

- Nearly 100 attorneys representing more than 70 local DSS agencies from across the state attended the CIP sponsored training, "Building Connections for Children: DSS Counsel and the Courts" on September 11, 2007.
- Fewer children are achieving permanency in Virginia. The percent of children exiting to a permanent placement is 72%. This is below the national average of 87%.
- Numerous professional development opportunities are available to attorneys representing local departments of social services, including training and practice guidance by the Local Government Attorneys Association of Virginia.

CIP Sponsors Training for Attorneys Representing Local Departments of Social Services (DSS) Agencies

On Tuesday, September 11, 2007, the Court Improvement Program sponsored a training program for full-time and contract legal counsel representing local departments of social services. The program, "Building Connections for Children: DSS Counsel and the Courts," was held at the Marriott at City Center in Newport News. Nearly 100 attorneys representing more than 70 local DSS agencies from across the state attended. The program was approved by the Virginia State Bar's Mandatory Continuing Legal Education Department (MCLE) for 6.0 hours of CLE, including 2.0 hours of ethics. The program was also approved for 6.0 hours of continuing education for qualified Guardians Ad Litem for Children.

Lelia Hopper, Director of the Court Improvement Program, opened the training with a brief welcome to participants, speakers, and special guests. Ms. Hopper recognized the DSS counsel who assisted in the development of the training, thanking them for their time and efforts in creat-

ing a program to meet the needs and expectations of their colleagues.

Upon completing logistical announcements, Ms. Hopper continued with the first plenary session of the day and provided a brief overview of legislation from the 2007 General Assembly session impacting child dependency litigation. Ms. Hopper noted a change in the definition of an abused or neglected child (Virginia Code § 63.2-100) to include a reference to "Abraham's Law," as well as other technical changes occurring in the statutes.

Linda Scott, Staff Attorney with CIP, continued the first hour with an update on appellate case law involving the termination of parental rights. She began her presentation with a demonstration on accessing and using the Table of Appeals of Termination of Parental Rights Cases to the Supreme Court of Virginia and Court of Appeals of Virginia ("TPR Table"). Ms. Scott noted the TPR Table is updated regularly and consists

(Continued on page 2)

Professional Development Opportunities and Resources For Attorneys Representing Local DSS Agencies

Numerous professional development opportunities are available to attorneys representing local departments of social services. Included among these are training efforts by CIP, training and practice guidance by the Local Government Attorneys Association of Virginia, and training and resources available through the American

Bar Association's Center on Children and the Law.

The **Court Improvement Program** in the Office of the Executive Secretary of the Supreme Court of Virginia (CIP) presented its first statewide training solely for local DSS counsel in January 2005: "Representing Local Depart-

(Continued on page 4)

Inside this issue:

CIP Sponsors Training for Attorneys Representing Local Departments of Social Services Agencies	1
Professional Development Opportunities and Resources for Attorneys Representing Local DSS Agencies	1
Best Practice Courts of Virginia	4

CIP Sponsors Training for Attorneys Representing Local DSS Agencies

(Continued from page 1)

of 11 sections. She also noted that of the 70 TPR case opinions issued during calendar years 2005 and 2006, only 6, or 9%, were published opinions.

The TPR Table is available online through the Supreme Court of Virginia's website at www.courts.state.va.us/ed/resources/tp_r_table.pdf. Each case referenced on the TPR Table contains a hyperlink to the courts' decisions.

Ms. Scott then referred the audience to the summation of cases from 2006 included in the materials. She expanded on the summaries provided, drawing attention to the courts' decisions and their implications for child welfare practice.

Following the opening plenary session, participants were given the option of attending one of three breakout sessions. The first option, "Placement of Children Across State Lines: Complying with the Interstate Compact on the Placement of Children," was presented by the Hon. Stephen Rideout, Judge (ret.), Alexandria Juvenile and Domestic Relations District Court and CIP Judicial Consultant. Denise Dickerson, Deputy Compact Administrator, Virginia Office of the Interstate Compact on the Placement of Children, co-presented. Prior to an in-depth discussion about the Interstate Compact on the Placement of Children (ICPC), Judge Rideout discussed, generally, interstate compacts, noting relevant references in the Articles of Confederation and U.S. Constitution. He discussed the ICPC process, its problems and some possible solutions, as well as the Safe and Timely Interstate Placement of Foster Children Act (P.L. 119-209) signed into law in July 2006.



Colleen Dickerson, Deputy Compact Administrator, provides local DSS Counsel with information about Virginia's ICPC Office.

Ms. Dickerson provided a brief overview of the Virginia Office of the Interstate Compact on the Placement of Children, noting that cases are currently handled by one of five Interstate Program Consultants assigned to a case

based on the first letter of the child's last name.

The second breakout option was "Ten Things I Wish I Knew When I Began Representing Social Services, Five Things I Wish I Knew About Terminations When I Began Representing Social Services." This session included a panel of attorneys currently representing local DSS agencies – Shunda Giles, Esquire, Richmond City Attorney's Office, James Glick, Esquire, Shenandoah Valley, and Rachel Allen, Esquire, Hampton City Attorney's Office. The session was moderated by Linda Scott.

While the session title itself explains the discussion, preparation of this session required each presenter to submit a list of things they wish they had known when they began representing their respective local DSS agencies. Among the practical tips given to participants of this breakout:

- You can never read Title 16.1 of the Code of Virginia too many times.
- Develop relationships – with local hospitals, with your social workers, with the agency you represent.
- Use community resources – Court Appointed Special Advocates (CASA), child advocacy centers, CIP team members (Best Practice Court team members) if available in your area, and other multidisciplinary teams/task forces. If you don't have them, create them!

The final breakout option available to training participants was a panel presentation titled "Current State Policy Initiatives Impacting Child Dependency Litigation." This session was moderated by Lelia Hopper. Presenting were Allen Wilson, Assistant Attorney General, Office of the Attorney General for Virginia, and Kim McGaughey, Executive Director, Office of Comprehensive Services for At-Risk Youth and Families. Discussion included information on such policy initiatives as the putative father registry, Title IV-E review, Abraham's Law, criminal records checks and revised CSA guidelines-serving the needs of children without custody relinquishment.

(Continued on page 3)

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(Continued from page 2)

After the breakout sessions participants reconvened for the final morning plenary session. Ms. Hopper first recognized and thanked special guests Lynette Isbell, Director, Division of Service Programs, and Therese Wolf, Foster Care Program Manager, of the Virginia Department of Social Services, for their support of the breakout sessions. She then introduced Anne Holton, First Lady of Virginia, and Satana Deberry, Senior Associate, Casey Strategic Consulting Group, who presented the session,



Anne Holton, the First Lady of Virginia, with Satana Deberry, Senior Associate, Casey Strategic Consulting Group, following their presentation.

“Strengthening Permanent Families for Teens in Foster Care and Encouraging the Active and Meaningful Participation of Children and Youth in Child Welfare Proceedings.” The First Lady advocated including young people in the court proceedings in which they are involved as provided for by state law. She drew on her experiences as a Juvenile and Domestic Relations District Court Judge to emphasize aspects of the process she believes are important to the young people whose cases she heard.

The First Lady also discussed her *For Keeps* initiative and the partnership being formed with the Casey Strategic Consulting Group (CSCG) to analyze Virginia’s child welfare system. Ms. Deberry further explained that Child Trends, an independent research organization focused on children, is analyzing Virginia’s child welfare system using data obtained from OASIS and CSA. A few highlights of this initial analysis follow.

- The total number of foster care entries has steadily increased over the past seven years - 2,584 in 2000 to 3,375 in 2006.
- Fewer children are achieving permanency in Virginia. The percent of children exiting to a permanent placement is 72%. This is below the national average of 87%.
- Virginia has seen increased initial placements in restrictive settings. In 2006, 24% of children were initially placed in congre-

gate care settings, 53% in foster care, and less than 10% with relatives.

- The likelihood of permanence for older children in foster care is greatly reduced after 2 years in care. Only 37% of children 12 and older who entered care in 2000 achieved permanency.

After breaking for lunch, Jonathan Joseph, Esquire, Christian & Barton, LLP, and John Oliver, Esquire, Chesapeake City Attorney’s Office, began the afternoon portion of the training with a presentation titled, “Confidentiality of Child and Family Records – HIPAA and Other Legal Issues.” Mr. Joseph provided a brief introduction to the Health Insurance Portability and Accountability Act (HIPAA) and Virginia privacy rules surrounding the disclosure of an individual’s health records. Emphasis was placed on the covered entity and its requirements in obtaining and releasing protected health information. John Oliver continued the discussion with an overview of the confidentiality of patient records involved in alcohol or drug abuse treatment, as well as Virginia law regarding access to a child’s medical records.

The training concluded with a 2-hour, interactive panel presentation on “Ethical Issues for Counsel Representing Child Welfare Agencies.” Presenters for this session included Mimi Laver, Director of Legal Educa-



Local DSS counsel look on as Mimi Laver, Director of Legal Education, ABA Center on Children and the Law, presents the ABA Standards of Practice for Lawyers Representing Child Welfare Agencies.

tion, ABA Center on Children and the Law, and Leslie Haley, Assistant Ethics Counsel, Virginia State Bar. Mike Chernau, Senior Assistant County Attorney, Chesterfield

“[The First Lady] drew on her experiences as a Juvenile and Domestic Relations District Court Judge to emphasize aspects of the [court] process she felt were important to the young people whose cases she heard.”

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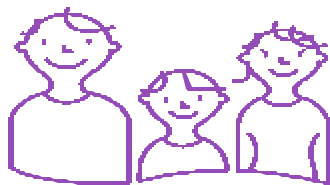
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Improving Court Practice
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CIP Sponsors Training for Attorneys Representing Local DSS Agencies

(Continued from page 3)

County, served as moderator. Ms. Laver began the discussion with a presentation on national standards of practice developed specifically for attorneys representing local DSS agencies. Ms. Laver noted the purpose of the standards is to improve the quality of representation of child welfare agencies and to promote uniformity throughout the country. The structure and specific elements of the standards were also discussed.

Following Ms. Laver's presentation, participants tested their ethics knowledge in an anonymous question/answer session. An electronic keypad was provided to each participant for use in providing answers to questions created from hypothetical dilemmas facing DSS counsel. After the dilemma and question were read, answers were electronically submitted and a chart showing the audience's answers was created. Ms. Haley then initiated a discussion about the hypothetical dilemma and applicable Rule of Professional Conduct used in determining the appropriate action.

CIP worked to create an informative and stimulating training for DSS counsel. We hope those present integrate the lessons of the day into their daily routines.

Professional Development for Attorneys Representing Local DSS Agencies

(Continued from page 1)

ments of Social Services: Building a Strong Case." The September 2007 training, "Building Connections for Children: DSS Counsel and the Courts," was also designed to assist local DSS counsel in handling and presenting child dependency cases before Virginia's courts. CIP will continue to support the work of local DSS counsel through its training efforts as it begins planning the third semi-annual training to be held in 2009.

The **Local Government Attorneys Association of Virginia (LGA)** (online at <http://www.coopercenter.org/lga/>) includes a membership of both public and private attorneys representing local governments across the Commonwealth. The group is dedicated to promoting continuing education of local government attorneys, providing information and support to improve the performance of local government attorneys, and providing a forum for communication and the exchange of ideas among local government attorneys throughout Virginia. The LGA publishes a monthly newsletter titled, *Bill of Particulars*, and maintains listserves for active and asso-

ciate members.

In June 2005, the LGA established guidelines for practice groups. The organization believes these groups further support the core purposes of the organization by suggesting topics for conferences and by sharing and discussing legal issues of interest to the practice group members. "Social Services Law" is a practice group recognized by the LGA for the benefit of attorneys who serve clients in this field.

In addition to the above opportunities, the **American Bar Association's Center on Children and the Law** makes training and written publications available to all attorneys handling child dependency cases. The Center's areas of expertise include child abuse and neglect, child welfare and protective services system enhancement, and foster care. Training opportunities include an annual national conference and written publications include the monthly periodical *Child Law Practice*. Additional information may be found online at www.abanet.org/child.