

KEEPING CURRENT

December 2011

Keeping Current is a compilation of relevant news and information, including trainings and events. The materials referenced in *Keeping Current* are intended to be additional resources for consideration by members of the CCAN community, and Children's Law Center cannot verify the quality of all the materials or events referenced herein. CCAN attorneys should conduct their own independent research when reviewing these materials, and should review the weekly CCAN e-mail for current information. Please contact Nancy Drane, Training Director, with comments or suggestions. *Keeping Current* is also posted on the Family Law page of ProBono.net/dc and www.childrenslawcenter.org.

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D.C. Court of Appeals

Harrison v. U.S. – D.C. Court of Appeals (October 27, 2011) – Consideration of propensity evidence in a criminal case involving sexual abuse of a child where the government admitted evidence from three other teenage girls that the defendant had 'made sexually suggestive comments' toward them. The opinion is available at: http://www.dcappeals.gov/dccourts/appeals/search_results.jsp

Upcoming D.C. Court of Appeals Arguments:

December 7, 2011 at 9:30 A.M. — In re: D.T., No 11-FS-0587

December 14, 2011 at 9:30 A.M. — In re: Petition of C.L.O., In re: A.H., Nos. 11-FS-0727, 11-FS-0898

Audio of oral arguments are broadcast at: dcapeals.gov/dccourts/appeals/calendarindex.jsp

Legal News

Role of the GAL

See the following link for a discussion of a recent Colorado Supreme Court decision regarding the role of the GAL with respect to confidentiality: <http://tiny.cc/kk5k2>. In this case, the Supreme Court of Colorado found that because a child who is the subject of a neglect proceeding is not the client of a court-appointed GAL, neither the statutory attorney-client privilege nor ethical rules governing an attorney's obligations of confidentiality to a client strictly applied to communications with the child.

Open Courts

LA Dependency Court to be Presumptively Open (LA Times) Available at: <http://tiny.cc/xjr56>

LA Foster Youth Rally Against Open Courts (CA Public Radio) Available at: <http://tiny.cc/aftsh>

New York Family Courts Say 'Keep Out' Despite [Open Courts] Order (NY Times) Available at:

<http://tiny.cc/8nt5r>

Child Witness Issues

Judges to Decide if Girl Can Testify in Death Penalty Phase of Father's Trial (ABC News)

Available at: <http://tiny.cc/l08fg>

Children, Child Welfare in the News (*Local and National*)

Missing Youth Cases Neglected in District (Washington Examiner) Available at: <http://tiny.cc/hk9nb>

Safety Net for Mentally Ill Children is Full of Holes (Washington Post) Available at: <http://tiny.cc/9obt4>

Wrongful Death Lawsuit Focuses on DYRS Failings (Washington Examiner) Available at: <http://tiny.cc/7h1by>

Councilman Calls for Increased Scrutiny of DYRS After Slaying (Washington Examiner)
Available at: <http://tiny.cc/yl1vd>

Drugs Used for Psychotics Go to Youths in Foster Care (NY Times) Available at: <http://nyti.ms/s5nZIZ>

An Obese Boy is Placed in Foster Care – Can it Help? (Time) Available at: <http://tiny.cc/j0txd>

Native Survivors of Foster Care Return Home (NPR) Available at: <http://tiny.cc/ig84p>, which is a series on the Indian Child Welfare Act and the experiences of Native American children.

Homeless Youth Struggle to Build a Life in Chicago (NY Times) Available at: <http://tiny.cc/351fu>

Young, Gay and Homeless (NPR) Available at: <http://tiny.cc/tnjur>

Education News (*Local and National*)

Closer look puts D.C. NAEP math scores in context (Washington Post) Available at: <http://tiny.cc/rr15s>

Study: Parents, Students Happier with D.C. Schools (Washington Examiner) Available at: <http://tiny.cc/esrri>

Improved D.C. Schools May Breed Racial Conflict (Washington Examiner) Available at: <http://tiny.cc/j7p2h>

Wilson High Burning Up and Busting at Seams (Washington Examiner) Available at: <http://tiny.cc/i6xo6>

Enrollments Show D.C. Parents Want More Choices (Washington Post) Available at: <http://tiny.cc/kp82u>

Other News

Medicaid Increases Use of Healthcare, Decreases Financial Strain and Improves Health
(Harvard University School of Public Health) Available at: <http://tiny.cc/aqu2e>

Fewer Families on Food Stamps (Washington Examiner) Available at: <http://tiny.cc/nfj08>

Reports and Publications

CHILD WELFARE

Family Finding: Does Implementation Differ When Serving Different Child Welfare Populations?

In this brief, Child Trends researchers evaluate two family finding approaches – one with a focus on children “new to out-of-home care” and the other focusing on children who have been “lingering” in foster care. Four key issues were identified which agencies may want to consider in implementing family finding. It is available at: <http://tiny.cc/91uk0>.

Father Friendly Check-Up for Child Protection Courts

The Quality Improvement Center on Nonresident Fathers and the Child Welfare System through the American Bar Association Center on Children and the Law, recently released the Father Friendly Check-Up for Child Protective Courts. The purpose of this self-assessment instrument is to help courts take an active, positive approach in creating an environment that involves fathers and fosters the healthy development of children. This tool is an adaptation of the Father Friendly Check-Up created by the National Fatherhood Initiative. It will help you assess the degree to which your court’s operations encourage father involvement in the courtroom and through the court’s administrative functions, and is available for free at <http://tiny.cc/30e3g>. The Father Friendly Check-Up for Child Protective Courts and all of the QIC NRF’s other resources for courts, attorneys, child welfare professionals, and fathers can also be accessed at www.fatherhoodqic.org.

Adoption from Foster Care: Aiding Children While Saving Public Money (Brookings Institute) This report is available at: <http://tiny.cc/gp7m8>.

Foster Care to 21: Doing it Right

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 provides support to states to extend foster care to age 21 for certain young people. If foster care is extended to age 21 in a developmentally appropriate way, it can help put young people on a trajectory toward success. However, if that extension is merely a continuation of existing practices that emphasize only independent living services, services will not be effective for young adults, nor will young adults want to take advantage of the benefits that extended foster care can offer. What constitutes “extended foster care”? Why is it important for young people to remain in foster care beyond age 18? How should we design foster care to 21 to most effectively meet the needs of young adults in care? This issue brief from the Jim Casey Youth Opportunities Initiative examines these questions and provides guidance on how to provide foster care to 21 the “right way.” It is available at: <http://tiny.cc/vbsp7>.

Unpacking the “No” of Permanency for Adolescents

This PowerPoint focusing on “Unpacking the “No” of Permanency for Adolescents” is a part of on site Technical Assistance in with the State of Florida supported the Permanency Roundtables Initiative by Casey Family Programs. It is available at: <http://tiny.cc/7j725>.

Trauma-Informed Child Welfare

New York’s Administration for Children’s Services addressed the issue of trauma as it relates to the child welfare system. The presentation provided a definition of a trauma-informed child welfare system; discussed the impact of traumatic stress on children, parents, staff, and the system; provided information about resources available through the National Child Traumatic Stress Network, and shared ways in which trauma-informed practice is currently being implemented. The teleconference/webinar closed with a question and answer/discussion period. The archived event includes the PowerPoint presentation, audio recording of the call, and additional resources on the topic. It is available at: <http://tiny.cc/36yd2>.

Reports and Publications (cont.)

EDUCATION

Providing Effective Financial Aid Assistance to Students from Foster Care and Unaccompanied Homeless Youth

The National Association of Student Financial Aid Administrators, the California Community College Chancellor's Office and Casey Family Programs have released this updated guide for compliance with the current FAFSA. The publication provides information for anyone who helps youth from foster care and unaccompanied homeless youth to secure financial aid for postsecondary education or training programs. It is available at: <http://tiny.cc/8fwv6>.

306: Achieving Positive Educational Outcomes

This online curriculum from Pennsylvania Child Welfare Training Program is designed to train Pennsylvania child welfare professionals on helping children achieve positive educational outcomes. It is available at: <http://tiny.cc/ryi8e>.

Six Ways that States and School Districts Can Make It Easier for Children in Foster Care to Get Free Meals at School

The Healthy, Hunger-Free Kids Act of 2010 has made it easier for school districts to enroll children who are in foster care for free school meals. Children in foster care are now automatically eligible for free meals regardless of their income (a policy known as "categorical eligibility"). As a result of this change, school districts no longer have to consider the personal income of children in foster care when determining their eligibility for free school meals. Once enrolled based on their foster status, children remain eligible for the full school year even if they leave foster care during the course of the year. Read the article for more information and on how child welfare advocates and others can make sure that kids in foster care are getting free school meals. It is available at: <http://tiny.cc/s9v2j>.

LGBTQ ISSUES

All Children Matter: How Legal and Social Inequalities Hurt LGBT Families

LGBT families – like all families – simply want equal opportunities to provide stable, loving homes to their children, to ensure economic security, and to raise healthy children who become integral parts of their communities. This report reveals how discriminatory laws and stigma make this more difficult for LGBT families (families where lesbian, gay, bisexual, or transgender parents are raising children). Resources available online include the full length report, a condensed version of the report, an executive summary, 'facts at a glance,' an infographic and an YouTube video. All materials are available at: <http://www.children-matter.org/>.

Suicide and Bullying Among Children and Adolescents, with Special Attention to LGBT Youth

The Suicide Prevention Resource Center has released this brief, which examines the relationship between suicide and bullying among children and adolescents, with special attention to lesbian, gay, bisexual and transgender (LGBT) youth. It also explores strategies for preventing these problems. It is available at: <http://tiny.cc/pkssf>.

Reports and Publications (*cont.*)

PARENTS

New From Rise Magazine: Stories and Resources on Overcoming Addiction

In her story, *Building a Foundation: I'm Giving my Kids the Love I Never Had*, Pamela Hughes writes about her experiences with the child welfare system as a child and as a parent, her struggles with drug use, the ways she got help and made changes in her life, and her determination to reunify and reconnect with her children. The story is accompanied by a discussion guide and journal reflection worksheet that can be used in parenting classes or support groups. It is available at: <http://tiny.cc/zjdfs>. In *One Step at a Time: How You Can Recover from Your Addiction*, Rosita Pagan shares that she has been clean for five years, since going to Women Connect, an outpatient substance abuse program, where she met Ms. Angela Torres, her substance abuse counselor. In this story, Rosita Pagan discusses the steps of recovery, based on a conversation with Ms. Torres about how parents can get help with their addictions and get their kids home. It is available at: <http://tiny.cc/u9ou3>. Finally, *Breaking a Painful Pattern* is a parent-to-parent workbook designed to support and guide parents who are in recovery from an addiction. It includes true stories by parents who have successfully overcome addiction and reconnected with their children. It also includes interviews with experts on addiction recovery. Lessons and worksheets make it easy to use the stories in parent groups or in one-on-one sessions between a parent and treatment counselor, child welfare caseworker, or parent advocate. On the Rise website, you can access two free sample stories and discussion guides from this resource, and can also purchase the complete guide. It is available at: <http://tiny.cc/brzn>.

HEALTH

On the Path to Recovery: Medication, Mental Health Treatment, and the Transition to Adult Life

This webinar from RTC for Pathways to Positive Futures explored key issues that affect the use of psychotropic medication by young adults who are experiencing mental illness. The webinar discussed evidence-based use of medication, potential side effects, the influence of stigma, and cultural meaning. The presenters also considered the elements of successful collaborative decision-making processes. The presentation, presenter references and resources, and audio from the event are available online, along with additional resources addressing mental health and young adults. They are available at: <http://tiny.cc/c835e>.

How to Talk to Adolescent Boys about Sexual Health and Health Care

Because of the many physical, social, and psychological changes adolescent boys experience during puberty, professionals are encouraged to discuss age-appropriate sexual and reproductive health issues with adolescent males. This guide for pediatricians from the journal *Pediatrics* could prove instructive to child lawyers as well. It is available at: <http://tiny.cc/85o37>.

Health Care for Youth Behind Bars

Youth in the juvenile correctional system are at risk for many health issues, especially those who have had inconsistent or deficient care. According to an updated policy statement by the American Academy of Pediatrics, incarcerated youth are entitled to the same standards of medical and mental health care as their peers in the community, and clinicians caring for incarcerated youth should have training and/or expertise in pediatrics or adolescent medicine. Youth in the juvenile justice system should receive a comprehensive history and physical exam, dental screening and mental health screening for psychiatric illness, substance abuse and neurological and developmental disorders. Because of high rates of unprotected sexual activity, HIV and sexually transmitted infection testing should be offered, and all pubertal girls should be screened for pregnancy. Incarcerated youth have higher rates of substance abuse and mental health disorders so the AAP recommends advocating for interventional programs that will be linked to continued care for these individuals once they reenter the community. The report is available at: <http://tiny.cc/qs9y7>.

Reports and Publications (*cont.*)

The Adolescent Brain: New Research and its Implications for Youth Transitioning from Foster Care

This paper examines new research findings, with a particular focus on the neuro-scientific findings about adolescent brain development. It considers the implications for developmentally appropriate child welfare practice with young people in foster care, taking into account their experiences of trauma and loss. It first describes the characteristics and needs of the older youth and young adults who comprise a significant portion of the foster care population. Second, it discusses the specific aspects of the developmental knowledge base that relate to this older foster care population. Third, it provides recommendations that can guide child welfare agencies and others in serving older youth and young adults in foster care in ways that are specifically tailored to their developmental status and needs. Finally, it poses questions for the child welfare field that are designed to promote critical conversations about developing, implementing, and evaluating developmentally appropriate practices for young people in foster care. It is available at: <http://tiny.cc/56a07>.

REMINDER for CCAN PANEL

Children's Law Center **HELPLINE** provides CCAN attorneys with legal information and assistance.

- Staffed by CLC attorneys
- Confidential
- Legal information and assistance on general and case-specific topics, such as help identifying resources and services, sample pleadings, and other materials
- All Helpline calls are screened to identify potential conflicts of interest

Call (202) 467-4900 (Option 3) — Monday-Friday, 9:00 a.m. to 5:00 p.m.

Upcoming Trainings and Events

Update on Same-Sex Marriage and Domestic Partnerships: What You Need to Know in D.C., MD, and VA, sponsored by the D.C. Bar

Monday, December 5, 2011 from 6:00-9:15 p.m. – D.C. Bar, 1101 K Street NW

This course is ideal for estate planning lawyers, family law practitioners, and anyone who wants to better understand this rapidly developing area of law.

Special Education Attorney Strategy and Litigation Tactics for Due Process Hearings, sponsored by CCAN

Wednesday December 14, 2011 from 12:30-2:00 p.m. – D.C. Superior Court, Room 2500

This session is for special education attorneys only. It will focus on how to develop strategy and tactics to achieve the client's goal in a due process hearing. More information will follow soon.

Trainings and Events (cont.)

SPECIAL CLC TRAINING: EXPERT WITNESSES

Friday, December 9, 2011 from 3:30-5:00 p.m. – 616 H Street NW, Suite 300

Judge J. Michael Ryan will conduct a training on expert witnesses. Anyone who has seen Judge Ryan present knows he is an 'expert on experts' – so this is a can't miss opportunity. Interested CCAN Attorneys should RSVP to Nancy Drane.

D.C. BAR FAMILY LAW SECTION HOLIDAY PARTY

Wednesday, December 13, 2011 from 5:30-8:00 p.m. – PS7

The D.C. Bar Family Law Section invites you to join your colleagues and the judicial officers of the Family Court for a holiday celebration. Your registration fee will include refreshments and cocktails. Register at www.dcbbar.org/events.

Annual CCAN/FCTLA Case Law Update

Friday, December 16, 2011 from 12:00 to 2:00 p.m. – D.C. Superior Court, Room 3300

Please join the CCAN Office and the Family Court Trial Lawyers Association (FCTLA) for the annual case law update. In addition to a presentation about neglect, adoption, and TPR cases decided during the past year, we will provide some time to socialize and enjoy refreshments provided by FCTLA. Attorneys who argued the neglect, adoption, and TPR cases in the Court of Appeals this past year will be invited to attend.

Save the Date

Annual Neglect and Delinquency Practice Institute (NDPI)

March 12 and 13, 2012

The annual Neglect and Delinquency Practice Institute (NDPI) will be held on March 12 and 13, 2012, at the new UDC School of Law building. This two day training will feature sessions on neglect, adoption, juvenile delinquency, ethics, and special education. More information will be available soon, but for now, please save the date.



Happy Holidays!