

# JustChildren

## JustChildren

A Program of the Legal Aid Justice Center

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Employing a variety of strategies to insure that young people in Virginia have access to the services and supports necessary to live successful lives in their communities.



Seven years ago, JustChildren was one lawyer on a fellowship. Thanks to your support, our staff now includes five lawyers, a community organizer who serves three different cities—Charlottesville, Richmond and Petersburg—and a legal clinic at the University of Virginia, staffed by two faculty members and numerous law students. This dramatic expansion has increased our ability to protect the rights and improve the lives of some of Virginia's most vulnerable children. As you will see in the report that follows, JustChildren is becoming the children's law center for the Commonwealth of Virginia.

The strategies we employ are varied, but they are all tied together by our commitment to improving the lives of children and families. Some advocacy organizations focus on systemic issues, while others provide direct service to individuals. JustChildren does both. We believe this dual approach increases our effectiveness and credibility. The tremendous positive impact that we have made over the past seven years confirms this belief.

*Ronnie is a junior in high school in a rural county in Central Virginia. He is one of the best football players in the Commonwealth, a running back who averages 200 yards and several touchdowns per game. He is doing well academically and being recruited by colleges. Today his future looks bright.*

*When Ronnie's mother first called us four years ago, however, the picture was grim. Ronnie had been expelled from school and sitting at home for more than a month, receiving no educational services at all. His mother, a single parent, was distraught and frustrated. She worried about her son getting into trouble and giving up on school.*

*After an initial investigation, JustChildren concluded that the school had wrongfully expelled Ronnie and, even more significantly, had ignored his learning disabilities. We filed several legal actions. As part of a settlement, the school agreed to re-enroll Ronnie, provide him with appropriate educational and behavioral support, and allow him to participate in athletics, a privilege usually denied students returning from expulsion. The rest, it seems, is history. With this second chance, Ronnie's horizons have expanded dramatically.*

## R O N N I E ' S S T O R Y



## INDIVIDUAL REPRESENTATION

The core of our work is the representation of individual children and families. Over the past two years, we have represented approximately 300 children of all ages. Many were in situations similar to Ronnie's.

Some of the children we represent are in jeopardy of being removed from their families and placed in foster homes, residential treatment programs, or juvenile prisons. With our help, they frequently get the assistance they need to succeed in their own homes and communities. Others are locked in juvenile prisons because the state has failed to address their mental health problems. JustChildren works to expedite the release of these children, while securing appropriate services for them in the community.

Parents seek out JustChildren directly. Juvenile court judges request our aid to solve complex situations. Lawyers, probation officers, social workers, mental health professionals, Court Appointed Special Advocate (CASA) volunteers, and even school officials all refer children to us. We have become a valued asset in the Commonwealth, breaking through barriers wrongly erected between children and the services they need, securing second chances for children to stay in school and in their communities, and helping hard-to-serve children and families find a way out of difficult situations. Individual representation is the foundation at JustChildren. Through this important work, we create opportunities and improve lives.

## TRAINING

Early in the life of JustChildren, we realized that many of the parents and professionals with whom we worked lacked adequate knowledge about the rights of the children in their care. So we have devoted significant time and energy to training. Over the past two years, close to 1,000 parents, foster parents, and child-serving professionals from across Virginia have been trained to effectively advocate for children. The materials we have developed are highly valued and widely used in Virginia and across the country. When these advocates know how to help early on, crises that might later require our intervention can be avoided.

We are especially proud of a foster-care training project that has been funded for the past three years by the Freddie Mac Foundation. Foster children fail in school at alarmingly high rates. With their living situations in upheaval, it is not unusual for these children to attend multiple schools in the same year, often facing days and even weeks of uncertainty waiting for new schools to admit them. Traumatized by abuse and neglect, these children also struggle with learning, emotional, and behavioral problems. Yet schools are frequently reluctant to provide the services and support they need to succeed. Delayed enrollment, school failure, and suspension and expulsion all have a particularly vicious impact on foster children because they can disrupt foster care placements and interfere with family reunification.

**ONLY 15 PERCENT OF CHILDREN IN VIRGINIA'S JUVENILE PRISONS WERE REGULARLY ATTENDING SCHOOL AT THE TIME THEY WERE INCARCERATED. MOREOVER, IN 2004 THE STATE SPENT LESS THAN \$10 PER STUDENT ON DROPOUT PREVENTION, WHILE SPENDING \$79,000 PER YOUNG PERSON INCARCERATED IN JUVENILE PRISON.**

## P R O G R A M R E S U L T S

Our program has trained social workers, foster parents, and CASA volunteers to become effective educational advocates. According to an independent, third-party evaluation of the program:

*Sixty-eight percent of individuals participating in the survey believe that the JustChildren program has directly contributed to their efforts to improve the educational opportunities of children under their care. According to participants, these efforts have led to improved academic opportunities for more than 528 children. Similarly, 41 percent of participants believe that the program has helped them improve the placement stability of their clients. Over the past 20 months, social service professionals and volunteers have reported that they helped the placement stability of at least 331 children as a direct result of taking part in the JustChildren program. Results from the second year of the training program indicate comparable successes to those achieved throughout year one.*

JustChildren's training programs improve opportunities for children. They also generate new advocates, build our capacity and establish a network of alliances across the state. And by working closely with Virginia's citizens, we learn about systemic problems and develop strategies for reform.



## PARTNERING WITH COMMUNITY LEADERS

The empowerment of our client communities is a critical aspect of our work. We organize and encourage parents and citizens to advocate for their entire communities, not just their own children. A JustChildren staff position, funded by the Mary Reynolds Babcock Foundation, is dedicated to this effort. The work is difficult but rewarding. As someone recently said to JustChildren's Legal Director Andy Block, "It is easy to do for people; it is harder to work with them."

We recently organized community leaders in historic Petersburg, formerly a tobacco distribution center. With the loss of tobacco production, the white flight that occurred after *Brown v. Board of Education*, and other economic changes, the city has fallen on hard times. Its school system is, quite possibly, the worst in the Commonwealth. With support from the Petersburg-based Cameron Foundation, JustChildren helped to establish Petersburg Advocates for Children (Kids-PAC). This grassroots organization encourages parents to become more involved in their children's education and advocates for better support for the Petersburg schools. Many of those involved remember segregation, and they are eager to rejoin the fight for education reform.

Kids-PAC recently organized a Halloween event that provided both fun activities for children and educational workshops for parents. With the help of volunteers, 75 children enjoyed a party, while 40 parents attended workshops designed to teach them how to help their children in school.



## IMPROVING SYSTEMS FOR CHILDREN

As we carry out our work representing individuals, training advocates, and organizing communities, we often discover policies and systems that hurt our children. So increasingly, JustChildren has become an engine for reform. We have made significant progress on a number of fronts, demonstrating the value of statewide advocacy.

### FUNDING FOR PUBLIC EDUCATION

After more than two years of investigation, research, and analysis, involving statewide travel and coalition building, JustChildren was prepared to file a lawsuit in the spring of 2004 challenging the constitutionality of Virginia's public education funding system, and in particular, the negative impact it has on poor children living in rural and urban communities. We were greatly assisted in this effort by the Washington, D.C., law firm of Pillsbury Winthrop Shaw Pittman, which contributed countless pro bono hours to prepare the case and provided the resources necessary to file a suit of such magnitude.

Our strategy was to wait for the Virginia General Assembly to fail yet again at making the public education system a fair one, and then file suit. During the session, however, a surprising but encouraging thing happened. Some bold and visionary state Senate leaders began to push for a significant increase in education funding. The General Assembly session lasted two months longer than normal, as the legislators and the governor hammered out the details. We wrote op-ed pieces supporting the increases for education and unofficially communicated our willingness to file suit if the measures failed.

Ultimately, the solution that was reached included \$1.5 billion in new funding for public education. By Virginia standards this is a historic increase. After consultation with many stakeholders, we postponed our planned litigation. Those aware of the budget negotiations reported that the threat of a lawsuit improved the bargaining position of those seeking change and played a role in the positive outcome. We are monitoring the disbursement of these funds and remain prepared to act if necessary.

## JUVENILE JUSTICE

In the past two years, JustChildren has almost single-handedly compelled the state to begin taking better care of the young people leaving its juvenile prisons. Frequently these children return home with no plan for transition: no school that will accept them and no mental health services in place. Not surprisingly, many re-offend and wind up back in the criminal justice system. They suffer, and we suffer, as a result.

We have paved the way for meaningful reform in two critical areas: school re-enrollment and mental health transition planning. We forced the state board of education to follow, at long last, a 1996 law requiring it to draft regulations to govern the school re-enrollment process. A JustChildren attorney and the parent of one of our clients are on the taskforce drafting the regulations, which will ensure that juvenile parolees enroll in school immediately upon their release. In addition, thanks to our issue advocacy and education, legislation was passed this year that calls for effective discharge planning for children with mental health needs. Taken together, these two efforts will insure that children leaving locked facilities can get the help they need to stay out of trouble.

This recent success was based on prior accomplishments, including coordinating the Virginia Coalition for Juvenile Justice, playing a key role in the production and well-publicized release of an American Bar Association critique of Virginia's juvenile justice system, and successfully working on the passage of legislation requiring the provision of counsel for children at their initial detention hearings (something that Virginia had not previously required).

As with our other reform efforts, we became aware of these problems in the juvenile justice system by representing individual children. Armed with the insights only available from working with individual young people and their families, we successfully fashioned system-wide solutions.

**VIRGINIA IS ONE OF THE WORST OF THE 50 STATES IN FUNDING COMMUNITY-BASED MENTAL HEALTH SERVICES FOR CHILDREN. SADLY, OVER 70 PERCENT OF THE CHILDREN IN VIRGINIA'S JUVENILE PRISONS HAVE A DIAGNOSABLE MENTAL HEALTH ISSUE.**

## EDUCATION FOR FOSTER CHILDREN

The approximately 8,000 children in Virginia's foster care system confront a host of obstacles in their efforts to succeed in school. They frequently move between several homes and schools in a single academic year. Too often, school administrators who do not want to deal with the challenges that the children pose give them a chilly reception. More than 4,000 children in Virginia's foster care system live in jurisdictions other than their familial homes.

At our urging, the General Assembly passed legislation that gives foster children the right to enroll in new schools immediately, and the opportunity, in some circumstances, to remain in their home schools even when their foster home is outside the attendance-zone lines. Foster youth and foster parents, with our support, testified in favor of this bill, and a broad team of organizations and government officials worked hard to secure its passage. Since the law passed, we have worked with the state departments of education and social services to develop a successful implementation plan.

Our awareness of this problem, and the coalition we organized to advocate for reform, would not have been possible absent our representation of individual children and our extensive training of social workers across the Commonwealth. Our deep immersion in the lives of our clients, and those who serve them, sheds light on both problems and solutions. No other organization in Virginia brings our informed perspective to statewide advocacy efforts.



VIRGINIA'S PRESCHOOL PROGRAM FOR AT-RISK FOUR-YEAR-OLDS HAS BEEN FUNDED AT THE SAME LEVEL—\$5,400 PER CHILD—FOR 10 YEARS. THIS IS ALMOST 50 PERCENT LESS THAN WHAT EXPERTS SAY IS THE *MINIMUM* COST OF A QUALITY PRESCHOOL EDUCATION.

## FUNDING TO SUPPORT JUSTCHILDREN

JustChildren was initially launched with a single funding source and a budget of approximately \$40,000. We now rely on more than 10 institutional sources of support, nearly three dozen individual donors, and a budget exceeding \$400,000. We receive support from national, regional, and local foundations, and employ two lawyers supported by fellowships.

As this report attests, we are achieving significant returns on these generous investments. But it is always a challenge to grow to meet the many issues confronting Virginia's children and to secure the resources necessary to sustain this growth. The number of individual donors who are investing in our efforts steadily increases, and our goal is to build this support so that our dependence on the one-time funding of foundations decreases. We are pleased with the progress we are making towards this end and continue to build on the foundation you have helped to establish.

L O O K I N G   A H E A D



JustChildren began seven years ago with one attorney and a focus on individual children in the Charlottesville region. We now work across the state, improve the lives of thousands of young people, and give a voice to children, families and communities who would otherwise remain silent. Lives are changing, systems are improving, and the Commonwealth is becoming more aware of—and accountable for—the needs of its most vulnerable children. In an increasingly political world, we are gathering strength, making a name, and involving our clients in the struggle. In a society frequently fractured by conflict, we are forging alliances with unlikely partners, and, in the process, making change possible. Thank you for your interest in our work and, more importantly, for your commitment to Virginia's children.