

The History of the Legal Letters by Andrew Agatston

My Legal Eagles live in 40 states. They are Children's Advocacy Center directors, forensic interviewers, child and family advocates, counselors, and medical providers. They are Crimes Against Children detectives. They are child protective services professionals. They are district attorneys, assistant district attorneys. There is even a law professor on the list.

They are on the forefront in the most important task imaginable – advocating for children who are sexually and physically abused. They do it in their individual professional capacities, and then bring their work together in that model you know as the multidisciplinary team.

So why do I call them my “Legal Eagles?”

In 2008, I approached Cynthia Howell, who is the Executive Director of the Children's Advocacy Centers of Georgia. I was a board member at the time, and Cynthia and I often had conversations about the legal issues that face Georgia's CACs, and the difficulty CACs have in adequately and properly responding to them. I reviewed and addressed these legal issues for four metro Atlanta centers, but wanted to try to get some practical information to the other centers throughout Georgia, many of which are in small communities with no “lawyer on call” so to speak.

It should concern everyone affiliated with every CAC across the country that many centers, due to funding issues or due to the inability to locate a competent and qualified lawyer who wants to help, don't have the capacity to address these legal issues.

So I started my list serve, where I sent weekly “Legal Letters” to my “Legal Eagles” across Georgia, covering legal issues ranging from basic to advanced. My theory was that child advocates in Georgia should have an advanced understanding of how CACs fit into the legal system, not just a cursory working knowledge. We wanted Legal Eagles. And off we went.

And here we are, in most of the United States. I'm offering this information with the hope that it can be helpful to your center, and to the CAC professionals, child advocates, and detectives in your state. We are separated by state borders, but we all face similar pressures and concerns.

A word of caution to all Legal Eagles. This information was compiled after my review of Georgia appellate cases. Every state has the ability through its legislature to enact its own statutes (or laws) and every state has its own appellate courts that interpret its own state statutes. While the fact patterns in these Legal Letters will be similar to what occurs in your state, the manner in which your legislature and your courts interpret the fact patterns may and will differ. A competent and qualified lawyer who works for your CAC can interpret the fact patterns, and research the case law and the statutes that apply to your center and your state.

I also know there's a variation of terminology among states. For example, Georgia has a Department of Children and Family Services (DFACS); other states have Child Protective Services. I apologize in advance for the lack of occasional uniformity related to some of the professional titles. But in the end, we're on the same page.

I wish you all the best. You are doing the most important of work, and you inspire.

-- Andrew Agatston

To join the weekly List Serv offering of the Legal List, e-mail me at ahalaw@bellsouth.net. You will be asked to verify that you work for or are affiliated with a children's advocacy center. There is no cost.

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