

# BUILDING CONNECTIONS FOR CHILDREN

Court Improvement Program, Office of the Executive Secretary, Supreme Court of Virginia

## Special Points of Interest:

- Counsel representing 78% of Virginia's local departments of social services attended the CIP sponsored training "Building Connections for Children: DSS Counsel and the Courts" on September 23, 2011.
- Attorneys may log-on to the Member's Area of the Virginia State Bar website to obtain District Court Forms commonly used in Child Dependency Cases.

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## 4TH BIENNIAL CONFERENCE HELD FOR COUNSEL OF LOCAL DEPARTMENTS OF SOCIAL SERVICES

The Court Improvement Program (CIP) sponsored its fourth biennial training for attorneys representing local departments of social services on September 23, 2011, at the Omni Hotel in Richmond. Nearly 100 attorneys representing more than 90 local agencies attended.

As in previous years, 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. Participating attorneys are actively serving as counsel for a local agency either 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 includes responsibility for providing legal services in child dependency cases.

Specific session topics offered, each of which is described throughout this newsletter, included:

- Strengthening Families Initiative: The Role of DSS Counsel in this Effort
- Navigating the Court Process in Child Dependency Litigation
- Providing Educational Stability for Students in Foster Care
- Ensuring Safety, Permanency and Well-Being for LGBTQ Youth in Foster Care
- VDSS Initiatives of Importance to LDSS Representation
- Improving Outcomes

for Older Youth in Care

- Ethical Considerations for DSS Counsel

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

- *Time Line and Related Forms, Juvenile and Domestic Relations District Courts Abuse Neglect and Foster Care Cases—July 1, 2011*, developed by CIP.
- *Handbook for Parents and Guardians in Child Dependency Cases – February 2011*, published by CIP.
- *It's Your Life—Opening Doors: Improving the Legal System's Approach to LGBTQ Youth in Foster Care (2010)*, published by the American Bar Association.
- *Engaging Nonresident Fathers in Child Welfare*

*Cases: A Guide for Attorney Representing Public Child Welfare Agencies (2011)*, published by the American Bar Association and American Humane Association.

CIP appreciates the topic recommendations attendees provided for the next conference in 2013. Should issues arise over the next 2 years that you believe would be interesting topics for discussion at a future DSS training event, please contact a member of CIP staff.

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## STRENGTHENING FAMILIES INITIATIVE: THE ROLE OF DSS COUNSEL IN THIS EFFORT

- Martin D. Brown, Commissioner, VDSS
- Paul D. McWhinney, Deputy Commissioner, Programs, VDSS

The Court Improvement Program was pleased to have Commissioner Brown and Paul McWhinney pre-

sent the "Strengthening Families" initiative to attorneys representing local departments of social services. A brief overview of this initiative follows.

In 2007, Virginia's child serving agencies sought to

improve the way they help at-risk children and their families achieve success. In doing so, a Practice Model was developed setting forth a vision for service delivery, which was championed by state and local child serving

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## NAVIGATING THE COURT PROCESS IN CHILD DEPENDENCY CASES

- Lelia Hopper, Director, Court Improvement Program

This session focused on the proper filing and completion of District Court Forms commonly used in the child dependency case process and provided attorneys with practice recommendations to consider to help ensure the best outcomes for court hearings.

CIP routinely supports the Virginia Department of Social Services (VDSS) in

federal government financial and programmatic audits. These audits are the periodic Child and Family Services Reviews and Title IV-E reviews to determine the legitimacy of funding for children in the foster care system. During the review process, CIP reviews court paperwork that is seen as non-compliant with state and federal law and policy.

In recent years, these reviews have highlighted practices that are not consistent with best practices.

Along with judges and clerk's office staff, attorneys who represent local departments of social services are among the more important professionals that guide this process, because they advise the agencies that initiate the petitions that bring the cases subject to these reviews to court. Quality advice and legal representation of the local agency can support consistent decision-making and interpretation of the law by the courts, provide credibility to actions taken by caseworkers when legal

steps are properly pursued, and result in keeping children safe as well as families in tact, when these outcomes are warranted.

**As of December 1, 2011, there were 5,450 children in foster care in Virginia.**

Source: VDSS, Online Automated Services Information System (OASIS)

## STRENGTHENING FAMILIES INITIATIVE CONT.

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agencies. As of August 2011, Virginia's Children's Services Transformation has supported the following outcomes:

- \* 28.74% reduction in the number of children in foster care.
- \* Increase in discharges to permanency (from 64.29% to 74.29%).
- \* Increase in family-based placements (from 71.43% to 82.99%).
- \* Decrease in group care placements (from 25.43% to 14.61%).

In May 2011, VDSS began development of the Strengthening Families Initiative, which is built on the changing characteristics of the American family. In Virginia, these characteristics include a decrease in marriage rates; an increase in non-marital births; and an increase in the number of children being raised in single-parent homes. These family structures contribute

to poverty, short-term and long-term outcomes for children, social services needs, and child support cases.

The Strengthening Families initiative focuses on three goals:

1. Reduce non-marital births;
2. Connect and reconnect fathers with their children;
3. Encourage the formation and maintenance of safe, stable, intact, two-parent families.

To accomplish its goals, VDSS is seeking to impact the well-being of the families it serves by aligning resources, policies, processes, and identified strategies to strengthen the family at every point of contact.

VDSS's Practice Model sets forth its standards of professional practice and serves as a values framework that defines relationships, guides thinking and decision-making, and structures

VDSS's beliefs about individuals, families, and communities. The Model states:

1. All children, adults and communities deserve to be safe and stable.
2. All individuals deserve a safe, stable and healthy family that supports them through their lifespan.
3. Self-sufficiency and personal accountability are essential for individual and family well-being.
4. All individuals know themselves best and should be treated with dignity and respect.
5. When partnering with others to support individuals and family success, we use an integrated service approach.
6. How we do our work has a direct impact on the well-being of the individuals, families, and communities we serve.

Additional information about the Strengthening Families initiative is available online at [www.dss.virginia.gov/about/sfi](http://www.dss.virginia.gov/about/sfi).

## CIP ON-LINE RESOURCES

The following resources are available online at [www.courts.state.va.us](http://www.courts.state.va.us).

- Advocacy in Motion: A Guide to implementing the *Standards to Govern the Performance of Guardians Ad Litem for Children (2011)*.
- Handbook for Parents and Guardians in Child Dependency Cases (February 2011).
- Table of Appeals of Termination of Parental Rights Cases to the Court of Appeals of Virginia.
- Time Line and Related Forms, J&DR District Courts, Child Abuse, Neglect and Foster Care Cases (July 2011).

Court Improvement Program  
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Supreme Court of Virginia



Improving Court Practice  
for Children and Families

## THREE BREAKOUT SESSIONS OFFERED AT 4TH BIENNIAL CONFERENCE

CIP offered attendees of the September 23rd training the opportunity to attend one of three breakout sessions. Each session is reviewed below.

### **Providing Educational Stability for Students in Foster Care**

- Lisa Bennett, Esq., Just Children, Legal Aid Justice Center
- Kim McGaughey, M.P.H., Permanency Policy Manager, VDSS
- Patricia Popp, Ph.D., VA State Coordinator for Homeless Children, College of William & Mary
- Vivian Stith-Williams, Ph.D. Student Services Specialist, VDOE

Stephen Arey, Legal Counsel for the Tazewell Department of Social Services, moderated this panel of professionals, each of whom provided their perspectives on Virginia's implementation of the Fostering Connections to Success and Increasing Adoptions Act of 2008.

Plans for the education of a school-aged child must be addressed in each child's individual foster care service plan. Supporting educational

stability and success for children in out-of-home care is a critical responsibility of both the education and child welfare systems. New state and federal laws support and require collaboration between these two systems to promote this outcome.

This session reviewed new protocols developed by the Virginia Department of Education (VDOE) and the Virginia Department of Social Services (VDSS) to keep students in foster care in school, make determinations about the students' best interests in school placement decisions, assess transportation needs, and engage key partners in the decision-making process.

### **Ensuring Safety, Permanency and Well-Being for LGBTQ Youth in Foster Care**

- Mimi Laver, JD, Assistant Director, National Child Welfare Resource Center on Legal and Judicial Issues, ABA Center for Children and the Law
- Garry Bevel, JD, Staff Attorney, ABA Center for Children and the Law

This session was moderated by Neal Knudsen, Legal

Counsel for the Warren County Department of Social Services.

Lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth in foster care have unique needs that their social workers, advocates and judges can help address. Through interactive discussion and activities, this session introduced participants to the Opening Doors Project of the American Bar Association (ABA); discussed the urgent needs of this population; reviewed promising practices being used in courtrooms nationwide; examined practices used in participants' own jurisdictions; and discussed ways in which practices can be improved throughout dependency court systems.

### **VDSS Initiatives of Importance to LDSS Representation**

- Therese Wolf, Permanency Program Manager, VDSS
- Sandra Bell, Resource Family, Northern Region, VDSS
- Lyndell Lewis, Permanency Program Family Preservation Supervisor, VDSS

This panel of experts from VDSS was moderated by Shunda Giles, Legal Counsel for the City of Richmond Department of Social Services.

Virginia's state child welfare agency is actively engaged in developing policies and programs to support excellent practice when serving vulnerable children and families before the courts in Virginia's communities. This session highlighted three initiatives of VDSS that can assist local legal counsel with understanding the approach and obligations of their agency clients when (i) engaging families through Family Partnership Meetings at critical decision points when their children are at -risk of removal or a change of placement or goal.; (ii) successfully placing children for adoption and providing financial and services assistance for the documented special needs of the child to be adopted; and (iii) placing children with relatives and supporting these permanent placements with financial assistance.

## ETHICAL CONSIDERATIONS FOR DSS COUNSEL

Leslie A. T. Haley, Assistant Ethics Counsel with the Virginia State Bar, supported this CIP training for attorneys representing local departments of social services. Participants were tested on their ethics knowledge in a one-hour anonymous question/answer

session.

As with previous trainings, 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. A discussion about the hypothetical dilemma followed.

An area of particular interest and debate during this

session were the ethical considerations related to the invitation of and appropriate role for GALs and attorneys at Family Partnership Meetings (FPM).

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## COURT FORMS AVAILABLE THROUGH THE VIRGINIA STATE BAR MEMBER'S AREA

District Court Forms commonly used in child dependency cases before the J&DR District Courts are available to attorneys through the Virginia State Bar Member's Area.

To access the forms, which can be completed online and printed for submission to the court, go to [www.vsb.org](http://www.vsb.org) and log-in to the Member's Area link highlighted in the screen shot below.



## IMPROVING OUTCOMES FOR OLDER YOUTH IN CARE

- Kristen Kelly, ABA Center on Children and the Law
- Therese Wolf, Permanency Manager, VDSS

All too often, a youth in foster care does not achieve permanency. The reasons for this range from a focus on placement in-

stead of permanency to the misconception that if a youth has reached the age of 18, the youth should be able to live on his/her own. This session looked at policy of the Virginia Department of Social Services (VDSS) and at some of the best practices being developed on a

national level to improve outcomes for older youth in foster care. Participants were provided with an array of questions and tips to assist in assessing whether the local agency has met its obligations to permanency plan for older youth or, in the alternative, to help the youth transition

to an independent living situation.

Discussion among the participants generated many questions, particularly related to the removal of Independent Living as an approved goal for children and youth who enter foster care after July 1, 2011.

## SELECTED BREAKOUT SESSION MATERIALS THAT ARE AVAILABLE ELECTRONICALLY

- December 10, 2010—Superintendent's Memorandum #306-10: Fostering Connections to Success and Increasing Adoptions Act of 2008  
[www.doe.virginia.gov/administrators/superintendents\\_memos/2011/index.shtml](http://www.doe.virginia.gov/administrators/superintendents_memos/2011/index.shtml)
- December 2010—VDOE and VDSS Joint Guidance on School Placement for Children in Foster Care  
[www.doe.virginia.gov/administrators/superintendents\\_memos/2010/306-10a.pdf](http://www.doe.virginia.gov/administrators/superintendents_memos/2010/306-10a.pdf)
- April 6, 2011—Administration for Children and Families, U.S. Department of Health and Human Services Informational Memorandum 11-03: LGBTQ Youth in Foster Care  
[www.acf.hhs.gov/programs/cb/laws\\_policies/policy/im/](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/)
- July 22, 2011—Superintendent's Memorandum #197-11: Application of New Code of Virginia Requirements Regarding Students with Disabilities in Foster Care  
[www.doe.virginia.gov/administrators/superintendents\\_memos/2011/index.shtml](http://www.doe.virginia.gov/administrators/superintendents_memos/2011/index.shtml)
- 2011—Judicial Guide to Implementing the Fostering Connections to Success and Increasing Adoptions Act of 2008  
[www.ncjfcj.org/content/view/1417/535/](http://www.ncjfcj.org/content/view/1417/535/)