

# Best Practice Court Matters

*An update on the latest events of Best Practice Courts of Virginia*

Court Improvement Program

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Office of the Executive Secretary, Supreme Court of Virginia

Fall 2003

## Best Practice Courts Special Meeting at Virginia Beach: Teens in Foster Care

Juvenile and domestic relations district court judges from the Best Practice Courts of Virginia met on August 13, 2003, in Virginia Beach as part of the Judicial Conference of Virginia for District Courts. They heard from and discussed with experts on the law and in social work practice how to improve the processing of court cases of teenagers who are in foster care and who need permanent homes. Jennifer Renne, Esq., Assistant Director of the National Child Welfare Resource Center on Legal and Judicial Issues of the American Bar Association Center on Children and the Law in Washington, DC, addressed the judges on *Providing Permanency for Adolescents: The Legal Context*.

Her presentation was followed by Gerald P. Mallon, DSW, Executive



Jennifer Renne and Gary Mallon were guest presenters for the Best Practice Courts Special Meeting on August 13, 2003 at Va Beach.

Director of the National Resource Center for Foster Care and Permanency Planning at Hunter College School of Social Work in New York, New York. Dr. Mallon spoke on *Facilitating Permanency For Older Adolescents: Who Wouldn't Want A Family?*

Both speakers reinforced the need for judicial leadership in considering the need of older children and youth for permanency and of requiring all service agencies to work diligently to connect these youth to a safe, stable and nurturing family. The speakers were funded by the national resource centers for which they work. These centers assist state courts and child welfare systems with improving their capacity and resources to achieve permanency for youth in out-of-home care.

The twenty-three juvenile judges in attendance at this special session are part of a program sponsored by the Office of the Executive Secretary, Supreme Court of Virginia. The Best Practice Courts program recognizes communities that have committed to a collaborative effort to improve the response of the judicial system to litigation involving dependent children and their families. State and local agencies and the National Council of Juvenile and Family Court Judges work with these Best Practice Courts to identify practical, concrete strategies that promote effective court procedures, collaboration and permanency planning for children before Virginia's juvenile and domestic relations district courts.

The juvenile and domestic relations district courts which began their Best Practice Courts activities in 2002 are in these localities: Albemarle/Charlottesville, Alexandria, Bedford, Campbell, Fairfax, Hampton, Henrico, Newport News, Pulaski, Richmond, Warren, and Wise/Norton. Seven additional courts were added this summer. They are in: Culpeper, Fredericksburg, Staunton/Augusta, Louisa, Roanoke County/Salem, Tazewell and Virginia Beach.

**Virginia** had 7,702 children in foster care as of June 30, 2003, of whom 4,327 (55%) were over the age of 12.

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### 2003 Best Practice Courts Conference to be Held at Virginia Crossings Resort



The 2003 conference for Best Practice Courts of Virginia is scheduled for November 17-18, 2003, at Virginia Crossings Resort, in Glen Allen, Virginia, just north of Richmond. The Conference will officially begin at 10 am on Monday morning. After two days of sharing, listening and learning from each other, the meeting will adjourn by 3 pm on Tuesday.

The keynote speaker for this event is the Honorable Douglas Johnson, Presiding Judge of the Separate Juvenile Court of Douglas County, Nebraska. Joey Orduna, the Model Court Liaison for the Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges will also attend and present at this conference. Check out our next newsletter for a full report on all the accomplishments anticipated from this two-day meeting.



Best Practice Courts judges, Hon. Anne B. Holton and Hon. David S. Schell pose with Hon. Stephen W. Rideout, a recent recipient of the 2003 Adoption Excellence Award for Public Awareness given by the U.S. Department of Health and Human Services.

### Localities Sponsor Training on Issues in Education for Foster Children

Training has been provided in the Best Practice Court localities of *Bedford, Albemarle/Charlottesville, Fairfax, Augusta/Staunton, Henrico, Louisa, Fredericksburg, Newport News, Wise, Richmond, Roanoke/Salem, and Warren* to address the fact that children in Virginia's foster care system experience a rate of educational failure that is far higher than their non-dependent peers. Between 30% and 40% suffer from learning, emotional and other disabilities. They often have parents, foster care providers and legal guardians in multiple jurisdictions. They have more cracks to fall through. Many are subject to punitive school discipline policies – suspensions and expulsions – that strain placements and reunification plans, and frequently lead to placement disruption and change. The instability that is the hallmark of many of these children's lives is made worse by the problems they experience in school. Due to frequent moves, many are behind their peers academically and fail to secure full diplomas. As they age out of the foster care system they frequently leave with a less than complete education.

To help improve educational and, in turn, placement outcomes for children in foster care, the JustChildren program of the Legal Aid Justice Center, provides free training, educational materials, and consultation to foster care workers and providers across the Commonwealth. The trainings not only provide these professionals with information about regular education, special education and school discipline, but also with effective advocacy strategies and tools for protecting the educational rights of their wards. **cont...**

### Introducing the Class of 2003 Best Practice Courts of Virginia

Twenty-three juvenile and domestic relations court judges attended a special meeting of Best Practice Courts on August 13, 2003, at Virginia Beach following the District Courts Judges Conference. Fifteen judges representing the original twelve Class of 2002 Best Practice Courts of Virginia were joined by an additional eight judges representing the Class of 2003.

The 2003 J&DR district courts and representative judges are:  
Culpeper – Hon. Frank Somerville; Fredericksburg - Hon. David Peterson; Louisa -Hon. Susan Whitlock; Roanoke County/Salem - Hon. Philip Trompeter; Staunton/Augusta - Hon. Anita Filson; Tazewell - Hon. Teresa Chafin; Virginia Beach - Hon. Ramona Taylor and Hon. Winship Tower.

The Class of 2002 J&DR district courts and representative judges are: Albemarle/Charlottesville - Judge Edward Berry; Alexandria - Judge Stephen Rideout and Judge Nolan Dawkins; Bedford - Judge Philip Wallace; Campbell - Judge Ellen White; Fairfax – Judge Gayl Carr and Judge David Schell; Hampton - Judge Jay Dugger; Henrico - Judge Denis Soden and Judge Sharon Will; Newport News - Judge Ronald Bensten; Pulaski - Judge Lee Chitwood; Richmond - Judge Anne Holton; Warren -Judge William Sharp; Wise/Norton - Judge Elizabeth Wills.

**...cont.** For additional information or to set up a training in your locality, contact:

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### **Child and Family Services Review in Virginia**

During 2002-2003, a *Statewide Assessment* of Virginia's child welfare system, including the role of the court system, was prepared, debated, finalized and filed with the U. S. Department of Health and Human Services on May 7, 2003. The Virginia Department of Social Services convened a statewide group in early 2002, known as the Statewide Stakeholder Committee, to advise the agency on its preparation for this major undertaking. This committee included staff of the Court Improvement Program, as well as the able representation of members of the Best Practice Courts of Virginia: Hon. Nelson T. Durden, Chief Judge, Hampton JDR Court, Hon Stephen W. Rideout, Chief Judge, Alexandria JDR Court, and Rhonda B. Gardner, Clerk, Bedford JDR Court. Each of these individuals contributed significantly to the development of the parts of this report that reflect court policy and process.

During the year-long preparation that led up to the site review in Virginia, many localities presented information to the Statewide Stakeholder Committee for consideration as designated sites for the review process. The sites that ultimately participated were: Fairfax (required site designated as largest metropolitan area), Norfolk, and Bedford. The purpose of the specific site reviews was to explore and corroborate the findings of the *Statewide Assessment*.

The JDR judges in each of these sites had the opportunity to be interviewed as part of the review process. A select number of child protective services cases receiving in-home services and foster care cases

were intensively reviewed in each of these localities by the federal and state review team as a part of the local review. These reviews included consideration of the content and timing of court orders adjudicating abuse and neglect, placing children in foster care and terminating parental rights. Local focus groups were also conducted with lawyers, foster and adoptive parents, service providers, and older children in foster care.

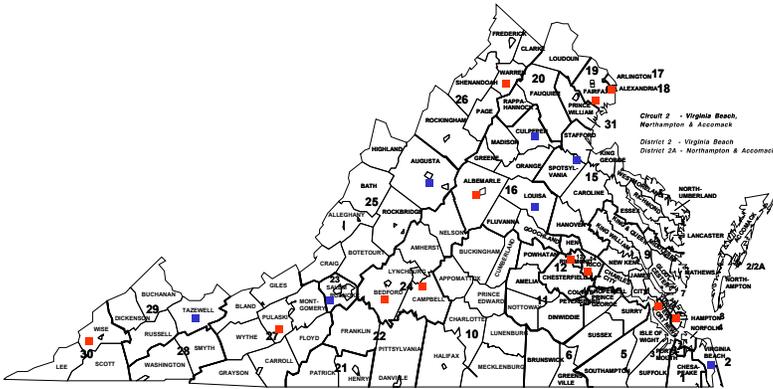
Preliminary Results of Virginia's CFSR show areas of strength, as well as areas that need improvement. Strengths include the following: 1) There is a good understanding of the time frames applicable to child dependency cases as required by the Adoption and Safe Families Act by the courts, bar and social services community. 2) Courts conduct reviews in a timely fashion and parents are provided with an opportunity to be heard. 3) There is good collaboration between the courts and local departments of social services, supported by the Court Improvement Program. 4) Guardians ad litem for children are a strength in Virginia's system. 5) Foster and adoptive parents receive notice of court hearings. Areas needing improvement are: 1) There is variation in whether the court or social services provides the leadership for improving child dependency case processing. 2) The activity of local court improvement teams varies across the state. In some areas there is no activity. 3) Some local social services agencies still do not have consistent legal representation in these cases. 4) Termination of parental rights and placement of children for adoption is not expeditious and does not meet the time lines of the Adoption and Safe Families Act.

The area with the most challenges in Virginia's review, both for courts and social services agencies, concerns the achievement of permanency for children in foster care. The relevant rated outcome is articulated as "Children have permanency and stability in their living situation." Very preliminary results of the cases reviewed in Virginia indicate that less than 50% of cases were rated as substantially achieving this outcome. For this outcome to be rated "substantially achieved," 90% or more of applicable cases would need to show substantial achievement in this area.

In the statewide exit conference at the conclusion of the site visit in July, the CFSR team acknowledged the desirable practice of concurrent planning in some of the foster care cases that were reviewed. However, this approach is not consistently applied. The major challenge for Virginia courts in providing permanency for children is in the area of adoptions. We have made significant progress in increasing the numbers of children adopted out of foster care and the timeliness of these cases but we still need to make major improvements. It has been recommended that Virginia examine the entire adoption process for these dependent children and identify and act on the areas where delays in achieving this permanent goal occur. Agencies and courts need to move away from a "linear" approach to adoption for children in foster care - pursuing one goal at a time, such as reunification or placement with relatives, instead of working on dual tracks to have different options available for placing a child in a permanent home expeditiously.



**Best Practice Court Matters...**



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*Contributions of articles or information  
are always welcome.*

**CALENDAR OF EVENTS**

- Aug. 13- Special Meeting of Best Practice Court Judges—Virginia Beach**
- Sept. 17 - Alexandria Model Court Retreat**
- Sept. 29- CIP Advisory Committee Meeting**
- Sept. 30 - Adoption Day Celebration: Staunton/Augusta**
- Oct. 3 - Roanoke/Salem CIP Training**
- Nov. 1 - Adoption Day Celebration: Roanoke/Salem**
- Nov. 15 - Adoption Day Celebration: Charlottesville**
- Nov. 17-18 - 2003 Best Practice Court Conference**
- Nov. 22 - Adoption Day Celebrations: Alexandria Hampton Campbell Richmond**

**Please Send Us Your E-mail Addresses**

CIP is collecting e-mail addresses for all Best Practice Courts participants in order to keep you informed.

Please send a quick e-mail to:  
**[blissenden@courts.state.va.us](mailto:blissenden@courts.state.va.us)**

**(Then we'll have *your* address!)**



Gary Mallon speaks to the August 13, 2003, Best Practice Courts Special Meeting on *Facilitating Permanency for Older Adolescents: Who Wouldn't Want a Family?*, as Judge Sharon B. Will, Judge Philip A. Wallace, Judge Frank W. Sommerville, and Jennifer Renne listen and learn.