

# Keeping Current

A monthly newsletter for CCAN attorneys | Published by DC's Children's Law Center | February 2013

## DC Court of Appeals

### Upcoming Oral Arguments

Tuesday, February 12, 2013, 2:00pm

**11-FS-1543—In Re: D.F.**

Thursday, February 21, 2013, 9:30am

**11-FS-0644—In Re: A.J.; District of Columbia**

Thursday, February 28, 2013, 9:30am

**12-FS-0836—In Re: Petition of R.C. & M.S.; AW**

**12-FS-0837—In Re: Petition of R.C. & M.S.; AW**

## Legal News

**Supreme Court Justices Take Case on Adoption of Indian Child** (New York Times) Following up on the South Carolina adoption case featured in last month's Keeping Current, the Supreme Court has agreed to hear *Adoptive Couple v. Baby Girl*, to determine whether The Indian Child Welfare Act of 1978 applies when an unmarried mother who is not an Indian gives up her child for adoption. Available at: <http://tiny.cc/4h5drw>. Perspectives from Native News Network, available at: <http://tiny.cc/602drw>; from the Charleston Post and Courier, available at: <http://tiny.cc/r05drw>; and from the Washington Post, available at <http://tiny.cc/7j5drw>.

**American Indian Children's Welfare in Question With Adoptions** (The Farmington Daily Times) In a related story, this article discusses the challenging task of finding adoptive homes for Native American youth. Available at: <http://tiny.cc/bu5drw>.

### About This Publication

*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 [Tomar Brown](#), Training Coordinator, with comments or suggestions. *Keeping Current* is also posted on the Family Law page of ProBono.net/dc and [www.childrenslawcenter.org](http://www.childrenslawcenter.org).

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**Landrieu Bill Expected to Help Foster Children** (The Baton Rouge Advocate) On January 14, 2013, President Obama signed into law S 3472, the Uninterrupted Scholars Act. This Act makes key amendments to FERPA (the Family Educational Rights and Privacy Act) that will allow for improved information sharing between education and child welfare agencies. Article available at: <http://tiny.cc/8mzdrw>. Text of the legislation available at: <http://tiny.cc/k8zdrw>.

**Adoption Tax Credit Made Permanent by Fiscal Cliff Bill** (Deseret News) The "fiscal cliff" bill signed by President Obama makes a tax credit for adoption permanent. Available at: <http://tiny.cc/8l6drw>.

**Taxpayer Advocate Finds IRS Targets Adoption Credit Claims** (Poughkeepsie Journal) In a related story, Sixty-nine percent of American families who claimed the adoption tax credit last year were audited by the Internal Revenue Service, arguably undermining the incentive behind the credit. Available at: <http://tiny.cc/q97drw>.

**What Parents Should Know About the Adoption Credit** (Fox Business) This additional perspective on the adoption tax credit includes recommendations for adoptive parents. Available at: <http://tiny.cc/0h8drw>.

## Child Welfare News

### National Issues

**Growing Concern Over Broken Adoptions** (City Limits) For more than a decade national child welfare policy has encouraged timely adoptions as way to stabilize the lives of kids in foster care. But the system is challenged when a child's new home proves to be a bad fit. This is the first chapter in a series about broken adoptions-cases in which a child adopted out of the foster-care system returns to that system or otherwise leaves the family that adopted them. Available at: <http://tiny.cc/tgaerw>.

**Adoption Numbers in Question** (City Limits) Sixteen years ago the federal government put new pressure on states to facilitate adoptions. But it never bothered to track how many of those adoptions fail. In 2002, researcher Trudy Festinger found that only 3.3 percent of children adopted from New York's child welfare system in 1996 had been placed back into the foster care system four years later, often so that parents could obtain services for emotional and behavioral problems they felt unable to manage in their own homes. But this spring, a report published in the Capital University Law Review by two lawyers representing children and parents in New York City's child welfare system, "The Revolving Doors of Family Court: Confronting Broken Adoptions," suggests that the number of adoptions out of foster care that fail to provide a permanent home to children may be far higher. This is the second chapter in a series about broken adoptions-cases in which a child adopted out of the foster-care system returns to that system or otherwise leaves the family that adopted them. Available at: <http://tiny.cc/xlaerw>.

**Young Adults Share Their Perspective on the Transition to Adulthood from Foster Care** (National Resource Center for Youth Development) Two young adults from the Young Adult Training and Technical Assistance (YATTA) Network who were also formerly in care contributed articles expressing their thoughts on the idea of Extending Federal Foster Care Over 18. Available at <http://tiny.cc/q99drw>.

**Risk Assessment Can Help Beat Child Abuse** (MedPage Today) Home visitations generally cut down on emergency department visits, hospitalizations, and reports of child abuse, a review of the literature showed, but a clinic-based program did best of all. Available at: <http://tiny.cc/8mgdrw>.

**One Foster Child's Choice Not To Be Adopted** (City Limits) When Zimmerman went to court to argue against adoption for S.D., he had no fantasy of a happily ever after. "It was not a slam dunk," he recalls. Still, Zimmerman says, when he convinced the judge to let S.D. remain in foster care for the remainder of her childhood, he felt that he had done the best he could for his client as an individual, not as a permanency statistic. Available at <http://tiny.cc/wuaerw>

**Facebook Useful in Finding Kin for Wards of the State** (Nebraska Dept. of Health and Human Services) Debi Schriener, resource developer with the Nebraska Department of Health and Human Services, has found Facebook a good source to locate relatives interested in foster parenting state wards. Available at: <http://tiny.cc/jv6erw>

**Child Abuse: Why It's So Hard to Determine Who's at Risk** (Time Magazine) Prevention is nearly always preferable to treatment when it comes to our health, and the stakes are even higher in cases of child abuse. But is it even possible to identify children at risk of abuse before it's too late? That's the question the U.S. Preventive Services Task Force (USPSTF) addressed, in a comprehensive review of the available data on ways to detect maltreatment of children. Available at: <http://tinyurl.com/ammx5lr>

U.S. Preventive Services Task Force (USPSTF)'s Draft statement is available for public comment here: <http://tinyurl.com/cdjswtl>.

**Limited Success for Child Maltreatment Prevention Programs** (Reuters) This related story reports that evidence is mixed on whether home visits and doctor's office interventions can help prevent child abuse, according to a new analysis - leading a government-backed panel to decide the data isn't convincing enough to recommend those programs. Available at: <http://tinyurl.com/aoq7m4e>.

**Class-Action Suit Challenges Massachusetts Foster Care System** (The Center for Public Integrity) Children's Rights is suing Massachusetts over abuse in the foster care system, and Massachusetts is apparently the first state to face a class action of this kind. Available at: <http://tiny.cc/m9bfrw>.

## DC Children and Youth

**Parents Could Be Charged if Youth Miss Too Many School Days** (Washington Post) DC Council member David A. Catania proposed legislation that would change standards for when parents can be held criminally liable if their children miss too many school days. Available at: <http://tiny.cc/a1odrww>. More coverage of the proposal available at: <http://tiny.cc/gso0drw>.

**New Law to Help Keep Families Together in DC** (NBC) Tom Sherwood's story on the grandparent caregiver extension signed into law. Available at: <http://tiny.cc/85bfrw>. Examiner.com coverage of the grandparent caregiver program offers another perspective. Available at: <http://tiny.cc/d1bfrw>.

**CASA DC Helps Foster Care Children Thrive** (WUSA 9) Feature on CASA DC as part of "Hero Central." Available at: <http://tiny.cc/j0bfrw>.

**Family and Youth Initiative Seeks To Give DC Foster Teens Loving Homes** (Huffington Post) Feature story on D.C.'s Family and Youth Initiative. Available at: <http://tiny.cc/moomrw>

## Mental Health News

**Troubled Times Tied to Troubled Teens Later On** (MedPage Today) Children born during periods of economic uncertainty -- as reflected by high rates of unemployment -- are at risk for the development of problem behaviors during adolescence, a national study showed. Available at: <http://tiny.cc/axccqw>.

**Dad's Distress May Make for Troubled Toddler** (MedPage Today) An expectant father's mental health problems may be linked to his child's behavioral and emotional difficulties early in life, researchers found. Available at: <http://tiny.cc/w3pjqw>.

**For Some, Autism May Be a Phase** (MedPage Today) For a small proportion of children diagnosed with autism spectrum disorders (ASD), that diagnosis may only be temporary. Available at: <http://tiny.cc/y3idrw>.

**Children, Teens, Young Adults Focus Of Mental Health Provisions In Obama's Gun Plan** (Kaiser) President Barack Obama's gun plan centers largely on training teachers and others who work with children, teens and young adults to recognize mental illness as it's developing. In a story that also ran on NPR, Kaiser Health News highlights the children's mental health proposals from President Obama. Dr. Joshi from Children's National Medical Center is prominent in the story. Available at: <http://tiny.cc/zsbfrw>.

**ADHD Diagnoses Up Sharply** (MedPage Today) The rate of childhood attention deficit/hyperactivity disorder (ADHD) diagnosis has increased by nearly 25% over the past decade, researchers found. Available at: <http://tiny.cc/r2idrw>.

**DC Creating Department of Behavioral Health** (Washington Examiner) Mayor Gray announces new DC Department of Behavioral Health. Available at: <http://tiny.cc/4ccfrw>.

**Psychiatric Patients Wait in ERs for Days and Weeks as Inpatient Beds are Scaled Back** (Washington Post) The "boarding" of mental health patients in hospital emergency departments is a widespread problem that experts say is on the rise, in part because of cutbacks in inpatient hospital beds. Available at: <http://tiny.cc/vcejrw>.

## Education News

**DC Charter Schools Eye City's First Pre-K-12 Language Immersion** (Washington Examiner) Four DC charters join together for pre-K to 12 language immersion. Available at: <http://tiny.cc/qabupw>.

**Top 10 Education Policy Wishes** (Washington Post) Blog discusses education policies with a focus on poverty. Available at: <http://tiny.cc/oqdupw>.

**Motor Skills Tied to Performance in School** (MedPage Today) Poor motor function in childhood may lead to lower academic achievement in adolescence, researchers reported. Available at: <http://tiny.cc/30ccqw>.

**DC considers new graduation requirements** (Washington Post) New proposed graduation requirements would increase number of credits but allow them to be earned from extracurricular activities. Available at: <http://tiny.cc/q3dfrw>.

**National public high school graduation rate at a four-decade high** (Washington Post) National high school graduation rate highest since 1974; DC's still isn't great, but comparable to other cities. Available at <http://tiny.cc/obefrw>.

**Should DC Schools Have Armed Guards?** (Washington Examiner) Mayor Gray is "open" to a discussion about armed guards in schools. Available at: <http://tiny.cc/9fefrw>. Related commentary on school safety from The Root DC, with a special emphasis on minority students and thoughts about school-to-prison pipeline. Available at: <http://tiny.cc/ipefrw>.

**When Children Start School Behind, They Stay Behind** (Huffington Post) Blog post from the executive director of Jumpstart DC on early education and preparing kids for kindergarten. Available at: <http://tiny.cc/k0efrw>.

**The Wireless Foundation and DC Public Charter School Board Release Free Mobile App** (PR Newswire) There's a new app to access charter school information. Available at: <http://tiny.cc/y2efrw>.

**DC charter board proposes closing Imagine Southeast for poor performance** (Washington Post) Imagine Southeast may be closing at the end of this school year. Available at: <http://tiny.cc/t7dfrw>.

## Reports and Publications

### Adoption

**Adoption Benefits Fact Sheet** (Internal Revenue Service) Available at: <http://tiny.cc/i88drw>.

**Adoption Credit Phone Forum Questions and Answers** (Internal Revenue Service) Available at: <http://tiny.cc/998drw>.

### Child Welfare Practice

**Unlocking "Reasonable Efforts": Kinship is Key** (Clearinghouse REVIEW Journal of Poverty Law and Policy) Available at: <http://tiny.cc/bz9drw>.

**Exploring the Benefits of a Parent Partner Mentoring Program in Child Welfare** (Journal of Family Strengths) Available at: <http://tiny.cc/8zaerw>.

**The Revolving Doors of Family Court: Confronting Broken Adoptions** (Capital University Law Review) Available at: <http://tiny.cc/xo8erw>.

**Things People Never Told Me** (Better Futures Project) This brochure is a compilation of suggestions about finances, health care, employment, and relationships from foster youth transitioning to adulthood. The publication is aimed at equipping youth leaving foster care with the necessary tools to become independent and successful adults. This resource is a product of the Better Futures Project, Research and Training Center for Pathways to Positive Futures, Portland State University. Available at: <http://tiny.cc/wi8erw>.

### **National Child and Youth Well-Being Index**

(Foundation for Child Development) The annual *National Child and Youth Well-Being Index (CWI)*, is a comprehensive assessment of how children are faring in the U.S. The CWI is based on a composite of 28 key indicators of well-being, which are grouped into seven quality of life domains: Family/Economic Well-Being, Safe/Risky Behavior, Social Relationships, Emotional/Spiritual Well-Being, Community Engagement, Educational Attainment, and Health. Available at: <http://tiny.cc/bg6erw>.

### **Second Edition of Addressing the Unmet Educational Needs of Children and Youth Released**

(Georgetown University) The Center for Juvenile Justice Reform at Georgetown University (CJJR) released the second edition of *“Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems”* with updated material. The updates include references to the *National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk* (NDTAC), which is housed at the American Institutes for Research, has developed to elaborate upon the principles this paper presents. Since the time this paper was originally released, two guides have been published:

*“Providing Individually Tailored Academic and Behavioral Support Services for Youth in the Juvenile Justice and Child Welfare Systems”* (2012)

*“Improving Educational Outcomes for Youth in the Juvenile Justice and Child Welfare Systems Through Inter-agency Communication and Collaboration”* (2011)

These guides draw on both general research and on the experiences of the NDTAC authors to provide concrete strategies for adopting this paper’s principles and practices and achieving the type of comprehensive education system the authors describe. More information about this release is available at: <http://tiny.cc/177erw>.

### **Working with Siblings in Foster Care: A Web-based NRC-PFC Toolkit**

(National Resource Center for Permanency and Family Connections) This new web-based toolkit from the National Resource Center for Permanency and Family Connections (NRC-PFC) provides an overview of what we know about sibling relationships for children and youth in foster care; shares children/youth’s views of siblings, as well as legal and policy definitions of siblings; and discusses how siblings are addressed in the Fostering Connections to Success and Increasing Adoptions Act of 2008 and Child and Family Service Reviews. Based on a review of the literature and current practice, the toolkit is organized into ten dynamic practice components. The toolkit discusses each practice component and provides related resources and policy examples. The toolkit also includes an organizational self study, which child welfare agencies can use to review their policies and practices and identify technical assistance and training needs. Available at: <http://tiny.cc/ibberw>.

### **The Economic Well-Being of LGB Youth Transitioning Out of Foster Care**

(Administration for Children and Families) This brief describes the characteristics and economic well-being of young people aging out of foster care who identify themselves as lesbian, gay, or bisexual (LGB). It also compares their economic self-sufficiency to that of their heterosexual peers also aging out of care. The analysis uses data from the Midwest Study of Adult Functioning of Former Foster Youth, a longitudinal study that followed a sample of young people from Illinois, Iowa and Wisconsin as they transitioned out of foster care and into adulthood. This brief was written as part of the Youth Demonstration Development project being conducted by Mathematica Policy Research and Chapin Hall Center for Children. Available at: <http://tiny.cc/6lffrw>.

## Don't forget about Children's Law Center's Helpline!

Our **Helpline** provides CCAN attorneys with legal information and advice.

- *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 Events

### **WEBINAR: Child Maltreatment 2011 — Key Findings and Expanded Discussion**

Thursday, February 7, 2013, 1:00 PM

*The Child Maltreatment report series presents national data about child abuse and neglect known to child protective services agencies in the United States. Presenters will discuss key highlights from the most recent report, Child Maltreatment 2011, and share additional findings that shed light on emerging issues and trends in child abuse and neglect. The featured speakers include Bryan Samuels, the Commissioner of the Administration on Children, Youth and Families (ACYF); Catherine Nolan, the Director of the Office on Child Abuse and Neglect (ACYF); Kurt Heisler, the Project Manager for NCANDS (ACYF); and Madonna Aveni, the Report Manager for Child Maltreatment 2011, Walter R. McDonald and Associates, Inc. (WRMA). Contact Kathy Simms at [kathy.simms@action4cp.org](mailto:kathy.simms@action4cp.org) with any questions regarding the webinar. The report **Child Maltreatment 2011**, shows that children ages 0-3 now represent a larger percentage of the population of children who are maltreated than in previous years. The resource draws upon national data about child abuse and neglect provided by child protective services agencies in the U.S. during the 2011 Federal fiscal year. is available at: <http://tiny.cc/urfupw>.*

### **Which Hat am I Wearing Today? Challenges of Representing Various Parties in Abuse/Delinquency Cases**

Tuesday, February 12, 2013, 12:30 PM

DC Superior Court, 500 Indiana Avenue NW, Room 6045

*In Family Court, practitioners may serve several roles during the work day. Please join the Family Law Section for a Brown Bag featuring judges and practitioners who will discuss these nuanced roles and navigating between them in complex cases. **This is a free event, no registration is required.***

### **CCAN Case Rounds**

Wednesday, February 13, 2013, 1:00 pm to 3:00 pm

DC Superior Court, 500 Indiana Avenue NW, Room 4224

*Have a challenging issue on a case that you'd like to talk through with a colleague? Facilitated by two experienced Children's Law Center attorneys, case rounds are an informal opportunity to discuss trends and approaches to case management. **This is a free event, no registration is required.***

### **Thursday Training: Therapeutic Modalities Roundtable**

Thursday, February 14, 2013, 3:30 PM

Children's Law Center, 616 H Street NW, Suite 300

*This training will inform attorneys about the evidence based therapeutic modalities available to D.C. youth and families through the Department of Mental Health (DMH). A panel of speakers from DMH and DMH contract agencies will discuss how to connect clients to mental health services, which modalities work best to address which mental health concerns, and how to assess the effectiveness of a particular therapeutic approach.*

RSVP by contacting: [trainings@childrenslawcenter.org](mailto:trainings@childrenslawcenter.org).

### **Dealing with Difficult Clients**

Tuesday, February 19, 2013 from 5:30 pm to 7:30 pm

DC Bar Conference Center, 1101 K Street, NW, Conference Center

*We have all had them-- the clients who will not communicate, the clients who are facing outside stressors such as substance abuse or mental health issues, the clients with unrealistic expectations, the clients who refuse to pay and the clients who will not listen to our advice. This panel of experienced practitioners will offer suggestions and strategies for handling these and other challenges. The program is offered in a live webinar format. Contact the Sections Office 202-626-3463 for information about fees and registration.*

### **CCAN Half Day Training**

Thursday, February 28, 2013 from 9:30 am to 1:30 pm

DC Superior Court, 500 Indiana Avenue NW, Room 4224

*This training, sponsored by Children's Law Center, provides attorneys with an opportunity to participate in two enriching sessions: Using Neglect Definitions to Develop Case Theory; and Perspectives on Advocacy Under In re D.S. RSVP by contacting: [trainings@childrenslawcenter.org](mailto:trainings@childrenslawcenter.org).*

## **Save the Date!!!**

**2013 Neglect & Delinquency Practice Institute**

**Monday, March 11 – Tuesday, March 12, 2013**

More information available at: <http://tiny.cc/8fhfrw>

**University of Baltimore School of Law – Center for Families, Children, and the Courts**

**5th Annual Urban Child Symposium**

**Thursday, April 4, 2013**

More information available at: <http://tiny.cc/uciupw>

**National Institute for Trial Advocacy (NITA) – Building Trial Skills: DC**

**Monday, June 3 – Saturday, June 9, 2013**

More information available at: <http://tiny.cc/qlxdrw>