

KEEPING CURRENT

June 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.

Inside this issue:

| | |
|------------------------|-----|
| D.C. Courts | 1 |
| News | 2-3 |
| Reports & Publications | 3-5 |
| Upcoming Trainings | 6-7 |
| Save the Date | 8 |

D.C. Court of Appeals and D.C. Superior Court

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

In re: RES (No. 08-FS-451) Decided May 19, 2011 – Available at: <http://tiny.cc/wg4a2>. The Court of Appeals previously remanded to allow the trial court to determine whether there had been ineffective assistance of counsel (*i.e.* what the record would have looked like had the evidence that formed the basis for the ineffectiveness claim been submitted). On remand, the trial court denied the ineffectiveness claim, a decision that was affirmed here. The discussion includes an analysis of the 'weighty consideration to parent's choice of caregiver' issue and the factors the trial court properly considered in rejecting that choice.

In the Matter of John Robertson (No. 00-FM-925, 04-FM-1269) Originally Decided January 24, 2008; Amended May 19, 2011 – Available at: <http://tiny.cc/fptwo>. Issue is whether actions for criminal contempt within civil protection order cases must be brought by an independent prosecutor instead of the petitioner. The underlying case was appealed to the Supreme Court in the past, see <http://tiny.cc/fvmht>.

Araya v. Keleta (Nos. 09-FM-1203, 09-FM-1204) Decided May 12, 2011 — Available at: <http://tiny.cc/05ubi>. The Court of Appeals affirms trial court's order within a civil protection order case whereby the respondent was ordered to vacate his primary residence even though it was his sole and separate property.

In re: Petition of T.W.M. (Nos. 10-FS-17, 10-FS-867, 10-FS-882, 10-FS-920, 10-FS-966) Decided April 28, 2011 — Available at: <http://tiny.cc/bkxu3>. The Court of Appeals previously addressed this case in In re: T.W.M., 964 A.2d 595 (D.C. 2009) where it vacated the trial court's order granting T.W.M.'s adoption petition based on the trial court's failure to give appropriate consideration to the birth parent's preference for a competing adoption petitioner. On remand, the trial court again granted T.W.M.'s adoption petition, which was again appealed and in this opinion, affirmed.

Jones v. U.S. (No. 08-CM-1409) Decided April 21, 2011 – Available at: <http://tiny.cc/8w40s>. An analysis of the state of mind exception to the hearsay rule and the mechanics of lodging a hearsay objection.

Upcoming Oral Argument of Interest:

In re: D.K. (No. 10-FS-1574) June 28, 2011 at 9:30 AM (Stacy Anderson; Todd Kim; Pooja Mehta) — *Audio of oral arguments are broadcast at: dcapeals.gov/dccourts/appeals/calendar/index.jsp*

Child Welfare News (Local and National)

D.C.'s Child Services in Turmoil (Washington Post Editorial) Available at: <http://tiny.cc/dv381>.

D.C.'s Child Welfare Director Quits (various) Available at: <http://tiny.cc/pbk96> and <http://tiny.cc/m0jv4> and <http://tiny.cc/oc5xr>.

D.C.'s Child Welfare System Leaves Kids at Risk (Washington Post) Available at: <http://tiny.cc/79j7z>.

Court Monitor Voices Concern Over Budget for D.C. Child Welfare Agency (Washington Post) Available at: <http://tiny.cc/yhep0>.

D.Y.R.S. Hearing Probes Agency's Internal Friction (Washington Times) Available at: <http://tiny.cc/odzbx>.

Graham Bill Would ID Young Escapees from D.Y.R.S. Custody (Washington Times) Available at: <http://tiny.cc/bvcq7>.

Report: Virginia Not Meeting Kids' Mental Health Needs (Washington Examiner) Available at: <http://tiny.cc/6fy44>.

Washington State Supreme Court Declines to Rule on Child's Right to Counsel in Termination of Parental Rights (National Center for Youth Law) Available at: <http://tiny.cc/8rgu0>.

A Bleak Life, Cut Short at 4, Harrowing from the Start (N.Y. Times) Available at: <http://tiny.cc/8a3b3>.

Education News (Local and National)

D.C. Board Keeping Struggling Charter School [Ideal Academy] Alive (Washington Examiner) Available at: <http://tiny.cc/8v3iz>.

Advocates Accuse D.C. Charter Schools of Excluding the Disabled (Washington Post) Available at: <http://tiny.cc/8afyd>.

Close More Bad Charters Faster (Washington Post Editorial) Available at: <http://tiny.cc/a45jq>.

Four New D.C. Charter Schools Approved (Washington Examiner) Available at: <http://tiny.cc/7vyim>.

Council to Investigate Suburban Students in D.C.'s Top Schools (Washington Examiner) Available at: <http://tiny.cc/7pp24>.

Parents Move Kids from Suburban Schools into D.C. (Washington Examiner) Available at: <http://tiny.cc/7ponk>.

Non-Residents Get a Pass on D.C.P.S. Tuition (Washington Examiner) Available at: <http://tiny.cc/83k2d>.

District Voids Test Scores After Cheating Probe (Washington Post) Available at: <http://tiny.cc/om1aq>.

D.C. Schools Insider: IMPACT Teacher Evaluation Program (Washington Post) Available at: <http://tiny.cc/5cfbp>.

Education News (Local and National) (cont.)

D.C. Special Education Chief Leaving (Washington Post) Available at: <http://tiny.cc/y1o0v>.

Judge Slams District Conduct in Special Ed. Lawsuit (Washington Post) Available at: <http://tiny.cc/2opbx>.

Report: D.C. Special Ed. School [Rock Creek Academy] Improperly Restrained Students (DCist.com) Available at: <http://tiny.cc/hctim>.

Rock Creek Academy Head Blames Regulators for Problems (Washington Post) Available at: <http://tiny.cc/jvd2o>.

City Launches Pilot Program to Combat Truancy in Three Schools (Washington Post) Available at: <http://tiny.cc/r9w7y>.

D.C. Schools Plans to Cut 660 Jobs (Washington Examiner) Available at: <http://tiny.cc/utqyb>.

D.C. Council Questions School Budget (Washington Examiner) Available at: <http://tiny.cc/mlw7e>.

Other News (Local and National)

Summer Job Prospects for Teens Looking Up (Washington Examiner) Available at: <http://tiny.cc/hzqqd>.

How Teens Can Improve Their Prospects for a Summer Job (Washington Examiner) Available at: <http://tiny.cc/jauw8>.

Prescription Drug Abuse Surging Among Youth (Washington Examiner) Available at: <http://tiny.cc/cx1yu>.

Post-Traumatic Childhood (N.Y. Times Opinion) Available at: <http://tiny.cc/oo2gb>.

Reports and Publications

CHILD WELFARE

A Call to Action on Behalf of Maltreated Infants and Toddlers

The American Humane Association — along with Zero to Three, the Center for the Study of Social Policy, the Child Welfare League of America and the Children's Defense Fund — recently released this policy paper addressing the needs of infants and toddlers in the child welfare system. The report highlights some relevant statistics, such as: almost 200,000 children in the critical developmental stage of birth to 3 years of age come into contact with the child welfare system every year; of those 200,000, more than one-third end up in foster care; on average, 210 babies are removed from their homes each day due to abuse or neglect. The paper continues to discuss the neuroscience research on early brain development that demonstrates the significant impact that early experiences can have on infants and toddlers. The paper highlights federal and state level policy objectives and action steps, and points to programs — such as Safe Babies Court Teams and Family Group Decision Making — as potential remedies for this issue. The paper is available at: <http://tiny.cc/fuwry>.

Reports and Publications (cont.)

CHILD WELFARE (cont.)

Judicial Guide to Implementing the Fostering Connections Act

The American Bar Association Center on Children and the Law, National Council of Juvenile and Family Court Judges, and National Center for State Courts, recently announced a new publication, *Judicial Guide to Implementing the Fostering Connections to Success and Increasing Adoptions Act of 2008*. This practical guide contains an analysis of the barriers faced by courts as well as implementation strategies to overcome these barriers. For each section of Fostering Connections, the guide provides an overview of the law, judicial considerations for successful implementation, questions to ask from the bench to help ensure compliance with the law and best practice, and resources from national experts to direct further reflection and analysis. The publication is available at: <http://tiny.cc/cn0oa>.

JUVENILE JUSTICE

Suppression of Statements in Delinquency Proceedings

The Public Defender Services of D.C., in collaboration with the Mid-Atlantic Juvenile Defender Center, has a training video for juvenile defenders entitled *Suppression of Statements in Delinquency Proceedings*, a lecture by Professor Randy Hertz, Vice Dean, Professor of Clinical Law, Director, Clinical and Advocacy Programs, New York University School of Law (recorded December 2010). The lecture is available to download in video and audio formats at <http://tiny.cc/vif6b>.

MENTAL HEALTH

Helping Children and Youth Who Have Experienced Traumatic Events

The Substance Abuse and Mental Health Services Administration released this report, which addresses the needs of children and youth exposed to traumatic events through many of its programs, such as the Comprehensive Community Mental Health Services for Children and their Families Program and the Donald J. Cohen National Child Traumatic Stress Initiative. The report is available at: <http://tiny.cc/pxbz4>.

Guidance for Communities to Address Children's Exposure to Violence

The U.S. Departments of Justice and Health and Human Services have jointly released *Evidence-Based Practices for Children Exposed to Violence: A Selection from Federal Databases*. This publication summarizes findings from federal reviews of research studies and program evaluations to help communities improve outcomes for children exposed to violence. It cites evidence-based practices that practitioners and policymakers can use to implement prevention services and activities for these children. The publication is available at: <http://tiny.cc/315o9>.

Protecting Confidential Health Services for Adolescents & Young Adults

The National Institute for Health Care Management Foundation recently released this issue brief, which reviews the legal protections in place to ensure confidential care delivery for adolescents and young adults, the effect of privacy and confidentiality concerns on the use of health services, and health insurance system barriers and other challenges to delivering confidential care to this population. The report is available at: <http://tiny.cc/d4yh8>. Other materials related to maternal, child and adolescent health issues can be accessed online at: <http://www.nihcm.org/>.

Collection of Evidence-Based Practices for Children and Adolescents with Mental Health Treatment Needs

This publication, developed by the Virginia Commission on Youth, is available at: <http://tiny.cc/q9xbf>.

Reports and Publications (cont.)

LGBTQ YOUTH

Working with Transgender Youth in Foster Care and Runaway and Homeless Youth Programs

This webcast focused on working with transgender youth in foster care and runaway and homeless youth Programs and the potential needs of this population. The presenters focused on practice skills and enhancing competency in working with transgender and gender non-conforming youth utilizing a strengths-based approach. The webcast is available at: <http://tiny.cc/b4eqo>.

PARENTS

Parent-Child Visiting

This presentation from the National Resource Center for Permanency and Family Connections focuses on the basics of parent-child visiting. It is available at: <http://tiny.cc/3tg5k>.

The President's Fatherhood and Mentoring Initiative

The goal of the President's Fatherhood and Mentoring Initiative is to encourage individuals, especially fathers, to be involved in the lives of their children, and to be positive role models and mentors for other children in their lives and communities. Information on the initiative is available at: www.fatherhood.gov.

A Time to Bond: A Parent-to-Parent Guide to Making the Most of Visits with Children in Foster Care

The true stories in this workbook from *Rise* magazine show how parents have succeeded in bonding with children in foster care during visits. Lessons and worksheets give child welfare professionals the tools to use the stories in a parent support group, parenting education classes, or one-on-one discussions. The workbook includes eight stories by parents who have reunified with their children; discussion guides for each story for use in parenting classes, support groups, or staff training; visit journals for each story to help parents reflect on their experiences, set goals, and keep track of their progress during visits; and, interviews with visiting experts. The workbook is available for purchase. Two sample stories and lessons are available for free online. Get all the relevant information at: <http://tiny.cc/kt6qu>.

EDUCATION

Advocating for the Educational Needs of Children in Out of Home Care

The Cutler Institute for Health and Social Policy developed a training curriculum and a caseworker manual for the State of Colorado Department of Health and Human Services on serving the educational needs of children and youth in the child welfare system. These materials were designed to provide child welfare caseworkers and their supervisors with an understanding of the relevant educational policies, processes, assessments and plans; methods for monitoring outcomes and services; and tools to enable them to advocate for the educational needs of children in the child welfare system. They were derived primarily from what youth in care say about their educational experiences and what the research tells us makes a difference in educational outcomes for this population. The curriculum covers educational needs from birth through age 21. *Advocating for the Educational Needs of Children in Out-of-Home Care: A Manual* is available at: <http://tiny.cc/j8bmk>. *Advocating for the Educational Needs of Children in Out-of-Home Care: Training Curriculum for Caseworkers and Supervisors* is available at: <http://tiny.cc/18kev>. Finally, *Advocating for the Educational Needs of Children in Out-of-Home Care: Training Curriculum for Foster Parents* is available at: <http://tiny.cc/190j2>.

Upcoming Trainings and Events

New Consequences to Juvenile Adjudications, sponsored by the Public Defender Service of D.C.

Thursday, June 2, 2011 from 3:00-4:30 PM – Walter E. Washington Convention Center, 801 Mt. Vernon Place NW, Room 150

National and local experts will discuss the recent changes in the law that could affect all juvenile clients. This workshop, designed for criminal justice and civil legal services professionals, will cover: Preview of The Sex Offender Registration Act of 2011; Overview of The Expanding Access to Juvenile Records Amendment Act of 2010; and practical advice on how to advise clients about their juvenile adjudications, confidentiality, and sex offender registration. No fee. Register by e-mailing afrazier@pdsdc.org. Include your name, D.C. Bar number, name of your firm or agency (if applicable) and your phone number.

D.C. Superior Court's First Annual Reunification Day – “Family Celebration Day”

Saturday, June 4, 2011 from 11:00AM-3:00PM – Turkey Thicket Recreation Center, 1100 Michigan Avenue NE

Attorneys are invited to the first ever Family Celebration Day jointly sponsored by the court and Child and Family Services Agency, to recognize the achievements of families who have successfully reunified with their children. This local event is part of a series of events taking place across the country in recognition of reunified families formerly involved in the child welfare system. You can find more information on the National Reunification Day at: http://www.americanbar.org/groups/child_law/projects_initiatives/nrd.html. Family Celebration Day will involve a picnic, games for children, and brief speeches from city dignitaries. Attorneys who represented parents who reunified in 2010 will be notified and encouraged to attend with their clients. For more information, please contact committee members Wilma Brier, 202-879-1301, or Arnolda Beaujuin, 202-355-6425 ext. 16425.

Special Education Panel Training

Wednesday, June 8 and Thursday, June 9, 2011

*The Public Defender Service is hosting a two-day training session for new Special Education Panel Attorneys on June 8th and 9th. This training is designed to provide attorneys who have been selected for the special education panel with the 16 hours of initial training required by the Attorney Practice Standards for certification to be appointed to special education matters in Family Court. There are a few slots available for non-special education panel attorneys interested in attending this two-day program. **Interested attorneys must be able to participate in all the training sessions.** The sessions are not intended for attorneys who have already attended an initial training program. If you would like to be considered for a slot, please email PDS' Stephanie Harrison at sharrison@pdsdc.org by Monday, June 6th and provide a description of why you would like to attend, your current areas of practice, and contact information.*

CCAN Brown Bag: Changes in the D.C. TANF Program

Wednesday, June 8, 2011 from 12:30-2:00 PM – D.C. Superior Court, Room 4008

This brown bag will feature a staff member from the Income Maintenance Administration who will explain upcoming changes being made to the D.C. Temporary Assistance to Needy Families (TANF) program.

D.C. Bar Family Law Section Courthouse Meeting: Legislative Update

Friday, June 10, 2011 from 12:30-1:30 PM — D.C. Superior Court, Room 3300

Worried that you missed important Family Law decisions from the Court of Appeals or legislation from the D.C. Council last year? Worry no more! Join us as we review the year that was in new statutes and case law in 2010. This Off the Record Brown Bag Program is sponsored by the Family Law Section. Speakers include Sharra Greer, Policy Director at Children's Law Center and Kristin Henrikson, Partner at Delaney McKinney LLP. The event is free and no registration is required. As an event in the Courthouse Meeting series, please feel free to bring your own lunch.

Upcoming Trainings and Events (cont.)

D.C. Bar Family Law Section Courthouse Meeting: Domestic Violence Bench-Bar Dialogue

Friday, June 10, 2011 from 12:30-1:30 PM — D.C. Court of Appeals, 430 E Street, N.W., Multi-Purpose Room

This event is free and no registration is required. As an event in the Courthouse Meeting series, please feel free to bring your own lunch.

CCAN/Juvenile Brown Bag: Psychiatric Medication

Tuesday, June 14, 2011 from 12:30 to 2:00 PM – D.C. Superior Court, Room 3300

This brown bag will feature an informal discussion of psychiatric medication pros and cons. The speaker will be Keith R. Curry, Ph.D., who has worked with these issues as a consulting psychologist. Attendees are encouraged to read the following Huffington Post article in advance of the brown bag meeting, Another Prescription Drug Abuse Problem: The Overmedication of Foster Kids, available at: <http://tiny.cc/74a4g>, which discusses a recent study by the Tufts Clinical and Translational Science Institute which is available at: <http://tiny.cc/g33ir>.

Monthly Family Court Training: Psychological and Psychiatric Evaluations—Mental Health Issues in Neglect and Abuse, Juvenile and Domestic Relations Cases

Wednesday, June 15, 2011 from 4:30-6:00 PM – D.C. Superior Court, Juror's Lounge (3rd Floor)

Panelists will include Dr. Morote and Dr. Lightdale. The discussion will concern Axis 1 and Axis 2 issues, information needed for an evaluation and types of evaluations, the difference between psychiatrist and psychologist, cultural competency issues, medication issues, appropriateness and need for evaluations, along with time for questions.

CLC CCAN Trial Skills Training

Thursday, June 16, 2011 from 10:00AM-2:00PM — D.C. Superior Court, Room 2500

FREE. Interested CCAN attorneys should RSVP to Nancy Drane at ndrane@childrenslawcenter.org.

SAVE THE DATE—INFO. TO FOLLOW Third Annual Permanency Day, sponsored by CFSA and Adoptions Together — Monday, June 20, 2011

TANF Redesign: Program Changes and What it Means for Program Participants, sponsored by D.C. Women's Agenda Lunch and Learn

Wednesday, June 22, 2011 from 1:00-2:30 PM – Location TBD

D.C. Department of Human Services IMA Administrator Deborah Carroll will discuss key program changes to the District's TANF program and roll out the Universal Services Delivery Model which will start in October 2011.

RSVP and submit questions to Sarah Gonzalez Bocinski at sbocinski@wowonline.org or 202-464-1596 x 118.

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

Save the Date

A New Era of Health Advocacy: National Health Law Training, sponsored by NLADA and the National Health Law Program

Monday, July 11 and Tuesday, July 12, 2011 – Baltimore, MD

With the signing of the Affordable Care Act in March 2010, access to affordable and effective health care changed dramatically for low-income people nationwide. Legal aid programs face thousands of potential new applicants for service on health-related matters and join clients in the critical need to understand the changes made by the law and how these changes are being implemented state by state. The National Health Law Training will provide an overview of key provisions of the ACA and their impact on low-income people and will discuss new advocacy challenges resulting from ACA for the legal services community. It will also highlight the serious impact of state fiscal crises on the implementation of the new law and variation of state approaches.

For more information, including registration, see: <http://tiny.cc/hz7wx>.

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

Friday, July 15 and Saturday, July 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. For more information, see <http://tiny.cc/h2oh5>.

34th National NACC Conference

August 29-September 1, 2011 – San Diego, CA

Registration for NACC's 34th National Conference in San Diego has just opened. The conference brochure is available at: <http://tiny.cc/z1v9f>.

2011 National Child Welfare Evaluation Summit

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

The Children's Bureau 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. 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. More information is available at: <http://tiny.cc/i6fhr>.

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

This 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. Participants will include 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. More information is available at: <http://tiny.cc/t3dfa>.