

KEEPING CURRENT

January 2012

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

New from the Court of Appeals:

In re J.R., No. 10-FS-38 (Decided Dec. 22, 2011), available at: <http://tiny.cc/gg8me>

Appellant challenged the trial court's jurisdiction to conduct neglect and custody proceedings regarding her child, J.R., as well as the trial court's ultimate finding that J.R. was a "neglected child" under D.C. Code § 16-2301 (9)(A)(ii). Appellant specifically argued that: (1) the court lacked jurisdiction to issue a pre-petition custody order over J.R.; (2) the court erred in exercising temporary emergency jurisdiction over J.R. on the basis of past and ongoing events; and (3) the evidence was insufficient for the court to find that J.R. was neglected. The D.C. Court of Appeals affirmed, holding that the trial court properly exercised temporary emergency jurisdiction under the UCCJEA, and further finding adequate evidence to support a neglect finding. The court declined to rule on the pre-petition custody order, finding that the issue was moot.

Upcoming D.C. Court of Appeals Arguments:

January 24, 2012 at 9:30 A.M. — *In re P.B., T.B. and D.B.*, Nos. 10-FS-1590, -1591, -1592

February 28, 2012 at 9:30 A.M. — *In re N.R., M.R. and I.R.*, *In re* Petition of A.O.T., Nos. 11-FS-1161, -1162, -1163, -1164, -1165, -1166

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

Court Monitor in LaShawn A. Case Issues New Report on CFSA's Progress

The Center for the Study of Social Policy's latest progress report on CFSA's compliance with LaShawn A.

Legal News

v. Gray, LaShawn A. v. Gray Progress Report for the Period January 1-June 30, 2011, is available at <http://tiny.cc/2gkfd>.

D.C. Wins Special Education Appeal

The United States Court of Appeals for the D.C. Circuit ruled that the U.S. District Court for the District of Columbia must revisit a decision denying the District's bid to eliminate court supervision in the Petties v. D.C. class-action lawsuit filed in 1995 by parents whose children had been placed in private schools because D.C. was unable to provide adequate special-education services. An article discussing the decision is available at: <http://tiny.cc/ea2k3>.

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

Brenda Donald “Thrilled” to Return to [CFSA] (Washington Post) Available at: <http://tiny.cc/0u7sh>.

D.C. [Mental Health] Clinic Accused of Fraud in Reimbursement Bid (Washington Times) Available at: <http://tiny.cc/0s42z>.

Child Abuse Continues to Drop (Huffington Post) Available at: <http://tiny.cc/zgg9q>. **The related U.S. Department of Health and Human Services report** is available at: <http://tiny.cc/em4gm>.

Study Finds How Child Abuse Changes the Brain (Reuters) Available at: <http://tiny.cc/hgsfm>.

Judge Says 9-year old Ohio Boy Who Weighed 200 Pounds Will Leave Foster Care (Washington Post) Available at: <http://tiny.cc/nvr8a>.

Foster Children Given Psychotropic Medication at Higher Rates (NPR) Available at: <http://tiny.cc/j2gz3>.

20/20 Report on Overmedication of Foster Children (ABC News) Available at: <http://tiny.cc/s4ffw>.

Education News (Local and National)

D.C. Education Agency’s Progress Questioned (Washington Post) Available at: <http://tiny.cc/yr33f>.

DCPS Scores Stall on Federal Tests (Washington Examiner) Available at: <http://tiny.cc/be041>.

D.C. Schools Have Largest Black-White Achievement Gap, Study Finds (Washington Post) Available at: <http://tiny.cc/e9281>.

Police called to DCPS Schools Hundreds of Times (Washington Examiner) Available at: <http://tiny.cc/biycd>.

Charters, DCPS to Compete More Freely in H.S. Sports (Washington Examiner) Available at: <http://tiny.cc/19nno>.

D.C. Council Seeks to Cut Transportation Costs for Special Education Students (Washington Examiner) Available at: <http://tiny.cc/j2jvw>.

D.C. to Train More Special-Ed Students to Use Metro (Washington Examiner) Available at: <http://tiny.cc/er0j5>.

First Ever Ranking Place 15 D.C. Charter Schools at Bottom of Pile (Washington Examiner) Available at: <http://tiny.cc/3ds1e>.

Education News (*Local and National*) (cont.)

D.C. Charter Schools Succeed with Poor Kids (Washington Examiner) Available at: <http://tiny.cc/7ppaw>.

DCPS, Suburbs Taking a Page from Charter Schools (Washington Examiner) Available at: <http://tiny.cc/9l7b6>.

D.C. Explores Using Grants to Create 'Community Schools' (Washington Examiner) Available at: <http://tiny.cc/6xurr>.

Education Secretary Overstated Failing Schools Under No Child Left Behind (NY Times) Available at: <http://tiny.cc/is3jq>.

Other News

Growing Number of D.C. Parents Under 24 are Seeking Shelter, Report Finds (Washington Post) Available at: <http://tiny.cc/a0a66>.

Poverty Soars for D.C., Montgomery County Students (Washington Examiner) Available at: <http://tiny.cc/a1k59>.

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

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

Reports and Publications

Child Welfare

Child Welfare Policy Manual Updates on CAPTA

You can find questions and answers for the CAPTA (Child Abuse Prevention & Treatment Act) section of the Child Welfare Policy Manual dealing with modifications made through P.L. 111-320 (the CAPTA Reauthorization Act of 2010, at: <http://tiny.cc/py193>.

Stories of Successful Reunification: A Narrative Study of Family Resilience in Child Welfare

Family resilience literature discusses the strengths helpful to families when overcoming adversity. This study looks at the resilience of 15 families whose children were removed due to child maltreatment, but who achieved reunification and maintained improved functioning over time. Findings uncovered 10 strengths evaluated by these families as highly influential in their ability to achieve reunification, remain intact, and maintain healthy functioning. The study is available at: <http://tiny.cc/vc70k>.

Michigan Extends Foster Care to Age 21

Michigan has extended foster care for youth ages 18 to 21. The new law will also allow young adults who decide to leave foster care at 18 to reenter the system anytime up to their 21st birthday. More information available at: <http://tiny.cc/bchmm>.

Reports and Publications (*cont.*)

Child Welfare (*cont.*)

Trauma-Informed Child Welfare

Materials from this 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 is available at: <http://tiny.cc/4zrky>.

Social Capital: Building Quality Networks for Young People in Foster Care

This issue brief from Jim Casey Youth Opportunities Initiative defines social capital, and discusses the pressing need to strengthen the full range of social capital resources for young people in foster care. Young people build social capital in the context of four communities: the family, school, neighborhood, and peers. This resource provides information to support the implementation of policies and practices that can help older youth in care build and sustain social capital in each of these communities. It is available at:

<http://tiny.cc/qal9a>.

Education

Public Systems: Responding to Students Affected by Trauma

Children and youth who experience trauma such as maltreatment are often involved with multiple systems in the public sector, including foster care, education, and juvenile justice. Effective interventions for this vulnerable population require a perspective that is grounded in the understanding of trauma and its effects; comprehensive information about the medical, social, developmental, mental health, and educational status of the child and the adults who figure prominently in the child's life; and collaboration across public systems. This panel discussion organized by Chapin Hall focused on the implications of trauma as it relates to children and families involved with public systems, and on the particular challenges of working with adolescents who have experienced trauma, and programs designed to meet their needs. This Child & Family Policy Forum was held on November 1, 2011. The webcast recording and presentation slides used by the panel are now available at:

<http://tiny.cc/2v566>.

LGBTQ Issues

Let's Make it Better Video

Many young people who identify as Lesbian, Gay, Bisexual, Transgender or Questioning face harassment, bullying and oppression every day. Asking them to "get through" or "tough out" their adolescence is not an acceptable solution. We need to change the environment in schools and communities so that LGBTQ youth have the chance to live in a world that is safe for them and affirming of who they are. Let's make it better. This video, available on the NRCPCF website, was created by Jessie Gallogly and edited by Brendan Gallogly. It is available at: <http://www.nrcpfc.org/video/letsmakeitbetter>.

A Fact Sheet for Transgender Spouses, Partners, Parents, and Youth

This fact sheet was adapted from a fact sheet developed by the Transgender Law Center (TLC), and is designed to answer basic legal questions related to marriage, domestic partnerships, parenting, foster care, and youth issues in California. This publication is intended for individuals, and is available at: <http://tiny.cc/futsu>.

Reports and Publications (*cont.*)

Health

Activity on Psychotropic Medications for Children in Foster Care

A Senate Subcommittee recently convened a hearing on the use of psychotropic medications among children in foster care. Staff from the U.S. Department of Health and Human Services testified about efforts to develop a plan to help States address this issue within the context of improving social and emotional well-being for children who have experienced maltreatment. The complete written testimony delivered by HHS staff and the video of the proceedings are available online at <http://tiny.cc/lcuwr>. In addition, a letter signed by HHS staff outlining the issue and the Department's plan to address it was recently delivered to directors of child welfare, Medicaid, and mental health authorities in all 50 States plus D.C. and Puerto Rico. The letter is available at: <http://tiny.cc/x9eaa>. Finally, a report released by the GAO on psychotropic use among children in foster care in five States is available at: <http://tiny.cc/qs9y7>.

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

CCAN Brown Bag on ICPC Lawsuit, sponsored by CCAN

Wednesday January 18, 2012 from 12:30 to 2:00 P.M. — D.C. Superior Court, Room 3300

Join us for a brown bag on the Children's Law Center and Arnold & Porter's recently filed civil rights action which challenges CFSA's application of the Interstate Compact on the Placement of Children (ICPC) to parents. That application results in long separations between children and their fit parents; the lawsuit argues that it violates children's and parents' constitutional and statutory rights and the plain language of the ICPC itself. At this session, CLC attorneys Sharra Greer, Rebecca Brink, and Tomar Brown will present an overview of the litigation and also describe strategies to handling ICPC cases under the current law. A press release and a link to the complaint may be found here: <http://www.childrenslawcenter.org/news-events/2011-ICPC-Complaint>. A Washington Post story on the lawsuit may be found here: <http://www.childrenslawcenter.org/new-events/media-coverage/Post-Oct-2011-ICPC>.

D.C.'s Legislative Process and Drafting Legislation in D.C., sponsored by the D.C. Bar D.C. Affairs Section

Friday, January 20, 2012 from 12:15-2:00 P.M. -- Wiley Rein, 1776 K Street, NW

The District's legislative process, as established by the Home Rule Charter, is unique and one of the most complex systems anywhere in the United States. To make sense of it, the current General Counsel to the D.C. Council and a former General Counsel will speak on the District's legislative history and process and how to properly draft legislation in the District. The speakers will be David Zvenyach, General Counsel to the D.C. City Council and Charlotte Brookins Hudson, former General Counsel to the D.C. City Council. Register at www.dcbbar.org.

Pretrial Process by the Pros: The Keys to Getting Your Case Ready for Trial, sponsored by the D.C. Bar Family Law Section

Tuesday, January 24, 2012 from 6:00-8:00 P.M. – D.C. Bar, 1101 K Street NW

The road to trial is a long one filled with twists and turns. How you choose to navigate it could be the difference between a successful outcome and an angry client. When should I file my motion to compel? Who should I subpoena and when? Is now a good time for a request for admissions? Come hear experienced practitioners and two judges from the Domestic Relations Branch share their perspectives on these and many other vexing issues confronting family law attorneys every day. A wonderful program for newbies and experienced practitioners alike! Speakers include Alfred Irving, Judge, D.C. Superior Court, Domestic Relations II Calendar, Anne Jackson, Ain & Bank, Neal Kravitz, Judge, D.C. Superior Court, Domestic Relations II Calendar, Armin "Rick" Kuder, Kuder, Smollar & Friedman, and will be moderated by Christopher Locey, Kuder, Smollar & Friedman. Fee = \$25 for non-profit employees; \$35 for Family Law Section members. Register at www.dcbbar.org.

Save the Date

Who's the Daddy? Establishing Paternity in D.C., sponsored by the D.C. Bar Family Law Section

Thursday, February 23, 2012 from 5:30-7:30 P.M. – D.C. Bar, 1101 K Street NW

"Who's the daddy?" is not always an easy question to answer, and the way that paternity is investigated, determined and established can have important implications for every type of family law case. Please join Magistrate Judge Noel Johnson and experienced family law practitioners to find out all you need to know about paternity establishment in D.C. Fee = \$25 for non-profit employees; \$35 for Family Law Section members. Register at www.dcbar.org.

Annual Neglect and Delinquency Practice Institute (NDPI)

Monday, March 12, 2012 and Tuesday, March 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.

How to Draft a Good Settlement Agreement That Will Stand the Test of Time, sponsored by the D.C. Bar Family Law Section

Tuesday, March 13, 2012 from 5:30-7:30 P.M. – D.C. Bar, 1101 K Street NW

More details and registration information forthcoming.