

LSBA Children's Law Committee Meeting
November 20, 2024 at noon

Attendees

Lauren Anderson – Attorney at Law
Emily Aucoin - Loyola Law Clinic
Bernadette D'Souza - Orleans Parish Civil District Court
Jennifer D'Souza - Orleans Parish Civil District Court
Tina Darensbourg - Office of the State Public Defender
Storm Ehlers - Louisiana Supreme Court
Steven Farber - Metropolitan Human Service District
Ernestine Gray - Orleans Parish Juvenile Court
Jack Harrison - LSU Law Center
Mark Harris - Pelican Center for Children and Families
Alexandra Kamp - Southeast Louisiana Legal Services
Mary Ann McGrath Swaim - Southeast Louisiana Legal Services
Richard Pittman – LSU Law Center
Kathleen Stewart Richey - State Child Ombudsman (co-chair)

LSBA Staff

Rebecca Collins
Monte Mollere

MEETING MINUTES

1) Welcome & Introductions

- 2) Approval of Meeting Minutes from August 21, 2024.** There was not a quorum present at the meeting. A vote to approve the minutes will be emailed to committee members and recorded by Rebecca Collins.

3) Workgroup Updates – Committee Members

- a) **Trauma Informed Care** - Kathleen Stewart Richey provided the update on the Trauma Informed Care Work Group. She explained that the work group discussed the differences between trauma-informed care and trauma-informed practice, stated that the group talked about techniques and processes that could expand trauma-informed practice, and looked at definitions to understand the distinction between the two concepts. Steven Farber then suggested that the work group should involve psychiatrists and social workers to help with this effort, noting that it can be dangerous if attorneys don't know how to properly approach someone with trauma. Alexandra Kamp also mentioned that the group [Crossroads NOLA](#) could be a good resource for the work group, as they provide trauma-informed care training. Overall, the discussion centered on ensuring the work group has the right expertise and resources to develop effective trauma-informed approaches for attorneys working with children.

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- b) **Education** - Kathleen Stewart Richey reported on the activities of the Education Work Group. She explained that the group discussed educational advocacy for children and how to implement it. The plan is to start by conducting a survey of lawyers representing children to find out their needs in terms of advocating for the educational rights of their clients. The goal is to use the survey results to develop resources and training programs that would benefit the attorneys' educational advocacy efforts. Richey noted that the work group is looking at advocating for all children's education, not just those in special education. The next steps for the work group are to refine the survey draft and determine how to best disseminate it to gather the needed information from the attorneys.

- c) **Crossover Youth** - Kathleen Stewart Richey reported on the activities of the Crossover Youth Work Group. She explained that the group has been working on developing tip sheets or a "decision tree" for attorneys to use when representing a child involved in both the child welfare system (CINC) and the juvenile justice system (delinquency). The goal is to create resources that can help CINC attorneys navigate the delinquency process, and vice versa for delinquency attorneys when a client becomes involved in the child welfare system. This is because the constraints of the programs often prevent the attorneys from being able to follow the child into the other system. Richey noted that the work group is trying to get additional perspectives from attorneys with more experience on the delinquency side, as the committee is primarily made up of CINC attorneys. The group has reached out to Professor Nash, Tina Darensbourg, and Jack Harrison to try to get that additional expertise involved. Jack Harrison then mentioned that he has a current delinquency case involving a child in DCFS custody, and he plans to confer with the child's CINC attorney, Courtney Skidmore, to use that case as a basis for developing some of the proposed checklists and approaches.

- d) **Diversity** - Mark Harris from the Pelican Center for Children and Families reported on the activities of the Diversity Work Group. He explained that the group had discussed ABA Resolution 606, which recognizes issues of disparities and disproportionality in the child welfare system. Harris stated that the Pelican Center's Diversity and Disparate Outcomes Committee had taken up Resolution 606 and presented a request to the Pelican Center's board to make an official acknowledgement or statement about the resolution. The board directed the committee to draft language for consideration at their December meeting. Additionally, the Pelican Center board tasked the committee to make recommendations for concrete action steps the organization could take to comply with the spirit of Resolution 606. Harris noted they hope this statement could serve as a model for other organizations to consider as well. Mark Harris mentioned having a conversation with Patsy Wilkerson, who had previously developed the "Culture Smart" curriculum. They discussed the idea of creating a similar training program focused more on diversity rather than just culture. Judge Ernestine Gray also provided an update, mentioning that the work group had

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discussed the challenges of the Bar Association making an official policy statement on these issues. Instead, the focus has been on finding ways for everyone to have meaningful conversations about diversity and disparities in the child welfare and juvenile justice systems. Gray noted there have been discussions about using less antagonistic language, as some are concerned about the direction these conversations may go post-election. The group is trying to find ways to train people on the issues and get them to recognize the need for attention in this area.

4) Other Items

- a) **Special Immigrant Juvenile Status (SIJS)** - Mark Harris reported that the group working on SIJS issues has been continuing to work on developing a "bench card" or fact sheet that would cover the essential parts of the SIJS process. He mentioned there was a suggestion made in a meeting earlier that day about the need for some targeted training and education programming for judges. The idea was that some judges may have more frequent exposure to SIJS cases than others, and there could be some trepidation or lack of familiarity that the training could help address. One specific suggestion that was discussed was the possibility of doing a mock SIJS hearing that could exemplify the key elements of what needs to take place during the hearing. Harris said this was just an idea being considered, but no firm decisions had been made yet. Steven Farber suggested the possibility of using moot court at law schools to help educate future attorneys on SIJS proceedings. Additionally, Harris noted there was discussion about developing some resources, potentially in the form of a glossary of terms, to help attorneys better understand the federal SIJS statute, as some of the terminology may have different meanings than what attorneys are used to.

- 5) **Children's Law Legal Updates** – Kathleen Stewart Richey discussed two bills coming through the Louisiana legislature during the special session - Senate Bill 1 and Senate Bill 2. Senate Bill 1 deals with court jurisdictions. Richey expressed concern that there seems to be confusion between court jurisdictions and court programs. She said this bill could give the legislature the ability to dissolve specialized courts like juvenile courts. - Senate Bill 2 proposes a constitutional amendment to revamp Article 5, Section 19 regarding juvenile offenses. Richey explained this would allow the legislature to decide which offenses can be heard in juvenile court, rather than having a set list.

Richey emphasized that these legislative changes could significantly impact the practice of attorneys representing children, so they need to pay close attention as these bills move through the process. Steven Farber agreed, noting the danger that these constitutional amendments could get passed during a special election when voter turnout is lower. Judge Ernestine Gray also commented that she has been in conversations nationally where the carjacking issue that is addressed in the legislation has been getting attention at the federal level as well.

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6) Training and Education Opportunities

- Youth Trauma and Resilience in Poverty <https://www.louisianacasa.org/event-details/youth-trauma-and-resilience-in-poverty>
- Trauma Informed Courts: The Stuff They Don't Teach You In Law School, Thu, Nov 21st, 2024 12:00 PM - 1:15 PM CT
<https://www.justiceclearinghouse.com/webinar/trauma-informed-courtsthe-stuff-they-dont-teach-you-in-law-school/?source=jchemail>

7) Future Meetings

- February 19, 2025
- May 21, 2025

8) Adjournment – The next committee meeting is on February 19, 2025.