

Keeping Current

A monthly newsletter for CCAN attorneys | Published by DC's Children's Law Center | July 2012

D.C. Court of Appeals

In re David Wyler (No. 11-FM-452) - Decided June 21, 2012, and available at: <http://bit.ly/MAXmO7>. Although this appeal was ultimately dismissed as moot, the court engages in an interesting discussion about expert witnesses, required proffers of the same, and explores what level of expertise is required to opine on dangerousness in the context of D.C.'s Ervin Act, regarding civil commitment in the Mental Health Division of D.C. Superior Court.

No Upcoming Relevant D.C. Court of Appeals Arguments in July

D.C. Council

Civil Marriage Dissolution Equality Act of 2012

Through this new legislation, those couples that entered into a same-sex marriage in the District of Columbia may seek a divorce in D.C. without having to meet the residency requirement that you would otherwise have to meet for D.C. to have jurisdiction, provided that neither spouse lives in D.C. and instead live in states in which same-sex couples are not legally entitled to seek a divorce. Available at: <http://bit.ly/K6Ey7O>

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 [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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Legal News

Supreme Court Rules Mandatory Juvenile Life Without Parole Unconstitutional

On Monday June 25, 2012, the United States Supreme Court issued its opinion in *Miller v. Alabama*, No. 10-9646, and *Jackson v. Hobbs*, No. 10-9647, holding that “mandatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment’s prohibition on ‘cruel and unusual punishments.’” The Court reversed the decisions of the Arkansas Supreme Court and Alabama Court of Criminal Appeals and remanded the cases for further proceedings. Justice Kagan delivered the opinion of the Court (5-4) in which Justices Kennedy, Ginsburg, Breyer, and Sotomayor joined. There were a variety of concurring and dissenting opinions. The opinions can be reviewed at <http://bit.ly/MjKdqS>.

Colorado Supreme Court Hears Two Cases about Rights of Foster Parents

More information about both cases is available at <http://bit.ly/L7WDig>.

U.S. House of Representatives Acts on International Child Support Treaty

Legislation passed by the House would make it easier for states to collect child support payments from parents living outside the United States. More information about the legislation is available at <http://wapo.st/KNsnuM>.

Effort in Ohio to Allow Legal Custodians to Adopt Without Biological Parents’ Consent After One Year of Parental Abandonment

A local attorney worked for two years to get House Bill 212 introduced. The bill allows legal custodians to adopt after one year of parental abandonment without a child’s biological parents’ consent. More information about the legislative effort and issues involved is available at <http://ohne.ws/MAAlrU>.

U.S. and State Officials Urged to Ease Barriers to Interstate Adoptions of Kids in Foster Care

Fewer children would be stuck in foster care if state authorities reduced red tape and standardized procedures nationwide to encourage more adoptions by out-of-state families, according to a coalition of child welfare experts appealing for change. An article about the effort is available at <http://wapo.st/LzHYgb>, and a related opinion piece, **Eliminating Barriers to Adoption**, is available at <http://wapo.st/KnCA2a>.

Senator Mary Landrieu Presses for Improved Adoption Procedures

A labor, health and human services, and education spending bill approved by the Senate Appropriations Committee includes provisions that Sen. Mary Landrieu says will improve adoption procedures and support vulnerable youths. Available at: <http://bit.ly/L60ccx>

Children in the News

DC Children and Youth

Rape, Dating Violence Weigh on Washington Area Teens (Washington Examiner) *One in eight girls in D.C. high schools said she had been raped in the past year, while a large number of Maryland and Virginia students said they had been abused by their significant others, according to a new federal report.* Available at: <http://bit.ly/IWksqR>

Heart-Wrenching Catch-22: Homeless Families Who Turn to City for Help Find No Rooms, Risk Child Welfare Inquiry (Washington Post) *With nowhere to put families seeking help, intake workers began warning parents over the winter that if they really had nowhere to go they would be reported to child welfare authorities, and risk losing their kids to foster care.* Available at: <http://wapo.st/MGHnc7>

D.C.'s Child Welfare Law Change Leaves Some Behind (Washington Post) *A change in the District's child welfare laws designed to help adopted children and those with legal guardians has left some without financial support.* Available at: <http://wapo.st/KPc0eM>

District Committee on Violent Youth 15 Months Late (Washington Examiner) *A District panel developed after a spate of murders committed by fugitive juveniles hasn't met more than 15 months after the law establishing it went into force, the city's inspector general has found.* Available at: <http://bit.ly/KIXreW>

National Child Welfare Issues

Preventing Child Abuse Requires Many Approaches, Not Just One (Huffington Post) *There is an important contribution that support for infants and their parents can play in minimizing the violence and poor developmental outcomes experienced by millions of children in the U.S. each year.* Available at: <http://huff.to/Ng4nzx>

For Former Foster Children, Mentors Make the Difference (Market Watch) *Featuring an initiative that recruits, trains and supports a network of adult mentors to establish long-term, positive relationships with foster care youth. It is the first program of its kind in Ohio, and has become a state- and nation-wide model for mentoring foster youth pursuing higher education.* Available at: <http://on.mktw.net/K53E5P>

What Dependency Court Delays Do (LA Times) *When appearances drag on, it's not the judges or the lawyers but the families that pay.* Available at: <http://lat.ms/LhSZnh>

More Kids Now Live with Relatives Other Than Their Parents, Study Says (Denver Post) *The number of children living with relatives other than their parents, both informally and through state welfare systems, grew nationwide by double digits over the past decade, a new study has found.* Available at: <http://bit.ly/K6R82c>

National Child Welfare Issues (cont.)

Picture This: 'Everyone Needs Someone,' Foster Kids Who Survived (ABC News) *Every year, about 20,000 of the 542,000 children in foster care in America "age out" as they turn 21. All of a sudden, they have to fend for themselves. Five percent of them — about 1,100 young adults — are left on their own in the New York City area. Who are they?* Available at: <http://abcn.ws/MTISqE>

Should Sacramento's Juvenile Court Open its Doors? (Sacramento Bee) *It is business as usual inside Sacramento's William R. Ridgeway Family Relations Courthouse, but a giant crack has appeared in California's juvenile court proceedings, which are held behind closed doors.* Available at: <http://bit.ly/MARNMO>

Education News

D.C. Area Schools

At Reopened Centers, D.C. Parents Seek Help (Washington Examiner) *D.C. Public Schools reopened two Parent Resource Centers this spring after closing the city's centers last summer.* Available at: <http://bit.ly/KEF76S>

Local Students Bring Drugs, Weapons to School (Washington Examiner) *About one in four high school students in the Washington area has bought, sold or been offered drugs at school in the past year, according to a federal survey.* Available at: <http://bit.ly/LhSO3L>

DCPS Kicks Students out the Door (Washington Examiner) *Can you believe DCPS is kicking children out of school after being tardy for 20 days? The new attendance policy targets only out-of-boundary students, however.* Available at: <http://bit.ly/M5zBfB>

D.C. Public Schools to Replace 18 Principals (Washington Examiner) *The District is quietly replacing 18 of its school principals, most of whom were hired by Michelle Rhee.* Available at: <http://bit.ly/MBNUa5>

Gray Signs Anti-Bullying Bill; Decries the Bully Pulpit (Washington Post) *D.C. Mayor Vincent C. Gray signed a new citywide anti-bullying policy into law on Friday, which is aimed at encouraging youths to report instances of harsh or discriminatory treatment.* Available at: <http://wapo.st/MGK3Ex>

More Than 17,000 Names on Charter School Waiting Lists (Washington Examiner) *Waiting lists for the city's public charter schools are running a total 17,396 names deep, according to the D.C. Public Charter School Board. That's 51 percent of the total number of students successfully enrolling in the city's public charter schools in the fall, or 33,699 children. This year, 31,562 students attended charter schools, while 45,630 attended D.C. Public Schools.* Available at: <http://bit.ly/MqmSnq>

National Education Issues

Bill Would Help Foster Youths with School Records (AP) *Federal lawmakers proposed a bill that would give social workers better access to school records in an effort to improve education for foster children.*

Available at: <http://bit.ly/LNPul0>

Reports and Publications

Child Welfare Practice

NACC's E-Guardian for June 2012 (National Association of Counsel for Children) *Featuring articles about reunification.* Available at: <http://bit.ly/Li0Ezf>

The Importance of Sibling Relationships for Children in Foster Care (NRCPFC) *This is a resource guide with references on this important issue.* Available at: <http://bit.ly/Nc3TNB>

Supporting Maltreated Children: Countering the Effects of Neglect and Abuse (National Council for Adoption) *Exploring how abuse affects attachment and brain development.* Available at: <http://bit.ly/NrLcp8>

Understanding the Reasons for Placement Instability: Lessons from Case Data (Children and Family Research Center, University of Illinois at Urbana-Champaign School of Social Work) *This is a presentation with research on this topic.* Available at: <http://bit.ly/LLjwXN>

The Adoptions and Safe Families Act: Barrier to Reunification Between Children and Incarcerated Mothers (NRCPFC) *This is a resource guide with references on this important issue.* Available at: <http://bit.ly/KOPG8u>

Child Welfare Investigation Predicts Mental Health Problems in Young Children (Journal of the American Academy of Pediatrics) *This is a review of a recent study on mental health treatment.* Available at: <http://bit.ly/MbcFdj>

Older Youth in Foster Care

The Characteristics and Circumstances of Teen Fathers: At the Birth of Their First Child and Beyond (Child Trends) *Despite the size of this group, relatively little is known about the characteristics and circumstances of teen fathers, either when they first have a child or later in life.* Available at: <http://bit.ly/KCjm5q>

Youths in Therapeutic Foster Care at Elevated Risk for Substance Abuse (SAMHSA) *These results suggest that therapeutic foster care parents may benefit from the inclusion of substance abuse prevention and intervention as a component of their training curriculum.* Available at: <http://1.usa.gov/LnThdf>

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.

LGBTQ Youth

Recommended Practices for LGBTQ Youth in Foster Care (Gay and Lesbian News) *The Child Welfare League of America (CWLA) and a coalition of child welfare advocates and experts have joined to issue "Recommended Practices to Promote the Safety and Well-Being of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth and Youth at Risk of or Living with HIV in Child Welfare Settings."*

An article about the report is available at: <http://bit.ly/LpGEyV>, and the report itself is available at: <http://bit.ly/N19Vl2>.

Representing LGBTQ Youth in Foster Care and Juvenile Justice Systems (Legal Aid Society)

A discussion of how lawyers can help mitigate and out the bias that LGBTQ clients often face. Available at: <http://bit.ly/LCdigQ>

Kinship Care

Report: Foster Children in Licensed and Unlicensed Kinship Care (Annie Casey Foundation)

Statistics about the level of foster children in kinship care nationwide. Available at: <http://bit.ly/M4kcdF>

Education

Educational Outcomes for Children in Out-of-Home Placement (Center of Advanced Studies in Child Welfare) *This is a study that explored the educational well-being of children placed in out-of-home care.*

Available at: <http://bit.ly/M52TVQ>

Upcoming Events

Secrets of the Great Brief Writers, sponsored by D.C. Bar

Tuesday, July 10, 2012 from 9:00 A.M.-1:15 P.M. — D.C. Bar, 1101 K Street NW

Attend this interactive and fast paced and highly acclaimed workshop to improve your brief and motions writing skills, allowing you to work with examples from dozens of trial and appellate filings. FEE = \$199 for D.C. Bar Family Law Section members. Register at www.dcbbar.org

CCAN Brown Bag, Early Stages: Education Decision Makers and Services for Children 3 to 5, sponsored by CCAN

Thursday, July 19, 2012 from 12:30 to 2:00 PM - Room 4224 (Family Court Conference Room)

Early Stages is a District of Columbia Public Schools program serving children three to five years old. The program helps to identify any delays that a child may have and to provide appropriate services to address those delays. The program has recently developed an education decision maker form to identify who will be making decisions for children in foster care and would like to share that information with the CCAN Bar. They would also like to share information on the services they offer and how to access those services. The speakers will be Alexa Bantayehu, Early Stages Child Find Field Coordinator, and Heather Elliott, Early Stages Director.

Cybersleuth's Guide to Effective Internet Research Strategies for Lawyers, sponsored by D.C. Bar

Friday, July 20, 2012 from 9:30 A.M. to 4:45 P.M. — D.C. Bar, 1101 K Street NW

*Learn how you can use Google, and other free on-line resources to conduct research and more competently represent your clients. Find out if failing to "Google" as part of the due diligence process could keep you from winning a case or successfully completing a transaction. Explore the use of social networking sites for legal investigations and background research. Discover free internet tools that can help you collaborate more effectively with clients and co-counsel. Our internationally recognized Internet trainers will show you how to improve your Internet research skills to function more effectively for your clients. Each attendee will receive a copy of the new, 2012 edition of Carol Levitt and Mark Rosch's popular book, *The Cybersleuth's Guide to the Internet* (a \$64.95 value), as well as excerpts from their best-selling book, *Google for Lawyers*. Part 1: *Google Search Tricks, Cloud Apps and Other Internet Research Tips for Lawyers* (9:30 am - 12:45 pm; 3.0 credit hours) In the morning session you will discover the best Google research strategies to assist you with your research. Explore evolving case law about a lawyer's obligation to "Google." Unlock the power of advanced search strategies to better serve your clients. Learn how you can use Google's free cloud apps and other free tools to better manage your research, workload and collaborate more effectively on your work with clients, co-counsel and members of your firm. Part 2: *Internet Investigative Research Strategies for Lawyers* (1:30 - 4:45 pm; 3.0 credit hours) In the afternoon session, you will learn how to use free public record sites and "publicly available" information for discovery, trial preparation, background checks and locating missing persons. Discover how lawyers can use social networking sites like Facebook, Twitter, LinkedIn, Myspace and Google Plus for investigative and background research. Don't be left behind in exploiting this gold mine of information to assist you in meeting your investigative research obligations. FEE = \$169 for D.C. Bar Family Law Section members. Register at www.dcbbar.org*

Upcoming Events (cont.)

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

Friday, July 27, 2012 from 9:30 A.M. to 4:30 P.M. – D.C. Bar, 1101 K Street 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 untangle sentences and 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 23 registrants. FEE = \$279 for D.C. Bar Family Law Section members. Register at www.dcbar.org

Basic Negotiation Skills Workshop, sponsored by the D.C. Bar

Tuesday, July 31, 2012 from 9:30 A.M. to 4:30 P.M. – D.C. Bar, 1101 K Street NW

This unique full day workshop will help you negotiate more effectively. Through simulations and discussions, you will learn to improve your ability to create a more cooperative atmosphere without compromising, manage difficult or stubborn adversaries, get more for your clients by engaging other parties to work with you rather than against you, and become a more persuasive, ethical negotiator. Participants will be encouraged to apply their new skills to their own particular negotiations. Class is limited to 36 participants. FEE = \$199 for D.C. Bar Family Law Section members. Register at www.dcbar.org

Save the Date

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

Friday, August 10, 2012 from 9:30 A.M. to 4:30 P.M. – D.C. Bar, 1101 K Street 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 untangle sentences and 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 23 registrants. FEE = \$279 for D.C. Bar Family Law Section members. Register at www.dcbar.org

Save the Date (cont.)

Selecting and Working with Expert Witnesses, sponsored by the D.C. Bar

Wednesday, August 22, 2012 from 9:00 AM to 12:15 PM – D.C. Bar, 1101 K Street NW

Litigation success often depends on finding expert witnesses who are able to communicate complex scientific or technical concepts in simple, understandable terms to judges and juries. This introductory class will provide you with practical techniques and tips to help you identify, select, and develop outstanding experts to support your client's cases. Our faculty expert, who has led national expert witness teams in many high-profile cases, will provide strategies on how to find and retain promising experts, practical advice about guiding experts through the preparation of their reports, and helpful tips on ensuring that experts are properly prepared for deposition and trial. The course will review the applicable requirements for expert reports under the Federal Rules of Civil Procedure and will discuss recent changes to rules governing the discoverability of communications between attorneys and retained experts. For attorneys who are beginning their litigation practice, this course will help develop their skills on how to approach the retention and development of expert witnesses. It also is useful for more experienced practitioners who have limited experience working with expert witnesses. FEE = \$89 for D.C. Bar Family Law Section members. Register at www.dcbbar.org

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

Friday, August 24, 2012 from 9:30 A.M. to 4:30 P.M. – D.C. Bar, 1101 K Street 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 untangle sentences and 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 23 registrants. FEE = \$279 for D.C. Bar Family Law Section members. Register at www.dcbbar.org

Divorce Practice in the District of Columbia, Maryland, and Virginia: Practical Advice and Comparisons, sponsored by the D.C. Bar

Tuesday, August 28, 2012 from 6:00 to 9:15 P.M. – D.C. Bar, 1101 K Street NW

This course will focus on the basics of divorce practice in the District of Columbia, Maryland, and Virginia. It will address key substantive and procedural differences among the three jurisdictions and offer pointers for effective practice in each of the major courts in the D.C. metropolitan area. The course is geared toward attorneys possessing some familiarity with the basics of family law such as equitable distribution, support, and custody, and who are interested in the state of the law on these issues in the three jurisdictions-whether or not they are admitted in each. Attendees will receive a synopsis of current laws on major family law topics in each jurisdiction. Speakers include Robin Clark, Clark & Glass LLP, Daniel Gray, Cooper Ginsberg Gray PLLC, and Anne Jackson, Ain & Bank PC. FEE = \$89 for D.C. Bar Family Law Section members. Register at www.dcbbar.org