

KEEPING CURRENT

September 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	2-3
Reports & Publications	3-5
Upcoming Trainings	6-7
Save the Date	8

D.C. Court of Appeals

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

Henok Araya v. Aida Keleta (No. 09-FM-1203 & 09-FM-1204)

Available at: <http://www.dcappeals.gov/dccourts/appeals/pdf/09-FM-1203+ MTD.PDF>

Notwithstanding the fact that the CPO statute says that the court can only order a respondent to vacate the home if it is "marital property" (or if the petitioner has other specified ownership or tenancy interests not implicated here), the court can order a respondent to vacate a home in which both parties (spouses) lived even if the petitioner has no ownership (or tenancy) interest in that home, and the home would be respondent's sole and separate property, not marital property, in a divorce proceeding.

In re D.K. (No. 10-FS-1574)

Court does not have the authority to order CFSA to make a cash payment to an emancipating youth.

Available at: <http://www.dcappeals.gov/dccourts/appeals/pdf/10-FS-1574 MTD.PDF>

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.

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

Upcoming Arguments before the D.C. Court of Appeals

Thursday, September 08, 2011 2:00 PM

Nos: 10-FM-0716 Nejat Temam v. Tekie Abraham; 10-FM-0717 Tekie Abraham v. Nejat Temam

Richard J. Link, Esquire

Tianna Terry, Esquire

Friday, September 23, 2011 10:00 AM

SPECIAL SITTING: Nos. 09-FM-1082 ; 10-FM-0016 BARBARA KENDA V. BORIS PLESKOVIC

Barbara Kenda, Pro Se

Allen Snyder, Esquire

James G. Nolan, Esquire

Child Welfare News

Solutions for addressing child abuse (Washington Post) Available at: <http://tiny.cc/wnni7>

Child abuse fears must be reported by doctors, but some cases pose dilemmas (Washington Post) Available at: <http://tiny.cc/unix5>

No Cause for Marijuana Case, but Enough for Child Neglect (NY Times) Available at: <http://tiny.cc/xzyxw>

Innocents Betrayed: A Times Investigation (LA Times) Available at: <http://tiny.cc/3k7at>

Teenager's Path and Killing Put Spotlight on Mental Care (NY Times) Available at: <http://tiny.cc/2sw04>

Mayor's youth program brings fears of London-like mobs to Chinatown (D.C. Examiner) Available at: <http://tiny.cc/371ne>

Education News (Local and National)

City Map showing the impact of residential foreclosures on schoolchildren (Washington City Paper) Available at: <http://tiny.cc/2o0u9>

School's Out: America's Dropout Crisis (NPR Series) Available at: <http://tiny.cc/k02qe>

Students accept cheating as they get older (D.C. Examiner) Available at: <http://tiny.cc/l80wl>

Schools bursting at seams throughout region (D.C. Examiner) Available at: <http://tiny.cc/77dum>

Scores fall for some D.C. schools amid test security questions (Washington Post) Available at: <http://tiny.cc/05afv>

Summer learning program seeks to close opportunity gap (Washington Post) Available at: <http://tiny.cc/38l06>

New middle school proposed for Ward 3 (D.C. Examiner) Available at: <http://tiny.cc/r5lf8>

DCPS Early Stages Newsletter available at: <http://tiny.cc/2ysja>

Schools try new security measures to keep kids safe (D.C. Examiner) Available at: <http://tiny.cc/1bpy9>

Report blasts D.C. transportation service for special-education students (Washington Post) Available at: <http://tiny.cc/7mta2>

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>

Other News (Local and National)

District wraps up revamped summer jobs program, but doubts linger (Washington Post) Available at: <http://tiny.cc/7bppl>

The District is behind on its affordable housing mission (D.C. Examiner) Available at: <http://tiny.cc/6qu5c>

Reports and Publications

CHILD WELFARE

New Emancipating/Older Youth and Fostering Connections Section of NRCPPFC Website

The new Emancipating and/or Older Youth webpage of the Fostering Connections section of the NRCPPFC website provides a variety of resources, organized into the following sections: Promising Practices and Policies from States and Tribes; T/TA & Web Based Resources from NRCs, Children's Bureau, and the T/TA Network; Resources from Collaborating Organizations; and, Evidence-Based Practice, Research, and Reports. It also links to the NRCPPFC Independent Living/Transition to Adulthood Hot Topic webpage, which offers additional resources. The Fostering Connections section of the NRCPPFC website is a work in progress and will be updated continuously. NRCPPFC will announce the availability of information on new topical areas in its Weekly Update. We welcome suggestions for resources and information that could be included on the website.

http://www.nrcppfc.org/fostering_connections/emancipating_older_youth.html

Resources Related to Q&A from NRCPPFC Engaging Fathers in Child Welfare Teleconference

The National Resource Center for Permanency and Family Connections (NRCPPFC) hosted a teleconference/webinar on Engaging Fathers in Child Welfare on July 13, 2011. The teleconference is now archived on the NRCPPFC website. To follow up on the Q&A portion of the event, NRCPPFC created a resource list related to questions raised by participants. Participants raised questions related to whether, when, and how to engage fathers when issues of domestic violence or sexual abuse may be involved. Additionally, a participant asked about research on, and evidence of, the impact of father involvement in children's lives. We welcome suggestions for additional resources that could be included in this list and/or on the NRCPPFC Fatherhood Hot Topic webpage. Access the archived teleconference at:

<http://nrcppfc.org/teleconferences/07-13-11.html>

Access the resource list directly at:

http://www.nrcppfc.org/teleconferences/7-13-11/Resource%20List_Questions%20Raised.pdf

Visit the NRCPPFC Fatherhood Hot Topic webpage:

http://www.hunter.cuny.edu/socwork/nrcfcp/info_services/fatherhood.html

Who are the Infants in Out-of-Home Care?

Studying children in out-of-home care is laden with challenges. One of these challenges lies in the fact that there is considerable diversity in the population of children. The authors of this Chapin Hall issue brief argue that infants represent a distinctive subset of the out-of-home care population with unique needs and strengths. Using data from the Multistate Foster Care Data Archive and data from the National Survey of Child and Adolescent Well-Being (NSCAW), they distinguish the infant population in out-of-home care from older children in terms of their incidence and duration of time spent in care, their experiences in care, and characteristics of the infants themselves and their birth families. They also discuss the developmental distinctiveness of infancy and the particular vulnerabilities infants in care face in terms of delays in cognitive, social, and emotional development.

(May 2011)

http://chapinhall.org/sites/default/files/publications/06_08_11_Issue%20Brief_F_1.pdf

Reports and Publications (cont.)

CHILD WELFARE (cont.)

New Indian Tribes and Fostering Connections Section of NRCPCF Website

The new Indian Tribes webpage of the Fostering Connections section of the NRCPCF website provides a variety of resources, organized into the following sections: Promising Practices and Policies from States and Tribes; T/TA & Web Based Resources from NRCs, Children's Bureau, and the T/TA Network; Resources from Collaborating Organizations; and, Evidence-Based Practice, Research, and Reports. The section of the webpage on T/TA & Web Based Resources from NRCs, Children's Bureau, and the T/TA Network provides information on the National Tribal Gatherings on Fostering Connections, as well as general information and resources, resources related to transition to adulthood, and websites. This webpage also links to the NRCPCF Indian Child Welfare Issues Hot Topic webpage, which offers additional resources. http://www.nrcpfc.org/fostering_connections/indian_tribes.html

Recent Materials on Working with Incarcerated Parents

This bibliography, compiled by the Child Welfare Information Gateway for the National Resource Center for Permanency and Family Connections, lists recently developed resources related to working with incarcerated parents. (2010-July 2011)

http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/download/Working%20with%20incarcerated%20parents%20CWIG%20Bibliography.pdf

What Works in Child Welfare Reform: Reducing Reliance on Congregate Care in Tennessee

Over the last several years, Tennessee's focused effort to increase the number of children in foster care living with families rather than inappropriately in institutions – such as shelters, group homes, and residential treatment centers – has not only had a positive impact on children and families across the state, but could serve as a model of child welfare case practice nationwide, according to this new report by Children's Rights. This publication reports that the state's Department of Children's Services (DCS) has greatly improved its ability to reserve institutional care only for youth with severe mental and behavioral health needs, and now the vast majority of children in foster care live with relatives or foster families. The report also outlines specific ways other jurisdictions can emulate this success. (July 2011)

http://www.childrensrights.org/wp-content/uploads//2011/07/2011-07-25_what_works_reducing_reliance_on_congregate_care_in_tn_final-report.pdf

Updated AFCARS Data Available on the Children's Bureau Website

The Adoption and Foster Care Analysis and Reporting System (AFCARS) collects case level information on all children in foster care for whom State child welfare agencies have responsibility for placement, care, or supervision, and on children who are adopted under the auspices of the State's public child welfare agency. Updated AFCARS data are now available on the Children's Bureau website at:

http://www.acf.hhs.gov/programs/cb/stats_research/index.htm#afcars

Fostering Connections: Extending Foster Care to 21 (Archived Teleconference)

In this teleconference, available to State Foster Care Managers through the National Association of State Foster Care Managers and the National Resource Center for Permanency and Family Connections, the National Resource Center for Youth Development presented on the topic of extending foster care to 21; California's implementation of this aspect of Fostering Connections was described; and, a youth presented on experiences related to extended foster care. (August 2011)

http://www.nrcpfc.org/fostering_connections/emancipating_older_youth.html

Reports and Publications (cont.)

CHILD WELFARE (cont.)

Love and Belonging for a Lifetime: Youth Permanency in Child Welfare

Protecting Children, Volume 26, Number 1, 2011

This special issue of *Protecting Children*, a professional publication of American Humane Association, highlights many of the nuanced practice and policy issues that support effective permanency planning and decision making with adolescents in foster care.

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>

EDUCATION

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>

Upcoming Trainings and Events

D.C. Bar Evidence Training: Mastering the Rules of Evidence Series:

September 8 and 13 6:00 pm to 9:15 pm Credit: 6.0 Total Credit Hours; 3.0 Credit Hours per Session D.C. Bar Conference Center, 1101 K Street NW Contact: CLE Program 202-626-3488

Speakers: Terrence McShane, Lee & McShane PC; L. Thomas, Assistant U.S Attorney

This series is designed to help you master the federal and local rules of evidence and will address both criminal and civil evidentiary issues. Proper objections and other considerations associated with evidentiary foundations at trial will be reviewed. Faculty also will help you learn procedures and trial strategies and teach you how to deal with evidentiary and foundational issues comfortably.

Part 1 (September 8) This session will address topics ranging from competence and privileges to opinion and hearsay testimony. Hearsay and hearsay exceptions also will be reviewed and practical examples will be presented.

Part 2 (September 13): The second session will further the discussion on hearsay rules and also consider the authentication of various types of exhibits, helping participants understand the evidentiary rules on the admission of various writings, recordings, and photographs.

[Part 1 Only: Mastering the Rules of Evidence Series \(Thursday, September 1, 2011\)](#)

[Part 2 Only: Mastering the Rules of Evidence Series \(Thursday, September 8, 2011\)](#)

CCAN/ CJA Brown Bag: Incarceration, Paternity, and Child Support

September 14, 12:30 to 2:00 Room 2500

Clients in Family Court may face child support issues, in addition to other issues that bring them before the court. Court appointed attorneys should be familiar with some basic tenets of child support and especially with how you can help incarcerated clients address child support so that large arrearages do not accrue. Please join **Judge Milton Lee, Attorney Kevin McIntyre**, Child Support Services Division of the Office of the Attorney General, and **Attorney Reginald Williamson**, Public Defender Service, for this session on child support and paternity basics including relief for incarcerated parents. You will learn ten things you always wanted to know about child support cases, receive sample motions and forms, and earn CCAN CLE credits.

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 DC 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>.

Upcoming Trainings and Events (cont.)

Interviewing the Child Witness...Working Together in the Best Interest of the Children

Family Court Training, September 21, 4:30 to 6:00, Juror's Lounge

Presenters will be **Erin Cullen**, Esq., Chief, Child Protection Section, Office of the D.C. Attorney General; **Joshua Henline**, Esq., Assistant Attorney General, Juvenile Section, Office of the D.C. Attorney General; **Diamond Vann-Scott**, M.A., Forensic Services Director, Safe Shores, The D.C. Children's Advocacy Center.

From the Ground Up: Fundamentals of Practice Before the D.C. Court of Appeals

Monday, September 26, 2011, 6:00 pm to 9:15 pm; Credit: 3.0 Credit Hours **Location:** D.C. Bar Conference Center, 1101 K Street NW **Contact:** CLE Program 202-626-3488

Join the experienced faculty as they provide guidance and insight on steering a case through the District of Columbia's highest court. This course is designed to help both new and experienced attorneys avoid common pitfalls. You will walk away from this course with a better understanding of what can be appealed and how to appeal properly, as well as how to deal with post-trial motions and other matters that may threaten your client's ability to appeal. Our speakers also will provide insights on how and when attorneys should consider the use of an extraordinary writ. The course will arm you with the tools you need to handle an emergency matter properly and in a timely manner. Other topics include:

- 1) The court's jurisdiction over civil, criminal, and administrative matters
- 2) Appeals from the Office of Administrative Hearings
- 3) Motions practice (including emergencies, stays, and other dispositive motions)
- 4) Persuasive oral argument and brief writing techniques

Speakers

The Honorable John Fisher, District of Columbia Court of Appeals

Rosanna Mason, District of Columbia Court of Appeals

The Honorable Inez Reid, District of Columbia Court of Appeals

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.

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.

Save the Date

Children's Law Center Half-Day Training for CCAN Attorneys

September 20, 2011

Details forthcoming

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. Workshop proposals must be submitted electronically by September 7, 2011. All submissions completed by the deadline will be reviewed and notified of their acceptance by October 30, 2011. For additional information, click on the link below.

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