

February 2011

Keeping Current

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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.



D.C. Court of Appeals

New Order and Rules from the D.C. Court of Appeals: The Court of Appeals issued an order regarding placing cases on the summary or regular calendar and regarding oral argument (available at <http://tiny.cc/c1pg4>) and also issued new rules effective January 1, 2011 (available at <http://tiny.cc/no2e3>).

New Opinions from the D.C. Court of Appeals:

In re K.J., No. 09-FS-1352, decided 1/13/11, available at <http://tiny.cc/vuyb7>. Neglect finding reversed as to grandmother; affirmed as to mother. The court held that severing an *in loco parentis* relationship alone cannot support a neglect finding under D.C. Code § 2301 (9)(a)(ii). Hearsay statements of the Respondent were not admissible because, while they were made by an "opposing party," they were not clearly statements "against interest."

In re Petition of A.O.T., Nos. 09-FS-994, -995, -996, decided on 12/23/10, available at <http://tinyurl.com/27dywwx>. Recognizing that the Family Court Act's "one family, one judge" policy is not absolute or ironclad, the court ruled that, notwithstanding provisions of the D.C. Family Court Act of 2001, under the Family Court's General Rule D (c), magistrate judges must have the parties' consent in order to have authority to conduct adoption and TPR trials. Because the father withheld his consent to trial before a magistrate judge, the court vacated the judgment and remanded for a new adoption trial before an associate judge.

In re A.T., No. 10-FS-124, decided 12/16/10, available at <http://tinyurl.com/3yopaj9>. This mental retardation case involves a child who was adjudicated neglected and committed to CFSA. In anticipation of A.T. aging out of the neglect system, CFSA applied to the Department of Disability Services (DDS) for A.T. to receive services. DDS denied the application and the trial judge reviewed that decision. The Court held that the trial judge exceeded her authority by conducting a *de novo* review of DDS's decision regarding provision of services.

Upcoming Oral Arguments of Interest:

February 17, 2011 at 9:30 a.m. — No. 10-FM-430, Olga Sulla v. Victor Sulla

February 22, 2011 at 9:30 a.m. — No. 10-FS-38, *In re J.R.*

February 23, 2011 at 9:30 a.m. — No. 10-FS-772, 773, *In re T.M., T.D.*

Audio of oral arguments are broadcast at www.dccourts.gov/dccourts/appeals/calendar/index.jsp

Child Welfare in D.C.

Outsourcing Troubled Kids: D.C. is Addicted to the Most Costly, Most Scary Way of Treating Vulnerable Youngsters (Washington City Paper) *Article on the use of residential treatment centers (RTC).* Available at: <http://tiny.cc/k36ne>.

Child Welfare Director Responds to *City Paper* Cover Story (Washington City Paper) *Response by Dr. Roque Gerald to Washington City Paper article on the use of residential treatment centers.* Available at: <http://tiny.cc/erz95>.

Three Years after Banita Jacks, How Much Has Changed? (Washington Post, Local Opinions) *Opinion piece by the Executive Director of the Little Blue House about CFSA.* Available at: <http://tiny.cc/ct1zn>.

Sacred Cows in D.C.'s Child Services Budget (Washington Post, Local Opinions) *Opinion piece by Richard Wexler, executive director of the National Coalition for Child Protection Reform.* Available at: <http://tiny.cc/ym54d>.

Taking Toys from Foster Kids Won't Fix D.C. Child Services (Washington Post, Local Opinions) *Response to Richard Wexler's opinion piece by Marcia Robinson Lowry, executive director of Children's Rights, Inc., the organization that brought the LaShawn A. class action suit.* Available at: <http://tiny.cc/7yfcf>.

Honest Questions about D.C. Child Services (Washington Post, Local Opinions) *Dr. Roque Gerald's response to recent opinion pieces about CFSA.* Available at: <http://tiny.cc/04emc>.

Easy Money Could Fill D.C.'s Bare Coffers (Washington Examiner) *Harry Jaffe reporting on District's failure to collect federal Medicaid reimbursement.* Available at: <http://tiny.cc/u9qwr>.

In D.C., a One-Way Ticket to Poverty (Washington Post, Colbert I. King) *About the prevalence of teen pregnancy in D.C.* Available at: <http://tiny.cc/muyem>.

Report re: Reporting of Abuse and Neglect in D.C. (D.C. Inspector General) *Recent report entitled, "Lack of Awareness, Policies and Procedures, Training Requirements, and Oversight Mechanisms Regarding the Reporting of Suspected Child Abuse and Neglect in District Entities."* Available at: <http://tiny.cc/6l7iu>.

Education in D.C.

Harvard Group to Evaluate [DCPS] IMPACT (Washington Post) Available at: <http://tiny.cc/bok6g>.

US Education Secretary Arne Duncan Speaks Up on D.C. Schools Leadership (Washington Post) *Duncan hopes interim D.C. Schools Chancellor Henderson stays in the position.* Available at: <http://tiny.cc/elc4o>.

Arne Duncan's Welcome Words on D.C. School Reform (Washington Post Editorial) *Supports Duncan's comments about Henderson.* Available at: <http://tiny.cc/g1nml>.

Weighing States' School Performance, Policymaking (Education Week) *D.C. listed next to last in school performance.* Available at: <http://tiny.cc/w4fti>.

Part of Major D.C. Special Ed Lawsuit Dropped (Washington Examiner) *Portion of lawsuit dropped after plaintiffs agreed D.C.P.S. had improved its process of identifying students.* Available at: <http://tiny.cc/u8e2m>.

D.C. Improves Special Education, but 'Core Problems' Linger, Evaluation Says (Washington Post) *D.C. has made special education improvements, but "lingering core problems" remain.* Available at: <http://tiny.cc/jwru8>.

Reports and Publications

CHILD WELFARE

Child Welfare Outcomes 2004–2007: Report to Congress

This volume reports on the child welfare performance of States in seven outcome categories and includes data on outcomes and measures, data sources and elements, contextual factors, and summaries of key findings of analyses conducted across States. Available at: <http://tiny.cc/22olt>.

Child Maltreatment 2009: Report Shows Steady Decrease in Child Abuse and Neglect

The U.S. Department of Health and Human Services' Administration for Children and Families (ACF) has released its annual report on child abuse and neglect. "Child Maltreatment 2009" marks the 20th issuance of the report and shows a steady decrease in the number of victims who suffered maltreatment for the third consecutive year. The full report is available at: <http://tiny.cc/gti9y>. Additional resources on prevention are available at the Child Welfare Information Gateway at: <http://www.childwelfare.gov/preventing/>.

Hard Times Made Harder: Struggling Caregivers and Child Neglect

Analyzing data from a nationally representative sample of children with a report of child neglect, this study finds that children whose caregivers struggle with drug abuse, mental health problems, alcohol abuse, or to pay for basic necessities were more likely to be placed in out-of-home care than families without such struggles, even after controlling for other risk factors. The brief recommends that government funding for child welfare be directed at more preventive programs that help combat poverty and provide family support services. Available at: <http://tiny.cc/df2n8>.

Report on Rights of Youth in Detention or Foster Care

This report and guide focuses on the rights of youth in detention and foster care facilities to comprehensive sexual health care, including sexual medical care, sexuality education, and staff training on sexual orientation and the needs and rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth. The report analyzes the foundation of this right and the sexual health care needs of youth in out-of-home care. Available at: <http://www.hivlawandpolicy.org/resources/view/565>.

Characteristics of Youth in Residential Placement

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has published "Youth's Characteristics and Backgrounds: Findings From the Survey of Youth in Residential Placement." The bulletin describes the characteristics, family and educational backgrounds, offense histories, and expectations of youth in residential placement. Available at: www.ojjdp.gov/publications/PubAbstract.asp?pubi=249737.

PERMANENCY

Funding Permanency Services: A Guide to Leveraging Federal, State, and Local Dollars

This paper helps child welfare directors and fiscal managers to be more strategic in planning their approach to child welfare spending and reimbursement. The paper outlines specific steps states, localities, and tribes can take to support vulnerable children and families by drawing down federal funding. Case studies from jurisdictions across the country provide examples of innovative approaches. Available at: <http://tiny.cc/nuivj>.

Reports and Publications (cont.)

PERMANENCY (cont.)

State Statutes Series: Grounds for Involuntary Termination of Parental Rights

This publication presents the latest State laws that detail specific circumstances necessary for a court to terminate a legal parent-child relationship. It includes summaries of laws for all States and U.S. territories.

Available at: www.childwelfare.gov/systemwide/laws_policies/statutes/groundtermin.cfm.

Permanency Planning Today, Winter 2011: Meaningful Family Partnerships

This issue provides an overview of work related to the integration of meaningful family partnerships throughout child welfare practice. Available at: <http://tiny.cc/36djb>.

ADOPTION

“Special Needs” Adoption: What Does it Mean?

This factsheet presents some common questions about adopting a child or youth with special needs and provides resources that will give you detailed answers. It covers definitions and topics such as eligibility, making the decision, getting started, financial and health-care assistance, and post-adoption services. Available at:

<http://tiny.cc/d5ca3>.

PARENTS

From Rights to Reality: A Plan for Parent Advocacy and Family-Centered Child Welfare Reform

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

HEALTH

Supreme Court to Decide Whether States Can Cut Payments to Medicaid Providers (LA Times)

Available at: <http://tiny.cc/e1bz6>.

The Watch List: The Medication of Foster Children (PBS) *Program on medication administered to foster children.* Available at: <http://tiny.cc/u5c3k>.

Daydream Switch Stays on in ADHD (Futurity.com) Available at: <http://tiny.cc/63odh>.

REMINDER for CCAN GAL PANEL!

Children’s Law Center **HELPLINE** provides GALs 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

Upcoming Trainings and Events

Essential Trial Skills Series, sponsored by D.C. Bar

Tuesdays, February 1, 8, 15 and 22, 2011 from 6:00-9:15 PM – D.C. Bar, 1101 K Street NW, First Floor

This series is a great introduction to and overview of the trial skills a lawyer must possess in the courtroom, as follows: February 1, Jury Selection; February 8, Opening Statements and Closing Argument; February 15, Witness Preparation and Direct Examination; February 22, Cross-Examination. For more information about the course and Registration information, go to www.dcbbar.org.

Fostering Connections to Success and Increasing Adoptions Act Webinar Series, sponsored by the ABA Center on Children and the Law

Tuesday, February 2, 2011 at 2:00 PM (EST)

The National Child Welfare Resource Center on Legal and Judicial Issues webinar series, "Fostering Connections to Success and Increasing Adoptions Act: What Court Systems Need to Know," will give an overview of the Fostering Connections to Success and Increasing Adoptions Act, explain how it changes current law and focus on what the courts can do to help implement the law. The series will be offered in three parts: Overview and Kinship Issues; Education Provisions; and Provisions Pertaining to Youth Ages 18-21. For information about how to access the webinars, click the following link: <http://www.abanet.org/child/rclji/home.html>.

Advanced Negotiation Skills Workshop, sponsored by D.C. Bar

Wednesday, February 2, 2011 from 9:00 AM-4:00 PM – D.C. Bar, 1101 K Street NW, First Floor

This workshop builds on basic negotiation skills to address challenging issues that attorneys encounter on a regular basis in the negotiation process. For more information about the course and Registration information, go to www.dcbbar.org.

Bench-Bar Dialogue with D.C. Family Court Abuse and Neglect Judicial Officers, sponsored by the D.C. Bar Family Law Section

Thursday, February 3, 2011 at 1:00 PM – D.C. Court of Appeals, Multipurpose Room

Please join us for this unique opportunity to have a informal dialogue between abuse and neglect practitioners and the judicial officers that preside over abuse and neglect cases.

CCAN/Juvenile Brown Bag: Parent and Adolescent Support Services (PASS) - An Intervention Program for Status Offenders, sponsored by CCAN

Wednesday, February 9, 2011 from 12:30-2:00 PM – D.C. Superior Court, Room 3300

Hilary Cairns, former CCAN attorney and current director of Parent and Adolescent Support Services (PASS), will present information about this program for status offenders. PASS is a city program under the Department of Human Services that can provide help to youth and families who are facing truancy, runaway, and other status offender behaviors.

Effective Writing for Lawyers Workshop, sponsored by D.C. Bar

Friday, February 11, 2011 from 9:30 AM – 4:30 PM – D.C. Bar, 1101 K Street NW, First Floor

This essential course for new or seasoned attorneys teaches participants how to recognize and correct common writing problems. Through a series of interactive exercises, you will learn how to fix those problems and make dull and bureaucratic language clear and concise. You also will learn about the writing process, including how to untangle sentences and how to edit. The course includes 10 tips for turning ordinary writing into crisp, sharp and convincing prose. This class will help you communicate more effectively with your clients and others in the legal process. Class is limited to 24 registrants. For more information about the course and Registration information, go to www.dcbbar.org.

Upcoming Trainings and Events (cont.)

Teen Suicide Prevention, sponsored by Psychiatric Institute of Washington

Friday, February 11, 2011 from 9:00 AM - 12:30 PM - PIW, 4228 Wisconsin Ave NW

During this seminar, the participants will learn the following: (1) Discuss three possible causes for an increase in suicidal ideation and gestures in the adolescent population; (2) Identify two observable behaviors that indicate a need for further assessment to prevent a potential suicidal gesture; (3) Describe two assessment tools that can be used to determine suicidal risk; and (4) Identify three interventions that can prevent a suicidal gesture and promote safety. The presenter will be Pamela Marcus, RN, APRN/PMH-BC, a licensed psychotherapist and Assistant Professor of Nursing at Prince George's Community College. \$30.00 per person plus \$10 for CEU's. FREE LUNCH WILL BE PROVIDED! Registration Deadline: February 9, 2011.

Adoption Law and Process in D.C., MD and VA, sponsored by D.C. Bar

Wednesday, February 16, 2011 from 9:30 AM-12:45 PM – D.C. Bar, 1101 K Street NW, First Floor

Learn how to guide your client through the adoption process in Virginia, Maryland and D.C. For more information about the course and Registration information, go to www.dcbbar.org.

Monthly Family Court Training: Adoption Law and Changes

Wednesday, February 16, 2011 from 4:30-6:00 PM – D.C. Superior Court, Juror's Lounge

Growing Up Online: Helping Teens with Learning Disabilities Navigate Emotions, Behavior, and Relationships in the Digital Age (Part of Lab School of Washington's 2010-2011 Lecture Series for Parents and Professionals)

Wednesday, February 16, 2011 at 7:30 PM – Lab School of Washington, 4759 Reservoir Road NW (Theater)

This lecture will present a framework to help parents and teachers understand and respond to the social demands placed on today's youth. Strategies to help teens make sense of - and be safe in - this complex social arena will be discussed. Speaker: Doug Fagen, Ph.D., Director of Psychological Services, The Lab School of Washington; Nancy Rowland, M.Ed., Associate Head of the Junior High, The Lab School of Washington. \$15.00. Registration is encouraged, but not required: <http://www.labschool.org/content/lectureregistrationform>.

Children's Law Center CCAN Training

Thursday, February 17, 2011 from 10:00 AM-2:00 PM — D.C. Superior Court, Room 3300

Please join us for this half-day training offered to all members of all CCAN panels. Topics to be covered during the training include: "What is Neglect, Really? Using Case Law to Enhance Your Argument," "Brown Bag Lunch and Discussion on Budget Priorities" with CLC's policy team, and "Setting the Stage for Success: The Essentials of Pre-Trial Preparation." FREE. Attorneys interested in attending should register with Nancy Drane at ndrane@childrenslawcenter.org or 202-467-4900 ext. 502.

Current Issues in Special Education Advocacy

Friday, February 25, 2011 from 8:30 AM-5:30 PM – AU Washington College of Law, 4801 Mass. Ave. NW

This conference at the Washington College of Law is targeted at practicing attorneys and legal academics in the special education field. The school will be offering the conference for CLE credit. Training credits will be available for Family Court Special Education Panel attorneys for the entire event, and CCAN and CJA juvenile attorneys can get credits for some of the sessions. You can see the write-up about the conference and registration info at: <http://www.wcl.american.edu/secl/founders/2011/20110225.cfm>.

Save the Date

The Art of Working with (or Against) Expert Witnesses, sponsored by the D.C. Bar Family Law Section
 Thursday, March 3, 2011 from 5:30-7:30 PM – D.C. Bar, 1101 K Street NW, 1st Floor
This event will feature Judge Michael Ryan, among other panelists. Stay tuned for more details...

Neglect and Delinquency Practice Institute

Tuesday, March 7, 2011 and Wednesday, March 8, 2011 — UDC David A. Clarke School of Law

The Intersection of Sexuality and Disability, sponsored by D.C. Quality Trust

Thursday, March 9, 2011

Monthly Family Court Training: Examination of Expert Witnesses

Wednesday, March 16, 2011 from 4:30-6:00 PM – D.C. Superior Court, Juror's Lounge

National Conference on Juvenile and Family Law

March 27-30, 2011 — Reno, Nevada

Child Welfare League of American Annual Conference: The State of Children and Families, Building an Effective National Voice

March 27-30, 2011 – Washington, D.C.

For registration details, go to: <http://bit.ly/9yz8da>.

Ready for Take-off: Getting your Teen with ADHD or LD Off to College (Part of Lab School of Washington's 2010-2011 Lecture Series for Parents and Professionals)

Wednesday, March 30, 2011 at 7:30 PM – Lab School of Washington, 4759 Reservoir Road NW (Theater)
Learn strategies to help teens slowly and systematically develop the skills needed for life in college. Speaker: Patricia Quinn, M.D., Developmental Pediatrician and Director, The National Center for Girls and Women with ADHD, Co-Editor: ADDvance: A Magazine for Women with ADD, Co-Author, Ready for Take-off: Preparing your Teen for College. \$15.00. Register at: <http://www.labschool.org/content/lectureregistrationform>.

Children's Law Center Advanced GAL Training

Friday, April 8, 2011 from 10:00 AM-4:30 PM — D.C. Superior Court, Room 3300

Monthly Family Court Training: Juvenile Diversion Calendar

Wednesday, April 20, 2011 from 4:30-6:00 PM – D.C. Superior Court, Juror's Lounge

Family Court NITA Training, sponsored by D.C. Superior Court

May 19-20, 2011 – D.C. Superior Court

The Family Court will be holding a two-day trial skills training taught by the National Institute of Trial Advocacy (NITA). This will be similar to the NITA training held at the court last year. Applications will be available soon. This training will be open to CCAN and GAL Panel attorneys. In addition, a few slots will go to OAG and CLC attorneys. Preference will go to attorneys who did not attend last year.

One Child, Many Hands: A Multidisciplinary Conference on Child Welfare

June 8-10, 2011 — Wharton School, University of Pennsylvania, Philadelphia, PA

For more information, see <http://www.sp2.upenn.edu/onechild/index.html>.

Save the Date (cont.)

14th Annual American Bar Association National Conference on Children and the Law

July 15-16, 2011 — Washington D.C.

The Conference will address a range of child welfare issues with an emphasis on improving skills of attorneys, judges, and advocates. It will also feature emerging child welfare policy and systemic reform issues, most importantly their effects on practice, children and families. Conference organizers are seeking workshop proposals that address the above. The organizers are particularly interested in the following topic areas: How Quality Legal Representation for All Parties Can Improve Child Welfare Outcomes; Better Uses of the Law to Prevent Racial Disparities; Addressing Ethical Issues in the Practice of Child Welfare Law; Improving the Legal System's Approach to LGBTQ Youth in Foster Care; New Strategies for Addressing the Educational Needs of Children in Foster Care; Educational Advocacy for At-Risk Youth; How the Fostering Connections Act Can be Used to Help Youth Aging Out of Foster Care; Linking the Fostering Connections Act to Courtroom Advocacy; Meeting the Needs of Court-Involved Infants and Toddlers; Adolescent Permanency Planning; Advocating for Immigrant Children and Families; New Developments in How the Legal System Should Address Substance Abuse and Domestic Violence in Families. Please submit your workshop proposal(s) by February 4, 2011. Proposals should be emailed to Howard Davidson at davidsonha@staff.abanet.org. Proposals should be for 90 minute workshops and include: name, short biography and contact information for each presenter (organization, address, phone and fax numbers and email), and a one page description of the workshop. Proposals that highlight a successful program should address how the program achieved measurable success and how it may be replicated.

2011 National Child Welfare Evaluation Summit

August 29-31, 2011 — Grand Hyatt Hotel, Washington, D.C.

The Children's Bureau recently announced that it will be hosting the 2nd National Child Welfare Evaluation Summit, which will build on previous conversations, tackling new questions about evaluation practice and further exploring important issues raised by state and tribal public agency administrators, program directors, academic researchers, program evaluators, advocates, Federal staff, and partners from other fields during the first Summit in May 2009. This event is designed for professionals interested in strengthening evaluation practice in child welfare, building evidence about intervention, implementation, and dissemination, and, forging partnerships that improve evaluation, decision-making, and practice.

Putting the Pieces Together for Children and Families: The National Conference on Substance Abuse, Child Welfare and the Courts

September 14-16, 2011 — Gaylord National Resort and Convention Center, Washington, D.C. area

Children and Family Futures is proud to present this conference, featuring the National Alliance for Drug Endangered Children and their 8th Annual Gathering. The conference will focus on family based models, the effects of health care reform, ensuring sustainability of effective programs in the midst of a changing fiscal climate and the role of substance use disorders as a central issue in child protection and related child serving agencies. They anticipate a nationwide representation of service providers and professionals, including: child welfare providers, substance abuse treatment providers, juvenile and family court judges and attorneys, law enforcement, prosecutors, probation officers, prevention specialists, maternal and child health agencies, physicians, nurses, researchers and evaluators, educators, Tribal communities, community organizations serving youth and children, and adult mental health providers. Visit the conference website for additional information on the conference. The website includes an Exhibitors page for organizations, vendors, and publishers interested in showcasing their products and services, and is available at:

<http://www.cffutures.org/conference2011>.