

- Over 100 attorneys representing more than 70 local DSS agencies from across the state attended the CIP sponsored training, "Building Connections for Children III: DSS Counsel and the Courts" on September 15, 2009.
- CIP was honored to have the experience and expertise of Howard Davidson, Director of the ABA Center on Children and the Law, and the Hon. John J. Romero, Jr., District Judge with the Children's Court Division in Albuquerque, NM, present at this training.
- National Adoption Day is November 21, 2009. For a list of localities with events scheduled, see page 4.

CIP Sponsors 3rd Biennial Training for Attorneys Representing Local Departments of Social Services Agencies

The Court Improvement Program (CIP) sponsored its third biennial training for attorneys representing local departments of social services on September 15, 2009, at the Boar's Head Inn and Conference Center in Charlottesville. Over 100 attorneys representing more than 70 local agencies attended.

Attorneys were invited to attend this training after being identified by local departments of social services as having previously represented the agency in child welfare litigation. To ensure that the attorney's identified are actively serving as counsel for a local agency, registrants were required to certify their employment in a city or county attorney's office with substantial responsibility for representing the local child welfare agency or their current role as contract counsel for a public child welfare agency with responsibility for providing legal services in child dependency cases.

CIP recognizes that there is a limited number of training opportunities for local agency

counsel that address child dependency law and policy issues. This program was designed to provide information on such issues as the Indian Child Welfare Act (ICWA), the Fostering Connections to Success and Increasing Adoptions Act of 2008, and legislation enacted during the 2009 Virginia General Assembly related to juvenile and domestic relations district courts. Specific session topics offered, each of which is described throughout this newsletter, included:

- Indian Child Welfare Act (ICWA) - When and How is the Dependent Child Affected?
- Interstate Compact on the Placement of Children (ICPC)
- Using CSA Tools and Funds to Benefit Children and Families
- Navigating the Law, Court Forms and Policies in Child Dependency Cases
- ICWA Cases—Part 2
- How You Can Improve the Lives of Chil-

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Howard Davidson, Director of the ABA Center on Children and the Law, Presents at September 15th Training

Howard Davidson, Director of the ABA Center on Children and the Law, presented at CIP's September 15th training for attorneys representing local departments of social services. Mr. Davidson presented at two plenary sessions, focusing first on implementing the Foster Connections to Success and Increasing Adoption Act of 2008, and then on policy and practice designed to better serve immigrant families and children. The following provides

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Indian Child Welfare Act — When and How is the Dependent Child Affected— is a Topic for Discussion

CIP was pleased to have the Hon. John J. Romero, Jr., District Judge with the Children's Court Division in Albuquerque, New Mexico, present at its third biennial training for attorneys representing local departments of social services. Judge Romero brought his experience with implementing the Indian Child Welfare Act (ICWA) to Virginia.

During the one-hour plenary session, participants received a brief history and overview of the purpose of the Act. Judge Romero noted the three objectives of ICWA to:

1. Keep Indian children with their families.
2. Defer to tribal judgments and decisions regarding custody of Indian children.
3. Place Indian children that must be removed from their families with members of their extended family or members of their Tribe.

A discussion of the key definitions and provisions of the Act followed. This included information regarding the application of ICWA when an Indian child is involved in a child custody proceeding, as well as when Tribal

Courts have exclusive jurisdiction. Judge Romero shared current issues involving ICWA cases including the lack of timely notice to Tribes, the lack of identification of Indian children and the lack of Indian foster homes. He also suggested the need for more education and training for judges, attorneys and social workers handling these cases.



L to R: Hon. Stephen Rideout, Judge (ret), CIP Judicial Consultant, Hon. John J. Romero, Jr., District Judge with the Children's Court Division, Albuquerque, New Mexico, and Hon. Michael T. Garrett, Judge, Amherst J&DR District Court.

Following the plenary session, Judge Romero was available for a question/answer breakout session designed to provide counsel with information on properly implementing the provisions of ICWA. This interactive roundtable included Judge Michael T. Garrett, District Judge from Amherst County, and eight DSS Counsel. A

lively discussion took place on topics ranging from how ICWA applies to Virginia's state recognized Indian Tribes to how states must provide active efforts to families. Judge Romero recommended that although Virginia's Indian Tribes are state recognized, and ICWA only applies to federally recognized tribes, that cases in the State should still be handled in very much the same manner as they would be if federally recognized.

Four Breakout Sessions Offered at September 15th Training

Attendees of the September 15th training for DSS counsel were provided the opportunity to attend one of four hour long breakout sessions. Each of these sessions, with the exception of the ICWA breakout described above, are reviewed below.

• **Interstate Compact on the Placement of Children (ICPC):** It was immediately recognized that the case scenarios developed to generate discussion about ways local child welfare agencies could appropriately handle issues arising from the placement of children across state lines were not necessary for this group. Participants had their own scenarios to discuss and specific questions to ask. Judge Stephen Rideout, CIP Judicial Consultant, and Denise Dickerson, Deputy Compact Administrator of



Denise Dickerson, Deputy Compact Administrator, answers a follow-up question about the ICPC process at the conclusion of the breakout session.

the Virginia ICPC Office, worked within the time allotted to provide counsel with useful

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Six of Virginia's eight Indian Tribes are requesting Congressional federal recognition:

- Chickahominy
- Eastern Chickahominy
- Monacan
- Upper Mattaponi
- Nansemond
- Rappahannock

Howard Davidson Presents at September 15th Training

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a brief overview of the information presented.

How You Can Improve the Lives of Children Served By Virginia's Child Welfare Agencies

This session concentrated on Public Law 110-351, the Fostering Connections for Success and Increasing Adoptions Act. Mr. Davidson prepped participants for the material, noting



Howard Davidson, Director, ABA Center on Children and the Law

that a basic obligation of the ABA Standards of Practice for Agency Attorneys is to "Fully understand and comply with all relevant federal and state laws,...." He then provided seven key areas of the Act's focus, indicating both the challenges and opportunities that are inherent with each. The key areas discussed are provided below.

1. Enhancing support of relative caretakers.
2. Improving outcomes for older youth.
3. Promoting sibling co-placements and visitation.

4. Federal financial assistance for training attorneys and judges (includes a state match which increases yearly.)
5. Access to education and health care.
6. Strengthening adoptions.
7. Indian Tribe related provisions.

Policy and Practice Reform to Better Serve Immigrant Children and Families

Excerpts from federal laws related to immigrant children and families were highlighted during this session. Mr. Davidson provided an overview of the various provisions in the Child Abuse Prevention and Treatment Act (CAPTA), the William Wilberforce Trafficking Victims Protection Reauthorization Act, the Tax Relief and Health Care Act, and the Violence Against Women Act that address child welfare protections available to immigrant children and families. Also provided were eight suggested principles for law and policy regarding child welfare services to undocumented child immigrants and recommended practice for agencies handling cases in which a child's parent is in immigration detention.

¹ Howard Davidson quoting from the introduction to "Foundations for Success: Strengthening Your Agency Attorney Office" (ABA Center on Children and the Law, 1999).

Update on Relevant Legal/Administrative Actions in Virginia and the U.S. Provided to DSS Counsel

Lelia Hopper, Director of CIP, provided local DSS agency attorneys with an update on legislative actions impacting juvenile and domestic relations district courts taken by the 2009 Virginia General Assembly, as well as information related to the Fostering Connections to Success and Increasing Adoptions Act.

With regard to the Virginia legislative update, nine topics were covered, including judicial administration, custody and visitation, foster care, adoption, child and spousal support, child in need of services/child in need of supervision/delinquency, involuntary civil commitments, domestic violence, and crimes against children. Of

particular note with foster care were the amended and added provisions authorizing and establishing post-adoption contact and communication agreements between the birth parent(s) of a child and the pre-adoptive parent(s). Draft policy from the Virginia Department of Social Services was provided to participants for review and optional comment.



Improving Court Practice For Children and Families

To assist with understanding the provisions of the Foster Connections Act, participants received a copy of *Frequently Asked Questions on the Provisions Designed to Impact Youth and Young Adults* published by the National Foster Care Coalition.

'Representing a child welfare agency can be both a pleasure and a challenge. Resources are scarce, legal mandates are imposing, the subject matter is sad and sometimes personalities clash. The positive impact you can have on children and families, though, can far outweigh all of the difficulties.'¹

Four Breakout Sessions Offered

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tips and information to assist them in better understanding what constitutes an ICPC case, the responsibilities of the parties involved in the ICPC process, and what counsel and the local DSS agency can do to move these cases forward.

• **Using CSA Tools and Funds to Benefit Children and Families:** This breakout was designed recognizing that access to programs that benefit children and families involved in the child welfare system can mean the difference between success and failure. Charlotte McNulty, Executive Director of the Office of



Charlotte McNulty, Executive Director,
Office of Comprehensive Services

Comprehensive Services, provided a brief overview of the Virginia Children's Services System Transformation and described ways in which CSA tools and funding may be used to access, as

well as develop, community-based programs

that increase positive outcomes for children and families.

• **Navigating the Law, Court Forms and Policies in Child Dependency Cases:** This breakout was developed for attorneys new to the child dependency case process, as well as seasoned attorneys needing a refresher on court forms. During this session, Lelia Hopper, Director of Virginia's Court Improvement Program, provided an overview of child dependency law with a focus on the design and completion requirements of commonly used District Court forms.

Understanding the importance of legal counsel for local social services agencies having the most up-to-date case processing information, CIP provided each training participant with a copy of CIP's *Case Processing in Child Dependency Cases* notebook, updated as of July 2009. In addition to the District Court forms reviewed during the breakout session, this resource included a copy of Chapter 4, Section II of the July 2009 J&DR District Court Manual, resources for termination of parental rights cases, documentation regarding the court process for non-custodial foster care placement agreement cases, information on complying with Title IV-E requirements in child dependency case orders, and information on processing and consideration of Adoption Progress Reports.

National Adoption Day — November 21, 2009

National Adoption Day will be held on Saturday, November 21, 2009. This effort to raise awareness of the more than 125,000 children in foster care awaiting adoption nationally began in 2000. The goal is for all communities in the U.S. to sponsor "an annual, institutionalized, self-driven celebration of National Adoption Day..., which can include finalizing adoptions of children from foster care and celebrating all adoptions." (Please see the National Adoption Day website at www.nationaladoptionday.org/2009/index.asp.)

Currently scheduled Virginia events include:

- Alexandria Adoption Day Celebration (11/21/09)

- City of Fredericksburg Adoption Celebration (11/20/09)
- Loudoun Adoption Day Ceremony (11/14/09)
- Piedmont Regional Adoption Group Adoption Celebration (11/14/09)
- New River Valley Adoption Celebration (11/21/09)
- Newport News Adoption Celebration (11/14/09)
- Richmond Celebrates Adoption (11/21/09)
- Roanoke Adoption Celebration (11/21/09)



For additional information about these Virginia events, visit the 2009 National Adoption Day website previously referenced.

As of September 1, 2009, there were 6,810 children in foster care in Virginia. Of those, 1474 (21%) had a goal of Adoption.

— Virginia Department of Social Services, On-Line Automated Information System (OASIS).

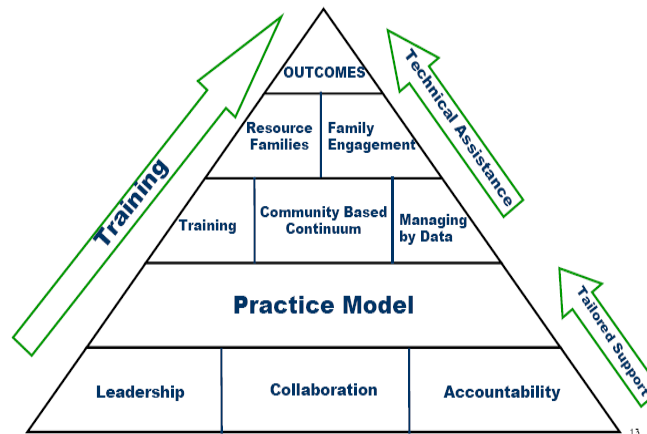
Highlight: Virginia Children's Services System Transformation

You have probably heard about the Virginia Children's Services System Transformation, Virginia's child serving agencies' effort to improve the way they help at-risk children and their families. The work began with First Lady Anne Holton's *For Keeps* initiative, and subsequent partnership with Child Trends, an independent, non-partisan research center focused on children, to assess the statewide data systems maintained by the Virginia Department of Social Services (VDSS) and the Office of Comprehensive Services (CSA).

From there, the effort grew as the Secretary of Health and Human Resources (HHR) and the First Lady partnered with the Casey Strategic Planning Group (CSPG) for analytical and technical assistance. The Council on Reform (CORE), a group of representatives from the state and 13 localities, was created and charged with looking into four identified critical reform areas in child welfare. The areas identified are outlined below.

CORE has since developed and is actively promoting the following 6 common beliefs which make up the *Virginia Children's Services Practice Model*:

- All children and youth deserve a safe environment.
- Practice should be family, child, and youth-driven.
- Children do best when raised in families.
- All children and youth need and deserve a permanent family.
- Partnering with others to support child and family success in a system that is family-focused, child centered, and community-based.
- How we do our work is as important as the work we do.



Additionally, CORE has developed five building blocks upon which the philosophy of the practice model can be instituted. These include:

1. Adoption of a state-wide philosophy that supports family-focused, child-centered, community-based care with a focus on permanence for all children.
2. Establishment of a state-level practice model focused on family-centered care and permanence that is reinforced by a uniform training program for resource families as well as local staff in DSS and CSA (integrated with DMHMRSAS (now DBHDS) practice model).
3. Creation and implementation of a statewide strategy to increase availability and utilization of relative care and non-relative foster and adoptive placements to ensure that children can be placed in the most family-like setting that meets their needs.
4. Creation of a robust performance monitoring/quality assurance system to identify and measure outcomes, monitor quality of practice, and improve accountability.

1. **A community-based continuum:** Development, funding, and sustaining a continuum of services that meets the needs of every child and ensures, when at all possible, children receive the services that they need within their own home and community.
2. **Statewide training system:** A comprehensive, competency-based training system built on the practice model and accessible across Virginia.
3. **Resource family recruitment, development and support:** Finding, training, and supporting resource and adoptive families to provide permanent connections for youth in foster care.
4. **Managing by data:** Using data to guide decision-making and using desired outcomes to drive practice.
5. **Family engagement model:** Engaging families in a deliberate way and giving them a voice in what happens to their families and their children.

Additional information about Virginia's Children's Services System Transformation, is available online at <http://vafamilyconnections.com/>

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Best Practice Courts of Virginia

Alexandria	Hopewell	Staunton/Augusta
Amherst	Louisa	Suffolk
Bedford	Loudoun	Tazewell
Campbell	Newport News	Virginia Beach
Charlottesville/ Albemarle	Northampton	Warren
Chesapeake	Pulaski	Washington/Bristol
Culpeper	Richmond	Waynesboro
Fairfax	Roanoke City	Wmsburg/James City Co.
Fredericksburg	Roanoke Co./Salem	Winchester/Frederick
Hampton	Smyth	Wise/Norton
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CIP Sponsors Biennial Training

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dren Served by Virginia's Child Welfare Agencies

- Policy and Practice Reform to Better Serve Immigrant Children and Families
- Update on Relevant Legal/Administrative Actions in Virginia and the US
- Ethical Considerations for DSS Counsel

In addition to the training notebook, which included speaker materials, all training participants received the following resources:

- *Case Processing in Child Dependency Cases—2009*, developed by CIP.
- *A Handbook for Parents and Guardians in Child Dependency Cases—June 2007*, published by CIP.
- *Time Line and Related Forms for Juvenile and Domestic Relations District Courts for Child Abuse, Neglect, and Foster Care Cases—September 2006*, developed by CIP.
- *Indian Child Welfare Act Checklists for Juvenile and Family Court Judges—June 2003*, developed by the National Council of Juvenile and Family Court Judges (NCJFCJ).
- *Child Safety: A Guide for Judges and Attorneys—2009*, developed by the ABA Center on Children and the Law.

CIP hopes that DSS counsel found the topics of this training informative and stimulating. Should issues arise over the next 2 years that you believe would be interesting topics for discussion at the 2011 training, please contact a member of CIP staff.

Ethical Considerations for DSS Counsel

Leslie A. T. Haley, Assistant Ethics Counsel with the Virginia State Bar, again tested DSS counsels' ethics knowledge in a one-hour anonymous question/answer session. Similar to the training offered in September 2007, 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 breakdown of the participants' answers was created. Discussion about the

hypothetical dilemma and applicable Rule of Professional Conduct used in determining the appropriate action was then discussed. Where applicable, Legal Ethics Opinions (LEOs) related to the issue presented were reviewed.



Leslie A.T. Haley, Assistant Ethics Counsel, Virginia State Bar