



Final Report of the Children's Law Center of New Hampshire (CLC-NH) to the New Hampshire Bar Foundation IOLTA Program

July 14, 2026

Award Details

Grant period: June 1, 2025-May 31, 2026
Grant amount: \$40,000
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The Work the IOLTA Grant Supported

Our \$40,000 New Hampshire Bar Foundation (NHBF) IOLTA FY 2025-2026 award was made for the purpose of enabling CLC-NH to pay salary and benefit costs for two Children's Rights Attorneys.

The first Children's Rights Attorney, Holly Salois Rogers, started with CLC-NH on March 3, 2025. The second, Anna Lowman, started with CLC-NH on May 11, 2026.

Holly and Anna provide direct legal representation to child clients across case types. In addition, Holly helped develop the CLC-NH MCLE-eligible trainings we presented in collaboration with the New Hampshire Judicial Council on September 26, 2025, and May 18, 2026.

As the only civil legal services nonprofit dedicated to the rights of disadvantaged children, CLC-NH works with a client base that is distinct from that of any other civil legal services nonprofit. Each of our clients suffers the impacts of poverty, childhood trauma, and mental illness. Different from other nonprofits, all clients served by CLC-NH are children—whose brains are still developing, whose executive functioning skills are nascent, who have high ACEs score and accompanying mental health challenges, and whose capacity for processing even basic legal information is limited.

All our clients thus present CLC-NH lawyers with unique challenges under Rule of Professional Conduct 1.14. This necessitates a different approach to the lawyer-client relationship, including the use of different tools, such as visual aids, graphics, markers, stickers, and even dolls.

In addition, the representation of children is itself subject to unique standards—such as those promulgated in 2024 by the New Hampshire Judicial Council's Standards Relative to Appointment for Juvenile Counsel, on which CLC-NH worked, *available at* <https://www.judicialcouncil.nh.gov/sites/g/files/ehbemt511/files/inline-documents/sonh/jc-child-representation-standards-5-16-24.pdf>; the National Association of Counsel for Children's *Recommendations for Legal Representation of Children and Youth in Neglect*



and Abuse Proceedings (2021), at <https://naccchildlaw.org/wp-content/uploads/2024/01/NACC-Recommendations-Final.pdf>; the American Bar Association's *Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings*, at https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol30/september_2011/aba_adopts_modelactonchildrepresentation/.

CLC-NH provides interdisciplinary representation, a model of legal representation we believe is critical to ensuring the best chance of success for at-risk children, who typically face multisystemic legal challenges.

Interdisciplinary work is challenging, and the child welfare and education law in these contexts is complex. There are dozens of state and federal statutes and regulations with which to contend—not to mention hundreds, if not thousands, of pages of DCYF policies and specially drafted court protocols for abuse and neglect proceedings. Our work requires us to become experts in vast bodies of law and policy.

CLC-NH is a startup nonprofit serving a uniquely complex and underserved population. There is no blueprint for the work we do. We are proud to say that our development of best practices for delivering interdisciplinary legal services to children has enabled us to provide more effective, responsive, and holistic advocacy.

These practices are not only improving outcomes for individual children but also laying the groundwork for a replicable model of child-centered legal representation statewide.

Legal Services That Demonstrate the Need For And Effectiveness of CLC-NH Services

1. Direct Representation—Overview

During the grant period, we represented:

- **21 children;**
- In **38 separately docketed cases and education matters;**
- In **CHINS, delinquency, child protection, guardianship, education, district division, and superior court cases;**
- Across **7 of 10 New Hampshire counties** (Belknap, Carroll, Cheshire, Hillsborough, Merrimack, Rockingham, Strafford);
- In **15 of 31 Family Division courtrooms, 1 District Division court, and the superior court;**
- In a total of **8 school districts**: four in separate education matters (Barrington, Derry, Laconia, Winnisquam), and four as part of our interdisciplinary representation in child welfare cases (Barnstead, Dover, Manchester, Raymond).



We believe the complexity of our clients' cases is unparalleled. These children have multiple legal and social-services challenges arising from their poverty, trauma histories, educational challenges, and often, institutionalization—and our interdisciplinary representation can address all those challenges.

Despite robust evidence demonstrating the short- and long-term harms to foster children when they are placed without their consent in institutional care, New Hampshire sends children to congregate care facilities at twice the national rate.

This means we spend a significant amount of time in group and institutional settings. In addition to visiting children at the SYSC secure detention facility, during the grant period we traveled to meet with our clients at:

- Calo Programs in Lake Ozark, MO
- Cedar Ridge Psychiatric Residential Treatment Facility (PRTF) in Oklahoma City, OK
- Dover Children's Home in Dover, NH
- Hampstead PRTF in Hampstead, NH
- Mount Prospect Academy in Plymouth, NH
- Nashua Children's Home in Nashua, NH
- Pine Haven Boys Center in Allentown, NH
- Stetson Academy in Barre, MA
- Unity House in Keene, NH
- Webster House in Allentown, NH

2. Direct Representation—Specific Cases—Successes

Case 1

Our advocacy kept a child protection client about to turn 18 from “aging out” of the child welfare system into homelessness.

A recurring issue in our cases is the failure of staff at DCYF district offices to implement the transition planning required by state and federal law when a foster child is 17 years old.

In this client's case, DCYF preemptively refused to allow our 17-year-old client to participate in a federally funded program called the Housing and Opportunities to Personally Excel (HOPE) Program, which under RSA 170-E:53 has specific requirements for youth after they turn 18, but not before.

HOPE pays for necessities like housing and education costs for children in the custody of DCYF upon attaining the age of 18.



We knew that the position local DCYF staff had taken in this case was contrary to the law. When the judge in the case did not order DCYF to permit our client to participate in HOPE, we appealed to DCYF leadership, who promptly corrected the obvious error.

As a result, shortly after our client's 18th birthday, this client was able to move into a three-room apartment a short walk from stores, employment, and public transportation. We were privileged to have been able to help our client with the move.

Case 2

Our advocacy reunited an elementary-school-aged child protection client with his mother well in advance of DCYF's plans for reunification and over the guardian ad litem's (GAL's) objection that the child and his mother should not be reunified at all.

DCYF had removed the child from his mother's home prior to our involvement in the case on grounds that we agreed with our client did not warrant removal.

DCYF sent the child to live in a congregate care facility, where the child had been for seven months before we were appointed in the case. Our client desperately wanted to return home.

Using records from the facility, we were able to demonstrate that the child was being subjected to dozens of physical restraints and seclusions and experienced night terrors there—contrary to DCYF's and the GAL's claims, clearly not an appropriate or therapeutic placement.

And by reviewing those facility records and three years of court records in the case, we were able to demonstrate that contrary to DCYF and the GAL's complaints, the child's mother had satisfactorily rectified the circumstances that led to the family's involvement with the child welfare system.

We further demonstrated that the biggest challenge for this family was not the fact that as GAL claimed, the mother had not signed up for community mental health counseling for herself—but the fact of her extreme poverty, an inappropriate and potentially unlawful basis on which to separate children from their families.

The judge in this case ordered reunification within 30 days of the hearing in which we presented these arguments.

Case 3

In a delinquency case, we succeeded in using the Delinquency Code to cause our client's school district to provide the client with an Individualized Education Program (IEP).

Our client was a high-school-aged youth whose disabilities we believed clearly entitled them to an IEP. Delinquency law requires school districts to treat their joinder in delinquency cases as a referral for IEP eligibility assessment under the Individuals with Disabilities Education Act (IDEA) and RSA 186-C.

The Public Defender, which by statute represents children in the vast majority of delinquency cases, cannot offer interdisciplinary representation and does not advocate for



their delinquency clients in school settings. This means that the IEP-eligibility assessment law is seldom (if ever) used.

By leveraging the law in this case, we succeeded in requiring our delinquency client's school district to convene an IEP meeting and conduct necessary eligibility assessments—which resulted in our client being afforded an IEP and the specialized instruction, services, and accommodations to which that child was entitled.

Since then, we have provided training to the Public Defender and other lawyers on the use of this statutory process.

Case 4

By the time we were appointed in this three-year-long child protection case, our 17-year-old client's school district, represented by an aggressive regional law firm, had succeeded in persuading the judge that the school district was not responsible for the cost or implementation of the youth's IEP.

Despite its statutory obligations to ensure the educational stability and progress of the foster children in its custody, DCYF brings little to no education expertise to its child welfare cases. Accordingly, the objections to the school district's pleadings filed by the DCYF attorney in this case were unsurprisingly ineffectual.

We asked the judge for permission to file a motion to reconsider identifying what to us was the obvious legal error in the school district's reasoning. After oral argument on the issue, the judge agreed with us, reversing the court's earlier decision and ruling in our client's favor.

Amongst other educational benefits, our advocacy meant that the youth's school district was required to conduct an accounting of the number of credits our client had accumulated toward a high school diploma—something that neither DCYF nor the school district had requested in the course of the three-year span of this case.

3. Training & education—NH MCLE-eligible programs

As noted above, CLC-NH developed and presented two MCLE-eligible trainings, co-sponsored by the New Hampshire Judicial Council.

Our September 26, 2025, webinar featured Martin Irwin, MD, a clinical professor of child and adolescent psychiatry at the NYU Grossman School of Medicine. Dr. Irwin discussed the dangers of institutional placement for children, including the over-usage of medication for children in facilities, which often leads to rapid weight gain and diabetes.

Forty-eight participants attended the September 26 webinar, including 19 private-practice attorneys who take court-appointed child welfare cases, 5 attorneys from the New Hampshire Public Defender, 1 delinquency prosecutor, 1 judge, 10 DCYF staffers, and 10 Court-Appointed Special Advocates (CASAs).



Our day-long training on May 18, 2026, was attended by 37 attorneys. It featured a 60-minute ethics session and sessions on education, congregate care treatment planning, and the Comprehensive Assessment for Treatment (CAT), a controversial foster-placement determination tool developed by DCYF.

Agendas for the September and May training sessions, which provided a total of 8.25 hours (495 minutes) of MCLE-eligible credit, are attached.

4. Training & education—consultations

We also provide consultation on best practices to child welfare professionals.

In April 2026, CLC-NH was invited to meet with Judge Dan Swegart and members of his Sullivan County Family Treatment Court (FTC) team to discuss CLC-NH's approach to sharing difficult information with our child clients.

For decades, contrary to best practices, research, and now current norms, the custom in child protection cases had been for DCYF, CASA, and judges to “shield” children from difficult information by keeping them in the dark about developments in their cases which the adults thought might disappoint them.

Of course, the Rules of Professional Conduct don't permit lawyers to hide information from their clients, so that wouldn't work for lawyers providing direct representation to children.

Well aware of the tension between lawyers' ethical obligations and outdated norms, we had already developed a memorandum of law on the issue, which we shared with Judge Swegart's team at a brainstorming session with them on May 7, 2026. A copy of that memo is attached.

In addition, the Judicial Council refers lawyers to us when a lawyer who is representing a child in a child protection case needs guidance, a sample motion, or information from our toolkit materials.

5. Consult calls

During the grant period, we provided **free consultations to 18 adults** who called with concerns about the mistreatment of children, and **2 children** who, assisted by adults, called with legal concerns of their own.



List of Organizations CLC-NH Collaborates With to Deliver or Produce Services

We work with many social services organizations to deliver or produce our services, including:

- Youth Villages (<https://youthvillages.org/about-us/locations/new-hampshire/>)
- LifeConnections (<https://www.nhprovidernetwork.com/lifeconnections-specialized-support-services>)
- Big Brothers/Big Sisters NH (<https://bbbsnh.org/>)

We also work with other types of nonprofits and governmental entities to deliver or produce our services, such as:

- The New Hampshire Public Defender
- Disability Rights Center – NH
- GLBTQ Legal Advocates & Defenders (GLAD Law)
- The Office of the Child Advocate
- The Office of the Special Education Advocate
- Waypoint

Statistical Summary

Our report for our FY 2024-2025 IOLTA grant indicated the number of cases we handled. This year, we show the number of children represented.

This chart identifies the number of individual children CLC-NH represented during the grant period, based on the court or school district in which our client's cases were filed or otherwise arose.							
	Consumer	Family	Health	Housing	Employment/Income	Individual Rights	Other (ADVICE)
Belknap		2					
Carroll		1					
Cheshire		1					
Coos							
Grafton							
Hillsborough		8					
Merrimack		2					
Rockingham		5					
Strafford		2					
Sullivan							
OOS							
Unknown							
	0	21	0	0	0	0	20



Conclusion

In less than four years of operation, we believe we have demonstrated the value of an interdisciplinary, child-centered nonprofit law firm—to our clients, to judges, to attorneys seeking to improve their representation of children, and to the nonprofit and governmental partners with whom we collaborate.

Our work has demonstrated that New Hampshire benefits from having a legal services nonprofit whose exclusive mission is protecting the rights of children.

We focus on a population whose legal needs are uniquely complex and have been routinely ignored, requiring expertise across child welfare, education, juvenile justice, mental health, disability, and public benefits law.

By combining that expertise with interdisciplinary advocacy, we are able to identify legal issues that otherwise go unaddressed, challenge systemic failures in our individual cases, and obtain better outcomes for vulnerable children.

CLC-NH's value extends beyond the individual children we represent. During this grant period, we trained attorneys, judges, DCYF personnel, and other child-serving professionals; consulted with lawyers across the state; developed practical tools and best practices for child representation; and collaborated with agencies and nonprofits to improve the quality of legal advocacy available to children throughout New Hampshire.

These efforts strengthen the entire child-serving legal community and multiply the impact of every dollar invested in our work.

The grant period also demonstrated that CLC-NH is becoming increasingly efficient and effective. Without any increase in staffing, we nearly doubled the number of children represented compared to the previous IOLTA grant year by developing specialized expertise, standardized workflow tools, and other practical resources for managing highly complex interdisciplinary cases.

At the same time, we expanded our training and educational programming and continued providing advice and consultation to both professionals and members of the public.

We are grateful to the New Hampshire Bar Foundation for recognizing the importance of this work and for its investment in CLC-NH. With the Foundation's continued support, we look forward to expanding access to high-quality legal representation for New Hampshire's most vulnerable children for years to come.



NEW HAMPSHIRE JUDICIAL COUNCIL
CHILDREN'S LAW CENTER of NEW HAMPSHIRE

May 18, 2026

REPRESENTING CHILDREN IN OR AT RISK OF CONGREGATE-CARE

Eligible for 405 Minutes of NHMCLE Credit, Including 60 Ethics Minutes

Location for in-person attendees: Room 204, UNH Franklin Pierce School of Law, 2 White Street, Concord. Street parking. Please enter through the Warren B. Rudman Center doors.

Remote attendance: A link for remote attendance will be emailed prior to May 18 to registrants who requested remote attendance.

AGENDA

MORNING

- 8:30 to 8:45 **Welcome**
- 8:45 to 9:30 **Processes & Protocols** (45 minutes)
Tracie Gelbstein, Court Improvement Project
- Materials:*
CIP - Flowchart for RTP in Delinquency & CHINS Cases
CIP - RTP Flowchart
CIP - 2023 Abuse & Neglect Flowchart
CIP - 2023 TPR Adoption Timeline
- 9:30 to 10:00 **About CASA of New Hampshire** (30 minutes)
Caroline Delaney, CASA
- 10:00 to 11:30 **Placement in 169-B, C, & D Cases** (90 minutes)
Shea Sennett, Samantha Perri, NH Public Defender
- Materials:*
Sample Motion for Service Other Than Counsel
- 11:30 to noon **10 Challenges to the CAT** (30 minutes)
Holly Salois Rogers, CLC-NH

Noon to 12:45 p.m.—Lunch, courtesy of the Judicial Council



AFTERNOON

- 12:45-1:45 **Interstitial Advocacy: Advocating for Children in Congregate Care Between Court Hearings** (60 minutes)
Lisa Wolford, CLC-NH
- Materials:*
CLC-NH Checklist - Rights Related to Risk Of/Placement In Congregate Care
CLC-NH Checklist - Rights of Foster Youth
CLC-NH Facility Discovery Letter & Attachment
Casey Family Programs - What are outcomes for youth placed in group and institutional settings?
Casey Family Programs - Why is it important to minimize children's time away from family?
- 1:45-2:15 **Education Advocacy for Children In/At Risk of Congregate Care** (30 minutes)
Lisa Wolford, CLC-NH
- Materials:*
CLC-NH Checklist - Rights Related to Risk Of/Placement In Congregate Care
BID NH ESSA Guidance
- 2:15-3:15 **Challenges, Solutions, Successes** (60 minutes)
Moderated Group Discussion
- 3:15-4:15 **Ethics: What Information Must I Share With My Client?** (60 minutes)
Holly Salois Rogers, CLC-NH
- Materials:*
CLC-NH Memo of Law – Child's Right to Ethical Representation



Martin Irwin, MD

THE IMPACTS ON CHILDREN OF PLACEMENT IN RESIDENTIAL FACILITIES

Friday, September 26

12:00 – 1:30 p.m.

Live Webcast—Eligible for 90 NHCLE Credits

This live webcast will examine the consequences of congregate placement on children who have experienced childhood adversity.

This program was developed to complement newly enacted RSA 169-F:8, which establishes requirements and procedures judges must follow in CHINS, delinquency, and abuse and neglect cases before placing a child in a residential facility.

Martin Irwin, MD, is a clinical professor of child and adolescent psychiatry at the NYU Grossman School of Medicine. Dr. Irwin has designed community-based programs at the interface of child welfare, child mental health, and education systems, including award-winning programs for mental health services for foster children, for improving the consent process for treatment with psychiatric medications, and reducing the over usage of medication for children. He lectures widely to medical, mental health, social work, legal, advocacy, and child welfare audiences.

Note: The Judicial Council's obligations include ensuring that attorneys possess the necessary legal skills and experience to independently and reliably provide high-quality representation in court-appointed cases. The 2024 Judicial Council standards for the representation of children in RSA 169-B and C cases include new training requirements: attorneys must have engaged within the prior year in at least **3 hours** of CLE training in child-related topics and must engage in **5 hours** of CLE training per year thereafter.

The views of presenters are not necessarily those of the Judicial Council.

This webinar was originally scheduled for June 27. Registrants for that date will get an email with a Zoom link for the new date.

Not registered? Please contact Sharon Hebert/NH Judicial Council,
sharon.p.hebert@jc.nh.gov.

CLC-NH MEMORANDUM OF LAW – May 18, 2026

THE CHILD'S RIGHT TO ETHICAL REPRESENTATION

Overview

Children are parties to their child protection cases. RSA 169-C:3, XXI-a. Children have the right or privilege to have their voices considered in the decisions made in their child protection cases—decisions which have profound impact on the course of their lives. RSA 170-G:21, VIII. Children appointed counsel in child protection proceedings have the right to an attorney who will represent their expressed interests. RSA 169-C:10, II(b).

No different from any other practicing attorney, the professional obligations of children's lawyers are governed by the New Hampshire Rules of Professional Conduct. It is these rules which “establish the boundaries of permissible and impermissible lawyer conduct.” *N.H. R. Prof. Conduct*, Statement of Purpose. The Rules apply with equal force to a lawyer's representation of a child. *See, e.g.*, Rule 1.14(a).

Rule 1.1 requires counsel to provide competent representation. Amongst other things, this means that counsel must “formulate the material issues raised, determine applicable law and identify alternative legal responses [and] develop a strategy, **in consultation with the client**, for solving the legal problems of the client.” (Emphasis added.) Rule 1.2 requires counsel to “**abide by a client's decisions concerning the objectives of representation**” and “**consult with the client as to the means by which they are to be pursued.**” (Emphasis added.)

Communication

Rule 2.4 requires lawyers to “maintain regular contact with the client.” Further, the rule directs that, “At every stage of the proceeding, counsel must work to provide the client with complete information concerning all aspects of the case.”

Rule 1.4 presumes that “[r]easonable communication between the lawyer and the client is necessary for the client to effectively participate in the representation.” *ABA Comment to the Model Rules*, R. 1.4[1]. Lawyers must “**explain the legal and practical aspects of a matter and alternative courses of action to the extent that such explanation is reasonably necessary to permit the client to make informed decisions regarding the representation.**” *N.H. R. Prof. Conduct* 1.4(b). The rule imposes an obligation on counsel to “promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these rules,” “reasonably consult with the client about the means by which the client's objectives are to be accomplished,” and “**keep the client reasonably informed about the status of the matter.**” *N.H. R. Prof. Conduct* 1.4(a)(1)-(3).

The ABA Comments to Rule 1.4 state that “fully informing the client according to this standard may be impracticable, for example, where the client is a child or suffers from diminished capacity.” *ABA Comment*, R. 1.4[6]. The Comments provide that “[i]n some

circumstances, a lawyer may be justified in delaying transmission of information when the client would be likely to react imprudently to an immediate communication,” and acknowledge that a court may order that certain information not be disclosed to a client. *ABA Comment*, R. 1.4[7].

However, it is clear that “[a] lawyer may not withhold information to serve the lawyer’s own interest or convenience or the interests or convenience of another person.” *ABA Comment*, R. 1.4[7]. Further, counsel must be truthful with their clients. *See N.H. R. Prof. Conduct* 8.4(c) (it is professional misconduct for a lawyer to “engage in conduct involving dishonesty, fraud, deceit, or misrepresentation”).

These rules are consonant with the American Bar Association’s Center on Children and the Law article, *Establishing a Trauma-Informed Lawyer-Client Relationship* (October 1, 2014), which recommends that attorneys who represent clients be “transparent with the client about her legal case, in age-appropriate terms”:

Transparency promotes trust and minimizes the youth’s feelings of powerlessness—a common trauma “trigger”—in the face of what is likely a bewildering or overwhelming process. **Transparency also helps distinguish [the attorney’s] relationship from past relationships the client may have had that were characterized by secrets or mystification.**

....

Give clients a voice in decisions that affect them, in a way that is purposeful and exceeds baseline ethical requirements. **Actively empower the client to exercise her agency by validating the client’s strengths and helping her develop decision-making and related life skills.** These efforts counteract feelings of powerlessness caused by past traumas and can also provide a sense of mastery, which research shows is critical for healthy development post trauma.

....

In client-driven representation, **emphasize the client’s power and agency.** Many young children have trouble understanding that they, not the adult lawyer, have decision-making power. This tendency can be exacerbated in youth who respond to trauma by being excessively compliant with adults, either out of fear that missteps might yield retribution or as symptomatic of a dissociative response to the trauma. Clients who respond to trauma by acting out versus shutting down are often seeking power and recognition. Offering them an alternate way to be seen and heard and have their voice respected in the attorney-client relationship may disrupt their internal belief that acting out and aggression are the only means to obtain status and recognition.

Court Attendance

Relatedly, there is compelling literature and research demonstrating that children must be given the opportunity to attend their own court hearings if that is their expressed

interest, and they are prepared for the hearing. “Children across the country have shared that they want the right to be present and have a meaningful opportunity to participate in their dependency proceedings.” ABA Civil Rights & Social Justice Section, *The Right for Children to Be Present, Be Heard, and Meaningfully Participate in Their Own Dependency Court Proceedings* (October 21, 2021).

Longstanding adult-centric court practices and misconceptions about a child’s capacity to obtain benefit from attending court hearings often contribute to a default position that children should not attend court. But that position has long been discredited, as for example in National Council of Juvenile & Family Court Judges, Technical Assistance Bulletin *Seen, Heard, and Engaged: Children in Dependency Court Hearings* (2012):

Concern: Children will become upset during court hearings because hearings raise emotional and upsetting issues that children shouldn’t be subjected to and they may hear alarming things about their parents.

Solution: Children are the first to remind stakeholders that they have lived through and are well aware of the issues that brought them into foster care. As long as they are appropriately prepared for the hearing, discussions in court will not likely cause them additional trauma or harm. **Moreover, excluding children from court can be equally (if not more) upsetting, because it strips children of the opportunity to come to terms with their past and move on and precludes children from having a sense of involvement in and control over planning their future.**

Concern: The child may not understand that the judge will not always do what they ask and may become upset when they don’t get what they want.

Solution: Children want to be heard and don’t necessarily expect their wishes to always prevail. Indeed, being included in court proceedings often matters more to the child than the end result. **Allowing them to be part of the process enables the child to accept and come to terms with a result or court order they don’t like.**

(Emphasis added.)

Zealous Advocacy Despite Opposition

Rule of Professional Conduct 1.3 requires counsel to “act with reasonable diligence and promptness in representing a client.” The 2004 ABA Model Code Comments to this rule provide that:

A lawyer should pursue a matter on behalf of a client **despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client’s cause or endeavor.** A lawyer must also **act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client’s behalf.**

Rule 3.1 requires counsel to “assert or controvert an issue” only when “there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.” The 2004 ABA Model Code Comments observe that “the law is not always clear and never is static. Accordingly ... account must be taken of the law’s ambiguities and potential for change.”

Children have other statutory rights and privileges which are black letter law and must be observed. *See, e.g.*, RSA 170-G:21; RSA 169-F:6, 8. In addition, they have state and federal statutory and constitutional rights the parameters of which are less clear and thus are ripe for consideration both by the Family Division and by the New Hampshire Supreme Court.

Thus, there is abundant cause for a competent lawyer on behalf of the child in a child protection matter to continually advocate for the legal relief sought by their client. It is no matter of consequence to the child’s rights that this advocacy is inconsistent with the conventions or practices adhered to by other parties in RSA 169-C proceedings.

Zealous advocacy on behalf of children in RSA 169-C proceedings is consistent not only with the New Hampshire Rules of Professional Conduct, but with other state and national professional norms. As required by law, the New Hampshire Judicial Council in 2024 promulgated Standards for Child Representation. The Standards pertain explicitly to child protection cases. They establish, consistent with RSA 169-C:10, II(a), that in these cases, “[c]ounsel’s primary and fundamental responsibility is to advocate for the client’s expressed interests.” *N.H. Jud. Council Standard 1.2, I.*

The Judicial Council Standards require counsel for children to “provide competent, diligent, ethical, zealous advocacy to protect the client’s legal rights,” requiring further that “[c]ounsel must always advocate for the protection of the client’s due process rights and ensure that any court-ordered services are provided in the least restrictive setting.” *N.H. Jud. Council Standard 1.1, I; 1.1, I(d).*

Similarly, referring to child welfare agencies like DCYF, the National Association of Counsel for Children (NACC) cautions that “**attorneys [for children] cannot simply rely on the agency’s representations**” and should “**conduct records requests to gather and verify information from relevant sources.**” NACC, *Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings* (2021), p. 26. (Emphasis added.)

In addition, “[w]hen reviewing written materials submitted by other parties, attorneys [for children] **should identify places where the client has been mistakenly or incorrectly labeled ... or characterized (ex. framing a child’s trauma-response as ‘manipulative’), and correct the records as needed.**” *Id.* (Emphasis added.) Further, “a child’s attorney has a duty to independently litigate the legal matter.... **This includes filing motions, reports, or other pleadings to advance the client’s objectives....**” *Id.* (Emphasis added.) “They should also file writs and appeals ... in accordance with client interests.” *Id.*

Detrimental Intrusion on the Client-Attorney Relationship

Claims that a child's right to representation by competent counsel who complies with the New Hampshire Rules of Professional Conduct is inconsistent with the child's best interests are counter-productive and undermine the client-attorney relationship. *See, e.g., Establishing a Trauma-Informed Lawyer-Client Relationship, supra*; National Child Traumatic Stress Network & ABA Center on Children and the Law, *TRAUMA: What Child Welfare Attorneys Should Know* (2017).

Historically, a lawyer is an officer of the court and is bound to work for the advancement of justice while faithfully protecting the rightful interests of [her] clients. In performing [her] various duties, however, it is essential that a lawyer work with a certain degree of privacy, free from unnecessary intrusion by opposing parties and their counsel.

Proper preparation of a client's case demands that [she] assemble information, sift what [she] considers to be the relevant from the irrelevant facts, prepare [her] legal theories and plan his strategy without undue and needless interference. That is the historical and the necessary way in which lawyers act within the framework of our system of jurisprudence to promote justice and to protect their clients' interests.

Hickman v. Taylor, 329 U.S. 495, 510-511 (1947).

Conclusion

In sum, the appointment of counsel in a child's case entitles them to competent representation which complies with the Rules of Professional Conduct and other state and national norms and is free from undue interference.

Of course, competent lawyers who represent children in child welfare cases will seek training and education on childhood trauma and development and strive to maintain a trauma-informed legal practice. *See, e.g. N.H. Jud. C. Standard 1.1, I(a)* ("Counsel must be knowledgeable about the existence and impact of trauma and adverse childhood experiences (ACEs), adolescent brain development, and the protective factors which mitigate complex trauma.") Children:

[P]ossess legal rights and entitlements which must be honored, even when doing so is inconvenient or uncomfortable. When it comes to constitutional due process, the benefits of procedural justice, and the need to be fully seen and heard, children and youth require at least the same procedural rights as adults. **Although their requests may not always carry the day in the courtroom, they should not be dismissed or devalued at the outset by virtue of their age.**

NACC, *Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings* (2021), p. 2 (emphasis added).

Children's Law Center of New Hampshire

Statement of Financial Position

As of Jul 14, 2026

		TOTAL
Assets		
Current Assets		
Bank Accounts		
TD BUSINESS CONVENIENCE PLUS (8943) - 1		-7,719.22
TD Small Business Premium MMKT (x2247)		426,250.34
Total for Bank Accounts		\$418,531.12
Total for Current Assets		\$418,531.12
Total for Assets		\$418,531.12
Liabilities and Equity		
Liabilities		
Current Liabilities		
Credit Cards		
CREDITCARD (5695) - 1		-75.53
Total for Credit Cards		-\$75.53
Total for Current Liabilities		-\$75.53
Total for Liabilities		-\$75.53
Equity		
Retained Earnings		327,579.62
Net Revenue		91,027.03
Total for Equity		\$418,606.65
Total for Liabilities and Equity		\$418,531.12

CHILDREN'S LAW CENTER OF NEW HAMPSHIRE ITEMIZED BUDGET FOR IOLTA GRANT PERIOD 6/1/2025-5/31/2026	
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Children's Rights Attorney 1	
6/1/25-5/31/26 (12-month period)	
Salary: \$75,000; increased to \$82,500 on 1/1/26	78,125.00
Benefits (QSEHRA/individual plan): \$6,350	6,350.00
Payroll costs	4,000.00
Total Attorney 1 Budget During IOLTA FY 2025-2026	88,475.00
Children's Rights Attorney 2	
5/11/2-5/31/26 (3-week period)	
Salary: \$75,000	4,687.50
Benefits (QSEHRA/individual plan): \$6,350	500.00
Payroll costs	500.00
Total Attorney 2 Budget During IOLTA FY 2025-2026	5,687.50
Total Budget for IOLTA FY 2026	94,162.50