



Kids Matter

Child Protection and Advocacy Law Section

Fall 2014

Child Protection and Advocacy Section Announces Scholarship for Section Members

*Three scholarships
will be awarded.*

*Three application
periods.*

*See inside for more
details.*



From the Chair

By Nicki Noel Vaughan



Welcome to the Fall 2014 issue of Kids Matter. As always, we owe a great debt to our Editor, Tonya Boga, for bringing the membership an interesting and informative newsletter. In addition to articles on adoption and Medicaid, this edition contains important information regarding the availability of scholarships for section members for trainings related to all aspects of juvenile law. Additionally, an article “Juvenile Law Committee—who are they?” presents insight into the Younger Lawyers’ Division’s very active and effective committee. In connection with that article, we have a report on the well-attended Happy Hour Mixer that was co-sponsored by the YLD Juvenile Law Committee and the Child Protection and Advocacy Section that was successful in bringing together the wide range of juvenile law practitioners to not only socialize, but to provide gifts and money for the Winter Gift Drive for Georgia’s foster children. Again, we welcome volunteers to serve on the Editorial Board or to submit an article for publication.

MEMBERSHIP:

The Section currently has over 370 members. Thanks to all of you for your continued support. Your dues have gone to provide and support valuable training and activities this quarter.

ACTIVITIES OF THE QUARTER:

On Nov. 20, the section, Georgia Appleseed and ICLE held a training for interested lawyers to serve as pro bono counsel for foster care children who are facing school disciplinary action and have no other representation. The extremely informative three-hour training was taped so that it can be replicated throughout the state. The current pilot program will assist children in Fulton and DeKalb Counties and it is hoped that it can be expanded to include other counties as the need is studied. Please contact Georgia Appleseed if you are interested in obtaining the video for training in your circuit.

The section co-sponsored the Fourth Forum on Complex Trauma on November 21. This training was focused on educating DFCS Case Managers, child advocates and service providers.

The section also co-sponsored the Georgia Legal Services Second Annual Champions of Justice recognition event on Oct. 7 and the Nov. 7, 2014 Child Welfare Attorney Training for Guardian ad Litem certification.

PLAN TO ATTEND THE ANNUAL MEETING AND CLE JANUARY 29, 2015!

We want and need your support. State Bar sections exist to serve their members. Let us know what you need and what you would like to see the section provide. Thank you all for your continued interest and support.

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Jan. 29, 2015

Child Protection Seminar (6/1/0/0)

ICLE Seminar Number - 8746

*Early Registration: \$110 (Section Members);
\$140 (Non-Members)*

*On-Site Registration: \$140 (Section Members);
\$170 (Non-Members)*

State Bar of Georgia Conference Center

The opinions expressed within Kids Matter are those of the authors and do not necessarily reflect the opinions of the State Bar, the Child Protection and Advocacy Section, the Section’s executive committee or the editor.

Georgia Family Connection: Community-Level Solutions to Some of Georgia's Most Daunting Challenges

By Elizabeth Bradley Turner and Diana St. Lifer

In 1991, a pilot initiative called Georgia Family Connection aimed to streamline services for the physical, educational, social and economic well-being of Georgia's most vulnerable citizens through collaboration at the local level. Fifteen counties volunteered to pioneer the initiative by bringing together a cross-section of its community and figuring out the best way to help their local kids and families thrive.

Family Connection grew into a statewide network by 2002 and today there are 157 local Collaborative organizations serving all of Georgia's 159 counties. Each community's Collaborative is unique and sets its own priorities, but they all share a common vision of a Georgia where all children are healthy, ready to start school and do well when they get there and where every family is stable and self-sufficient and living in a strong community.

At the state and national levels, Georgia Family Connection Partnership (GaFCP) supports the Family Connection network by providing technical assistance and training and by convening and connecting regional, state and national partners around issues that affect Georgia's families and children. As the KIDS COUNT grantee for the state of Georgia, GaFCP also tracks indicators of child well-being at the local, state and legislative-district levels.

Community-Level Solutions

Three indicators that have proven to be particularly troublesome in Georgia are low birthweight, grade-level reading and childhood obesity, ranking nationally at 46th, 31st and 41st, respectively. Each of these three indicators is also what's known as a 'driver indicator'—meaning the outcomes of several other measures of child and family well-being are closely linked to the outcomes of these indicators. While Georgia

has traditionally performed poorly in these areas, research suggests that focusing multiple strategies on an particular issue at the community level will help improve that indicator, while also helping address other concerns related to child and family well-being in that community.

Because of their connectivity to other issues and because low birthweight, literacy and obesity have a tremendous impact on Georgia's health, safety and ability to prosper, GaFCP launched initiatives dedicated to developing and implementing strategies to improve Georgia's outcomes in these areas.

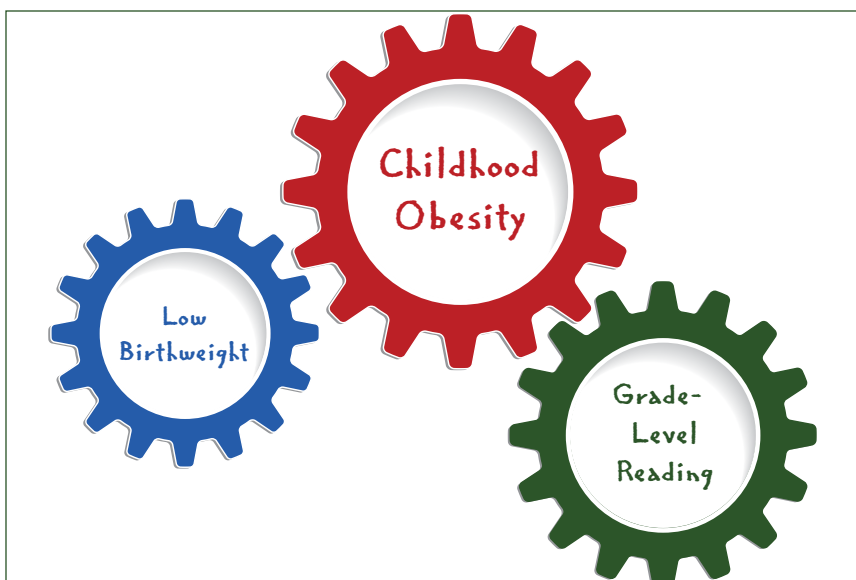
With support from state and community partners and funding agencies, GaFCP helped 11 Family Connection Collaboratives team up with their peers in other counties struggling with the same indicator. Each Collaborative participates in a cohort focused on one of the three issues and they are working both independently and as a team to research and strategize, identify resources and develop programming to change the tides in their communities.

Low Birthweight

The first initiative launched was low birthweight prevention in 2010, in Lamar, Spalding and Heard counties. With 9.3 percent of babies born low weight in 2012, Georgia's rate is among the worst in the nation and the three cohort counties were pre-identified as areas of the state where the low birthweight rate was even higher than Georgia's state average.

Infants born at less than five and a half pounds are considered low weight and 70 percent of children in Georgia who die before their first birthday are born below that threshold. Birthweight is also highly correlated to the educational success of children once they reach school-age, as well as to the healthiness of children as they get older. Children who are born underweight are less likely to complete high school on time than children born at or above five and half pounds and low birthweight babies are more likely to suffer from developmental disabilities and long-term health effects, such as asthma, diabetes and heart disease.

By applying strategies at the local level aimed at improving women's health care, increasing community awareness and education about the risks associated with low birthweight and providing access to adequate prenatal care, the cohort counties have slowed the increase of babies born low weight in their communities—and some have begun to improve their numbers. Lamar County has seen the most improvement, having successfully lowered its 2007 rate of 12.8 percent to 10.2 percent by 2012.



Because of the success in these counties, other communities in Georgia seeking to reduce the incidences of low birthweight have models from their own state that they can replicate. Likewise, Georgia communities looking to improve other indicators are applying the same cohort structure and are working together to develop and implement strategies to address their shared concerns.

Grade-Level Reading

A 2012 KIDS COUNT study revealed that reading proficiently by the end of third grade can be a make-or-break benchmark in a child's educational development. Before fourth grade, children learn to read, but from fourth grade on, they read to learn new material. Students with low literacy achievement after third grade quickly fall behind in school. These students also tend to have more behavioral and social problems in subsequent grades and higher rates of being retained to repeat a grade. In Georgia, more than 70 percent of students are moving on to the fourth grade without proficient reading skills.

Because of the rates of children unable to read on grade level in their communities, the Family Connection Collaboratives in Charlton, Seminole and Polk counties joined the Early Childhood—Grade-Level Reading cohort. These counties are applying multiple strategies to increase the number of children who meet the third-grade benchmark, such as providing opportunities for parents to gain the knowledge and resources needed to assist their own children with pre-literacy skill-

building activities and providing children who are falling behind grade-level with tutoring in reading.

Childhood Obesity

Childhood obesity is both a health and financial threat to the state. Georgia spends \$2.4 billion annually to treat obesity-related illnesses and 35 percent of Georgia's children are considered obese or overweight—the 10th highest rate in the United States. For the first time in our country's history, children are expected to live shorter lives than their parents due to the consequences of obesity.

The Family Connection Collaboratives in Baldwin, Newton and Washington counties, all of which are experiencing even higher rates of childhood obesity than the state average, connected as a childhood obesity prevention cohort.

Obesity is a particularly complex issue. There can be many contributing factors, such as poor nutrition—including a lack of access or ability to afford healthy foods—and a lack of physical activity. The consequences of obesity are also far reaching, including an increased risk for depression and bullying, in addition to health risks such as diabetes and heart disease. Accordingly, the counties involved in the childhood obesity prevention cohort are applying multiple strategies to reduce the occurrences of obesity in their communities, such as working with partners to increase citizens' access to healthy foods, to promote and create opportunities for children and their families to engage in physical activity and to educate children about healthy habits within their school systems.

Learn More

Each of these issues is critical to the health and overall well-being of Georgia's children and to the prosperity of our state. Perhaps of greatest relevance to the work of juvenile attorneys and child advocates, though, are the implications of these issues for children's mental health, children's social and relationship-building capacities and children's ultimate educational attainment.

For more information about Low Birthweight in Georgia, download *Improving Infant Health: Addressing Low Birthweight in Georgia* at fcn.gafcp.org/lbw/LBWcompedium.pdf.

To learn about the Get Georgia Reading Campaign for Grade-Level Reading's statewide strategies to get all children reading proficiently by the end of third grade by the year 2020, visit getgeorgiareading.org.

To learn about a state-level initiative aimed at combatting childhood obesity in Georgia, visit georgiashape.org.



Did you know?

The joint efforts of the YLD Juvenile Law Committee, YLD Family Law Committee and our section resulted in the collection of toys and gift cards totaling approximately \$600. The gifts will help make Christmas a little brighter for some foster children this year. We encourage everyone to donate a toy, gift card, or monetary donation to an organization seeking to provide a brighter Christmas to a child this year. Every gift makes a difference.



A Potential Client Contacted Me About an Adoption... Now What?

By Sherry V. Neal, Neal & Wright LLC

Most lawyers perceive adoption law as a “happy law practice.” Happy families providing forever homes to little babies has lots of appeal and it’s no wonder that many attorneys are interested in handling this work. I enjoy my practice and completely understand the attraction. The reality, however, is that, while adoption law can be immensely rewarding and an intellectually stimulating practice, it is also fraught with the possibility for malpractice. Before you take an adoption case, especially if it is not your normal area of practice, here is what you should consider:

1. Have you ever done any adoption work before? Yes, every lawyer must have a “first time” for each type of case she handles. That said, adoption law is a specialty area and having handled other domestic relations work in Superior Court or child welfare work in Juvenile Court is not necessarily going to provide you with the procedural and substantive grounding that you need to represent your clients adequately, must less proficiently. Adoptions are not subject to most rules of the Civil Practice Act, have their own procedures for termination of rights that are not identical to those in the Juvenile Code and have their own forms and formalities, not all of which are contained in the Adoption Code. If you have never done any adoption work and are not interested in making such work a regular part of your practice, you should refer the potential client to an experienced adoption lawyer. A list of such lawyers in Georgia can be found on the website for the Georgia Council of Adoption Lawyers, www.gacal.org. A list of such lawyers nationwide can be found on the website for the American Academy of Adoption Attorneys at www.adoptionattorneys.org. If you are still considering whether to keep or refer the case, read on!
2. What type of adoption are you being asked to handle? Let’s say that you are still interested in taking the case. Even assuming that you have some adoption experience, the type of adoption can make a huge difference in the amount of work you will be expected to do, the likelihood of a contested hearing, the likelihood of an appeal, the complexity of the documents you will prepare and the possibility of committing malpractice. In my experience, many domestic relations attorneys, for example, are more likely to take a stepparent or relative adoption than they are to take an adoption finalizing an agency or DFCS placement. Many seem to assume that if the child is living with a stepparent or relative, the proceeding



will be simple, probably, in part, because the standard for termination of parental rights is lower in such cases. HOWEVER, this is exactly the opposite of what most attorneys without substantial adoption experience should do, in my opinion. When you have a few spare moments, take some time to search for “19-8-” in your legal research database of choice. What you will find is that the vast majority of appeals from adoption matters are from relative and stepparent cases. That is because these cases are the most likely to involve

complex issues – procedural and substantive – and to be appealed. They may seem simple, but they are quite complex. Similarly, international adoptions often involve complex immigration issues that need to be handled by an attorney with experience in both areas; interstate adoptions are subject to special administrative requirements; and even DFCS placements can come with their own pitfalls with regard to Title IV-E benefits.

3. Are you good at issue-spotting, do you have time for research and are you willing to admit when you are in over your head? Do you know what the Hague Convention, immigration law, ICPC, ICWA, Title IV-E, the UCCJEA, the Adam Walsh Act and the Service Members Civil Relief Act have to do with adoption? Do you have time to find out? If not, consider referring adoption cases out or upping your malpractice coverage.
4. Do you have a support system? Assuming you decide you want to handle the adoption case that presents itself to you, make sure you have your support system in place. Reach out to attorneys who regularly practice in this area and enlist their support and guidance. Hire them to associate on a case, if you need to do so. At a minimum, make sure you know who to go to for advice about resources, tips on filing and dealing with judges and even to intervene if you find yourself in over your head. Just be sure that you have done all your research first and are prepared with smart questions and are not expecting a more experienced attorney (who has spent a lot of time on research, form drafting and perfecting client management) simply to tell you how to do your work.

Sherry V. Neal is an adoption attorney in Decatur, Georgia. Founder of the Georgia Council of Adoption Lawyers and a fellow in the American Academy of Adoption Attorneys, she is always willing to discuss the adoption field with other attorneys and aspiring attorneys.

Sherry V. Neal, J.D., www.nealandwright.com, sherry@nealandwright.com, (678) 596-3207

Medicaid to 26 - For Youth in Foster Care



If you were in
Foster Care at
18

You Can
Qualify for
Medicaid

No Income or
Asset
Restrictions

Beginning
January 1,
2014

Apply: Online,
by Phone, or
In- Person

Young adults who were **in foster care placement** (in Georgia or another state) when they were 18 can get Medicaid until the age of 26!

Apply online at www.compass.ga.gov, by phone at 1 (877) 423-4746, or in-person at your local DFCS office. Be sure to note you are applying as a Youth in Foster Care when you were 18.

Fostering Your Health



Or call Georgia Legal Services
Benefits Hotline at: 1 (888) 632-6332



1.2014

Juvenile Law Committee—Who Are They?

By Araceli Jacobs & Deidre Merriman

The Young Lawyers Division Juvenile Law Committee (JLC) welcomed Araceli Jacobs and Deidre Merriman as the new committee leaders. The committee's goals include engaging and empowering young lawyers interested in child welfare and juvenile justice to improve the practices and policies affecting children. Over 30 members are registered for the committee. The group seeks to increase their membership and visibility by utilizing the 140 alumni of the JLC.

Hon. Peggy Walker, president of the National Council of Juvenile and Family Court Judges, spoke at the first meeting of the JLC and DFCS Juvenile Court Liaison; Rachel Davidson, spoke at the second meeting. JLC is committed to providing speakers who will educate the members on Juvenile Code Implementation. Joe Vignati, assistant deputy commissioner for DJJ, presented at the October meeting on DJJ updates. The November meeting featured a panel of experts on Disproportionate Minority Contact in the Juvenile Justice system.

On Nov. 13, the committee partnered with the CPA Section and YLD Family Law Committee to host a "Code & Cocktails" social. The revised Juvenile Code has prompted juvenile stakeholders to revisit their practices and procedures in order to comply with the newly enacted legislation. This event provided an opportunity for a gathering of practitioners to discuss the Code. This event also launched JLC's annual holiday gift drive for foster children. The winter gift drive is led by Marks Brooks and Josh Lingsch. The committee asked each attendee to bring at least one toy/gift to the gathering. Foster youth often spend the holidays displaced from their relatives and may not receive any presents during the winter holiday season. The committee hopes to restore some sense of normalcy by providing gifts to the children. We collected about \$200 in gift cards and about \$400 in actual gifts.

Other projects include foster youth college care packages, led by Jamila Fair, Dene Matthews, Karen Pulliam and Courtney Dixon; Incarcerated Parents Rights led by Attorneys Jenny Virostko and Nicole W. Hull (this group is creating a know-your-rights brochure for this population); and SB 440/ Juvenile Transfers project led by Beth Anne Higgins-Brooks.

If you would like to get involved in the committee or a specific project, please contact Araceli Jacobs at araceli.jacobs@gmail.com.

Georgia Juvenile Code 2014 Edition

The Juvenile Code stand-alone publication has been released and can be ordered using the link below.

<http://tinyurl.com/kbax92>

Treasurer's Report

by Randee J. Waldman

Ever wonder what your section dues are being used for? Each year, the Child Protection and Advocacy Section designates funds for certain projects, events and programs. For instance, in 2014, the section sponsored scholarships for 15 individuals to attend our CLE, "Hang On! Children's Laws are Changing Fast." We also co-sponsored several events, including the Trauma Summits conducted by the Supreme Court's Committee on Justice for Children as well as a recent toy drive / mixer with the Young Lawyer's Division.

For 2015, the Section has designated funds for the following: (1) continued scholarships to our own CLE scheduled for January 2015 and (2) a large-scale project with respect to educating youth about collateral consequences of a juvenile adjudication.

In addition, we have decided to accept funding requests from section members for 2 categories of funds: (1) individual member scholarships of up to \$500 for attendance at national conferences or seminars and (2) group or agency requests to fund projects that will have an impact on children within any practice area covered by the section. Please see the newsletter and /or website for more specifics on the application process for each funded category.

Section Executive Committee

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**STATE BAR OF GEORGIA
CHILD PROTECTION AND ADVOCACY SECTION
SCHOLARSHIP APPLICATION**

The Child Protection and Advocacy Section of the State Bar of Georgia will offer three (3) scholarships in the amount of up to \$500 per scholarship each year. These funds may be used for either registration fees or travel expenses for an out-of-town conference or seminar.

The scholarships will be awarded to members of the Section who demonstrate both a need for financial assistance and a demonstration of the relevance of the content area of the conference or seminar to the work conducted by the attorney.

Commitment to Share Information:

Scholarship recipients agree that they will write an article for the Section newsletter, *Kids Matter*, regarding a topic covered at the conference or seminar.

Application Process:

Application Periods: There will be three application periods each year, with one scholarship awarded during each application period. The application periods are as follows:

January 1 – April 30 (scholarship awarded by May 31)

May 1 – August 31 (scholarship awarded by September 30)

September 1 – December 31 (scholarship awarded by January 31)

Application: The attached application form, including a statement of need and copy of the agenda, must be completed and returned to the scholarship committee by the appropriate application period close date. Applications should be returned to derricks@gabar.org.

**STATE BAR OF GEORGIA
CHILD PROTECTION AND ADVOCACY SECTION
SCHOLARSHIP APPLICATION**

NAME: _____

AFFILIATION: _____

ADDRESS: _____

PHONE: _____ **FAX:** _____

E MAIL: _____

DESCRIPTION OF PROGRAM YOU WISH TO ATTEND : (Please attach a copy of the program agenda, if available.)

Program Title: _____

Program Location: _____

Program Dates: _____

Program Costs: _____

STATEMENT OF NEED (Include any financial contributions provided by your organization, relevance of the seminar to your work, etc) (You may attach a separate letter, on your organization's letterhead, with your statement of need)

Send completed applications to derricks@gabar.org

THURSDAY • JANUARY 29, 2015

CHILD PROTECTION SEMINAR

Co-sponsored by:



**Child Protection and Advocacy Section,
State Bar of Georgia**

6 CLE Hours including • 1 Ethics Hour

STATE BAR OF GEORGIA HEADQUARTERS

104 Marietta Street NW • Atlanta, GA

For reservations, call:

Embassy Suites phone: 1-800-Hilton • The Glenn phone: 404-521-2250

Hilton Garden Inn phone: 404-577-2001 • The Omni phone: 800-843-6664

Ask for the State Bar of Georgia's negotiated corporate rate.

<http://www.gabar.org>

A NOTE ON PARKING AT THE BAR CENTER:

As of Sept. 2, 2014, Georgia DOT began work on replacing the Spring Street bridge, which will impact traffic and parking at the Bar Center. During this time, there will be only one-way access into the State Bar parking garage. You will enter and exit the Bar Center traveling southeast on Marietta Street. We urge all of our members and visitors to please allow extra time for congestion in this area when visiting the Bar Center.

For more information, please visit:

www.gabar.org/springstdetours.cfm

THREE WAYS TO REGISTER: check the ICLE schedule on the web at www.iclega.org

Mail: ICLE • P.O. Box 1885 • Athens, GA 30603-1885 (make check payable to ICLE)

Fax: 706-354-4190 (credit card payment must accompany fax to be processed)

Online: iclega.org (credit card payment only)

Duplicate registrations may result in multiple charges to your account. A \$15 administrative fee will apply to refunds required because of duplicate registrations.

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Questions? Call ICLE Atlanta Area: 770-466-0886 • Athens Area: 706-369-5664 • Toll Free: 1-800-422-0893

CHILD PROTECTION SEMINAR • January 29, 2015 • 8746

- Early Registration Fee: \$140
- On-site Registration Fee: \$170

- Child Protection and Advocacy Section Members
- Early Registration Fee: \$110
- On-site Registration Fee: \$140

- I am unable to attend. Please send program materials and bill me. (BOOK AND PRICE UNAVAILABLE UNTIL AFTER SEMINAR.)

NAME _____ GEORGIA BAR # _____

FIRM/COMPANY _____ OFFICE PHONE _____

EMAIL _____

(To receive seminar notification and registration confirmation by email only.)

MAILING ADDRESS _____ ZIP + 4 _____

STREET ADDRESS _____ ZIP + 4 _____

CITY _____ STATE _____

- I am sight impaired under the ADA and I will contact ICLE immediately to make arrangements.

- I have enclosed a check in the amount of \$ _____ (See fees at left)

- I authorize ICLE to charge the amount of \$ _____ (See fees at left) to my MASTERCARD VISA AMERICAN EXPRESS*

Credit Card Verification Number: A three-digit number usually located on the back of your credit card; *AmEx is four-digits on the front of the card.

Early registrations must be received 48 hours before the seminar.

Account #: /

Expiration Date:

Signature:

AGENDA

The registration fee for all seminars held at the State Bar of Georgia has been reduced by ICLE in recognition of the Bar's service to Georgia attorneys.

Presiding: *Nicki Noel Vaughan*, Program Chair; Chair, Child Protection & Advocacy Section, State Bar of Georgia; Chief Assistant Public Defender, Northeastern Judicial Circuit, Gainesville

7:30 **REGISTRATION AND CONTINENTAL BREAKFAST**

(All attendees must check in upon arrival. A jacket or sweater is recommended.)

8:10 **WELCOME AND PROGRAM OVERVIEW**

8:15 **THE PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT**

Karlise Y. Grier, Grier Law Office, P.C., Atlanta

9:15 **ETHICS**

Paula Frederick, General Counsel, State Bar of Georgia, Atlanta

Randee J. Waldman, Barton Juvenile Defender Clinic, Atlanta

10:15 **BREAK**

10:20 **JUVENILE APPELLATE ISSUES**

Crystal L. Conway, Schiff Hardin LLP, Atlanta

GPDSC Appellate Division Representative TBA

11:20 **LUNCH** (Included in registration fee)

11:50 **TRANSFER HEARINGS UNDER THE NEW JUVENILE CODE**

Mary K. McKinnon, Assistant District Attorney, Middle Judicial Circuit, Swainsboro

Nicki Noel Vaughan

12:50 **WHAT DOES "BEST INTEREST OF THE CHILD" ACTUALLY MEAN**

Jane G. Okrasinski, Attorney at Law, Athens

1:50 **BREAK**

2:00 **HEALTHCARE AND PUBLIC BENEFITS FOR CHILDREN**

Vicky O. Kimbrell, Georgia Legal Services Program, Atlanta

3:00 **ADJOURN**

CANCELLATION POLICY

Cancellations reaching ICLE by 5:00 p.m. the day before the seminar date will receive a registration fee refund less a \$15.00 administrative fee. Otherwise, the registrant will be considered a "no show" and will not receive a registration fee refund. Program materials will be shipped after the program to every "no show." Designated substitutes may take the place of registrants unable to attend.



SEMINAR REGISTRATION POLICY

Early registrations must be received 48 hours before the seminar. ICLE will accept on-site registrations as space allows. However, potential attendees should call ICLE the day before the seminar to verify that space is available. All attendees must check in upon arrival and are requested to wear name tags at all times during the seminar. ICLE makes every effort to have enough program materials at the seminar for all attendees. When demand is high, program materials must be shipped to some attendees.