

Keeping Current

May 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 and D.C. Superior Court

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

In re: Petition of T.W.M., Nos. 10-FS-17, 10-FS-867, 10-FS-882, 10-FS-920, 10-FS-966 (April 28, 2011) — The D.C. 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. The D.C. Court of Appeals affirms here. The case is available at: <http://tiny.cc/bkxu3>.

Jones v. U.S., No. 08-CM-1409 (April 21, 2011) — This new D.C. Court of Appeals case contains a discussion of the state of mind exception to the hearsay rule and an analysis of the mechanics of lodging a hearsay objection. The case is available at: <http://tiny.cc/8w40s>.

Russell v. U.S., No. 07-CF-659 (April 14, 2011) — This criminal case discusses the Dyas standard for admissibility of expert testimony regarding eyewitness identification, with focus on the prong about whether testimony is "beyond the ken" of the average layperson. The case is available at: <http://tiny.cc/wdenj>.

Marshall v. U.S., 08-CF-1372; 08-CF-1373 (March 24, 2011) — This case includes a discussion of the rule on witnesses and making a good record. The case is available at: <http://tiny.cc/02rn3>.

New from D.C. Superior Court:

D.C. Superior Court, Family Court 2010 Annual Report (March 31, 2011) This Annual Report reviews the operations of the Family Court in 2010 and has some interesting information and statistics. The report is available at: <http://tiny.cc/mv5m3>.

Upcoming Oral Arguments of Interest:

In re: Petitions of K.D. and S.D., Nos. 10-FS-753 and 10-FS-826 – May 24, 2011 at 9:30 AM

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

Child Welfare News (Local and National)

CFSA Budget Briefing Documents available at: <http://tiny.cc/ygxkf>.

D.C.'s \$20M Youth Detention Tab Gets Scrutiny After Escapes (Washington Examiner) Available at: <http://tiny.cc/i97o0>.

When Blame Isn't Enough (NY Times Op-Ed) Authored by Olivia Golden, former CFSA Director. Available at: <http://tiny.cc/tdg7p>.

Maryland Auditors: [Maryland] Children Placed in Foster Care in Homes with History of Abuse and Neglect (Washington Examiner) Available at: <http://tiny.cc/o1enc>.

Education News (Local and National)

D.C. Council Members Show Support for Anti-Bullying Bill (Washington Examiner) Available at: <http://tiny.cc/m9ybg>.

D.C. Tuition Assistance Grants (TAG) Are Alive, for Now (Washington Post) Available at: <http://tiny.cc/1j2ml>.

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

Schools Face Drop in Budgets, Despite Boost in Spending (Washington Post) Available at: <http://tiny.cc/45o9j>.

Budget Deal Revives Debate on Vouchers (NY Times) Available at: <http://tiny.cc/onq9k>.

Domestic Problems, Safety Concerns Lead to School Truancy (Washington Examiner) Discussing a recent D.C. Council report. Available at: <http://tiny.cc/1kg9c>.

D.C. Looks to Cap Special Education Costs (WAMU). Available at: <http://tiny.cc/yukfv>.

Has D.C. School Reform Hit Pothole or Wall? (Washington Post) Available at: <http://tiny.cc/fay18>.

When Standardized Test Scores Increased in D.C., Were the Results Real? (USA Today) Available at: <http://tiny.cc/rzjss>.

DCPS May Investigate More High Schools for Grade-Doctoring (Washington Examiner) Available at: <http://tiny.cc/g6fcy>.

DCPS Asks Inspector General to Investigate Cheating Charges (Washington Examiner) Available at: <http://tiny.cc/pt2dy>.

Montgomery County Board Expected to Reject Charters Again (Washington Examiner) Available at: <http://tiny.cc/rjg4y>.

The Fragile Success of School Reform in the Bronx (NY Times) Available at: <http://tiny.cc/uy4nx>.

Other News (Local and National)

Abortion Limit Is Renewed, as is Washington Anger (NY Times) Available at: <http://tiny.cc/v84yd>.

D.C. Abortion Funding: The Facts (Washington Post) Available at: <http://tiny.cc/qogtv>.

Minority Children Four Times as Likely to Start Poor, Stay Poor (Huffington Post) Available at: <http://tiny.cc/bjfd6>.

Gospel for Teens (60 Minutes) Inspirational program for inner-city New York youth. See Part 1 at <http://tiny.cc/8zxp1> and Part 2 at <http://tiny.cc/esk2o>.

Many Low-Wage Jobs Seen as Failing to Meet Basic Needs (NY Times) Available at: <http://tiny.cc/nnsjo>.

Reports and Publications

CHILD WELFARE

Removal from the Home: Resulting Trauma

This paper from the University of Pennsylvania explores the trauma experienced by children who are removed from their homes because of child abuse and neglect. It describes feelings of loss, confusion, abandonment, and worry children may feel and notes the lack of orientation programs to ease a child's transition into foster care. The removal of children because of a parent's mental illness is discussed, as well as the need for children to be allowed to stay with their parents if they are not a threat to the child's well-being. The paper is available at: <http://tiny.cc/6cioh>.

Counseling Children and Youth in Times of Crisis: Tips to Achieve Success and Avoid Pitfalls

This informative booklet from the ABA contains tips and best practices for working with youth in crisis, and is available at: <http://tiny.cc/mgp1d>.

Legislative Strategies to Safely Reduce the Number of Children in Foster Care

State lawmakers play a critical role in leading efforts to safely reduce the foster care population and in fostering the collaborations necessary to achieve this goal. This report outlines some ways legislators can work to safely decrease the population of children in foster care in their states and to ensure that children have the permanent families they need and deserve. The report is available at: <http://tiny.cc/i3akv>.

Parent-Child Visiting

Gary Mallon, Executive Director of the National Resource Center for Permanency and Family Connections, developed this PowerPoint presentation on the basics of parent-child visiting and what should be considered best practices for visitation. The presentation is available at: <http://tiny.cc/0a21l>.

Judicial Guide to Implementing the Fostering Connections Act

The ABA 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. Although designed for judges, the Guide is also helpful for practitioners. 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 Guide is available at: <http://tiny.cc/yo2xu>.

Reports and Publications (cont.)

CHILD WELFARE (cont.)

Evidence Based Practices for Children Exposed 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. The publication is available at: <http://tiny.cc/60pb8>.

LGBTQ YOUTH

Memorandum on LGBTQ Youth in Foster Care

The purpose of this memorandum on Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth in Foster Care is to encourage child welfare agencies, foster and adoptive parents and others who work with young people in foster care to ensure that all children are protected and supported while they are in foster care. It includes information on workforce development; biological, relative legal guardian, foster and adoptive parent training, support and recruitment; and, safety of young people in foster care who are LGBTQ. The memorandum is available at: <http://tiny.cc/p7xsr>.

PARENTS

Parent Advocates in the Child Welfare System Forum

Parent advocates are trained to support birth parents as they navigate the complicated child welfare system. Research suggests they can help parents successfully move their child welfare cases forward. In June 2009, the Parent Advocate Initiative (PAI) was created to promote the employment and support of Parent Advocates in foster care agencies in New York City, and a recent forum presented some information evaluating the program. The PAI Year 2 Evaluation Report is available at: <http://tiny.cc/8dfyp>. Forum Part 1 is available at: <http://tiny.cc/c3d4w>. Finally, Forum Part 2 is available at: <http://tiny.cc/m3hwc>.

EDUCATION

The Proper Guardians of Foster Children's Educational Interests

The Supreme Court has enumerated a constitutionally protected parental right to control the upbringing of one's child that includes the right to direct the child's education. The states have differed in their interpretation and application of this principle when foster children's educational interests conflict with their biological parents' wishes. This article from Loyola University Chicago Law Journal is among the first to consider the benefits and consequences of each approach. The article is available at: <http://tiny.cc/ev0br>.

Non-Punitive Alternatives to Zero-Tolerance

This article by *Child Trends* is available at: <http://tiny.cc/2uey8>.

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

These training materials were designed to provide child welfare practitioners 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. "Advocating for the Educational Needs of Children in Out-of-Home Care: Manual" is available at <http://tiny.cc/ggquh>. "Advocating for the Educational Needs of Children in Out-of-Home Care: Training Curriculum for Caseworkers and Supervisors" is available at <http://tiny.cc/dn4gh>. "Advocating for the Educational Needs of Children in Out-of-Home Care: Training Curriculum for Foster Parents" is available at <http://tiny.cc/ruhom>.

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

Upcoming Trainings and Events

What Every Lawyer Should Know about Immigration Law Series, sponsored by the D.C. Bar

Tuesdays—May 3, 10 and 17, 2011 from 5:30-8:45 PM — D.C. Bar, 1101 K St. NW

Part 2 (May 3) will focus on Employment-Based Immigration: Nonimmigrant Visas. Part 3 (May 10) will focus on Employment-Based Immigration: Immigrant Visas, Corporate Compliance, and Ethical Considerations in Immigration Law. Part 4 (May 17) will focus on Overview of Immigration Litigation, Asylum and Humanitarian Relief. (Part 1 was in April.) FEE = either \$249 or \$269 for entire series or \$89 or \$99 for individual sessions (depending on membership). More specific information about each session and registration is available at: www.dcbar.org.

Best Practices: Tax Issues, sponsored by the D.C. Bar Family Law Section

Thursday, May 5, 2011 from 6:00-8:00 PM — D.C. Bar, 1101 K Street NW

Tax law for domestic relations practitioners. Registration information will soon be available at: www.dcbar.org.

D.C. Bar Family Law Section Courthouse Meeting: Best Practices with Psychological Evaluations, sponsored by the D.C. Bar Family Law Section

Friday, May 6, 2011 from 12:30-1:30 PM — D.C. Superior Court, Room 3300

Psychological evaluations are often utilized in domestic relations cases to help resolve custody disputes. Practitioners, Evaluators, and the Court often approach psychological evaluations from different perspectives. This program will focus on determining when psychological evaluations are necessary, understanding psychological terminology, and ascertaining how to utilize an evaluation in Court to bolster your case. The event will feature Dr. David Missar. FREE. No registration required. As an event in the Courthouse Meeting series, please feel free to bring your own lunch.

Basic Estate Planning Series, sponsored by D.C. Bar

Mondays, May 9, 16 and 23, 2011 from 6:00-9:15 PM — D.C. Bar, 1101 K St. NW

Part 1 (May 9) will focus on basic will and estate planning for the single person or for a couple with an estate valued at less than the federal applicable credit amount equivalent. Part 2 (May 16) will address the will and estate plan for a married couple with a combined taxable estate ranging between \$2-7 million. Part 3 (May 23) will look at the will and estate plan for the senior surviving spouse with surviving children and grandchildren who has an estate in excess of the federal applicable credit amount equivalent and who may be contemplating remarriage. FEE = \$179 or \$199 for entire series or \$89 or \$99 for individual sessions (depending on membership). Register at www.dcbar.org.

Upcoming Trainings and Events (cont.)

Ethics and Pro Bono: Remaining Ethical While Doing Good, sponsored by D.C. Bar

Wednesday, May 11, 2011 from 9:30-11:45 AM — D.C. Bar, 1101 K St. NW

The D.C. Rules of Professional Conduct have numerous provisions that are particularly relevant to attorneys handling pro bono matters. From the applicability of rules requiring written fee agreements to dealing with pro se litigants or impaired clients to conflict-of-interest issues, our faculty members will help you better understand your ethical obligations. Using hypothetical scenarios based on actual issues and questions that have been raised by pro bono attorneys, D.C. Bar ethics counsel will give you the tools you need to avoid ethical problems when representing pro bono clients. This class is relevant to any attorney engaged in pro bono work. The issues are also important to those employed by legal services provider organizations. FEE = \$89 or \$99 (depending on membership). Register at www.dcbbar.org.

Litigation Skills Training, sponsored by Washington Council of Lawyers and Arnold & Porter

May 19-20, 2011 – Arnold & Porter, 555 12th Street NW

This training will feature experienced litigators and offer a combination of lectures and exercises. FEE = \$70.

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

Friday, May 20, 2011 from 9:30AM-4:30PM — D.C. Bar, 1101 K St. NW

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 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. FEE = \$279 or \$289 (depending on membership). Register at www.dcbbar.org.

Save the Date

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

Saturday, June 4, 2011

The court, along with CFSA, will host Family Celebration Day, the first D.C. court and agency sponsored event 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://tiny.cc/5k8wm>. Family Celebration Day will involve a picnic, games for children, and brief speeches from city dignitaries. More information on this event will be available soon.

D.C. Bar Family Law Section Courthouse Meeting: Legislative Update, sponsored by the D.C. Bar Family Law Section

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

FREE. No registration required. As an event in the Courthouse Meeting series, please feel free to bring your own lunch.

Monthly Family Court Training: Overview of Mental Illness

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

Dr. Sonali Mahajan will head up a panel to discuss this issue.

Save the Date (cont.)

D.C. Bar Family Law Section Courthouse Meeting: Domestic Violence Bench-Bar Dialogue, sponsored by the D.C. Bar Family Law Section

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

FREE. No registration required. As an event in the Courthouse Meeting series, please feel free to bring your own lunch.

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>.

2011 National Child Welfare Evaluation Summit – Save the Date

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. More information about the Summit and registration will be coming soon.

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