

# Keeping Current

August 2010

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In March 2010, Children's Law Center began issuing this monthly events and information update, entitled "KEEPING CURRENT." This publication, which is posted on the Family Law page of ProBono.net/dc and our web page, [www.childrenslawcenter.org](http://www.childrenslawcenter.org), is a compilation of relevant news and information, including trainings and events. Practitioners should also be sure to review the weekly CCAN e-mail for up-to-date information or changes. If you have suggestions or comments for future publications, please contact Nancy Drane, Training Director, at [ndrane@childrenslawcenter.org](mailto:ndrane@childrenslawcenter.org) or 202-467-4900 ext. 502.

## District of Columbia Court of Appeals News



### Recently from the DC Court of Appeals:

**In re Petition of T.J.L. and B.J.L.** (Nos. 07-FS-553,07-FS-554) (Decided July 22, 2010)

*DC Court of Appeals affirms trial court decision issuing final decrees of adoption following birth mother's appeal. In this case, competing adoption petitions for two children (twins) were filed by the foster parents and maternal relatives. Birth mother was personally served with notice of the adoption proceeding and did not consent. Birth father was originally deemed unknown and service was by posting. Thereafter, birth mother named a putative father, and counsel was appointed. The adoption proceeding proceeded without service to the putative father, who was granted the opportunity to reopen the record as to his rights after being served, pending verification of paternity. Trial court waived consent of all birth parents on grounds of abandonment, and found that it would be in the children's best interests to grant the foster parents' adoption petition. Putative father was served by posting before the issuance of the final decrees of adoption. Birth mother appealed on jurisdictional grounds, challenging the sufficiency of putative father's service, and also raised other issues related to the competing adoption proceeding. DC Court of Appeals held that birth mother lacked standing to challenge service to putative father, and upheld the trial court's determination on the competing adoption. Analysis includes discussion of birth parents' participation in the competing adoption stage of the proceeding (post-waiver) and required testimony where there are multiple petitioners. In re Petition of T.J.L. and B.J.L. is available at: <http://tiny.cc/bq215>.*

**In re A.B., N.D. and Ma.F.** (Nos. 06-FS-1010,06-FS-1011,06-FS-1012) (Decided July 1, 2010)

*DC Court of Appeals reverses neglect finding for two of the three children, finding that the trial court lacked evidence to show that those children were in imminent danger of abuse. Analysis includes discussion of admissibility of expert testimony, particularly whether a physician expert witness may rely on reports and opinions from other professionals in reaching her opinion. In re A.B., N.D. and Ma.F. is available at: <http://tiny.cc/tf4s1>. See also posting on "EvidenceProf Blog" about the opinion, available at: <http://tiny.cc/3x1mt>.*

The materials referenced in *Keeping Current* are intended to be additional resources for consideration by members of the CCAN community. 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.

## District of Columbia Council News



**Adoption Reform Amendment Act of 2010** (B18-0547) (approved by DC Council on June 15, 2010; signed by the Mayor on July 12, 2010; awaiting Congressional review)

This legislation was passed by the DC Council and is expected to become law in September 2010. The ARA includes provisions extending adoption and guardianship subsidies until children turn 21 and expanding guardianship subsidies to include non-kin. It also contains other important provisions including: judicial enforcement of voluntarily-entered post-adoption contact agreements between adoptive and biological parents; easing requirements for adoption of foster children over 18; and establishing a foster care registry so adults who are or were in foster care can seek out biological family members with whom they have lost contact. Children's Law Center circulated a memo on the ARA in July 2010 to CCAN. The legislation is available at: <http://www.dccouncil.us/lims/legislation.aspx>. As with any new law, not all of the details of how it will work in practice are clear. Please feel free to call the Children's Law Center Helpline during regular business hours at 202-467-4900, Option 4, with any questions.

**Safe Children and Safe Neighborhood Educational Neglect Amendment Act of 2010** (B18-0529) (approved by DC Council on July 13, 2010; awaiting Mayoral signature and Congressional review)

This legislation reduces from 20 days to 10 days the number of unexcused absences a child can accumulate before being referred to CFSA for educational neglect. The legislation is available at: <http://www.dccouncil.us/lims/legislation.aspx>. See a *Washington Examiner* article on the legislation, "DC Council Passes Tougher Law for Truants," available at: <http://tiny.cc/bfwan>, and a *Washington Post* article on proposals to combat truancy, "Councilmember Catania Urges Harder Line on Truancy at DC Schools," available at: <http://tiny.cc/ei64y>. For a counter-point, see blog entry from Susie Cambria entitled "Is Punishing Parents the Best Way to Address Truancy?," available at: <http://tiny.cc/6wiif>, which includes relevant policy analysis on parent engagement, available at: <http://tiny.cc/q9d1q>, and TANF parent engagement, available at: <http://tiny.cc/gdqj1>.

**The DC Fiscal Policy Institutes' FY 2001 Budget Wrap Up** is available at: <http://tiny.cc/lphqu>.

## CFSA News

**CFSA's website** has been revamped. Check it out at <http://cfsa.dc.gov>.

**New CFSA Administrative Issuance on Medical Consent Protocol** is available at: <http://tiny.cc/5w677>.

**CFSA Issues Final Rules on Grandparent Subsidy Program.** In the July 9, 2010 edition of the *DC Register*, CFSA issued final rules for the Grandparent Caregivers Pilot Program Subsidies. Under the final rules, grandparents must provide current school attendance records for all school age children receiving the subsidy. The rules go into effect immediately. They are available at: <http://tiny.cc/gzy4h>.

**CFSA Issues Emergency and Proposed Rules Regarding Newborn Safe Haven Emergency Act of 2010.** CFSA published emergency and proposed rules in the July 9, 2010 edition of the *DC Register* to establish procedures by which parents may surrender their newborns to authorized receiving facilities. The emergency rules were adopted and became effective on May 10, 2010 and will remain in effect for 120 days unless superseded by another rulemaking notice. CFSA plans to propose final rules in not less than 30 days from the date of publication of the emergency/proposed rules. They are available at: <http://tiny.cc/ec8z0>.

## DCPS and Schools News

“DCPS Secondary School Students Demonstrate Significant Gains for Third Consecutive Year” (DCPS Press Release) is available at: <http://tiny.cc/j4zyw>.

“DCPS Elementary Schools Lose Ground” (The Washington Post) is available at: <http://tiny.cc/a6xg7>.

“Figuring Out the Score at DCPS” (The Washington Post, Editorial) is available at: <http://tiny.cc/hgkt0>.

DCPS’s plan to address students’ special education needs, “Serving the District’s Most Vulnerable Students,” is available at: <http://tiny.cc/ggg0c>.

The latest version of the DCPS “Chancellor’s Notes” is called “Summertime in DCPS” and is available at <http://tiny.cc/o8evq>.

“Rhee Fires 241 Teachers” (The Washington Post) is available at: <http://tiny.cc/vcgxt>.

“The Time to Learn” (The Washington Post, Editorial) This editorial, about the success of students at KIPP charter schools, is available at: <http://tiny.cc/jx0im>.

## Reports and Publications

### CHILD WELFARE

#### Child Welfare Information Gateway Online Learning Center

This Learning Center resource includes a “State Managers Series” summarizing research and providing State and local examples of specific strategies to support managers responsible for State child welfare programs; an “Educators’ Toolkit” offering information and resources across a broad range of child welfare topics to enhance university curricula; and, “How Federal Legislation Impacts Child Welfare Service Delivery,” a fact sheet presenting an overview of how Federal legislation and policy affect State and Tribal child welfare systems and service delivery. The site soon will also offer a self-guided training, “Introduction to Parent-Child Visits,” giving professionals insights about best practices for parent-child visits that can be applied in their work with children and parents. The Learning Center is available at: <http://tiny.cc/ds2g3>.

#### Report on Innovators in Child Welfare

Casey Family Programs has released a report to inspire hope, renew vision and influence action in improving the safety and well-being of America’s children. The “How Are the Children?” report introduces readers to real families, dedicated individuals, and forward-thinking organizations that deserve credit for many improvements taking place in child welfare. “How Are the Children?” is available at: <http://tiny.cc/jydo3>.

## Reports and Publications (cont.)

### Systems of Care

“A Closer Look” is a series of short reports that spotlight issues addressed by public child welfare agencies and their partners in implementing systems of care approaches to improve services and outcomes for children and families. Topics addressed include: “An Overview of Systems of Care in Child Welfare,” “Interagency Collaboration,” “An Individualized, Strengths-Based Approach in Public Child Welfare Driven Systems of Care,” “Cultural Competency,” “Family Involvement in Public Child Welfare Driven Systems of Care,” “Community-Based Resources: Keystone to the System of Care,” and “Accountability.” “A Closer Look” is available at: <http://tiny.cc/pvsac>.

### Foster Care Numbers Down in Some States

A number of states – including California, Florida, Illinois, New Jersey and Ohio – are seeing substantial reductions in the number of children in foster care, according to a June 5 Associated Press article by David Crary (“Foster-care Populations Fall Sharply”) on msnbc.com. Nationally, the number of children in foster care fell 11 percent from 2002 to 2008. The article said these declines are due to several factors, including expediting adoptions and increasing funding for preventative measures that reduce the need for foster care in the first place. It said that, in cases where the termination of parental rights is deemed necessary, agencies have been pushing to make adoptions happen faster. To read the article, go to <http://bit.ly/ctOSDB>.

## KINSHIP CARE

### Kinship Navigators

Writing about kinship navigators in *Common Ground*, the newsletter for New England child welfare professionals, Gerard Wallace suggests that this type of support for private caregivers may “signal a new direction in child welfare policy and practice” that could allow informal kinship care to become better integrated into States’ and agencies’ plans and resource allotments. Wallace points out that the informal kinship system cares for 12 times more children than foster care, but informal kinship caregivers have only limited access to the resources and supports often provided through formal foster care. *Common Ground* is available at: <http://tiny.cc/0j2lg>.

### Kinship Adoption

A new issue brief created by ChildFocus and the North American Council on Adoptable Children, *Kinship Adoption: Meeting the Unique Needs of a Growing Population*, was developed to draw attention to and explore the needs of children adopted by their relatives. The issue brief points out that the number of children in foster care finding permanent homes with relatives is steadily growing—up from 21 percent in 2000 to 30 percent in 2008. The authors look at why this trend persists and how agencies can promote and support kinship adoption. The issue brief is available at: <http://tiny.cc/fobu2>.

## AGING OUT AND OLDER YOUTH

### Youth Perspectives on Foster Parents

YouthSuccessNYC has some material created by foster care youth about experiences with foster parents. Visit the YouthSuccessNYC website at <http://www.youthsuccessnyc.org/> to read about a child’s experiences visiting Circle of Support, a monthly meeting for foster parents in New York City. On the website, you can also read other stories by youth in care, and access resources for youth in care and after care, including “My Foster Mother is a Role Model,” where a foster child interviews her foster mother “to give readers a sense of what an ideal foster parent is like – and what [the child] think[s] all foster parents should try to be.” *Represent* is a national magazine written by and for young people in the foster care system.

## Reports and Publications (cont.)

### Health Care Needs of Older Youth

The National Association of Public Child Welfare Administrators (NAPCWA) has published an issue brief, "Addressing the Health Care Needs of Transitioning Youth," that describes how some States are working to provide health care to youth who are transitioning out of foster care and into independence. The issue brief is available at: <http://tiny.cc/0d804>.

### Mental Health Information for Young Adults

In March, the Inspire USA Foundation launched reachout.com, an online mental health information and support service designed to help 16-24 year olds get through tough times. REACH OUT integrates youth generated, expert-reviewed information and real life stories of how others have made it through a tough time with opportunities to connect with others in a supportive, safe environment. REACH OUT is available at: <http://us.reachout.com/>.

### Youth Employment

Teen unemployment averaged 25 percent in 2009 and 2010, while for young African Americans unemployment hovers around 40 percent, Harry Holzer told Congress's Joint Economic Committee. Arguably we can help youth find jobs by fully funding such programs as YouthBuild, the Youth Service and Conservation Corps, Year Up, and the National Guard Youth Challenge. "Avoiding a Lost Generation: How to Minimize the Impact of the Great Recession on Young Workers" is available at: <http://tiny.cc/4ovlk>.

### Runaway Youth

A new study from the Urban Institute uses new methodology to yield estimates of the number of youth who run away from home, the number of times they run away, and their age when they first run away. In "On the Prevalence of Running Away From Home," author Michael R. Pergamit draws on the data from the National Longitudinal Survey of Youth to develop measures not generally found in the literature. The data follow a cohort of youths from age 12 to age 18. The measures combine to provide an estimate of the lifetime prevalence of runaway behavior. Results indicate that nearly one in five U.S. youths will run away from home before age 18, and almost 30 percent will do so three or more times, greatly heightening their risk of violence and many other dangers. Females and African-American youth run away the most often, although findings show a heterogeneous population in terms of their runaway histories. The author also points out that most runaway and homeless youth have histories of runaway (and throwaway) episodes. The report is available at: <http://tiny.cc/fexo5>.

### Employment Training and Job Placement for Foster Youth

This Chapin Hall report describes the results of a study that used data to better understand the need for employment related services and supports among youth in foster care and how one community based employment training and job placement program is trying to address those needs. The report is available at: <http://tiny.cc/ez874>.

## JUVENILE JUSTICE

### Brief Examines Relationship Between Childhood Trauma and Juvenile Justice Involvement

The Justice Policy Institute has released "Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense." The brief examines the relationship between childhood trauma and involvement in the juvenile justice system. According to the brief, while research shows that up to 34 percent of children in the United States have experienced at least one traumatic event, between 75 and 93 percent of youth entering the juvenile justice system annually are estimated to have experienced some degree of trauma. The report is available online at: <http://tiny.cc/6anbh>.

## Reports and Publications (cont.)

### Juvenile Detention

The report “Conditions of Confinement: Juvenile Detention and Corrections Facilities,” developed by the Office of Juvenile Justice and Delinquency Prevention, is available at: <http://tiny.cc/8wfzs>.

### OTHER

### Childhood Poverty

“Childhood Poverty Persistence: Facts and Consequences,” produced by the Urban Institute, discusses childhood poverty in America. According to the report, 49 percent of American babies born into poor families will be poor for at least half their childhoods. Among children who are not poor at birth, only 4 percent will be “persistently” poor as children. This is the first study connecting poverty status at birth, poverty persistence, and adult outcomes. It is available at: <http://tiny.cc/uw1hk>.

### Homeless Youth

“Residential Instability and the McKinney-Vento Homeless Children and Education Program: What We Know, Plus Gaps in Research,” produced by the Urban Institute, describes the McKinney-Vento Education for Homeless Children and Youth Program (ECHY), summarizes the research, and outlines future research questions of concern to policymakers. The brief is available at: <http://tiny.cc/wmofk>.

### REMINDER for CCAN GAL PANEL!

Children’s Law Center **HELPLINE** provides GALs 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 4) — Monday-Friday, 9:00 a.m. to 5:00 p.m.

## Upcoming Trainings and Events

### **Guardianship Brown Bag, sponsored by CCAN**

Thursday, August 5, 2010 from 12:30-2:00 PM – DC Superior Court, Room 4224

*Permanent guardianship is a frequently used permanency option which can provide stability for children in the neglect system as well as continuing contact with the biological family in many cases. This brown bag will address the nuts and bolts of guardianship including, when guardianship is the best option, how to advise clients, how to prepare and file the guardianship motion, common legal issues, guardianship subsidy, litigating a contested guardianship, case law, what to do when a guardianship threatens to disrupt, and changes made by the new guardianship law.*

### **Children's Law Center Training: Back to School**

Thursday, August 5, 2010 from 3:30-5:00 PM – CLC, 616 H Street NW, Suite 300

*The new school year is upon us, believe it or not! CLC attorneys specializing in education issues will get everyone up to speed with updates on policy changes within DCPS and PG County Schools, a review of common issues that arise, such as enrollment, discipline, and other related issues. They'll also distribute school calendars so that everyone is aware of key DCPS and PG County dates, and distribute 'Tip Sheets' on monitoring clients' education. Finally, they'll be previewing the soon-to-be issued "Education Toolkit," CLC's latest Practice Kit for CCAN Attorneys. Special education issues will be addressed so that attorneys can issue-spot, but this is not intended to be a special education training. CCAN attorneys interested in attending should contact Nancy Drane, CLC Training Director, at 202-467-4900 ext. 502 or [ndrane@childrenslawcenter.org](mailto:ndrane@childrenslawcenter.org).*

### **Effective Writing for Lawyers, sponsored by DC Bar**

Friday, August 13, 2010 from 9:30 AM – 4:30 PM – DC 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 limited to 24 registrants. FEE = \$279. Register at [www.dcbbar.org](http://www.dcbbar.org).*

### **Darkness to Light's Stewards of Children Sexual Abuse Prevention Training, sponsored by Freddie Mac Child and Adolescent Protection Center, Children's National Medical Center**

Friday, August 20, 2010 from 12:00-3:00 PM – CNMC, 111 Michigan Avenue NW

*Stewards of Children is a comprehensive sexual abuse prevention training program that educates adults to prevent, recognize, and react responsibly to child sexual abuse. The Stewards of Children program is designed for organizations that serve children and adolescents, providing prevention training for staff, volunteers, parents, and other interested adults. Core features of the training include: a video integrating segments of sexual abuse survivors relating their stories of violation and healing, with segments from the author of the curriculum and from professionals who interface daily with the problem of sexual abuse; an interactive workbook for each participant; discussion about critical issues in sexual abuse prevention and the relevance of these issues within organizations that serve children and adolescents. Led by an authorized facilitator. The 3 hour course is \$35.00 per person and includes light refreshments and materials. Participants are welcome to bring lunch. Register with Ashley Gardella, LICSW, at 202-476-6722, or Tara Grey, at 202-476-6718.*

## Upcoming Trainings and Events (cont.)

### **Children's Law Center Training: Talking to Clients about Sexual Health Issues**

Thursday, August 19, 2010 from 3:00-5:00 PM – CLC, 616 H Street NW, Suite 300

To be repeated on: Thursday, August 26, 2010 from 3:00-5:00 PM (same location)

*Staff from the DC Campaign to Prevent Teen Pregnancy will be giving an interactive presentation on strategies to address difficult and sensitive issues related to sexual health with clients.* CCAN attorneys interested in attending should contact Nancy Drane, CLC Training Director, at 202-467-4900 ext. 502 or [ndrane@childrenslawcenter.org](mailto:ndrane@childrenslawcenter.org).

### **Mastering the Rules of Evidence Series, sponsored by DC Bar**

Tuesday, August 31, 2010 and Tuesday, September 7, 2010 from 6:00-9:15 PM — DC Bar, 1101 K Street NW

*This series is designed to help attorneys 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 will also help attorneys learn procedures and trial strategies, and teach attorneys to deal with evidentiary and foundational issues comfortably. Part 1 (August 31) - This session will address topics ranging from competence and privileges to opinion and hearsay testimony. Hearsay and hearsay exceptions will be reviewed and practical examples will be presented. Part 2 (September 7) - The second session will continue the discussion on hearsay rules and also consider the authentication of various types of exhibits, helping participants understand the evidentiary rules about the admission of various writings, recordings, and photographs. Speakers: L. Jackson Thomas II, Office of the US Attorney; Terrence McShane, Lee & McShane PC. FEE = \$119. Register at [www.dcbbar.org](http://www.dcbbar.org).*

## Save the Date

### **Children's Law Center Half-Day Training (open to all CCAN)**

Thursday, September 16, 2010 from 10:30 AM-2:30 PM — DC Superior Court, Room 3300

*CLC will be presenting another half-day training for CCAN attorneys on issues relevant to abuse and neglect practice. Registration information will be forthcoming...*

### **Children's Law Center Training: You Say More Than You Think: How to Use the New Body Language to Get What You Want**

Thursday, September 23, 2010 from 3:30-5:00 PM – CLC, 616 H Street NW, Suite 300

*Janine Driver, founder, president and lead instructor for the Body Language Institute and a former Department of Justice law enforcement officer, will present on how to read body language and detect deception. She is a Certified instructor at the Institute of Analytical Interviewing and an International communications expert, published author, keynote speaker, and guest on many television programs.* CCAN attorneys interested in attending should contact Nancy Drane, CLC Training Director, at 202-467-4900 ext. 502 or [ndrane@childrenslawcenter.org](mailto:ndrane@childrenslawcenter.org).

## Save the Date (cont.)

**Resilience in the Inner City at Risk Population: What is it?**, sponsored by *The Center for Self Discovery*, in conjunction with the *Washington School of Psychiatry*

Friday, October 1, 2010 – THE ARC, 1901 Mississippi Avenue, SE

*The keynote speaker, Hope Hill, Ph.D. professor at Howard University and clinical researcher will speak about her research, including intervention with at-risk adolescents who lived in Anacostia in the 1990s. She is currently doing follow-up research with these youth. Natasha Cabrera, Ph.D. professor at the University of Maryland, has been doing long term research with at-risk families from this same environment. She has focused on young families and incarcerated fathers as a part of her work. Her research incorporates video interviews of incarcerated fathers with some fascinating results. Diana Wall, PsyD., Director of Training at St. Elizabeth's Hospital, will add a clinical perspective, focusing on her therapy work with this population and the therapist's experience of absorbed trauma which results from working with those who have experienced repeated severe trauma in their lives. William Kellibrew, an adult survivor of multiple severe traumas, will share his personal experiences and insights relating to his siblings, his own therapy as well as his resilience in the face of repeated extreme trauma. Attendees are also a major part of this conference, as the conference will be that much richer as attendees are offered the opportunity to share their experiences, working with this very difficult population. With this in mind, there will be a very experienced facilitator, Michael Stadter, Ph.D, to draw the threads of the conference together and stimulate growth in thinking about and understanding of risk, resilience and absorbed trauma. For thoughts or questions, please contact Caroline L. Simon, Ph.D., 301-654-3462 or [drsimon@speakeasy.net](mailto:drsimon@speakeasy.net).*

**Family Court Ninth Annual Multidisciplinary Training Institute: Child Sexual Abuse and Exploitation — Educating, Empowering and Transforming Lives**

Thursday, October 21, 2010 — DC Convention Center

*Registration information forthcoming...*

### **NACC Conference**

Wednesday, October 20 through Saturday, October 23, 2010 – Austin, TX

Conference brochure is available at <http://tiny.cc/g7zvkc>.