

Louisiana State Bar Association Children's Law Committee  
August 7, 2019 - New Orleans, LA

**In Attendance:**

Ariel Test, Co-chair	Martha Maher
Karen Hallstrom, Co-chair	Curtis Nelson
Danika Benjamin	Michelle Perkins
Trisha Casey	Thailund Porter-Green
Pam Crawford	Hon. Kathleen Richey
Kenneth Doggett	Leigh Ann Sakla
Barbara Ferguson	Cherrilyne Thomas
Jesse George	Madalyn Wasilczuk
Margot Hammond	LSBA Staff: Monte Mollere, Joanna Laidler, Mary Ann Wegmann
Guy Lain	
Hector Linares	

**1. Welcome & Introductions**

**2. Recognition of CWLS as Legal Specialization in Louisiana**

Thailund Green from Pelican Center described CWLS certification in Louisiana. Certification comes from the National Association of Counsel for Children. It denotes a "professional achievement that signifies attorneys specialized knowledge, skill and verified expertise in field of child welfare law." The minimum requirements are rigorous: 3 years substantially involved in practice of child welfare law (30%); 36 CLE hours in child welfare; legal references from colleagues/peers; writing sample; documentation of good standing; and then examination process. Program has been endorsed by numerous federal bodies e.g. National Counsel Juvenile Family Court judges. In Louisiana, there are 29 people that have earned the credential.

Karen Hallstrom clarified that the CWLS is restricted to child welfare and doesn't encompass other children's law areas e.g. juvenile justice. A broader specialization might be able to encompass other areas of children's law. Further, most of these attorneys are not well paid and the certification process is expensive (\$500 application; \$125 renewal; \$325 recertification fee every 3 years). CWLS attorneys have already gone through this process – they can currently say they have an ABA accredited specialization, but they can't say they have a Louisiana specialization.

*Q: Is it advantageous for these attorneys to be accredited in Louisiana and would it be possible to extend the specialization to 'children's law'.*

Mary Ann Wegman from LSBA explained process of specialization in Louisiana. She noted that there can't be overlap between specializations and that some parts of the family law

specialization e.g. FINS, and adoption, might overlap with children's law. To establish a specialization, you require at least 20 people to serve on advisory committee. If you were just looking to establish CWLS specialization you could follow similar path as bankruptcy, which also has national accreditation. Normal process is 5 years' experience in field; 15-18 hours approved CLE; fees (\$400 application; \$175 annual; \$100 recertification fee. For bankruptcy, if a person already has a federal certification, then you can apply to be Louisiana specialist and pay a reduced fee of \$300. Different process if you wanted to broaden specialization to children's law. Benefits to Louisiana certification: (1) can advertise as Louisiana Board certified specialist; (2) you would be advertised on LSBA website as a specialist; (3) good safeguard for public as there is an additional requirement to demonstrate attorneys are covered by insurance (waivers possible for state agencies).

Committee members discussed whether it would be meaningful to have a broad 'children's law' specialization that covered multiple practice areas. People thought it wouldn't be that meaningful as practice areas very different. Consensus by committee members was to take off table broad children's law specialization. Karen noted that new criminal law specialization was being considered and it was possible that juvenile delinquency could fit within that.

Karen asked committee members to think about the benefits for the public/profession/attorneys in applying for state specialization if there already controls in place from the federal certification. Discussion by committee members about how best to accommodate private attorneys who practice in multiple areas.

### **3. Trauma Informed Care**

Ariel noted that this topic came out of work committee members already doing and thinking about when in the field – *how are we training trauma informed attorneys and how are we helping the systems that are interacting with children and families to be more trauma informed.* The Children's Law Committee sent out video that discussed a trauma informed court in Texas. There are a variety of trainings that are happening across the state. There is no plan for how this Committee can address the issue of how to we can advocate for more attorneys/providers and agencies to be trauma informed, but we wanted to open it up to a quick discussion. A follow up email on this topic will be sent to Committee members.

Discussion about work of Caddo Parish and Judge Matlock to make their courtroom and practitioners more trauma informed. Initiatives included paying for training for staff and providers in the area (attorneys/caseworkers/clerks/teachers) to become TBRI advocates certified by TCU; introduction of Calming Center in courthouse; Trauma dog 'Sasha' for children in court. Michelle Perkins notes that she also uses trauma informed practices in DV court and Family Preservation Court. Karen Hallstrom noted that Chief Judge Matlock is providing judicial leadership in providing judicial education in trauma informed practices and explaining to judges (a) why it is important on being trauma informed and (b) how judges can think and act differently in courtrooms by applying trauma informed principles. DCFS is also interested in trauma informed practices, as there is a Federal push to focus more on early intervention and programs, which address the root of family problems. It is also worth thinking about what attorneys should be doing differently e.g. should this be taught at law schools and clinics.

Ariel noted that this Committee should be thinking about how we can support systems that are interacting with children to be more trauma informed and using it to ask questions e.g. why doesn't DCFS consider trauma informed practices when certifying juvenile facilities.

Karen advised that this issue will be brought to the attention of judges at the Fall Conference and again in January at the Juvenile, Family, and City Court Judges Conference.

Crossroads is currently providing statewide training in trauma informed principles called 'TBRI Fridays'. These trainings are happening on the first Friday of every month and cost \$15. For more information, you can visit <https://crossroadsnola.org/tbri-fridays/>.

#### **4. Kinship Navigator Program Legal Issues/Resources**

Karen explained that DCFS has received some money to support kinship carers. The kinship navigator project has been developed as a way to inform caregivers about services and provide them with information about legal issues they may have in relation to kinship care. Margot Hammond has been working on preparing 14 legal information sheets in relation to divergent issues involving kinship care e.g. how to get a child medical treatment, what types of custody are available. She would like to tap into the expertise of the children's law/LSPD Committee and ask them to (a) review the information sheets for accuracy and (b) provide links to useful or relevant resources. She will circulate a separate email asking for assistance. Karen noted that they are asking for feedback from grandparents and other carers. She also stressed that the forms are not designed to act as legal advice and will include a disclaimer to that effect. For more information or to provide feedback in mark-up, please contact Margot on [mehammond2@cox.net](mailto:mehammond2@cox.net).

#### **5. Recognition of attorneys who exceed CLE requirements**

Karen asked the Committee whether they thought it would be a good idea to recognize Children's law attorneys who exceed the CLE requirements. There was a discussion about what could be done to recognize attorneys e.g. inclusion in the LSBA website, Bar Journal and whether recognition was important. There was also a discussion by Committee members about whether there were other reasons to recognize people who do the work other than exceeding CLE requirements, such as those attorneys that go 'above and beyond'. Suggestions for recognition include pins for years of service. Karen agreed to type up different suggestions and circulate it to the group.

#### **6. Pelican Center Report**

Thailund Porter-Green provided Pelican Center Report. She noted that the Child and Family services review was completed last year and from that came an obligation to complete a Program Improvement Plan (PIP). The PIP was signed in March 2019 and we are now in the second quarter of the implementation phase. The PIP contains 5 key areas of improvement in respect to the child welfare system. The Pelican Center is taking lead on service array as well as quality legal representation. We are also working in concert with DCFS on the service assessment area of the PIP. We recently had a two-day meeting with DCFS discussing how to streamline services. Next year's training calendar will support action items that the Pelican Center is required to complete under the PIP. The Pelican Center may also ask certain people to work on different groups to further the work pursuant to the PIP. Hard copy notices of the Pelican Center's upcoming trainings for the year have been provided and will be circulated electronically. Karen noted that there is a major potential for the Committee to support the work of the Pelican Center in relation to action items under the PIP.

## **7. Education Workgroup**

Hector Linares provided an update on the work of the Education Workgroup, which met and drafted a goals statement since the last Committee meeting. The goals of the workgroup are: *to reduce arrests of system-involved and at-risk children and youth through proactive interventions during the formal education process.* The workgroup focused on new regulations brought out the Louisiana Department of Education, which require Individual Academic Improvement Plans for 3<sup>rd</sup> and 4<sup>th</sup> grader students who score below Basic in two core subjects. The new regulations are contained in Title 28 of the Administrative Code (see [Bulletin 1566](#)). Children were eligible for Academic Improvement Plans from 2018/19 school year. These processes mirror the requirements for IEPs for students with disabilities but apply for any students who are not achieving academically. It provides a new cause of action for parents and practitioners.

Barbara Ferguson noted that low income children were more likely to underperform academically and that it was important to support children in school prior to any involvement in the criminal justice system. Hector also explained that this regulation provides for extended school year services to underperforming students, which was only offered to special education students who met narrow criteria. This means that these extended services will be available to more students.

The Education workgroup want to know whether the new regulation is being used? Whether it is being successful? What problems are there? Are people aware of it? Once the Workgroup has more information, it will help formulate the next steps in relation to providing training around this issue. Committee members agreed to speak with people with more direct knowledge/experience, such as FINS, TEAMS, educators, DCFS workers, Families Helping Families, social workers. The Education workgroup would like to involve somebody who works with children in this younger age range.

## **8. Updating Becoming an Adult Brochure**

This brochure is a useful guide for young people and there has been significant interest in it from services, including public libraries. Ariel Test and Joanna Laidler have isolated what sections of the Becoming an Adult Brochure require updating. They will be approaching members of the Children's Law Committee to assist them with these updates.

## **9. Children's Law Opinion Service**

At the last meeting, the Committee talked about different options for setting up a Children's Law Opinion Service where members could receive updates about children's law cases. Curtis was going to investigate whether it was possible for CLARO to host a separate listserv for children's law opinions, but he is not able to attend the meeting today. Joanna placed an IT ticket requesting that the LSBA Opinion Law Service add a 'Children's Law' option. The Children's Law Committee needs to decide what appellate cases should be captured by the 'Children's Law' subject area - should it be only juvenile/CINC cases, or all cases involving a child?

## **10. Training**

- a. **Interview Skills Training (9/18)** – Interview Skills Training for students with a focus on practical experience and networking opportunities with professionals. Speakers are Parris Taylor, Margot Hammond, Debra Weinberg, and Luz Molina. Intend to offer this training to other law schools.
- b. **Special Education Law (10/19)** – LSBA Special Education Workshop held at Southern University Law Center on October 19 from 9am to 1pm. Panelists will include Wayne T. Stewart, Debra Weinberg, Debra Weinberg, Parris A. Taylor, and Cynthia Chesterfield and Parris Taylor will act as moderator. We will apply for CLE credits for this workshop. More information will be provided to Committee members to attend or circulate through their networks.
- c. **CINC Pre-Conference (10/10)** – LSBA in conjunction with CINC taskforce is organizing the CINC Pre-Conference. It offers 6 hours of specialized CLE training, including an ethics and professionalism session. To be eligible to attend you must be employed full time or provide contract services for a qualified civil legal aid providers. For those eligible to attend, registration is still open and there are still spaces available.
- d. **Other trainings**
  - i. Together We Can Conference – November 12-14, 2019 in Lafayette
  - ii. Pro Bono Project – 6hr CINC CLE on November 15, 2019 location tbd.

## 11. Other business

Welcome to new Children's Committee Members:

- Trisha Casey
- Madalyn Wasilczuk
- Leigh Ann Rood Sakla
- Kenneth Doggett Sr.
- Michelle Perkins

## 12. Adjournment – November 6, Baton Rouge