

KEEPING CURRENT

October 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. Court of Appeals	1
News	2
Reports & Publications	3-5
Upcoming Trainings	6
Save the Date	7

D.C. Court of Appeals

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

In re K.D. and S.D. (No. 10-FS-753); In re K.D.; S.D.; C.C. (No. 10-FS-826)

Foster parent adoption affirmed despite parental preference for a competing petitioner.

Available at: <http://www.dcappeals.gov/dccourts/appeals/pdf/10-FS-753+ MTD.PDF>

Brown v. U.S. (No. 08-CF-693)

Discussion of elements of excited utterance.

Available at: <http://www.dcappeals.gov/dccourts/appeals/pdf/08-CF-693 MTD.PDF>.

Jones v. U.S. (No. 08-CF-716)

Discussion of expert testimony and the Frye standard.

Available at: <http://www.dcappeals.gov/dccourts/appeals/pdf/08-CF-716 MTD.PDF>.

Michael Smith v. United States (No. 09-CF-410)

Addresses standard for admitting expert testimony.

Available at: <http://www.dcappeals.gov/dccourts/appeals/pdf/09-CF-410 MTD.PDF>

In re M.L, R.Y.(No. 10-FS-423)

Finding of neglect based on failure to attend school upheld.

Results of court-ordered mental health evaluations are admissible notwithstanding the requirements of 4-1321.05 based on "long held rule" that a doctor who examines someone solely for "testimonial purposes" has no confidential relationship with that person and thus the information is not privileged.

No abuse of discretion in admitting doctor's written reports; "collateral sources/information" (i.e. double hearsay in the report) not admissible for the truth but only as basis for doctor's opinion.

Also not error that parent was not permitted to call child.

Available at: <http://www.dcappeals.gov/dccourts/appeals/pdf/10-FS-423 MTD.PDF>

Child Welfare News

High price for swift action in Jacks case (Washington Post) Available at: <http://tiny.cc/oYGsx>

MontCo leaders battle over proposed youth curfew (D.C. Examiner) Available at: <http://tiny.cc/483zz>

D.C. child welfare agency lays off 10 employees (Washington Post) Available at: <http://tiny.cc/jOfsg>

Education News (Local and National)

Montgomery schools reopen under new leadership (D.C. Examiner) Available at: <http://tiny.cc/4r672>

Time to evaluate D.C. charter schools (D.C. Examiner) Available at: <http://tiny.cc/tl85y>

Schools reopen in D.C., Pr. George's with few problems (D.C. Examiner) Available at: <http://tiny.cc/r858a>

DCPS to change its teacher evaluation tool (D.C. Examiner) Available at: <http://tiny.cc/y2kq1>

MontCo budget cuts could crowd already crowded schools (D.C. Examiner) Available at: <http://tiny.cc/bg11w>

Problems delay new system for D.C. student transit cards (D.C. Examiner) Available at: <http://tiny.cc/rn6fp>

Judge gives preliminary approval for settlement in 37-year-old case against D.C. (Washington Post) Available at: <http://tiny.cc/1lmgu>

CLC's press release regarding the Dixon Settlement: <http://tiny.cc/2epaa>

Most teachers exchange security for salary increases (D.C. Examiner) Available at: <http://tiny.cc/9sbtz>

Reports and Publications

CHILD WELFARE

America's Children: Key National Indicators of Well-Being, 2011

The Federal Interagency Forum on Children and Family Statistics' primary mission is to enhance the practice and improve consistency in data collection and reporting on children and families. *America's Children: Key National Indicators of Well-Being, 2011* provides the Nation with a summary of national indicators of children's well-being and monitors changes in these indicators. The purposes of the report are to improve Federal data on children and families and make these data available in an easy-to-use, non-technical format, as well as to stimulate discussions among policymakers and the public and spur exchanges between the statistical and policy communities. The report draws on various overarching frameworks to identify seven major domains that characterize the well-being of a child and that influence the likelihood that a child will grow to be a well-educated, economically secure, productive, and healthy adult. The seven domains are family and social environment, economic circumstances, health care, physical environment and safety, behavior, education, and health. Each section of the report corresponds to one of the seven domains and includes a set of key indicators. (2011)

<http://www.childstats.gov/americaschildren/index.asp>

Educational Services for Children Placed in Foster Care

This publication is designed to facilitate cooperation between the child welfare and public school systems in Wisconsin by summarizing the legal responsibilities of each system to serve children living in foster care and sharing practices and resources that can help to improve how these two systems serve youth in foster care. It is divided into topical sections in a question and answer format. Topics addressed include: foster care placement, kinship care, trial court involvement, and consideration of school of origin; licensure and supervision of foster parents; residency for educational services; provision of services to foster care children; fiscal responsibility for serving children in foster care; attendance and school discipline, personal privacy of students, and educational services for students who have been expelled; services to students who are homeless; transportation services for foster care children; and special education services, designation of a person acting as a parent, and the role of the foster parent in special education decision-making. Suggested practices to improve the educational outcomes of children in foster care are recommended for school districts and child welfare agencies, and additional resources are listed. (2010)

<http://dpi.wi.gov/sspw/pdf/sswedfostercare.pdf>

Nuestras Historias

Nuestras Historias is a collection of 10 stories in Spanish about parenting by Mexican-American immigrant mothers, recently published by Rise Magazine. Stories explore the challenges these mothers face maintaining safe and stable homes and supporting their children and families while living in a new culture. Stories were developed in a writing workshop at the Center for Family Life in Sunset Park, in Brooklyn, New York. Rise Magazine is written by and for parents involved in the child welfare system. Its mission is to help parents advocate for themselves and their children. (2011)

<http://www.risemagazine.org/PDF/Rise-en-Espanol.pdf>

Reports and Publications (cont.)

CHILD WELFARE (cont.)

Youth Transition Toolkit: A Guide for Young People with Disabilities Transitioning to Adulthood

This toolkit is now available online from Talent Knows No Limits (TKNL), a public information campaign of the California Health Incentives Improvement Project (CHIP). Developed in partnership with young people, the toolkit is designed as a how-to guide on preparing for transition to adulthood and making choices about their own health care, education, employment, finances, independent living, and social and recreational activities. Questions the toolkit helps youth address include: What is Transition Planning? What is an IEP and how can I lead my IEP Meeting?; How can I manage my Social Security and medical benefits?; How does college differ from high school? How can I obtain services for my disability during college?; What resources are available to help me choose the right career?; Is there assistive technology available that can help me secure a job?; How can I find accessible housing to live on my own?; What should I do to prepare for a job interview?

While some of the services and resources provided are California State-specific, much of the guidance is applicable to youth in any state. The toolkit was developed with funding from a Medicaid Infrastructure Grant from the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.

<http://www.tknlyouth.org/index.html>

Institute Focuses on Permanency for Youth at Risk of "Aging Out"

The Evan B. Donaldson Adoption Institute issued a report in July, "Never Too Old: Achieving Permanency and Sustaining Connections for Older Youth in Foster Care," which focuses on the significant number of youth aging out of foster care without permanency (averaging close to 28,000 for each of the past six years) and synthesized existing knowledge on approaches to addressing this problem. The report, by Dr. Jeanne Howard of the Institute staff and Dr. Stephanie Berzin of Boston College, recommends a renewed dedication to achieving permanency for these youth through increased adoptions and subsidized guardianships, greater use of relatives as permanency resources, establishment of true permanency goals for older youth, and more concerted efforts to find permanent resources early in children's time in care. To read the report, go to: <http://bit.ly/qWKRxw>.

Study Underscores Children Fare Better in Families Than in Foster Care

"Developmental Outcomes after Five Years for Foster Children Returned Home, Remaining in Care, or Adopted," by Christopher Lloyd and Richard Barth (a Senior Research Fellow of the Institute), is in the Aug. issue of *Children and Youth Services Review* (Volume 33, Issue 8). This study, based on data from the National Survey of Child and Adolescent Well-Being, compared developmental outcomes of 353 children (age 5½ years) who had entered care as infants. Children who were reunified with original family or were adopted had similar, generally positive outcomes, and children who remained in foster care scored the lowest on seven of eight outcome measures. Researchers concluded that long-term foster care is unhealthy for children's development. To access an abstract, go to: <http://bit.ly/pHv1xX>

Birth Mother Study Finds All Had Disclosed Placements to Partners

A study of 104 women who had placed their infants for adoption 12-20 years in the past found that all of them had disclosed their adoptive placements to their current romantic partners, typically early in these relationships. "Postplacement Relationships Between Birth Mothers and Their Romantic Partners," by Susan Henney, Cynthia French, Susan Ayers-Lopez, Ruth McRoy and Harold Grotevant (the last two authors are Senior Research Fellows of the Institute), is in the Aug. issue of the *Journal of Family Psychology* (Volume 25, Issue 4). The study also found that for the 35 birth mothers involved in fully disclosed adoptions, 24 had partners who participated to some extent in contact. To access an abstract, go to: <http://bit.ly/bomS1B>. To read the Institute's related report, "Safeguarding the Rights and Well-Being of Birthparents in the Adoption Process," go to: <http://bit.ly/n4ZXsS>

Reports and Publications (cont.)

CHILD WELFARE (cont.)

Racial Socialization is Important for Transracial Adoptees

A study of 100 Asian international adoptees (20 years old on average, all adopted transracially) found that supports for racial socialization – that is, preparation to cope with prejudice and discrimination – decreased their feelings of marginality and increased self-esteem; however, ethnic socialization – education about culture of own ethnic group – was not associated with feelings of marginality and self-esteem. "Asian Adolescent and Young Adult Adoptees' Psychological Well-being: Examining the Mediating Role of Marginality," is in the July issue of *Children and Youth Services Review* (Volume 33, Issue 7). Researchers found that participants, on average, reported high self-esteem and relatively low feelings of marginality. A path statistical analysis showed that parents' socialization of youth to race and discrimination increased self-esteem through its negative impact on marginality. For an abstract, go to: <http://bit.ly/oCKyqz>. To read the Institute's report on positive identity development in adoption, "Beyond Culture Camp," go to: <http://bit.ly/cqvnBY>.

Child Maltreatment Prevention: Past, Present, and Future

This issue brief from Child Welfare Information Gateway discusses the importance of prevention as a critical component of the nation's child protection system and examines the history of child abuse prevention, the scope of the problem today, ways in which quality programs are identified and implemented, promising prevention strategies, and issues for future prevention efforts. It outlines programs and strategies that are proving beneficial in reducing the likelihood of child maltreatment, such as public awareness efforts, parent education, home visitation, and community prevention efforts. (July 2011)

<http://www.childwelfare.gov/preventing/pdfs/what.pdf>

UT Southwestern Study Compares Outcomes for Youth in Kinship Care and Foster Care Settings

A recent increase in the number of children being placed in kinship care settings instead of traditional foster homes led researchers at University of Texas to compare outcomes for children in both types of settings, as well as to examine levels of system support received by caregivers. The study, which used data from the National Survey of Child and Adolescent Well-Being as well as a random sampling of 1,308 children over a three-year period, showed that although youth in kinship care are less likely than their peers in foster care to experience ongoing behavioral and social-skills problems, they are actually at higher risk in other key areas. Researchers found that children in kinship care were seven times more likely to experience teen pregnancy and twice as likely to abuse substances as their peers in foster homes. Also, kinship caregivers, who were overall less educated and had lower socio-economic status than traditional foster caregivers, received significantly fewer financial, parent education and peer support services. The study points to a need for better monitoring of children in kinship care settings as well as different ways of reaching out to kinship caregivers with support.

<http://www.utsouthwestern.edu/utsw/cda/dept353744/files/629645.html>

Older Adolescent Permanency and APPLA (2005-2011)

NRCPCF compiled this annotated list of resources on the topics of 1) older adolescent permanency and 2) Another Planned Permanent Living Arrangement. Website links are included for resources that are available for free online. (September 2011)

http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/download/APPLA%20and%20Permanency%20for%20Older%20Adolescents.pdf

Upcoming Trainings and Events

DC Summit on Evidence-Based Programs for Families

Monday, Oct 3, 2011; Kellogg Conference Hotel Gallaudet University

The District of Columbia's Department of Mental Health, together with Evidence-Based Associates, will host a dynamic and informative one-day summit on evidence-based programs (EBPs). These programs are part of DMH's plan to improve the quality of mental health for DC's children, youth and families.

Visit www.dcebsummit.com for more information and to register.

SERIES: Pretrial Skills Series (October 13, 20, and 27) Thursday, October 13, 2011 from 6:00 pm to 9:15 pm

Taught by experienced litigators, this introductory series addresses critical pretrial topics in civil litigation, including depositions, written discovery, and motions practice, with a focus on strategies and effective practice techniques

CLE Credit: 9.0 Total Credit Hours, Including 1.0 Total Ethics Hours

Price: From \$179.00 to \$249.00

Part 1: Taking and Defending Depositions (October 13)

Part 2: Substantive and Procedural Motions (October 20)

Part 3: Effective Use of Interrogatories, Document Requests, and Requests for Admission (October 27)

Annual Family Court Multidisciplinary Training

Friday, October 28, 8:30 to 4:15

The 10th Annual Family Court Training is coming up in October. This year's program is "Empowering Fathers: One Size Does Not Fit All." The program will focus on how attorneys, the Family Court, social workers, and other interested parties can help fathers become involved in their children's lives and in their legal cases. As in the past, a limited number of slots will be available to attorneys, judges, social workers, and community agencies. Contact Wilma Brier of the CCAN office for more information.

Developing a Child Protective Response to Commercial Sexual Exploitation – A Weekly Webinar Series for State Child Welfare Agencies

Date/Time: October 12-November 16, 2011, 2:00-3:00 PM EST

The commercial sexual exploitation of children is one of the worst forms of child abuse in our nation today. Many children sold or traded for sex have a history of involvement in the child welfare system, often as victims of sexual and physical abuse or neglect. However, these children remain hidden and have few resources for assistance. As more communities tackle exploitation through multi-disciplinary collaboration and action, child welfare agencies will be invited to take part. This six week series of one hour, weekly webinars will introduce participants to the dynamics of sexual exploitation and share promising practices from three states. The series is meant to serve as a catalyst and to help state agencies think about how they can play a role in addressing this form of child abuse.

☐ 10/12/11: Introduction to the Series

☐ 10/19/11: Identifying Child Victims of Commercial Sexual Exploitation

☐ 10/26/11: Clinical Profile of Commercially Sexually Exploited Children

☐ 11/2/11: Promising State Responses – Georgia and Connecticut

☐ 11/9/11: Community Treatment Solutions BASE Program (specialty foster care)

☐ 11/16/11: Wrap Up: Questions, Concerns, and Ideas

RSVP Required. <https://www.surveymonkey.com/s/webinarseries>

Save the Date

NCSE Conference: Best Practices in Attendance, Attachment and Achievement Date/Location: Denver, Colorado, October 26-28, 2011

The National Center for School Engagement will sponsor this national conference, which will bring together experts and cutting edge information about how to engage high risk students, families, and communities in schools with specific outcomes of improving attendance, attachment, achievement and connectedness to school, and high school completion. Learn more about the conference, read about featured speakers, and register to attend, by clicking on the link below.

<http://ncseconference.wordpress.civico.com/>

Making Children a Priority: Leading Change – Save the Date and Call for Proposals

Date/Location: February 26-29, 2012, Hyatt Regency Crystal City, Arlington, VA

Child Welfare League of America's 2012 national conference, Making Children a Priority: Leading Change, will examine successes and challenges experienced within the changing landscape for organizations, systems, communities, children, youth, and families. The conference will offer leaders, workers, and supporters of organizations an experience of shared learning, collaboration, and partnership, as participants address how to implement and ultimately lead change to successfully meet the evolving needs of America's most vulnerable citizens. For additional information, click on the link below.

<https://netforum.avectra.com/eweb/DynamicPage.aspx?Site=CWLA&WebCode=2012NC>

Save the Date: Annual Neglect and Delinquency Practice Institute (NDPI)

Date/Location: March 12 and 13, 2012, UDC School of Law

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 later, but for now, please save the date.

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.