Friday, October 27, 2006

November 18 – Adoption Saturday!!

Polk County Courthouse – Last year almost 1,000 people attended and 42 adoptions were finalized on that one day.

Using a Child as a Weapon: According to CNN, 27-year-old Chytoria Graham of Erie, Pennsylvania has been charged with aggravated assault, endangering the welfare of children, simple assault and reckless endangerment. During a domestic quarrel, Graham, the mother of 5 children, is alleged to have grabbed her 4-week-old infant by his feet and swung him, hitting her 20-year-old boyfriend and fracturing the baby's skull.

Jarron, the infant who had been delivered by Caesarean section September 11, was in serious but stable condition in a drug-induced coma at Children's Hospital of Pittsburgh. While the infant is recovering in the hospital, Graham's other four children have been removed from her custody by authorities.

Large Attorney Fees in Child Welfare Lawsuit: According to an article by the Associated Press, a federal judge (U.S. District Judge Marvin Shoob) has awarded $11.3 million in fees and expenses to lawyers whose lawsuit against the state of Georgia led to reforms in foster care. The money will be shared by the New York-based nonprofit Children’s Rights Inc., and the Atlanta firm of Bondurant, Mixon and Elmore.

The State of Georgia settled the three-year-old case last year, resulting in Georgia child welfare officials agreeing to lower worker caseloads, to improve investigations into child abuse and neglect, to provide foster children with proper health services and to prevent overcrowding in foster homes.
Judge Shoob, who awarded fees based on rates as high as $495 an hour for some of the attorneys in the case, held that the increased award beyond attorney hours and expenses was appropriate in light on the favorable result obtained. He also ruled that the state is in part to blame because it fought the case so long when even state officials ultimately admitted that the system was badly in need of reform.

**Trouble in Philly:** According to the Philadelphia Enquirer, the Philadelphia Mayor has dismissed two top officials at the city's child-welfare agency, admitting that his administration had not done enough to protect children from being killed by child abuse. When it was announced that the top official was forced to resign, hundreds of DHS workers walked off of the job and marched on City Hall in protest.

The mayor also promised that the state Department of Public Welfare and the city would conduct a joint review of all child-abuse fatalities over the last several years, and that the reviews would include child advocates from outside the government.

In the city of Philadelphia alone, 11 children have died so far this year as a result of abuse or neglect - five after DHS workers had contact with the family. Since January 2003, at least 25 children have died in Philadelphia after DHS opened an investigation into possible abuse or neglect in the family.

**Pennsylvania Supreme Court Takes Action:** According to an article by the Associated Press appearing in The Sentinel, Justice Max Baer, a Pennsylvania Supreme Court Justice, hopes some 20,000 abused and neglected Pennsylvania children will find permanent homes more quickly through a series of court reforms recently announced. The Pennsylvania Supreme Court has established a new Office of Children and Families in the Courts whose mission is to: 1. work to ensure that each dependent child gets a permanent placement plan within a year, 2. make court appearances more frequent, 3. improve training for judges who handle the cases, and 4. foster the relationships between judges and child-welfare agencies.

The new reforms include a “Roundtables for Children Initiative”, which brings together juvenile-court judges, child-welfare administrators and others to share ideas and discuss potential improvements. The initiative is funded through 2011 with $1 million a year in federal grant money.

In 2005, Pennsylvania officials logged 4,400 substantiated cases of child abuse in the state, and forty children died of abuse or neglect, usually at the hands of a parent or caregiver.
**October Statistical Summary:** During the month of October, the Iowa Supreme Court rendered no decisions in juvenile cases, and the Iowa Court of Appeals rendered 28 opinions in juvenile cases. Of those 16 cases, 23 were Termination of Parental Rights (TPR) cases, 4 were a Child In Need of Assistance (CINA) cases, and one was an involuntary mental commitment by the Juvenile Court. Here is what happened on those cases:

**TPR Cases** In all 23 of the TPR cases, the parent(s) appealed the trial court’s order terminating parental rights, and the Court of Appeals affirmed the termination of parental rights.

**CINA Cases:** In the one CINA case, the Court of Appeals affirmed the trial court’s adjudication of a child to be a child in need of assistance (CINA). In one CINA case, the Court of Appeals dismissed the appeal of a removal order on the grounds that such an order is not a final order and, hence, not subject to appeal. Another CINA appeal involved an appeal of a permanency order that changed the goal from reunification with father to placement with mother, which was affirmed by the Court of Appeals. The final CINA appeal involved an appeal of the transfer of custody from the mother, which was affirmed (see discussion below).

**Involuntary Mental Commitment:** A child’s appeal from a juvenile court order for involuntary mental commitment was affirmed. (See discussion of this case below).

**In the Interest of L.C.S.C.** (Iowa Court of Appeals, October 25, 2006): In this appeal of a juvenile court order for involuntary mental commitment, the child raised the issue of subject matter jurisdiction. The application for a commitment order was filed by the father, with a supporting affidavit by the mother. The father asked to withdraw his application for commitment and the mother withdrew her affidavit in support of the application. The Court of Appeals held that the parents could not remove the court’s subject matter jurisdiction once accepted by the trial court. As to whether the trial court had the authority to hear this particular case (in contrast to the subject matter jurisdiction claim), the Court of Appeals held that such issue was not preserved at trial:

“The record reveals counsel for L.C. made an oral motion to dismiss after the letter from L.C.’s father, which stated his desire to withdraw the application, was admitted as an exhibit. The court denied the motion. We
find nothing in the record raising a challenge to the authority of the court to hear the case or any ruling form the court on this issue. Therefore, this claim was not preserved for our review.

**In the Interest of T.D.** (Iowa Court of Appeals, October 25, 2006): A CINA petition was filed based on concerns that the mother was instilling false memories of sex abuse in her young daughter. The mother had also been “shopping for therapists” for the child to support her claims. The mother had taken the child to various different providers for sexual abuse exams, and the trial court ordered that the mother only take the child to “age-appropriate medical appointments.” The mother had placement throughout most of the proceedings, but that placement was modified when the mother videotaped her daughter’s genitalia in an effort to document what she believed were signs of sexual abuse by the child’s mother. The mother appealed from this placement change order. The three-judge panel completely split: the opinion of the court, one concurrence, and one dissent. The dissent pointed out:

“The record reveals W.L.C. was faced with a dilemma. If she took her child to a medical provider, which Dr. Shah stated was the appropriate course of action, she would have been in violation of the juvenile court’s February 2005 order. If, on the other hand, she ignored the problem, she might have been deemed neglectful. . .Given this dilemma, I would conclude that W.L.C.’s act of filming her child was not grounds to modify T.D.’s placement.”

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**Family Structure:** The following information comes from Child Trends DataBank:

- From 1970 to 1996, the percentage of all children under age 18 who were living with two married parents decreased steadily from 85 percent to 68 percent. The percentage stabilized during the late 1990s, and was at 67 percent in 2005.
- Since 1970, the percentage of children living in mother-only families has increased from 11 percent to 24 percent in 1997 and was at 23 percent in 2005. Between 1970 and 2005, the percentage of children living in father-only families increased from 1 percent to 5 percent. The percentage living without either parent (with other relatives or with non-relatives) rose slightly from 3 percent to 5 percent.
- In 2005, 6 percent of all children lived in the home of their grandparents. In more than half of these families, however, one or both parents were also present.
- Black children are significantly less likely than other children to be living with two married parents. In 2005, 35 percent of black children were living with two
parents, compared with 84 percent of Asian children, 76 percent of non-Hispanic white children, and 65 percent of Hispanic children.

- In 2005, 10 percent of all black children did not live with either parent, compared with 5 percent of Hispanic children, 3 percent of non-Hispanic white children, and 3 percent of Asian children

"You make a living by what you get; you make a life by what you give." - Winston Churchill