

Louisiana State Bar Association Children's Law Committee

Wednesday, Nov 10, 2021, at 12:00 PM – 1:00 PM

Join Zoom Meeting

<https://us06web.zoom.us/j/85262280381?pwd=VzZhVEhPUmRYQXN3RHBZVC9HeUM5QT09>

Dial by your location: +1 312 626 6799 US (Chicago)

Meeting ID: 852 6228 0381

Find your local number: <https://us06web.zoom.us/u/kbsxJmSRit>

Attendees:

- **Kellie Johnson, Mental Health Advocacy Service – Co-Chair**
- **Curtis Nelson, Louisiana Supreme Court – Co-Chair**
- Barbara Ferguson, Attorney at Law
- Mark Harris, Pelican Center
- Kathleen Richey – CASA
- Allison Zimmer - La. Center for Children's Rights
- Ariel Test - La. Center for Children's Rights
- Mary Ann McGrath Swaim, Southeast Louisiana Legal Services
- Franchesca L. Hamilton-Acker – Acadiana Legal Services Corporation
- Hector Linares, Loyola University - College of Law
- Martha Maher – Attorney at Law
- Courtney Schroeder – Jefferson Parish Juvenile Court
- Jennipher Williams – Mental Health Advocacy Service
- Michael Brown – Attorney at Law
- Alexandra Kamp – Southeast Louisiana Legal Services Corporation
- Rachel Nastasi, Acadiana Legal Services Corporation
- Kristian Dobbard – Louisiana Department of Justice
- Trisha Casey – Mental Health Advocacy Service
- Michelle Perkins – Caddo Parish Juvenile Court
- Leigh Ann Sakla – Jefferson Parish Juvenile Court
- Daija Smith – Attorney at Law
- Caitlin Glass – Pelican Center

Guests:

- Laura Moore, Department of Children & Family Services

LSBA Staff:

- Monte Mollere
- Mariarenee Contreras
- Stephanie Beagh

MINUTES

1. **Welcome & Introductions:**

Committee members were asked to type their names and organizations in the chat. New members and guests were asked to introduce themselves to the committee. Laura Moore introduced herself. She is part of the LSBA's Tip Mentor program and works with the Louisiana Department of Children and Family Services.

- **08/25/2021 - Minutes Approval:** Mark Harris moved for approval. Kellie Johnson seconded the motion. Committee moved for approval.

2. **Working Groups:**

Kellie Johnson - asked for all workgroups to provide updates. The goal is to have all our working groups virtually meet two times each year. If anyone is interested in joining a workgroup, please message the Committee's staff liaison. Meetings will start in January.

- **Trauma Informed Care Working Group** – Curtis Nelson provided that the Pelican Center and the Court Improvement Program is working on developing a trauma informed training in the court room. The goal is to provide this training regionally both virtually and in-person. TBRI for the legal practitioners is the focus of this training, what the lawyer needs to know when working with trauma survivors. Curtis and the Pelican Center will notify the committee when this training takes place.
- **Education Working Group** – Barbara Ferguson and Curtis Nelson provided updates. Barbara updated that the group is observing the trauma informed care school policies that have been adopted to help children who are recognized as part of the ACEs (Adverse Childhood Experiences) group. The group would like to identify the schools who have adopted these policies and those that have not and how schools are being enforced to adopt them. Senate Bill 211 (Now Act No. 353) passed the most recent legislation session and requires both adverse childhood experiences and trauma informed training for schools to incorporate trauma related discipline policies. With the groups most recent research, it has been found that it is quite difficult to enforce charter schools to adopt trauma informed policies because these schools are constantly rated on their academic performance. This leads to charter schools removing children that are identified as a “problem” or “difficult to teach” without due process for the sake of improving their academic performance and these schools will also selectively reject students based on behavioral incidents in the past. These practices lead to less school options for children and parents to choose from and increase the probability of students falling into the school to prison pipeline.

The Community Charter School system took over a few charter schools after the State's takeover of schools in Orleans parish. One of their claims to fame is that they were able to reduce the suspension rates from 3-digit numbers to 1-digit numbers throughout the years. Coincidentally, these schools were able to adopt policies to easily suspend students for “disrespecting” authority and the classroom leading to quick expulsions and ultimately removing certain students for more favorable performance ratings in the future.

The education workgroup was able to address their concerns to Dr. Myrialis King. Dr. King is a non-practicing attorney and the CEO of 3 elementary charter schools, including Lafayette Charter School. Her schools are implementing the trauma-informed approach by embedding it throughout the school's teaching process. Dr. King has been able to help drop the expulsion numbers in the schools she works with. Curtis and Barbara are going to ask Dr. King to speak with the committee and possibly write an article about the process she has taken to implement trauma informed policies and the results she has seen.

Kellie Johnson shared a resource relating to education and children's law with the workgroup. The website is called PACES Connection and provides resources and trainings related to Adverse Childhood Experiences. Link: <https://www.pacesconnection.com/>.

Barbara would also like to investigate whether the state or another entity like LCCR monitors the implementation of IAIPs like IEPs are monitored. IEPs were created under federal law, but the IAIPs were created by the Louisiana State Board of Education which has the rule making authority to promulgate their rules into various documents. The IAIP requires that if a child fails a state assessment test for 2 or more subjects, then additional resources are to be provided to the child such as summer school. IAIPs are meant to prevent students from failing out of schools.

Allison Zimmer stated that she has not seen any students with IAIPs. Many of Allison's students have IEPs. *Kathleen Richey* asked Barbara to reach out to her because The Children's Cabinet Advisory Board will meet soon, and she would like to bring this topic up to the board.

- **Legislative Working Group** – No updates.
- **Disparities & Disproportionalities Working Group** - No updates.

3. **Children's Law Bar Journal:**

A small workgroup has been formed to help plan a Children's Law edition for the Spring. The group plans to meet in December and will be discussing potential bar journal articles and a theme for this new edition.

A few suggestions were made:

- *Kathleen Richey* would like to work on a Children's Law related article that touches on the number of available and able attorneys using their volunteer hours to become CASA volunteers. She is interviewing potential attorney volunteers and plans to finish writing her piece soon. The article topic could be part of the Children's Law edition or its own separate article piece.
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- *Kathleen R.* also suggested the topic about the "Raising the Age" and what it means relating to delinquency issues. There is a lot of misunderstanding on what this entails. Having an article that addresses the impact of "raising the age" for pre-adjudicatory detention vs. adult pre-trial detention. Louisiana will soon need to comply with the Office of Juvenile Justice and Delinquency Prevention. An article has been done in the past on this topic, but a new

one following up on the issue will help with bringing awareness. Ariel dropped a link in the chat: <http://files.lsba.org/documents/publications/BarJournal/Feature2-Walker-Oct-Nov-2018.pdf>

- *Allison Zimmer* suggested writing an article touching on the rights of children to receive appropriate education services whether they are in pre-trial or post-disposition secured facilities.
- The 2018 Children's Law Edition was dropped in the chat for committee members to review and have an example of what was done a few years ago. Link: <https://www.lsba.org/documents/publications/BarJournal/Journal-Aug-Sept-2018.pdf>

4. **Pelican Center Report** – *Caitlin Glass* provided an update on the trainings the Pelican Center is putting together with the Court Improvement Program. The CIP programs will be conducted monthly for free CLE and CEU credits. Registration information was included in the agenda and during the meeting.
- CIP Café Parent Engagement, Support, and Advocacy: November 18th: 12pm – 1pm
To register: <https://teamdynamicsweb.com/event-4529037>
 - CIP Café Foster Youth Bill of Rights December 16th 12pm -1pm
To register: [Team Dynamics LLC - Monthly Cafe' sponsored by Louisiana Supreme Court & Court Improvement Program \(teamdynamicsweb.com\)](#)

Another QRTP training was offered in August that touched on more the delinquency side of the issue. A toolkit was provided at the training. Link to the training's recording is available on the CLARO website. <https://class.clarola.org/courses/qualified-residential-treatment-programs-qrtps/>
Link to the toolkit: <https://pelicancenter.org/qrtp-judicial-toolkit.html>.

The Pelican Center is also working on making a QRTP training for Judges in December. The LDAA training that is coming up will also have a full day on CINC related issues including the important advocacy role district attorneys have, the different court proceedings, and safety trainings.

The Pelican Center is also collaborating with DCFS on a comparison chart that touched on the different types of custodial options, including guardianships. Including the steps and effects that each custodial option entails. This resource will be for the public to easily refer to. Another project the Pelican Center has been working on is developing an MOU that helps attorneys know how to contact their clients to prep them for custody hearings. The MOU was created with DCFS where DCFS is responsible for attaining a child's parent's contact information in advance of continued custody hearings as part of their policy.

5. **Engaging Law Students:** *Curtis Nelson* provided an update that the committee is always looking for opportunities to engage with law students interested in children's related issues. The committee is open to hosting a law skills training with any of our partnering law schools.
- **LSU Apprenticeship Week:** *Stephanie Beagh* reported that LSU Law School is having an apprenticeship week on January 4th – 8th and wanted to know whether the Committee would like to collaborate in putting together a law skill interviewing training for the students. The program is made up of attorneys and judges who put together various task oriented trainings for the law students to get hands on experience to the legal profession.

6. Training:

- Together We Can Conference – *Recap*
 - i. Congratulations to Award Recipients:
 1. Rebecca E. May-Ricks – awarded the 2021 Catherine LaFleur Legal Advocate for Children Award.
 2. Judge Ernestine S. Gray – awarded the 2021 Lifetime Achievement Award
- Justice Fridays CLE Events on Friday, November 12, 2021.
 - i. 9:00 – 10:00 AM: *Advocating for Children with Disabilities in Schools*
 - ii. 10:10 – 11:10 AM: *Child Custody Proceedings & Mental Health Evaluations*
 1. **Registration Link:** [Justice Fridays Registration \(google.com\)](#)
- TBRI Fridays w/ Crossroads NOLA: [TBRI Fridays Register | Crossroads NOLA](#)
- Families Helping Families of Greater Baton Rouge:
 1. [Navigating the IEP Part 2](#) - Nov. 12th
 2. [Behavior Management for Parents w/ Children with ADHD](#) - Nov. 15th
 3. [What Happens When Parents & Schools Disagree](#) - Nov. 15th
 4. [Navigating the IEP Part 3](#) - Nov. 17th
- CASA:
 1. [Keeping Children Safe](#) - Nov. 18th.
 2. [Nurturing the Well-Being of Children and Adolescents](#) - Jan. 27, 2022
- La. Supreme Court CIP Café:
 1. [Parent Engagement, Support, & Advocacy](#) Training – Nov. 18th

7. Other Business:

- Jack Harrison – [ABA's Fearless Children's Lawyer of the Month – August 2021](#)
- American Bar Association Children's Rights Journal: [Vol. 47, No. 1: Empowering Youth at Risk through Legal Rights Education \(americanbar.org\)](#)

Curtis Nelson reported that the Child Protection Representation commission will be convening on November 19th hosted by First Lady Donna Edwards. This commission has not met since 2018. Chief Justice John Weimer will also attend the meeting to help kickoff the commission. Once this group sets their future dates for upcoming meetings, Curtis will update the committee for an opportunity to share ideas on how attorneys can continue to improve the legal representation of children and parents in Louisiana.

Curtis also added that the Juvenile Justice Reform Implementation Act Commission is back up and going. They are meeting frequently. Curtis will update the Committee on those meetings dates for future collaboration with committee members.

8. **Adjournment** - Next meeting is Wednesday, February 16, 2022, at Noon. This meeting will be offered both virtually and in-person.