



The Coming of Age of Children's Law

By Shelley R. Spivack

Over the past several decades, children's law in Michigan has evolved to a state in which both the bench and bar have assumed an active role in shaping what has now become a vital and growing area of the law. Michigan appellate courts have become more invested in child protective proceedings and regularly review child neglect cases.¹ The Michigan Supreme Court has given increased attention to child protection appeals, considering applications for leave in more than 30 cases from January to August 2019.² Laws such as the Lawyer Guardian Ad Litem statute have been enacted to require more rigorous practice by the child's attorney, and the State Court Administrative Office (SCAO) has established an entire division—Child Welfare Services—to ensure that judges, referees, and attorneys for both parents and children are adequately trained and have access to the latest research in the field.³

Key to this coming of age have been the establishment and growth of the State Bar of Michigan Children's Law Section.⁴ Our members are judges, referees, law professors, and trial and appellate attorneys representing parents and children in Michigan's child welfare and juvenile justice systems. The section provides educational seminars, advocates and comments on proposed legislation relating to child welfare law and juvenile justice topics, files amicus curiae briefs, and participates on numerous SCAO committees.

The articles in this month's *Bar Journal* cover a variety of issues encountered by practitioners and jurists in children's law. In his article "Prenatal Drug Exposure as Aggravated Circumstances," University of Michigan Clinical Law Professor Frank Vandervort explores the impact of substances such as alcohol, cocaine, and opioids on fetal development and how Michigan's child protection laws can be used to improve outcomes for these children.

The issue of where to place children who are removed from the home is often encountered in child welfare proceedings. In "Temporal Limitations of the Relative Placement Preference," Children's Law Section Chair Paula Aylward discusses the often-competing interests of placement with relatives versus placement permanency for children.

In January 2013, the Michigan legislature enacted the Michigan Indian Family Preservation Act.⁵ Michigan Indian Legal Services attorneys Norika Kida Betti and Cameron Ann Fraser

examine the interplay between Michigan's statute and the federal Indian Child Welfare Act passed in 1978 in their article, "Michigan Indian Family Preservation Act at Seven Years."

Fees are an important issue to all practicing attorneys. In her article, "Extraordinary Fees in Court-Appointed Appeals," appellate attorney Liisa Speaker gives pointers for obtaining reasonable compensation in an area where courts historically have failed to adequately compensate appointed attorneys for this important work.

In "Banishing Juvenile Solitary Confinement: A Call to Reform Michigan's Practices," University of Detroit Mercy School of Law Professor Deborah Paruch addresses the shattering effects of solitary confinement on a juvenile's mental health. In calling for an end to this practice to assure humane treatment of Michigan's imprisoned youth, she surveys current trends in both national and international law.

Lastly, former section chairs Jennifer Pilette and Bill Ladd share with readers their reflections after four decades of involvement with children's law. ■



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Michigan Bar Journal Committee and served as theme editor of this issue and the July 2019 issue on domestic violence awareness.

ENDNOTES

1. According to a recent search conducted through the Michigan Court of Appeals website, 395 termination appeals were decided in 2018 with most appellate decisions remaining unpublished.
2. According to a recent search of Michigan Supreme Court cases via Opinion & Order Search, Michigan Courts at <https://courts.michigan.gov/opinions_orders/opinions_orders/pages/default.aspx>. All websites cited in this article were accessed September 29, 2019.
3. MCL 712A.17d *et seq.* and Child Welfare Services, Michigan Courts <<https://courts.michigan.gov/Administration/SCAO/OfficesPrograms/CWS/Pages/default.aspx>>.
4. Children's Law Section, SBM <<http://connect.michbar.org/childrenslaw/home>>.
5. MCL 712B.1 *et seq.*