

ABA Center on Children and the Law

June 2006 Update

The Center was invited by President-Elect Karen Mathis to help develop, along with the ABA Public Education Division staff, her ABA 2006-07 Youth At Risk Initiative. That endeavor will focus on six key legal themes related to youth ages 13-19: 1) Better Hearing the Voices of Youth in Court; 2) Reforming the Juvenile "Status Offender" Process; 3) Enhancing Teen Access to Safe and Appropriate Prevention and Treatment Services; 4) Assisting Youth Who Are "Aging Out" of Foster Care; 5) Better Supporting Teens Who Experience High Family Conflict, Domestic Violence in the Home, and Divorce; and 6) Improving How the Law Addresses "Cross-Over" Youth (teens shifting from dependency to delinquency systems and vice-versa).

In February 2006 an invitational conference was held at Hofstra Law School, resulting in a 10 page report of recommendations and suggested areas of ABA action, for the ABA as a whole as well as specific Association sections, divisions, and other entities. The conference report and other information is on the web at this webpage: www.abanet.org/child/youthatrisk/home.shtml. The Center director will serve as guest editor for a special Summer 2007 "Youth At Risk" issue of the Family Court Review.

In the last several months the Center has produced three important publications. The first, available on-line only, is ***Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the Education Needs of Children in Foster Care***, by Center attorney Kathleen McNaught. Supported with funding from Casey Family Services, this focuses on meeting the education needs of children in the child welfare system. Hyperlinks and icons throughout the document are designed to help readers easily navigate through the 71 page document to find the information they most need. The second new Center publication, recently printed, is ***Achieving Permanency for Adolescents in Foster Care: A Guide for Legal Professionals***. Five Center staff, plus outside experts, have written chapters addressing a wide variety of issues affecting teens in the foster care system, including adolescents' conflicting feelings about permanency, involvement in delinquency, teen pregnancy, parenting, substance abuse, relationship issues, education, financial concerns, and disabilities. Produced under the leadership of Center attorney Andrea Khoury, this book was supported with grants from the Dave Thomas Foundation for Adoption and Freddie Mac Foundation, and by the Center's Partners in Program Planning for Adolescent Health Project.

Finally, a multi-year Center research project on parental substance abuse and the impact of the federal Adoption and Safe Families Act, funded by the Robert Wood Johnson Foundation, culminated in the Center's report, ***Parental Substance Abuse, Child Protection and ASFA: Implications for Policy Makers and Practitioners***. The report included findings from a mail survey of over 300 judges presiding in dependency courts; telephone surveys with over 60 judges and community professionals; a legal analysis; and five case studies of courts that have implemented special strategies to handle dependency cases under ASFA when parents are substance abusers, along with four policy and practice implications and recommendations derived from the research.

Since the fall of 2005, the Center has initiated several new projects. The first, supported by the Children's Bureau of the U.S. Department of Health and Human Services, addresses **law and court related issues affecting children and families involved in the child welfare system and impacted by Hurricanes Katrina and Rita**. The Center's collaborators on this project are the National Center for State Courts and the National Council of Juvenile and Family Court Judges.

The Center's hurricane-related work is centered around three areas of assistance: Determining and helping meet the needs of dependency courts and child welfare legal offices in the affected areas, helping serve the legal needs of affected children and families through encouragement of child welfare law experts across the country to provide pro bono assistance, and studying child welfare legal issues foster children and their families face in natural disasters, including needed interstate, state, and federal responses. Among project tasks, the Center is aiding development of a new mechanism for providing legal representation to children in Louisiana, and the National Center for State Courts is developing a disaster planning guide for juvenile dependency courts.

The second new Center project is entitled **“Opening Doors: Improving the Legal System’s Approach to LGBTQ Youth in Foster Care.”** Privately funded, this project will increase the legal community’s awareness of lesbian, gay, bi-sexual, transgender, and sexually questioning youth in the foster care system, and of the unique issues they face. Based on Center research on how these youth fare in the foster care and dependency court process, a resource manual will be developed and disseminated, plus special articles in the Center’s monthly ABA Child Law Practice publication. Eventually, training will be made available to the legal community nationwide, to help judges and attorneys better understand and help this population of youth.

The third new Center project is called **“Youth Who Fall through the Cracks.”** Supported with private funding, this project is initially focusing on development of a book addressing law, policy, and practice reform for juvenile status offenders (runaways, truants, youth labeled “incorrigible”, etc.). The project is also examining how child protection agencies address teenage youth who initially come into child welfare system care, and also looking at legal issues related to youth placed by parents in private residential “therapeutic” settings, including wilderness programs and “boot camps”. We are further studying innovative community and state legislative approaches to serving the many troubled adolescents who “fall between” the traditional “abused/neglected child” and “juvenile delinquency” systems of intervention.

In January 2006 the Center, working with ABA-Asia and the Children’s Law Committee of the All China Lawyers Association, began a collaboration that has already resulted in the Center director participated in the first Chinese lawyers conference on children and the law. Over 60 attorneys from across China attended. This will be followed up by several “China bar” led projects and a larger “Youth At Risk” conference in China in the fall of 2006. The Center is developing a “sister program” relationship with a Chinese program doing similar work, the Beijing Child Legal Aid and Research Center.

The Center has continued to do contractual work in three states – **Pennsylvania, Wyoming, and Kentucky** – to work with local interdisciplinary task forces that help expedite legal permanency for children and youth in foster care. As a result of the PA Permanency Barriers Project in Luzerne County, we are proud that the County has reduced the amount of time needed for children to achieve permanency by an average of 22 months, which reflects a projected cost savings of \$660,000 in foster care costs.

Finally, the Center has drafted, for approval of the YLD and submission to the ABA House of Delegates in Honolulu, an important and comprehensive set of standards for court-appointed lawyers for parents in civil (juvenile court) child maltreatment cases. This follows the earlier YLD sponsorship of ABA-approved standards for lawyers representing child welfare agencies in these cases.