

**Louisiana State Bar Association's
Children's Law Committee Meeting (Virtual Only)**

Time: Aug 3, 2022, 12:00 PM Central Time

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Committee Co-Chairs:

- Kathleen Richey, Louisiana Court Appointed Special Advocates
- Kellie Johnson, Mental Health Advocacy Services

Attendees:

- Barbara Ferguson, Attorney at Law
- Steven Farber, Metropolitan Health Services District
- Kathryn Lafrentz, New Orleans Pro Bono Project
- Franchesca L. Hamilton, Acadiana Legal Services Corporation
- Pamela Crawford, Mental Health Advocacy Service
- Cherrilynne Thomas, Louisiana Department of Children and Family Services
- Courtney Schroeder, Attorney at Law
- Sowmya Mandava, 24th Judicial District Court
- Marie Anders, Orleans Parish Juvenile Court
- Jennipher Williams, Mental Health Advocacy Services
- Ariel Test, Agenda for Children – Louisiana
- Michelle Perkins, Caddo Parish Juvenile Court
- Mary Ann McGrath Swaim, Southeast Louisiana Legal Services
- Alexandra Kamp, Southeast Louisiana Legal Services
- Josephine Vanderhorst, Southeast Louisiana Legal Services
- Caitlin Glass, Attorney at Law
- Michael Brown, Dept. of Children & Family Services
- Curtis Nelson, Office of Juvenile Justice

I. Welcome & Introductions

a. Meeting Minutes: May 18th, 2022

Co-Chair Kellie Johnson provided a quick introduction to the Committee's new Co-Chair for the 2022-23 Bar Year. Kathleen Richey has graciously accepted to lead the Committee with Kellie Johnson this year and has been a member of the Committee for many years.

Members were asked to provide their names and organizations in the Zoom Chat while the May 18th Minutes were voted on for approval. Michael Brown moved for approval. Curtis Nelson seconded the motion. Minutes approved.

II. **Working Groups:** *Workgroups will start meeting in November.*

Kathleen Richey reminded members about the Committee's workgroups.

- *Education Law: Barbara Ferguson is stepping down from her role as the workgroup's leader but will continue to work with the Committee for the next Bar Year. She is taken a hiatus from the workgroup for an opportunity to relaunch her organization, **Research on Reforms**. The group has done research on the State's takeover of public schools in Orleans Parish and will begin to develop new research projects.*

- *Other workgroups:*
 - *Legislative Workgroup – No Updates*
 - *Disparities & Disproportionalities – No Updates*
 - *Trauma Informed Care – No Updates*

Members are encouraged to sign up for any of the 4 workgroups. This year we will begin to incorporate breakout sessions for each workgroup to meet. The Committee has recognized that members are inundated with many obligations and meetings, therefore, we will begin to change our meeting format to help further initiatives. A google form was shared with the Committee for members to fill out and share their interest.

- a. *Joining or updating your membership? - [LSBA 2022-23 Children's Law Workgroups - Google Forms](#).*

III. **Children's Law Journal Update**

- a. *Next Steps?*

*Marie provided a general update about the August/September Bar Journal. The official publication will be mailed out later in August, but an online version of the Journal was shared with the Committee. The Committee submitted 14 articles this year. All the articles were accepted by the Editorial Board with no edits or modifications. However, due to spacing issues, the articles had to be divided into 3 groups. The **August/September Bar Journal edition** is just the first implementation of all the articles. The second and third group of articles will be published in the next upcoming editions before March 2023. The exact date of those publications will be determined in the next month:*

Group 1: (Published Aug/Sept. 2022)

- *Children's Law Committee -Introduction Article*
- *Using ACEs and TBRI in the Courtroom*
- *ABCs of ACEs – Interview with Louisiana ACE Educators*
- *My Community Cares: Strengthening Families and Supporting Communities*
- *CASA: Becoming the "Chance" for Louisiana's Youth*
- *Children in Today's Courtroom*
- *Louisiana FINS*

Articles set to be published in either group 2 or group 3:

- *Juvenile Mental Health – with MHAS*
- *Why Multi-disciplinary Representation Teams Matter?*

- *Juvenile Probations Conditions and What Can Be Changed?*
- *Transitioning Youth*
- *Trauma Informed Education in Public Schools*
- *Disparities in Public Education*
- *The Educational Rights of Students in Custody*

IV. Children's Law Legal Updates

a. Cases?

- *Kathleen Richey noted that there were some changes in Title 6 of the Children's Code relating to:*
 - *To helping align state law to current federal laws for CINC proceedings focused on the safety of children.*
 - *There were many changes in the education arena of the law as well.*
 - *Adoption related changes, including information regarding birth certificates.*
 - *Child Delinquency Proceedings*
- *Curtis Nelson reported on 1) changes relating to the confinement of youth in secured custody facilities. No youth can be placed in isolation for more than 8 hours and OJJ was instrumental in drafting the policy for this change. The legislation places information for when youth are to be removed from a facility's general population so that a minor will be constantly monitored. 2) Another change in the law was a bill on creating a tier structure for the placement of youth in secured custody facilities. There used to be a regional model, but now youth will be assessed and given a rating for their risk level before being placed in a facility. The policies for both changes will be drafted in the next couple of weeks.*
- *Caitlin Glass - A CIP café on legislative changes will be scheduled for September.*
- *Steven Farber – Asked a question on whether there were any changes on the issue of holding people in contempt of court? His sister is an attorney and is working on a case in Jefferson Parish and the District Attorney told her that they could not hold the parent in contempt if there is no proof of work. No one in the Committee was aware of the issue, but Michael Brown mentioned the U.S. Supreme Court Case of Turner v. Rogers which emphasized that the one thing that needs to be included in a proceeding is the actual review of a person's ability to pay before being held in contempt. The Turner v. Rogers is what brought that along. Courtney Schroeder added that the only update for non-support cases that she saw was ACT 772 and it was regarding the suspension of licenses. No other changes have been made. Kathleen Richey also noted that it may be a change in policy for that particular District Attorney's office that Steven's sister is working in, but committee members will be on the lookout and follow up. Courtney agreed to follow up with Steven.*
- *Steven Farber mentioned if there was a change on the issue as to whether a minor could serve time in a juvenile or adult facility. The committee members updated and mentioned that the bill did not pass. Curtis Nelson did update the Committee that no minor has been transferred now to an adult facility, but Curtis did report that OJJ did identify a facility in*

Angola that is completely separated from the rest of the adult facilities. The name of the facility will be called the Bridge City Center for Youth in West Feliciana and will be kept as a satellite facility for the Bridge City campus. Research has been conducted on this issue. There is a term called co-located facilities under federal law which requires for state agencies to be conscientious that a facility meets the separation requirements of both "sight and sound" from adult facilities.

Since the facility in Angola will be self-contained, it appears that it will meet the definition of a co-located facility. OJJ tried to avoid the transfer, but the current facilities are uninhabitable. The goal is to repair and renovate the original youth facilities and that will be done as soon as possible to help transfer youth back to Bridge City. There are only 20-25 youth that will be transferred to Angola as of right now, and these are the youth that are identified as high risk and were involved with destroying property in their original facilities. Youth that were not involved in the destruction will not be transferred.

Steven Farber added whether the "candy cane" fences were proven effective in Bridge City. The "candy cane" fence is one that curves inward which makes it hard for anyone to climb over the fence when doing so. Curtis Nelson reported that the youth did learn how to escape the facility despite the security measures that were held in place and so other techniques have been adopted now. OJJ will be making an official announcement about the transfer of the youth later in the month. There is some work being done at the Jetson "winter unit" and it should be an available location in the foreseeable future.

With the last Bridge City incident, youth were relocated to another facility. There is some support from the staff at the adult probational/correctional facilities and they are helping to oversee the security of the youth who were transferred. However, they are only doing the outside support while staff trained to handle youth are doing the direct supervision of the minors. Sex offender minors are being separated from the rest to ensure they are receiving the appropriate services.

Steven asked what is being done to ensure that male security officers that are accustomed to working with at-risk youth. Curtis Nelson added that OJJ is working on their hiring strategies and currently have a contract with the Louisiana National Guard to help support any needs. There are three categories. Guardsmen that are either unemployed, underemployed and those that are separating themselves from service, these are the individuals that OJJ is reaching out to and help recruit for OJJ staff. Curtis added that OJJ is doing their best to have a well-equipped staff, but the female staff is doing a phenomenal job of helping OJJ's every day business continue moving forward.

b. New Legislation?

V. Data Collection Project

Kathleen reported on the new Committee project. There is a need for better data collection of proceedings involving children. The court system only collects data on the number of cases so

we do not know the actual number of children that may be in a CINC case. This method of data collection is also a problem in delinquency cases where there is a greater number of cases, but all the cases may only correspond to one child. So, the idea of the project is to help improve the data collection process that is in place. Data collection is key to help improve funding for certain services and create better policy changes on issues involving our state's youth. The Committee will be forming a small workgroup to help launch the project and figure out a game plan to help improve the current data collection process.

Steven Farber suggested reaching out to the Louisiana Supreme Court to help implement a unified system. Kathleen Richey provided that a lot of the issues that involve the data collection of children is the confidentiality of the children's information. Members of the committee shared an interest in the project and agreed that improving data collection would help improve many areas in the practice of children's law.

VI. Pelican Center Report

Caitlin Glass reported on a TBRI pilot training that was being held in the Orleans Parish Juvenile Court. One was held in Baton Rouge the day before. Many important groups were reported to attend both trainings, including members from OJJ.

Caitlin reported on other events and projects that will be occurring in the next couple of months. The Pelican Center will also be working on updating the CINC Bench book in the Fall. A motion practice work group is also in the process of convening and creating motion cards for all stake holders that are involved in CINC cases. A CIP café will also be created to help go over the resources and provide best practice tips that involve motion practice.

VII. Events & Highlights:

- a. **CIP Café July 21st – Families First Prevention Act – [Team Dynamics LLC - CHILD FIRST and INTERCEPT: An Intro to New Prevention Service Models \(teamdynamicsweb.com\)](#)**
- b. **Louisiana FINS Training on July 26th - [Team Dynamics LLC - FINS Training Opioid Grant \(teamdynamicsweb.com\)](#)**
- c. **CIP Café August 18th – A Path Forward: DEI in LA Child Welfare System: [Team Dynamics LLC - CIP Cafe August - A Path Forward: DEI in LA Child Welfare System \(teamdynamicsweb.com\)](#)**
- d. **Child in Need of Care Trials Skills Building Training on October 7th: [Team Dynamics LLC - Child in Need of Care Trial Skills Building Training \(teamdynamicsweb.com\)](#)**
- e. **Together We Can Conference – November 2nd-4th - <https://latwc.org/index.html>**

VIII. Other Business

Mariarenee Contreras reported that the Children's Law Committee will be tabling at the City, Rural, and Juvenile Judges Conference that is set to take place in New Orleans on Thursday, August 4th.

IX. Next Meeting: Wednesday, November 2nd at Noon