

# Keeping Current

July 2010

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.

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## District of Columbia Court of Appeals News



### Recently from the DC Court of Appeals:

**Girardot v. U.S.** (No. 07-CF-109) (Decided June 3, 2010)

Issue presented was admissibility of expert testimony in a criminal second-degree child sexual abuse case. Appellant argued that the trial court erred in precluding the testimony of a proposed defense witness, an expert in children's cognitive processes and the pressures and factors that can prompt a child to make false complaints of sexual abuse. DCCA remanded for consideration consistent with a case decided after the trial court's decision, Benn v. U.S., 978 A.2d 1257 (D.C. 2009). Girardot v. U.S. is available at: <http://tiny.cc/kjywd>. Benn v. U.S. is available at: <http://tiny.cc/ts3l9>.

**In re T.L.** (No. 06-FS-798) (Decided June 3, 2010)

In this juvenile case, DCCA deems illegal a police search for drugs on a DC teen. In re T.L. is available at: <http://tiny.cc/mhwwz>.

### Upcoming DC Court of Appeals Matters of Interest:

*In re Z.H.* (09-FS-1259) — Wednesday, June 30, 2010 at 9:30 AM

Oral arguments are broadcast on the DC Court of Appeals website:  
[www.dccourts.gov/dccourts/appeals/calendar/index.jsp](http://www.dccourts.gov/dccourts/appeals/calendar/index.jsp)

The materials referenced in *Keeping Current* are intended to be additional resources for consideration by members of the CCAN community. Children's Law Center is not vouching for the quality of the materials or events referenced herein, and CCAN attorneys should conduct their own independent research when reviewing these materials.

## District of Columbia Council News



Fiscal year 2011 budget documents are available at: <http://tiny.cc/ahars>.

### ***Upcoming DC Council Hearing of Interest:***

**Committee on Health and Committee on Human Services, *Youth Mental Health Programs and Strategies***

Thursday, July 8, 2010 at 10:00 AM — Wilson Building, 1350 Pennsylvania Ave. NW, Room 500

*Note: Selected hearings are broadcast live on the DC Council website: [www.dccouncil.us](http://www.dccouncil.us)*

## CFSA News

**CFSA's website has changed:** You can find it at this web address: <http://cfsa.dc.gov/DC/CFSA>.

**Latest on LaShawn A. v. Fenty:** "DC Child Welfare Agency Showing Improvement but Problems Persist, Report Says" (*The Washington Post*, May 27, 2010) is available at: <http://tiny.cc/Obcof>. You'll find a copy of one of the Center for the Study of Social Policy (CSSP) reports referenced in this article at <http://www.cssp.org/CPSInvestigativePracticesRpt.pdf> (on abuse and neglect investigative practice). The next status hearing in the LaShawn A. v. Fenty case will be held on July 23, 2010 at 10:30 a.m. in Room 25A of the E. Barrett Prettyman Federal Courthouse, 333 Constitution Avenue NW.

**Recent news article on CFSA:** "DC Social Workers Fired in Banita Jacks Maelstrom Should be Reinstated" (*The Washington Post*, June 25, 2010) is a Petula Dvorak column, and is available at: <http://tiny.cc/quhja>.

### **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.

## Reports and Publications

### THE INTERSECTION OF CHILD WELFARE AND JUVENILE JUSTICE

You'll find two relevant reports listed here. **"The Judges' Page Newsletter: Crossover Cases: Children and Youth Involved in the Child Welfare and Juvenile Justice Systems"** (CASA – Court Appointed Special Advocates) is available at: <http://tiny.cc/hytlo>. In addition, **"Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems"** (Center for Juvenile Justice Reform) is available at: <http://tiny.cc/j7zkg>.

### OLDER YOUTH IN FOSTER CARE

The Foster Care & Adoption Resource Center has published a series of **"Tip Sheets"** for youth in foster care. Topics include: "Seeing a Mental Health Therapist," "Keys to Independence: Finding Your First Apartment," "Coping with Anger," and "Is this Love? Teen Dating Violence." They are all available at <http://tiny.cc/msiwe>. In addition, **"Mama S & Papa M: Making APPLAs Work for Youth"** (NY State Citizens' Coalition for Children) offers ideas for making APPLA successful if other permanency options are not an option. The article is available at: <http://tiny.cc/myo7x>. Another recent report, **"Employment Training and Job Placement for Foster Youth"** (Chapin Hall), 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>.

### PLACEMENT STABILITY

The latest issue of "CW360" (University of Minnesota School of Social Work) focuses on placement stability, and is available at: <http://tiny.cc/88hkk>.

### LGBTQ YOUTH

A program entitled **"What Lawyers Need to Know about Representing LGBTQ Youth"** was offered at Cardozo Law School in April 2010. The expert panel provided lawyers with advocacy tools to successfully represent Lesbian, Gay, Bisexual, Transgendered, and Questioning (LGBTQ) youth in a variety of settings. This two-hour training provides excellent information for all lawyers who represent youth. To access the training see: <http://tinyurl.com/362gvxu>

### KINSHIP ADOPTIONS

An organization called Child Focus, in collaboration with the North American Council on Adoptable Children, released an issue brief in March on kinship adoption entitled **"Kinship Adoption: Meeting the Unique Needs of a Growing Population."** This 14-page brief discusses how kinship adoption (which occurs for 30 percent of children in foster care) differs from other types of adoption, and outlines agency policies and practices that promote successful kinship adoptions. To access the brief, go to: <http://bit.ly/appwFL>.

### ADDRESSING SUBSTANCE ABUSE AND/OR MENTAL HEALTH DISORDERS

An online training toolkit entitled **"Helping Child Welfare Workers Support Families with Substance Use, Mental, and Co-Occurring Disorders: A Training Package for Child Welfare Workers"** (National Center on Substance Abuse and Child Welfare) is intended to provide learning opportunities and baseline knowledge on substance abuse and mental health problems and interventions; motivate and facilitate cross-systems work; and incorporate cultural awareness and facilitate cultural competency in child welfare practice. The toolkit covers six modules and provides a range of training materials that were developed to be adapted to meet the needs of child welfare trainers for in-person workshops and/or training sessions. It is available at: <http://tiny.cc/fnyp5>.

## Reports and Publications (cont.)

### **RACIAL DISPROPORTIONALITY IN THE CHILD WELFARE SYSTEM**

A bibliography prepared by the Child Welfare Information Gateway compiles recent national, state, and local resources that address the extent of and efforts to reduce racial disproportionality in the child welfare system. It is available at: <http://tiny.cc/5i3pg>.

### **YOUTH PERSPECTIVES ON FOSTER PARENTS**

YouthSuccessNYC recently published a story by 'Natasha' about her experiences visiting Circle of Support, a monthly meeting for foster parents in New York City. On the website you can read her story, as well as other stories by youth in care, as well as access resources for youth in care and after care. The information is available at: <http://tiny.cc/n646l>.

### **McKINNEY-VENTO INFORMATION**

"Residential Instability and the McKinney-Vento Homeless Children and Education Program: What We Know, Plus Gaps in Research" (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 policy-makers. The brief is available at <http://tiny.cc/wmofk>.

## Publications You May Want to be Reading...

**RISE** magazine is written by and for parents involved in the child welfare system. Its mission is to help parents advocate for themselves and their children. The monthly publication is available at: [www.risemagazine.org](http://www.risemagazine.org). RISE's June 2010 web exclusive, includes a commentary by a birth mother involved in an abuse and neglect case entitled "**Broken Bonds**," where she recounts her experiences being separated from her children due to incarceration, visiting with her children, and learning that her children haven't had the opportunity to visit one another, as well as the steps she is taking to try to change the situation.

**REPRESENT** magazine is a national magazine written by and for young people in the foster care system. The publication is available at: <http://www.youthcomm.org/Publications/FCYU.htm>. The latest edition includes an article entitled "**My Foster Mother is a Role Model**," in which a foster child interviews her foster mom "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."

**DCPS CHANCELLOR'S MONTHLY NEWSLETTER** is being published on a monthly basis and focuses on learning, schools and system-wide reforms at DCPS. It is available at [www.dcps.dc.gov](http://www.dcps.dc.gov). The latest newsletter is available at: <http://tiny.cc/08qz9>.

## Upcoming Trainings and Events

**2009-2010 Supreme Court Review**, sponsored by American Constitution Society for Law and Policy  
 Thursday, July 1, 2010 from 9:00-11:00 AM – National Press Club, Ballroom – 13<sup>th</sup> Floor, 529 14<sup>th</sup> St NW  
 ACS will host a panel discussion at the National Press Club examining the current Supreme Court Term and looking forward to the next. In the immediate wake of the Term's conclusion, leading academics and practitioners will analyze the Court's most noteworthy decisions, identify emerging trends, and discuss the nomination of Solicitor General Elena Kagan to the Court. The panel will feature: Moderator, Thomas C. Goldstein, Partner, Akin Gump Strauss Hauer & Feld, LLP; Paul Butler, Associate Dean for Faculty Development and Carville Dickinson Benson Research Professor of Law, George Washington University Law School; Paul D. Clement, Partner, King & Spalding, and former Solicitor General of the United States; Doug Kendall, President, Constitutional Accountability Center; Elisa Massimino, President and Chief Executive Officer, Human Rights First; Andrew J. Pincus, Partner, Mayer Brown LLP, and Visiting Lecturer in Law, Yale Law School; Virginia A. Seitz, Partner, Sidley Austin LLP; and Monica Youn, Counsel, Brennan Center for Justice at New York University School of Law's Democracy Program. FREE. Register at [www.acslaw.org](http://www.acslaw.org).

### **CHILDREN'S LAW CENTER TRAINING: ENVIRONMENTAL HEALTH ISSUES**

Tuesday, July 6, 2010 from 3:00-5:00 PM – CLC, 616 H Street NW, Suite 300  
 Dr. Ben Gitterman, Co-Director of the Mid-Atlantic Center for Children's Health and the Environment at Children's National Medical Center, will be doing a presentation on children's health needs and risks associated with environmental health issues, such as lead and mold. For more information on MACCHE, see <http://www.childrensnational.org/MACCHE/>. 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).

**Keeping Children in the Community: Cross Disciplinary Legal Strategies**, sponsored by Georgetown Juvenile Justice Clinic, in collaboration with the Public Defender Service, University Legal Services, Children's Law Center, The Washington College of Law at American University, the David A Clarke School of Law, and the CCAN Office of Superior Court

Tuesday, July 13, 2010 from 9:30 AM-5:00 PM

This one-day conference will provide instruction on litigation strategies to obtain therapeutic services for children and youth. The speakers will present research on the effectiveness of residential placements, best practices in community based services, and an in depth look at intensive therapeutic services available to youth and their families. Experts in mental health law, child welfare law, and special education law will discuss legal entitlements including an overview of constitutional, state, and local law; and provide a unique cross training workshop that will give practitioners advocacy tools and litigation strategies to ensure that youth have access to community-based alternatives to residential treatment. The workshop will include training on monitoring out-of-home placements and strategies for litigating effective to home based services. Attorneys who attend the conference will be offered the opportunity to partner with University Legal Services to litigate cutting edge issues focused on keeping children out of residential placements. Registration is required and open to all Family Court panel and CLC attorneys. Others may apply and will be admitted as space allows on a case-by-case basis. Attorneys who can attend the entire conference will be given preference. CLE credit is available for Juvenile, CCAN, and Special Education panel attorneys. Register at:

<http://www.pdsdc.org/LegalCommunity/CalendarItem.aspx?TrainingID=74>.

## Upcoming Trainings and Events (cont.)

### **Webinar: Fostering Connections & Education: Funding Transportation**

Tuesday, July 13, 2010 from 2:00-3:00 PM

*The Fostering Connections Resource Center and the American Bar Association Legal Center for Foster Care and Education invite you to join us for a free webinar on the education provisions of the Fostering Connections Act (FCA). The new law presents both opportunities and challenges to state leaders responsible for implementing requirements aimed at promoting new school stability for children and youth in foster care. During this webinar, experts from the Legal Center for Foster Care and Education will focus on the special challenges related to providing, arranging, and paying for transportation for children to remain in their same schools. They will outline key questions and considerations relevant to decision makers and highlight successful strategies from selected states. The Fostering Connections Resource Center ([www.fosteringconnections.org](http://www.fosteringconnections.org)) provides information, training and tools related to furthering the implementation of the Fostering Connections to Success and Increasing Adoptions Act. The Education Network coordinates support for and the dissemination of resources related to the education provisions of the law. The Education Network is managed by Madelyn Freundlich, a consultant to the Fostering Connections Resource Center, in partnership with the ABA Center for Foster Care and Education. The Fostering Connections Resource Center is supported through the generous contributions of the Annie E Casey Foundation, Casey Family Programs, Dave Thomas Foundation for Adoption, Duke Endowment, Eckerd Family Foundation, Jim Casey Youth Opportunities Initiative, Sierra Health Foundation, Stuart Foundation and Walter S. Johnson Foundation. Please visit the website to sign up for our email alerts to receive newsletters and other updates on the new law. Space is limited. Reserve your Webinar seat now at: <https://www1.gotomeeting.com/register/794196801>*

After registering you will receive a confirmation email containing information about joining the Webinar.

### **Medicaid Update: The Impact of Health Care Reform**, sponsored by DC Bar

Tuesday, July 13, 2010 from 6:00-8:15 PM – DC Bar, 1101 K Street NW

*You should attend this class to receive an update on the impact of the recent health care reform legislation on the Medicaid program. The faculty panel will provide an overview of the provisions in the health reform legislation that will alter current Medicaid policies and provisions. Topics to be discussed include changes to eligibility, benefits, litigation, provider reimbursement, safety net providers and fraud and abuse. This class is designed for attorneys with some knowledge of Medicaid. The Faculty Panel will provide an overview of estimated coverage spending and savings provisions. Additional topics to be discussed include changes to eligibility, benefits, litigation, provider reimbursement, safety net providers and fraud and abuse. FEE = \$99. Register at [www.dcbbar.org](http://www.dcbbar.org).*

**Enabling our Future: Celebration of the 20<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA)**, sponsored by the DC Office of Disability Rights, Office of Human Rights, and Department on Disability Services, the Equal Rights Center, and Quality Trust for Individuals with Disabilities, in partnership with the US Equal Opportunity Commission, Washington Field Office

Thursday, July 16, 2010 at 4:00 PM – DC Old Council Chambers, 441 4<sup>th</sup> Street NW

*Join the sponsors to celebrate the conception, passing, and evolution of the most comprehensive disability rights law to date! To register, call 202-478-2412.*

## Upcoming Trainings and Events (cont.)

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

Friday, July 16, 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).*

### **Basic Negotiation Skills Workshop**, sponsored by DC Bar

Wednesday, July 21, 2010 from 9:00 AM – 4:00 PM – DC Bar, 1101 K Street NW

*This unique full-day workshop will help you negotiate more effectively. Through simulations and discussions, participants will learn to improve their abilities to create a more cooperative atmosphere without compromising; manage difficult or stubborn adversaries; get more for their clients by engaging other parties to work with them to think more creatively; and to be persuasive, ethical negotiators. Fact patterns will be drawn from corporate, government, and courtroom settings. Participants will be encouraged to apply their new skills to their own particular negotiations. Class limited to 30 registrants. FEE = \$199. 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, July 23, 2010 from 9:00am-12:00pm – 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. **The program will be repeated on August 20 from 12:00-3:00 PM.** Register with Ashley Gardella, LICSW, at 202-476-6722, or Tara Grey, at 202-476-6718.*

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

Friday, July 30, 2010 from 9:30 AM – 1:45 PM – DC Bar, 1101 K Street NW

*This hands-on writing course will delve into style and editing problems that are critical to legal writing. The course will focus on organization and grammatical problems that come up in legal writing and will emphasize such skills as opening with clear and compelling language to engage your audience, choosing the right words to convey precise meaning, using topic sentences and transitions to guide readers, and using rhythm and tone to enhance writing. Students will edit their own writing samples as they learn to apply these techniques. To participate in the course, students must bring samples (preferably unedited by someone else) of their own writing to the course.*

*Course instructors may look at the samples, but the samples will not be shared with other students. Class limited to 20 registrants. FEE = \$209. Register at [www.dcbbar.org](http://www.dcbbar.org).*

## Save the Date

### **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

*Attorneys from CLC's special education project will be talking about how best to monitor clients' educational progress after school is back in session in August. 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).*

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## Save the Date (cont.)

### **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 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 will also help you learn procedures and trial strategies, and teach you 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).*

### **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  
*Registration information forthcoming...*

### **Resilience in the Inner City at Risk Population: What is it? Why are some children within a given family more resilient than others? What can we, as clinicians, do to enhance the resilience of our clients?**, sponsored by The Center for Self Discovery, in conjunction with the Washington School of Psychiatry and Children's Hospital

October 1, 2010 – THE ARC, 1901 Mississippi Avenue, SE  
*The keynote speaker, Hope Hill, Ph.D. professor at Howard University and well known 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 [drcsimon@speakeasy.net](mailto:drcsimon@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**

October 20-23, 2010 – Austin, TX