

Keeping Current

May 2010

In March 2010, Children's Law Center began issuing this monthly events and information update, entitled "KEEPING CURRENT." This publication, which will be posted on the Family Law page of ProBono.net/dc and our web page, 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 or 202-467-4900 ext. 502.

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District of Columbia Court of Appeals and DC Superior Court News



Recently from the DC Court of Appeals:

In re G.K., 09-FS-510 (Decided April 22, 2010)

Trial court erred in delegating to CFSA the ultimate responsibility to make decisions about whether it was in the child's best interest to continue to take psychotropic medication. CFSA does not have the statutory authority to make decisions about non-emergency psychotropic medication for children in its legal custody; instead, such authority is included among the residual parental rights. The Family Court cannot exercise its discretion as parens patriae to intervene and overrule a parent's prerogative unless it finds by clear and convincing evidence that doing so would be in the best interests of the child. For a copy of the opinion, see <http://tiny.cc/zsbuf>

Upcoming DC Court of Appeals Neglect Matters:

In re K.B., 09-FS-290 — Wednesday, May 26, 2010 at 9:30 AM

In re Petition of C.A.B. & H.N.B., 09-FS-858 — Thursday, May 27, 2010 at 9:30 AM

*Oral arguments are broadcast on the DC Court of Appeals website:
www.dcappeals.gov/dccourts/appeals/calendar/index.jsp*

Recently from the Family Court:

The Family Court Annual Report was issued on March 31, 2010.

For a copy of the report, see <http://tiny.cc/x6mkw>

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.

Council of the District of Columbia



Recently from the DC Council:

The Adoption and Guardianship Subsidy Emergency Amendment Act

This exciting new emergency legislation was passed in the DC Council on April 20, 2010. (It will be effective once the Mayor signs it.) The Act extends adoption and guardianship subsidies from age 18 until age 21, and expands eligibility for guardianship subsidies to include non-kin. The law:

- Amends D.C. Code § 4-301(e) so that eligibility for adoption subsidies will last until a child/youth turns 21 years old;
- Amends D.C. Code § 16-2399(d) so that eligibility for guardianship subsidies will last until a child/youth turns 21 years old; and
- Repeals D.C. Code § 16-2399(b)(3) — This provision limited eligibility for guardianship subsidies to “kinship caregivers.” By striking this provision from the statute, non-kinship foster parents are now eligible for guardianship subsidies;
- Does not apply to already finalized adoptions and guardianships.

The Council passed this law on an emergency basis. The law governs any not-yet-final adoptions and guardianships – as well as adoption petitions and guardianship motions that will be filed in the future. CLC expects that the Council will soon pass permanent legislation accomplishing the same outcomes.

This information should be useful to kinship and non-kinship foster parents who are considering filing for adoption or guardianship, particularly the subsidy changes included in this new law.

The new law also presents an opportunity to revisit long-open cases when adoption or guardianship was previously rejected because of the subsidy barriers that this bill changes. For instance, if a foster child’s grandmother decided in 2008 to not seek guardianship of her then-15-year-old grandson because the guardianship subsidy would end at age 18, that grandmother might consider seeking guardianship of her now 17-year-old grandson so that they can end CFSA and Court oversight while keeping the subsidy until he turns 21.

Children’s Law Center’s Helpline (202-467-4900 option 4) is available during business hours to address any questions about the new law and to interview potential clients who wish to file for adoption or guardianship based on this new law. CCAN attorneys should feel free to refer individuals to CLC for that purpose.

For a copy of the legislation, see <http://tiny.cc/13qni>

For news coverage of the legislation, see <http://tiny.cc/56eae>

Upcoming DC Council Hearings:

Committee of the Whole, *Youth Issues* — Saturday, May 8 at 1:00 PM — Room 500

Committee on Human Services, *Committee Mark-Up* — Thursday, May 13 at 10:00 AM — Room 500

Note: Selected hearings are broadcast live on the DC Council website: www.dccouncil.us

DC Budget Information

It is DC budget season. For up to date information about the DC Government's budget, go to the DC Fiscal Policy Institute's website at www.dcfpi.org and its blog, The District Dime, at <http://dcfpi.org/?cat=16>. Another resource is Susie Cambria's Budget and Policy Corner: <http://susiecambria.blogspot.com/>. CLC's website, www.childrenslawcenter.org, also features a number of items about CLC's advocacy efforts with respect to budgetary matters.

For information about CFSA's budget, see the following:

CFSA held a Public Briefing on its FY 2011 Budget on April 14, 2010. CFSA's handout from that event is available at: <http://tiny.cc/aytbp>. In addition, CFSA's answers to the DC Council's budget questions can be found at <http://tiny.cc/fgr3s>. For news coverage on CFSA's budget, see *A Leaner CFSA Means Less Families, Kids Under City's Watch* (Washington City Paper) available at <http://tiny.cc/rfofk>, and *Fenty's Proposed Budget Includes Cuts to Housing Program* (Washington City Paper) available at <http://tiny.cc/0ozco>.

CFSA Information

Practitioners should be aware of a few new CFSA policies, all of which are available at CFSA's Online Policy Manual, available at www.cfsa.dc.gov, including the following:

"**HIV/AIDS**" (dated February 24, 2010) is available at <http://tiny.cc/1vgpz>

"**Services to Address HIV, Sexual and Reproductive Health and Services for LGBTQ Youth**" (dated February 26, 2010) is available at <http://tiny.cc/w5tby>

"**Ongoing Assessment of Families Impacted by Domestic Violence**" (dated February 26, 2010) is available at <http://tiny.cc/0olrk>

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

CHILD WELFARE and JUVENILE JUSTICE

FEDERAL ADOPTION TAX CREDIT IS INCREASED AND EXTENDED THROUGH 2011

Several updates to the adoption tax credit were signed into law as part of the health care reform bill (Patient Protection and Affordable Care Act, P.L. 11-148). The amount of the credit increased by \$1,000, bringing its total to \$13,170 for tax year 2010. Also, the credit was made refundable for all types of adoption. Finally, the credit – originally set to expire at the end of 2010 – will be extended until December 31, 2011. For more information, see page 904 of the full legislation at <http://tiny.cc/8ynux>

OLDER FOSTER YOUTH

There have been several recent reports about the older foster youth population. Chapin Hall issued a report entitled, “*Does Keeping Youth in Foster Care Past Age 18 Reduce Homelessness?*” available at <http://tiny.cc/n3ydf>. NPR’s Morning Edition recently did a series on former foster youth, post-emancipation, “*Foster Kids Face Tough Times After Age 18*” available at <http://tiny.cc/6wo4n>, and the New York Times issued a similar story, available at <http://tiny.cc/h07j5>. NPR’s and the New York Times’ stories were based on a recent research report, “*Midwest Evaluation of the Adult Functioning of Former Foster Youth*,” available at <http://tiny.cc/d6hkq>. Finally, the Child & Family Policy Institute of California recently issued a qualitative study of former foster youth’s experiences with permanency services, “*Developing Permanent, Supportive Connections While in Care: Foster Youth’s Perspectives*,” available at www.cfpic.org.

CHILD MALTREATMENT

The U.S. Department of Health and Human Services’ (HHS) Administration for Children and Families (ACF) recently announced that 2008 saw the lowest child victimization rate in five years. In addition, the number of children who suffered maltreatment decreased for the second year in a row. These findings are contained in “*Child Maltreatment 2008*,” an annual report issued every April marking the start of National Child Abuse Prevention Month. The full report, *Child Maltreatment 2008*, is available on the Children’s Bureau website at: <http://tiny.cc/0jmsu>.

FOR PARENTS IN THE CHILD WELFARE SYSTEM

The Spring 2010 issue of RISE Magazine addresses “*Facing Termination of Parental Rights*.” In this issue, parents write about how they have handled termination. 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 issue is available at <http://www.risemagazine.org>. In addition, the Technical Assistance Partnership for Child and Family Mental Health recently issued a resource page on parents/caregivers with significant mental health needs and their risk for involvement with the child welfare system, which is available at <http://tiny.cc/jzpqv>.

HEALTH

INCREASED HEALTH CARE OPPORTUNITIES FOR DC AND CHILDREN, INCLUDING FORMER FOSTER CHILDREN

The Washington Post recently covered the impact health care reform will have on the DC region, available at <http://tiny.cc/ai3xk>. The New York Times recently published an article that also discussed the new rules for children with pre-existing conditions, available at <http://tiny.cc/95n9d>. Finally, the Child Welfare League of America issued this summary of the new health reform bill, including a provision that allows former foster children to get Medicaid coverage up to age 25 (although not effective until 2019). CWLA’s fact sheet is available at <http://www.cwla.org/advocacy/HR3590Summary.pdf>.

Upcoming Trainings and Events

You Be The Judge: Cross-Cultural Issues in the Courts, sponsored by DC Bar

Monday, May 3, 2010 from 12:00-2:00 PM—Madison Building, Library of Congress, 101 Independence Ave. SE
What does “the rule of law” mean in today’s multicultural society? In a growing number of cases in state and federal courts all across the country, parties are raising “the cultural defense” - invoking the customs and traditions of a diversity of cultural backgrounds to explain their actions. Even when these issues are not raised per se, culture plays a role in many cases - both civil and criminal. In this engaging and highly-interactive presentation, audience members will use hand-held technology to “vote” on the outcome of vignettes drawn from real cases and presented by an inter-disciplinary panel of some of the nation’s leading cross-cultural experts. FREE

The Big Disconnect: Spending Policies, School Priorities, and Student Achievement, sponsored by the Urban Institute

Tuesday, May 4, 2010 from 12:00-1:30 PM – 2100 M Street NW, 5th Floor (may also attend via Webcast)
Imagine a school that spends \$328 per student for math and \$1,348 per cheerleader. Or a school where the average per-student cost of offering ceramics was \$1,608; cosmetology, \$1,997; and science, \$739. Marguerite Roza and colleagues at the Center on Reinventing Public Education regularly found a much greater per-pupil investment in sports and electives than in core subjects. They also found that in many cities, teacher salaries average \$1,000 to \$5,000 higher in schools with fewer poor students than in the highest-poverty schools in the same district. Join the discussion and debate as a panel of experts follows the twisted trail of school-level funding.
Panelists: Kevin Finneran, editor-in-chief, *Issues in Science and Technology*; Michael Petrilli, vice president for national programs and policy, *Thomas B. Fordham Institute*; Marguerite Roza, senior scholar, *Center on Reinventing Public Education, University of Washington (on leave)*; senior economic and data adviser, *Bill & Melinda Gates Foundation*; author, *Educational Economics: Where Do School Funds Go?*; Noah Wepman, former chief financial officer, *District of Columbia Public Schools*. To attend in person: RSVP online at <http://www.urban.org/events/FirstTuesdays/rsvp.cfm>, e-mail publicaffairs@urban.org, or call (202) 261-5709. To attend via webcast, register at <http://www.visualwebcaster.com/event.asp?id=68565>.

CCAN Brown Bag: New Developments in Family Treatment Court, sponsored by CCAN

Wednesday, May 5, 2010 from 12:30-2:00 PM – DC Superior Court, Room 3300
Changes are being considered for the Family Treatment Court. Join Magistrate Judge Pamela Gray, Family Court Presiding Judge William Jackson, and CCAN Attorney Bashiru Jimoh for a discussion of these changes.

Children’s Law Center Training: Youth Villages, sponsored by Children’s Law Center

Thursday, May 6, 2010 from 3:30-5:00 PM — Children’s Law Center, 616 H Street NW, Suite 300 (3rd Floor)
Youth Villages staff will be giving a presentation on the Multisystemic Therapy (MST) model, a family-based mental health treatment model. The presentation will include information about eligibility and enrollment in Youth Villages’ D.C.-based program (www.youthvillages.org). CCAN attorneys are welcome to attend. Please RSVP to Nancy Drane at ndrane@childrenslawcenter.org.

Family Court Self-Help Center Volunteer Training Session, sponsored by DC Bar

Tuesday, May 11, 2010 from 1:00-5:00 PM – DC Bar, 1101 K St NW
The DC Family Court Self-Help Center provides volunteer attorneys an opportunity to assist pro se litigants with matters in the Domestic Relations and Paternity & Support Branches of the Family Court of DC Superior Court. This is a great opportunity for attorneys to provide direct pro bono legal services to individual pro se litigants while making a predictable time commitment. No particular expertise is required; training is provided and a family law expert from the Family Court Self-Help staff is on-site during every session. Trainees will be asked to commit to volunteering for three morning or afternoon shifts at the Center within approximately six months. This training is appropriate for attorneys only. FEE = \$10. Register at www.dcbbar.org.

Upcoming Trainings and Events (continued)

CCAN Brown Bag: Introduction to Revised Family Court Neglect Hearing Orders

Wednesday, May 12, 2010 from 12:30-2:00 PM – DC Superior Court, Room 1500

*The Family Court has revised the court orders used for neglect hearings, including the Initial/Further Initial Hearing, the Disposition Hearing, the Review of Disposition Hearing, and the Permanency Hearing. The revisions make the orders easier to use and understand, incorporate statutory language, and comply with new federal legal requirements. Family Court Attorney Advisor, Despina Belle-Isle, will be going over the orders and explaining the changes. **This session is a repeat of the session held on April 28.***

Effective Writing for Lawyers Workshop, sponsored by the DC Bar

Friday, May 14, 2010 from 9:30 AM-4:30 PM – DC Bar, 1101 K Street NW

This essential course for both new and seasoned attorneys teaches participants how to recognize and correct common writing problems. Through a series of interactive exercises, attorneys will learn how to fix those problems and make dull and bureaucratic language clear and concise. Participants also will learn about the writing process, including how to untangle sentences and how to turn ordinary writing into crisp, sharp and convincing prose. This class will help lawyers communicate effectively with clients and others in the legal process. FEE = \$279. Register at www.dcb.org.

DC Bar Family Law Section Courthouse Meeting: Caselaw and Legislation Update

Monday, May 17, 2010 from 12:30-1:30 PM – DC Superior Court, Room TBA

CCAN Brown Bag: Understanding the Criminal and Juvenile Process in Maryland and Virginia

Wednesday, May 19, 2010 from 12:30-2:00 PM – DC Superior Court, Room TBA

Attorneys representing youth and parents involved with the child neglect and/or juvenile system in the District of Columbia may encounter situations in which their clients are arrested in Maryland or Virginia. Brad Haywood, Senior Public Defender in the City of Alexandria, Alan Drew, Supervising Attorney, Office of the Montgomery County Public Defender, and Erin Josendale, Public Defender in Prince George's County, will explain the basics of the court system and procedures in their jurisdictions so that attorneys will know what to expect when a client is arrested, how to advise a client, and how they can help their client in this situation.

DC Family Court Training: TBA

Wednesday, May 19, 2010 from 4:30-6:00 PM – DC Superior Court, Juror's Lounge

Fetal Alcohol Spectrum Symposium, sponsored by DC Dep't of Health Perinatal and Infant Health Bureau

Wednesday, May 26, 2010 from 8:00 AM-1:00 PM — 441 4th Street, NW, Old Council Chambers (1st Floor)

Goal of this training is to increase the awareness of the risk associated with perinatal alcohol use and its effects on the community. Register at <http://tiny.cc/vj97h>.

Special Education Law and Practice: An Overview

Wednesday, May 26, 2010 from 9:30 AM-2:30 PM — PDS Moot Courtroom, 601 Pennsylvania Ave, NW

Laura Rinaldi, Clinical Instructor, University of the District of Columbia Law School, and Yael Cannon, Practitioner-in-Residence, American University Law School, will present an overview of special education law in DC. Topics will include an overview of local and federal law, how to access special education services for students, school discipline protections for students with disabilities, and an overview of the administrative hearing process. This training is appropriate for both attorneys who are interested in learning more about special education law and attorneys who may be considering expanding their practice to special education law. (Participants will have a lunch break).

Save the Date

DC Bar Family Law Section Courthouse Meeting: Domestic Violence Bench-Bar Dialogue

Friday, June 4, 2010 from 12:30-1:30 PM – DC Superior Court, Room TBA

Training the Lawyer to Represent the Whole Child, sponsored by NITA

June 7-11, 2010 – Hofstra School of Law; Hempstead, NY

Quality representation for children is one of NITA's top priorities. Unfortunately, each year thousands of children find themselves involved in some type of legal action (juvenile delinquency, abuse and neglect, divorce, and custody disputes, among others). NITA's Child Advocacy programs utilize a variety of specially designed case files that cover such topics as dependency/neglect, delinquency, and custody. By working through these files, participants learn to assemble solutions that look to the best interests of the child and focus on representing the whole child. Compelling, current subject matter and a diverse mix of instructors—from nationally recognized experts in children's issues to psychologists, social workers, and mediators—combine to create a rich learning by doing environment. These programs are offered at substantially reduced tuition rates. FEE = \$395.

DC Bar Family Law Section Courthouse Meeting: Collaborative Law

Friday, June 11, 2010 from 12:30-1:30 PM — DC Superior Court, Room TBA

DC Bar Family Law Section Evening Program: The New Family

Thursday, June 17, 2010 from 5:30-7:30 PM – DC Bar; 1101 K Street NW

18th Annual Joseph L. Rauh, Jr. Lecture by Eric H. Holder, Jr., Attorney General of the United States, sponsored by UDC David A. Clarke School of Law

Thursday, June 17, 2010 at 6:00 PM – UDC, 4200 Connecticut Avenue NW, Building 38, 2nd Floor (Window Room)

Admission is Free, but Space is Limited! Register Online: <http://www.law.udc.edu/event/RauhLecture2010>

Children's Law Center Half-Day Trial Skills Training (open to all CCAN)

Friday, June 18, 2010 from 10:30 AM-2:30 PM — DC Superior Court, Room 3300

Registration information forthcoming...

DC Bar Family Law Section Event: Must Haves and Can't Stands: A View from the Bench

Tuesday, June 22, 2010 – DC Bar, 1101 K Street NW

This program is a unique opportunity to hear from the judges who are deciding your Domestic Violence, Domestic Relations, and Abuse and Neglect cases. What do they find persuasive and helpful? What do they find annoying and irksome? What do they want from you and, importantly, what don't they want from you? Hearing their unique perspective will be invaluable to you and your clients. Don't miss it! Speakers: Honorable José M. López, Associate Judge, DC Superior Court (Presiding Judge, Domestic Violence Branch); Honorable Carol Ann Dalton, Associate Judge, DC Superior Court (Domestic Relations – Calendar II); Honorable Neal E. Kravitz, Associate Judge, DC Superior Court (Domestic Relations – Calendar I); Honorable Lori Parker, Magistrate Judge, DC Superior Court (Abuse and Neglect). Moderated by Avi Sickel, DC Superior Court and Mariela Olivares, Georgetown Law Center.

Children's Law Center Half-Day Training (for all CCAN)

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

Registration information forthcoming...

Family Court Annual Interdisciplinary Conference: Sexual Abuse and Exploitation

Thursday, October 21, 2010 — DC Convention Center