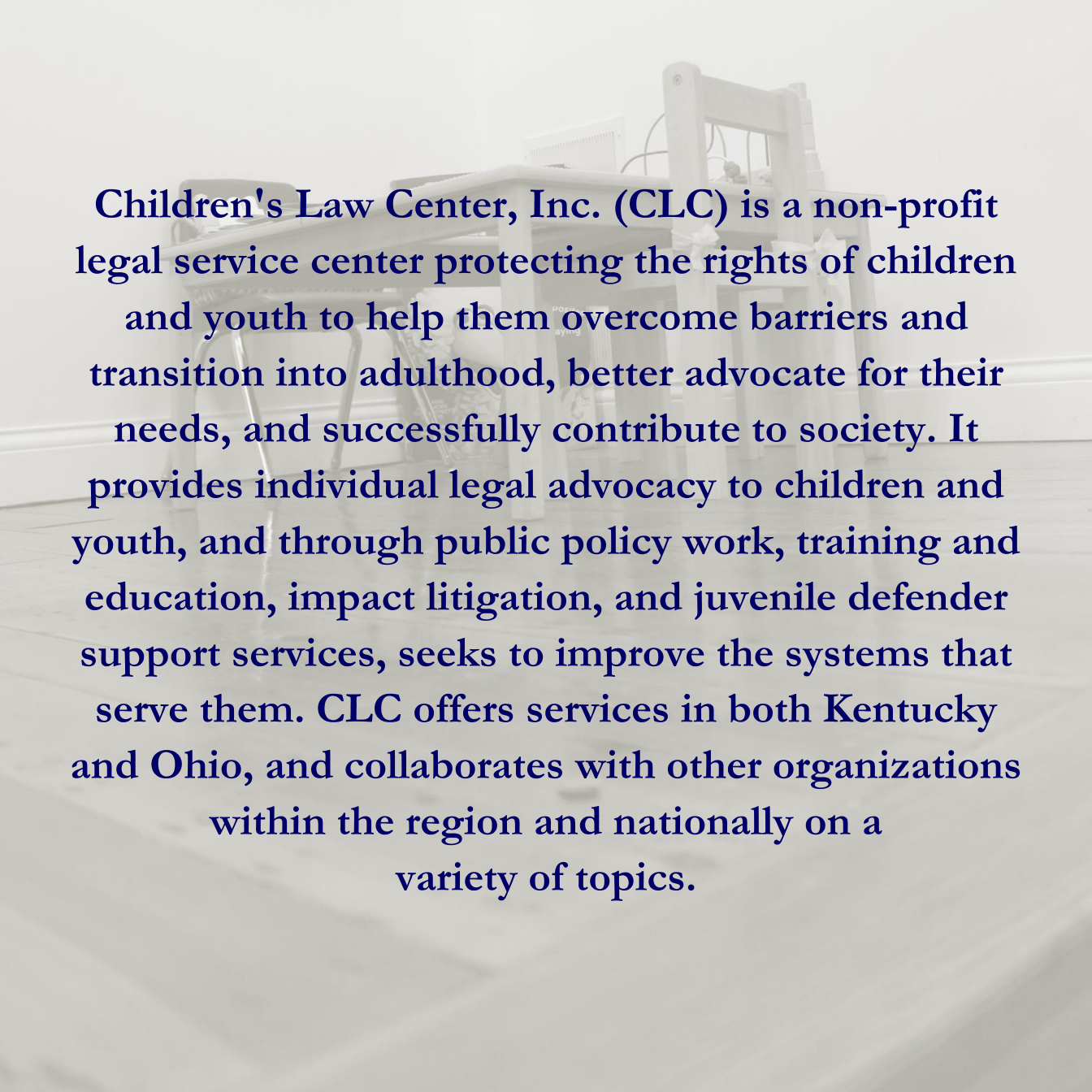
## Contract Attorneys

Vickie Arrowood, Esq.

Lauren Litton, Esq.







**Children's Law Center, Inc. (CLC) is a non-profit legal service center protecting the rights of children and youth to help them overcome barriers and transition into adulthood, better advocate for their needs, and successfully contribute to society. It provides individual legal advocacy to children and youth, and through public policy work, training and education, impact litigation, and juvenile defender support services, seeks to improve the systems that serve them. CLC offers services in both Kentucky and Ohio, and collaborates with other organizations within the region and nationally on a variety of topics.**

## INDIVIDUAL LEGAL ADVOCACY

### Education Rights

- Students with disabilities
- School enrollment
- Attendance concerns
- School discipline issues
- Placement issues
- Homelessness issues

### Protection from Harm

- Child custody issues
- Abuse, neglect/ dependency
- Guardianship issues
- Institutional abuses
- Child victim/witness cases

### Incarcerated Youth

- Right to education
- Protection from harm
- Other civil rights violations
- Civil matters

### Mental Health

- Access to services
- Quality of care

### Juvenile Justice Issues

- Re-entry civil matters
- Delinquency and status offenses
- Due process concerns

## SYSTEMIC IMPACT

### Class Litigation

- Conditions of confinement
- Access to counsel
- School discipline issues

### Public Policy Work

- Administrative advocacy
- Legislative advocacy
- Judicial rule making

### Training and Education

- Continuing legal education programs
- Presentations to parents/youth
- Training for other professionals
- BlogTalk Radio production
- Webinars on children's rights

### Juvenile Defender Support Services

- JDAI Defender Services (Ohio)
- Central Juvenile Defender Center
  - Technical assistance
  - Resource development
  - State assessment of juvenile defense delivery systems
  - Annual juvenile defender training programs in Ohio & Indiana



# INDIVIDUAL LEGAL ADVOCACY

The Children's Law Center, Inc. (CLC) is a non-profit legal service center protecting the rights of children and youth to help them successfully transition into adulthood. Through our holistic approach to individual representation, CLC identifies those factors which place our clients most at risk and which contribute to the legal issues which bring them through our doors. We seek to not only achieve fair and just legal outcomes, but to provide the opportunities for youth to achieve better life outcomes.

## **Total cases opened or carried over- 472**

- Northern Kentucky area- **328**
- Bluegrass area- **120**
- Louisville- **1**
- Eastern Kentucky area- **3**

**Who are our clients?** Children and youth, typically up to the age of eighteen (18) years old, come to CLC for a variety of reasons. Many if not most have experienced poverty, childhood maltreatment and/or trauma exposure, or lack stable supports within their families and communities. Some have received inequitable treatment as a result of their race, ethnicity, sexual orientation or disability. Frequently, they are involved in the juvenile or criminal justice systems, family court, the child welfare system, the mental health system, or they lack access to appropriate education.

CLC lawyers identify the risk factors of our young clients and work holistically to resolve the legal issues which brought them to our door, as well as helping youth to better advocate for themselves.

## **Our advocacy efforts in 2013 resulted in:**

- Representation for **250** youths in family court proceedings
- Advocacy on behalf of **210** children with disabilities in school based proceedings
- Representation of **32** child clients in district or circuit courts
- Representation of **30** children in expulsion or other disciplinary proceedings
- Modification of individual education plans or placements for **83** students



## *In Her Own Words: Courtney Yokely*

Courtney shares her experiences with the Children's Law Center, and how its intervention helped her succeed.

# CLASS LITIGATION

CLC lawyers have been the catalyst for a number of civil rights cases that helped to transform systems responsible for the care and treatment of youth. Children in custody have the right to education, protection from harm, medical and dental care, treatment, freedom from excessive force, and access to the courts. Holding state and local agencies accountability to ensure these rights are upheld can produce better outcomes for children and make facilities safer.

Youth in custody are entitled to access the court systems to challenge matters relative to their confinement. CLC has worked to ensure this access through establishing legal assistance programs for incarcerated youth in Ohio and Kentucky. For example:

- **S.H. v. Reed:** Continued monitoring of a federal class action civil rights case filed in 2004 involving conditions of confinement in Ohio's juvenile correctional facilities.
  - In 2013, many issues were dismissed from Court jurisdiction because they met constitutional minimum. This included health and dental care, education, use of force, release authority, grievances and investigations.
  - There is continued monitoring of mental health issues, including the use of isolation for youth with mental health needs. Continued monitoring of mental health issues and PROGRESS units (closed in August of 2013).

School discipline policies often impact youth of color and youth with disabilities in disparate numbers. CLC attorneys have long challenged school systems to find more positive ways to engage students, minimize school disruption, and increase attendance and performance. For example:

- **Fayette County Schools:** Monitoring of settlement regarding school disciplinary proceedings & disparate treatment of youth of color & youth with disabilities.
- **Kentucky Department of Education:** continued monitoring of 8 districts with high rates of harsh disciplinary measures against youth of color and youth with disabilities; implementation of PBIS and changes to code of conduct.

Similarly, children in custody are disproportionately youth of color, and many are diagnosed with mental health or educational disabilities that may impact educational performance. These youth need highly qualified teachers, effective behavior management programs, and intensive programming to help them successfully complete a course of study. CLC has an extensive history of class advocacy on behalf of children in custody to ensure the right to education is upheld.





**Regulations on youth in adult jails –** Worked with stakeholders, including jailors, to include specific standards on youth in adult jails, which will be included in the updated regulation.

**Major themes will be around youth in the juvenile and adult justice systems, and school to prison pipeline.**

**Improving Mental Health Services-** KY Cabinet Secretary and agency commissioners committed to plans for change, secured federal grants to help fund improvements, conducted in depth study of system's changes required and began restructuring of KY mental health system for children to effectuate improvements that are in line with changes identified by CLC.



From Left to Right: Lance Tiernan, Mary Moore & Cheryl Lions

**Data collection -** Worked with the AG/Stratton Taskforce to provide information to the Ohio Supreme Court regarding juvenile justice data collection efforts, which resulted in the Ohio Supreme Court initiating a study group on data collection.



## FALLING THROUGH THE CRACKS: UPDATE

©Richard Ross [www.juvenile-justice.com](http://www.juvenile-justice.com)



DECEMBER 2013

### INTRODUCTION

In May 2012, the Children's Law Center, Inc. (CLC) released two publications on Ohio youth prosecuted in the adult criminal justice system or placed in adult jails or prisons. The first publication was a report entitled *Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System*,<sup>1</sup> which examined data and research on youth in the adult criminal justice system both nationally and in Ohio. The second publication – *In Their Own Words*<sup>2</sup> – was a collection of stories from Ohio youth who had been involved in the adult system and their families.

The purpose of this updated report is threefold. First, since the release of *Falling Through the Cracks*, there have been several developments on the issue of youth in the adult criminal justice system both in Ohio and at the national level. Part I describes these changes and includes updated statewide data on Ohio youth prosecuted in adult court.

Second, Part II goes beyond the national and statewide perspective presented in *Falling Through the Cracks* and focuses on local practices for prosecuting Ohio youth in adult court, specifically under Ohio's bindover and serious youthful offender (SYO) laws.

Third, since the release of *In Their Own Words*, CLC created a web version of this publication that has expanded versions of the stories included in the publication as well as new stories from other youth and family members. These stories are available in full and organized by categories at <http://ohiohindover.wordpress.com/>.

### PART I: OHIO AND NATIONAL UPDATES

Since the release of *Falling Through the Cracks* in May 2012, several changes have occurred at the national level and in Ohio for youth who become involved in the adult criminal justice system or are placed in adult jails and prisons.

#### U.S. SUPREME COURT CASE LAW

*Miller v. Alabama*,<sup>3</sup> In June 2012, the U.S. Supreme Court added another decision to its line of cases on adult criminal justice system involved youth (*Falling Through the Cracks*, pg. 2 – U.S. Supreme Court). In *Miller*, the Court held that youth who commit an offense before turning 18 cannot be given a *mandatory* life without parole sentence (LWOP). Instead, courts can only give youth an LWOP sentence after considering individual

# *PUBLIC POLICY WORK*

CLC attorneys continue their advocacy for youth outside the courtroom and traditional legal settings by engaging in large scale reforms with all three branches of government – legislative, administrative and judicial – on behalf of youth. These reforms focus either on supporting changes that would have a positive impact on youth or advocating against changes that could negatively impact youth.

In this capacity, CLC has engaged and continues to engage in a variety of efforts, including:

- Testifying before the legislature or participating in legislative stakeholder meetings on issues affecting youth in the school to prison pipeline or the juvenile or adult criminal justice systems.
- Engaging in the rulemaking process on proposed administrative regulation changes by state agencies.
- Monitoring and weighing in on changes to juvenile court rules, particularly with regard to youth obtaining counsel in proceedings in juvenile court.
- Developing advocacy documents, such as fact sheets and reports, to collect and analyze data and research on issues facing youth as well as inform stakeholders about any changes in the field.
- Working with youth and families who become involved in the school to prison pipeline or juvenile justice system to tell their stories and become engaged in the advocacy process.
- Working with the media to highlight issues facing youth in news stories and opinion pieces.
- Writing and coordinating amicus briefs for state Supreme Courts on cases with statewide impact on youth.
- Participating in statewide taskforces and advocacy coalitions focused on youth issues.

Through its public policy work, CLC also helps to create a stronger voice for youth by working in partnership with other youth advocates, including children's attorneys and public defenders and other organizations who focus on issues facing youth both at the state and national levels.

# *JUVENILE DEFENDER SUPPORT SERVICES*

The United States Supreme Court held in 1967 that youth have a constitutional right to counsel in delinquency proceedings under the due process clause of the United States Constitution. Youth who have contact with the delinquency system need to be presented by well-trained juvenile defense attorneys who have the resources and capability to zealously represent them. Skilled juvenile defenders are crucial to protect the rights of youth accused of crimes, as well as to ensure that youth understand the charges against them and advocate for the best possible results.

## **CENTRAL JUVENILE DEFENDER CENTER (CJDC)**

As the regional affiliate of the National Juvenile Defender Center, the Children's Law Center, Inc. houses the Central Juvenile Defender Center. The CJDC focuses on juvenile law issues in Arkansas, Indiana, Kansas, Kentucky, Missouri, Ohio, and Tennessee. The Center coordinates regional activities, including helping to compile and analyze juvenile indigent defense data, facilitating organizing and networking opportunities for juvenile defenders, offering targeted, state-based training and technical assistance, and providing case support specifically designed for complex or high profile cases. In 2013, the Children's Law Center hosted 2 statewide juvenile defender trainings, including the 9<sup>th</sup> Annual Ohio Juvenile Defender Leadership Summit. Through our defender services, CLC provided:

- Quality continuing legal education to approximately 143 Ohio juvenile defenders
- Quality continuing legal education to approximately 100 Indiana juvenile defenders
- 26.5 continuing legal education hours through state and local trainings

## **JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI)**

Since 2010, CLC has piloted the Ohio Juvenile Detention Alternatives Initiative (JDAI) Indigent Defense Project. JDAI is a national initiative of the Annie E. Casey Foundation which promotes changes to policies, practices and programs to: reduce reliance on secure confinement, improve public safety, reduce racial disparities & bias, save taxpayers' dollars, and stimulate overall juvenile justice reforms. We focus on engaging defenders in detention reform, providing technical assistance, and improving access to counsel in Cuyahoga, Franklin, Montgomery, Summit, and Lucas counties. The project has made substantial progress in ensuring that youth in all 5 counties have representation at detention hearings. In 2013, the project:

- Provided 23 technical assistance consultations and two training events
- Conducted 9 site visits



“This is the most cost-effective, informative and practice-appropriate CLE seminar in Ohio! The staff and presenters are very professional. Thank you!”

*-Attorney participant at the 2013 Ohio Juvenile Defender Leadership Summit.*



Shown above: Staff Attorney Angela Chang and OPD attorney Laura Austin presenting at the 2013 Ohio Juvenile Defender

### In 2013 CLC attorneys:

- Presented 2 sessions at the Kentucky Department of Public Advocacy conference
- Presented at a defender training for the Tennessee Association of Criminal Defense Lawyers
- Provided 4.5 hours of training at the 2013 National Juvenile Defender Leadership Summit in Scottsdale, Arizona

# *TRAININGS AND EDUCATION*

The Children's Law Center recognizes that providing training and education is crucial to successful advocacy work at the individual and the systemic levels. CLC works towards creating a better educated community through publications and presentations through a variety of mediums, as well as training and education of law students and other college students.

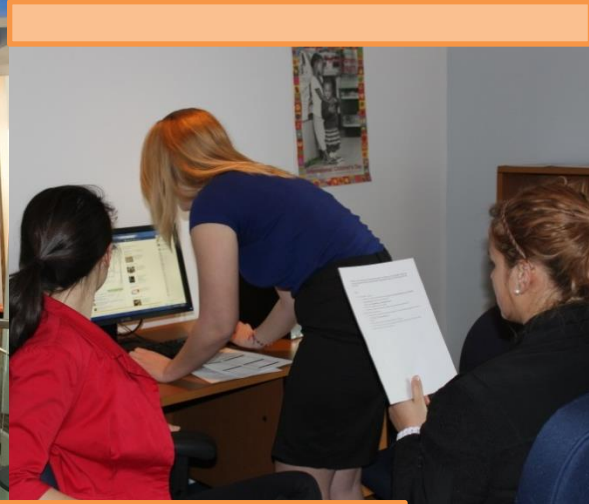
## **Educating through Presentations and Social Media**

In 2013, CLC provided community education through traditional presentations as well as social media.

- Community education through internet radio shows and social media:
  - 12 forty-five minute blog radio shows via our "Spotlight on Youth" Blog radio series
  - 8 fifteen minute "Quick Take Ohio" shows featuring juvenile justice news in Ohio
  - Online downloads of the shows for a total of 35,999 participants
  - 194 posts on Facebook
- Education to Parents, Youth, and Community Advocates
  - 3 presentations to Kentucky parents and community advocates provided by CLC staff in Christine, Scott, and McCracken Counties on racial disparity in school discipline and court charging, the harmful impact of exclusionary discipline practices, and overreliance on court prosecution and incarceration
  - City-wide conference held on need of equity in schools in Fayette County, Kentucky
- Presentations to Attorneys and other Service Providers
  - 9 presentations provided by CLC attorneys at conferences including the Kentucky Bar Association Convention, Northern Kentucky Law Review Symposium, the Ohio State University Moritz College of Law, and the Ohio Forensic Director's Conference.

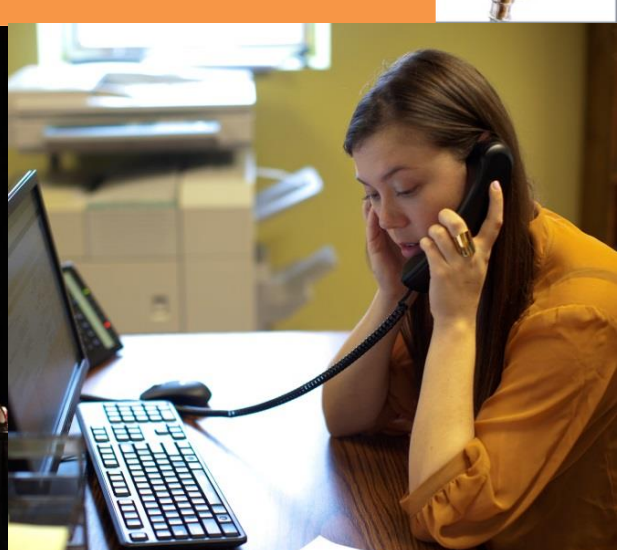
## **Building up Future Leaders in Child Advocacy**

The Children's Law Center works with law students from Salmon P. Chase College of Law, the University of Kentucky Law School, and the University of Cincinnati College of Law through fellowships and externships. Additionally, social work and criminal justice students from universities both locally and nationally have volunteered or completed internships through the Center.



Lauren Litton is shown with Michael, a recent guest of *Spotlight on Youth*. To listen to 'Exploring the Relationship Between Film and Social Justice: Minor Differences' and other archived events of the show please visit:

<http://www.blogtalkradio.com/spotlightonyouth>



# *THE CHASE CHILDREN'S LAW CENTER CLINIC*

The NKU Chase Children's Law Center Clinic is a collaboration between the Children's Law Center (CLC) and Chase College of Law. The Clinic is an educational and practice model that allows law students to gain real-world experience representing young clients while being closely supervised by a Chase professor. The Clinic is housed on the third floor of the Children's Law Center's office in Covington and is directed by Amy Hallbrook, Esq.

## **ABOUT THE CLINIC**

Clinic is a one or two-semester program for law students. At the outset, students receive intensive 2-day training on substantive child and family law topics and court processes. Students also tour the local courts and the regional juvenile detention center. As the year goes on, students participate in a weekly classroom component that focuses on child and adolescent development, interviewing and counseling, case theory, negotiation, ethical issues related to representing child clients, and trial skills development. Students and the Clinic professor also participate in case conferencing sessions with the CLC's staff attorneys, taking advantage of their specialized knowledge and skill. In addition to their litigation responsibilities, students participate in research projects, policy pieces and community education.

Once oriented to practice, students are assigned to actual cases. The Clinic professor, the law students and sometimes CLC lawyers share responsibility for cases. With assistance and supervision, students participate in all aspects of cases and serve as counsel in court.

## **BENEFITS TO STUDENTS AND CLIENTS**

By participating in the Clinic, students develop skills and abilities necessary to the successful practice of law, including legal research and analysis skills, oral and written communication abilities, creative problem-solving skills, interviewing skills, counseling skills, negotiation skills, investigation skills, litigation strategy, and trial advocacy skills. In class and court, students are exposed to multiple perspectives on justice, fairness and morality and they reflect on attorneys' roles and ethical responsibilities.



“The Chase Children's Law Clinic was a fulfilling experience that helped me gain skills and knowledge that will be useful in my law career. I really enjoyed developing a professional relationship with my fellow clinic students and our clinic professor. It wasn't like a typical classroom course, it was like an actual law firm. My favorite part of the clinic is working closely with my clients to help develop the best strategy to gain the desired outcome for their cases. Many of the clients have no one who will listen to what they want and it is very fulfilling to know that I helped make sure their desires and thoughts were heard before the court.”

– **Heather Tackett** (joined CLC's staff in November 2013)



CLC launched Dancing with the CLC Stars  
in 2013. We raised over \$50,000 on behalf  
of the work we do every day for kids.  
We look forward to seeing you next year.

SAVE THE DATE

Thursday, May 22<sup>nd</sup> 2014

*Receptions Banquet & Conference Center (Erlanger)*



# DANCING WITH THE CLC STARS





# ENSEMBLE THEATRE CINCINNATI



Every year, CLC partners with  
Ensemble Theatre Cincinnati for  
holiday fun and a fundraiser. We raised \$5,000  
this year and were able to distribute  
75 donated tickets to local kids.

This event is dedicated to Mary Fisher.

# DONORS

## INDIVIDUALS

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Bole, Elaine	Eilerman, Charles	Jackson, Lynda	Meister, Julia
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Condia, Tony	Harrison, Jack	Long, Paul	Pair, Brenda
Corwin, Carolanne	Harvey, Gayle		Pangburn, Charlie

## **INDIVIDUAL CONT.**

Passantino, Kathleen  
Payton, Chris  
Peebles, Tina  
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Penn, Deanna  
Pennington, John  
Pensak, Myles  
Perry, Jim & Sherry  
Perry, Nancy  
Powers, Krista  
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Smith, Sarah  
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Whiteman, Michael  
Wilkins, Lynn  
Willman, James  
Winter, Robert  
Wissman, Ann  
Wolnitzek, Steve & Katie  
Wolterman, Jim  
Wones, Robert  
Wong, Angela  
Wong, Mike  
Wong, Susanna  
Works, Nancy  
Worland, Ed  
Yocum, Thomas R.  
Young, Phyllis

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Roeding Insurance  
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Razoo Foundation  
Seligman Family Foundation  
Steele-Reese Foundation  
The Butler Foundation  
The George Gund Foundation  
The Neyer Foundation  
United Way of Greater Cincinnati  
WHAS Crusade for Children

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University of Cincinnati  
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Visual Solutions Services, LLC



**COVINGTON**

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