

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Meeting attendees [Personally Identifiable Information] [partial] (1 page)	06/17/1997	b(6)

COLLECTION:

Clinton Presidential Records
First Lady's Office
Jennifer Klein
OA/Box Number: 13525

FOLDER TITLE:

District of Columbia Adoption

2014-0536-S

kc1447

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

6/18/97 mtg: DC Foster Care / Adoption

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SENT VIA FACSIMILE

DATE: June 16, 1997 NO. OF PAGES INCLUDING THIS COVER SHEET: 2/2

TO: Nicole Rabner

COMPANY: Office of the First Lady FAX NO.: (202) 456-2878

REFERENCE NUMBER: 1290092-0921 TEL NO.: (202) 456-7263

RETURN CONFIRMATION TO: Mandy Parvand

CC: _____

SENDER: Carolyn B. Lamm SENDER'S NO.: (202) 626-3605

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THIS SPACE MAY BE USED FOR SUPPLEMENTAL MESSAGE

The attached is a memo from Carolyn Lamm identifying the issues.

Also per your request, the attached is the list of SS numbers and DOBs you asked for in anticipation of the upcoming meeting on Wednesday, June 18 at 9:30 a.m. Please call if I can be of further assistance. Thank you.

Mandy Parvand
Carolyn Lamm's Secretary

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[001]

-2

Name

SS #

DOB

Carolyn B. Lamm

Judge Joan Zeldon

Katherine A. Mazzaferri

(b)(6)

M E M O R A N D U M

Date: June 16, 1997
Re: Adoption Issues in D.C.
From: Carolyn Lamm

In D.C. approximately 800 children per year are placed in foster care. Many advocates are concerned that this number may increase as stress and disruptions caused by welfare reform are felt in the community. Few children are reunited with their natural parents. The foster care system has been able to place approximately ten children per month in permanent adoptive homes. There is a great need for a multidisciplinary effort to facilitate adoptions, including efforts concerning legal issues, the social work issues and government issues.

Participants at an ad hoc meeting of experts^{1/} identified the following:

- (1) There is a great need to publicize and promote adoption of the children from the foster care system;
- (2) There is a need to locate lawyers who are willing to serve as pro bono lawyers, to train them and to set up a mentoring resource with attorneys experienced in adoption and custody cases in order to provide the legal services required to reunite families or place the children; and,
- (3) There is a need to establish a good drug addiction rehabilitation and treatment facility that will be in D.C., available to low income people in D.C.
- (4) There is a need for some law reform work; and,
- (5) Finally, there is a great need for adoptive homes.

^{1/} Attendees at the meeting included: Carolyn B. Lamm, Judge Joan Zeldon, Harvey Schweitzer, Leslie Scherr, Maureen Syracuse, Jane Belford, Rita Bank, Joan Strand, Jeanne Jones, and Katharine Mazzaferri.

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It has been difficult to locate adoptive homes for many of the children for a variety of reasons: (1) there is at least a perception that foster care children are problem children; (2) the need, due to the many dual working couples in Washington, for child care, during the day, if they do decide to adopt a child and for education, given the somewhat deficient public school system in Washington; (3) most of the children are not infants (except for boarder babies) and many are children of drug addicted or substance abusing mothers; and (4) D.C. is in the position of having to compete with Maryland and Virginia for adoptive homes. The D.C. agencies and D.C. courts, however, have been very open to any good placements and will permit placement with couples regardless of sexual orientation, age, race, etc.

In abuse and neglect cases (that result in children being placed in foster care) the judges estimate that between eighty and ninety percent of the parents need drug abuse treatment in order for the natural parents to get well and be able to be reunited with their children. Most of the families fall apart due to substance abuse problems. There are not nearly enough drug addiction treatment facilities in D.C. There was a suggestion that D.C. invite Mimi Silbert, who runs a nationally recognized self support drug treatment program in New York and California, to come to work with the authorities in D.C. to open a drug treatment facility in order to provide self-sustaining, long term drug treatment which would help to solve this and many other problems in D.C.

Another significant problem is that the children in foster care need to be legally free to be adopted. Hence, with respect to each child, the Courts need to make the determination as to whether parental rights are intact; have parents relinquish their rights or whether the child can be returned to the parents or not. Procedurally, after eighteen months on the neglect calendar, the judge should terminate parental rights. During the eighteen month period the Court tries to reunite the children with their natural parents. Significant social work and counseling is necessary during this phase of the legal process to support reunification. Drug treatment is critical during this period and is often lacking. After the eighteen month period, a permanency plan is proposed for each child and attempts to locate a placement with an adoptive family are commenced.^{2/} Placement with foster parents, if desired, should be facilitated. Further, the adoption unit at DHS and CSFA is trying to contract with private sector agencies to assist in the location of adoptive homes. There is, however, a great shortage. Hence, efforts to promote adoption of children from foster care are necessary (e.g., through Barbara Harrison's "Wednesday's Child" and National Council for adoption).

^{2/} The TPR procedure does not have to be complete before the adoption process commences. TPR can be accomplished in the course of adoption.

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The agencies who deal with foster care include the following: (1) Foster Care Family and Child Care Administration at 609 8th Street N.E. Sharon Knight is the acting head of the adoption unit at FCCA; (2) The Receiver's Office (i.e., the LaShawn Office). Wilfred Hamm (acting receiver) and Tim Roach are key contacts; (3) Consortium for Child Welfare, is a consortium of seventeen member organizations, including: For Love of Children; Lutheran Social Services; and the Catholic Charities, among others. About half of these organizations work with the foster care system to assist with placement. Almost all of the children in foster care are minority children, but these agencies attempt to find placement in any good, loving families, given the new legal standards permitting transracial adoptions.

Another significant problem is the question of subsidies. When a child is taken from a home and placed in foster care there are certain subsidies that are provided pursuant to local and federal legislation. The subsidies are not available if the child is placed in kinship care. (Mary Bissell in Legal Aid has significant information about this.) This presents a very difficult policy issue which must be considered carefully as to whether the government should pay families to essentially raise children in their extended families. Participants at the meeting noted that by paying subsidies for children in kinship care, the natural parents may not have an incentive to improve in the long run (e.g., because they have access to their children who are paid for and well cared for in extended family homes). The subsidies do not convey if the kin adopt the child. Further subsidies do convey, but end with the death of the non-kin adoptive parent. Hence, the subsidy area is one which should address whether or not a recommendation should be made to subsidize the children if they are placed in kinship care, but also what criteria can be used to insure that there is not abuse of the system.

The procedures for adoption have not been clear and have been cumbersome. To-date, there have not been any formal rules of procedure governing adoption in D.C. At the request of Chief Judge Hamilton, however, Judge Zeldon has chaired a committee to draft new rules that will greatly facilitate adoption procedure in Superior Court from the filing of the petition to the entering of the decree. The rules will facilitate pro se adoptions. Currently many of the adoptions done by lower income and middle income families in fact are pro se.

Judge Joan Zeldon and Leslie Scherr, who are both on the committee, emphasized that there is an immediate need for legislation from the City Council in D.C. on several issues with respect to adoption procedures in D.C. For example, they note that in order to facilitate getting an FBI clearance of prospective adoptive parents, D.C. needs a law like the one in Maryland and Virginia that requires an FBI clearance be done for all adoptive homes and permits the FBI, for a charge, to perform the service. Additionally, a registry system for birth fathers should be considered to facilitate notification.

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Further, a registry system in D.C. for adopted children and birth parents to register if they want to know each other's identities after age eighteen should be considered. This is provided for in the Uniform or Model Code Adoption Law proposed by The National Conference for Commissioners on Uniform State Laws. Such a law should be studied in D.C. and potentially promulgated. Further, providing adoption attorneys and petitioners access to information concerning the status of adoption cases and orders to expedite processing of adoptions should be formally adopted, recognizing the need for a balanced approach that respects everyone's rights.

There is a need in D.C. to consider the following legal issues in order to facilitate adoption:

(1) The need for an easy system of preprinted forms and instructions. Through a Bar task force convened by PSAC and appropriate Family Law section committee in cooperation with the Court, members of our Bar could assist the Court with drafting such forms and making them available to participants in the system. Further, the Bar, through the PSAC (if funded), could provide video tapes on pro se adoption to be played at a kiosk at the Court and distributed in the community (much like those for a pro se divorce). Such tapes take prospective adoptive parents or natural parents through the steps necessary for adoption or to retain parental rights.

(2) A birth father registry to facilitate notice to birth fathers and the relinquishment of rights.

(3) A program to recruit, train and match pro bono lawyers with low income clients to assist the expedition of adoptions. This would assist in both contested and uncontested cases.

(4) Consideration of the subsidies issues in order to address whether and how a child should be permitted to keep subsidies.

(5) With respect to foreign adoptions, D.C. still has a lengthy and cumbersome procedure. Both Virginia and Maryland have inexpensive and summary proceedings. A similar law to those in Virginia and Maryland should be considered for promulgation in DC with inexpensive summary proceedings to facilitate foreign adoptions.

(6) Although attorneys can recover legal fees in subsidized adoption cases, those cases are capped at \$1,000 for uncontested and \$2,000 for contested cases. There are attorneys available to handle uncontested, subsidized cases but it is difficult to find attorneys to take uncontested adoption cases for a capped \$2,000 fee. This process should be considered to see whether or not they can provide a better fee or supplement the effort in contested cases with pro bono service.

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(7) The ICPC has presented significant problems with respect to children in foster care. It has not been designed for foster care placements that turn into adoption. It has resulted in significant delays in Maryland and Virginia where the process for adoption of a child from foster care by a foster family is lengthy. This issue needs to be studied and suggestions made to facilitate the placement of children under ICPC in Maryland, Virginia, and surrounding states.

Finally, many others have indicated an interest in working on this project including:

- (1) The Family Law Section of the ABA through Bruce Kaufman, Chairman;
- (2) The Task Force on Adoption made up of a subcommittee of the Family Law Section and a subcommittee of the Domestic Relations Committee of the Bar Association;
- (3) The ABA Center on Children and the Law through Howard Davidson who is seeking funding and "partners" to work on law reform including, specifically, permanency planning, some termination of parental rights, adoption laws and kinship adoption. See Exhibit 1;
- (4) Barbara Harrison, News Channel 4, "Wednesday's Child"; and
- (5) Bill Pierce, President, National Council for Adoption.

Enclosure

RESULTS OF D.C. CHILD PROTECTION LAW REFORM PRIORITIES SURVEY

THE TOP-RATED TOPICS AND ISSUES

1. **Improve Child Neglect/Abuse Intervention by the Superior Court's Family Division**
 - Need a true Unified Family Court in the District (Note: The ABA Committee on Substance Abuse is working with the Superior Court on this issue)
 - Need to clarify role of Corp. Counsel related to DHS in child protection cases
 - Need clearer linkage/coordination in Court Social Services and DHS casework

2. **Reform Child Abuse/Neglect Reporting, & the Response by DHS and the Police**
 - Need to end the bifurcated (Police/DHS) reporting/investigation process and replace it with one coordinated process
 - Need a mandated reporting hotline with triage response system
 - Need clearer definitions of "abuse" and "neglect"

3. **Enhance Court/DHS Review of Child Placements/Permanency for Foster Children**
 - Need a mandate for true, and timely, "permanency planning" hearings

4. **Change Termination of Parental Rights/Adoption Laws**
 - Need to make parental responsibility for a child's death grounds for terminating the parental rights of surviving children

5. **Address Confidentiality/Information Barriers to Interagency Support for Children**
 - Need a law to mandate sharing of information among all District agencies involved in abuse/neglect cases and agencies working with such children and families

6. **Improve Use of Kinship, Foster Home, and Residential Care Placements**
 - Need a new legally-recognized category for kinship placements, with expedited evaluations of the safety and suitability of those placements

7. **Enhance Child Victim-Witness Rights/Use of Guardians Ad Litem**
 - Need a law to authorize child-friendly court procedures, including speedy trials in criminal cases involving child victims

8. **Intensify Intra-System Coordination**
 - Need clear authority for District agencies to provide services for "families at risk" while keeping them from unnecessarily entering the judicial system

9. **Reform the Criminal Court Process Affecting Children**
 - Need to assure that crimes involving the physical abuse of children are properly addressed and adjudicated

10. **Revamp Criminal Sentencing and Post-Conviction Treatment Policies**
 - Need clear legal authority for judges to order that offenders pay the costs of a victim child's treatment

THE COMPLETE ISSUES LIST

1. Improve Child Neglect/Abuse Intervention by the Superior Court's Family Division

The District needs a true "Unified Family Court".

Laws or policies must address the inherent conflict in the perceived role of the ACC handling abuse/neglect cases and the interests and goals of DHS. Create a process to resolve conflicts between ACC and DHS staff on such issues as: reunification/return to parents; changing case goals (e.g., from adoption to reunification); and even whether cases should be "papered" or not at the outset.

Law should require formal pre-hearing case conferences at all stages of child neglect/abuse & case review proceedings (and require Assistant Corporation Counsel to be involved in all case review hearings).

Need formal mechanism to eliminate or improve conflicts and confusion between what Court Social Services and DHS workers do in child protection cases.

Judges newest to Family Division should not be assigned to hear abuse/neglect-related cases.

Child abuse/neglect cases should be heard at a satellite court facility in which hearings can be held closer to the neighborhoods where the families live.

Should reduce number of judges (now about 60) handling case reviews, so this is done by only a few.

Provide authority for Family Division to use permanent masters, referees, commissioners, or other hearing officers to supplement the work of judges and speed the hearing and resolution of cases.

Should make putative fathers rights to counsel contingent upon a prompt assertion of interest in their child (and desire to be represented) after notice is given to father. Give the Court money to pay for DNA tests that may establish a man's paternity. When Court appoints CCAN attorney for a disinterested, uninvolved birth father, attorney should be given burden, within a short time period, to find their "client" and determine their interest in child, or else appointment should be terminated. CCAN attorneys for putative fathers should not be permitted to unreasonably delay proceedings.

2. Reform Child Abuse/Neglect Reporting and the Response to Reports by DHS and the Police

Should end the bifurcated, reporting/investigation response process where DHS has no statutory authority/responsibility to respond to child physical and sexual abuse cases — and replace it with a coordinated, statutorily mandated response process.

Police should not be permitted to use their informal "warning and counseling" process for perpetrators to in any way keep severe child physical abuse cases out of the courts, and long lag-times between those warnings and police notification to DHS of who has received such warnings must be eliminated.

Need clear and broad parameters for what constitutes unlawful "abuse" of children and "neglect" — e.g., children born with drugs in system; jurisdiction based on child's condition rendering them endangered.

DHS needs authority to remove abused or neglected children from home (workers must now get police to do so, except when kids are "left alone" at home).

Law should mandate a reporting hotline with a triage system, providing "one-stop shopping" for reporters, and coordinating police/DHS investigations.

Need a statutory basis for making evidence of maltreatment of prior children admissible in an abuse or neglect case involving another child.

Need to broaden abuse/neglect law to encompass children abused other than in intrafamilial settings.

Need to create a new DHS case investigation label (beyond Substantiated and Unsubstantiated) that clearly permits or mandates continuing agency support for families.

Need to provide legal authority to remove children from home for 72 hours before a formal court petition must be filed (not, as limited now, to the "next court day").

Need legal authority to assure that children abandoned in DC, by parents from other jurisdictions, get appropriate agencies to take case responsibility, and to more narrowly define when DC Courts have jurisdiction over neglected children from other jurisdictions.

3. Enhance Court/DHS Review of Child Placements / Permanency Planning for Foster Children

Need to refine the law to assure that the Federal law's P.L. 96-272 requirements are met.

Need to assure that permanency planning hearings are held by the Court in a timely way, thus not delaying for long periods the closing of cases (including private, voluntary adoption placement cases).

Law should require that true "Permanency Planning Hearings" be held by the Court in a timely way. Need to provide a special court docket, with assigned law clerk, for such hearings.

Need to assure that Court-appointed attorneys for foster parents who have had care of children for at least six months are made clearly aware of their responsibilities.

4. Change Termination of Parental Rights / Adoption Laws

Law needs a provision making parental responsibility for the death of one child grounds to terminate parental rights on the surviving children.

There should be a special Court adoption calendar with multiple judges and a law clerk assigned.

Noncontested adoptions must be expedited by the Court, with confidentiality law not construed by the Court to deny petitioner attorneys information on case status and reasons for delay.

Need to have a "Putative Father Registry and Responsibility" statute enacted regarding standing, notice, and consent rights for such fathers in connection with the freeing of children for adoption.

Parental relinquishment for adoption should be permitted after 24 hours following release from the hospital (instead of the present 72 hours).

Prospective adoptive parents should be "deemed eligible" for adoption subsidies where the children are not technically in foster care, but rather cared for by relatives.

5. Address Confidentiality / Information Barriers to Interagency Support for Children

There is a need for legislation mandating a sharing of information among all District agencies involved in abuse/neglect cases.

Criminal prosecutors need authority in abuse/neglect cases to obtain child maltreatment reports and other evidentiary mater held by DHS and other agencies.

Law should permit DHS to keep unsupported child neglect/abuse reports in records for future access.

6. Improve Use of Kinship, Foster Home, and Residential Care Placements

Law needs to establish and maintain a separate DHS foster care category for "kinship placements" with a slightly reduced foster care rate, but for related caretakers who can't meet the regular foster home prerequisites, and an expedited child placement suitability review for such kinship placements.

A statutory change should help clarify that the definition of "foster home" includes placements with relatives under certain conditions.

A Standby Guardianship statute should be enacted.

DC Public Housing Law should be changed to support kinship care of children by residents who lack formal legal custody of those children.

Law should be changed to provide legal support for placements of adolescents who are living with adults other than their parents or legal guardians.

Law should be strengthened to give legal protections to kinship care providers from improper removal of the children by biological parents.

Legislation is needed to make temporary (pendente lite) orders quickly available for kinship care providers who fear parental disruption of the placements and violent actions by the parents.

Law is needed to require some type of formal assessment of the ability of potential kinship care providers to provide proper care.

DHS case review process should be changed to require: complete notification of birth parents, foster parents, and GAL prior to review; submission of up-to-date case plan prepared prior to review and available for consideration at review; aid to those participating in the review on legal/policy steps that can or should be taken following review; and routine discussion of DHS case reports at court review hearings.

7. Enhance Child Victim-Witness Rights / Use of Guardians Ad Litem

There should be a speedy trial law for criminal cases involving child victims/witnesses.

Child witness competency law needs reform to eliminate competency hearing requirement whenever a witness is challenged or where a judge requests such a hearing (typically when a child is under 6 or 7).

Laws authorizing the use of child-friendly court procedures are needed.

Need a law permitting use of a child's testimony via closed-circuit television.

New DC practice standards on the roles and responsibilities of court-appointed GAL for children should be developed and made statutory.

Training of attorneys to do effective special education advocacy critically is needed.

8. Intensify Inter-System Coordination

The law must give clear authority for DC agencies to provide services needed by "families-at-risk" while keeping them from unnecessarily entering judicial system.

Need statutory authority to assure meaningful coordination and cooperation among the tow systems when older children are dealing with both the "Neglected Child" system and the "Delinquent Child" system.

District law needs to be changed so that domestic violence cases, especially those in which children are exposed to such violence, are handled in an expedited, combined criminal/civil judicial process.

Laws must be redrafted to assure appropriate separation, and coordination, in handling of neglected children, children in need of supervision (juvenile status offenders, or PINS), and delinquent children.

Law should be changed to support the Court's ability to initiate it's own PINS case (e.g., where abused/neglected kids run from foster homes and other placements).

The child neglect/abuse and PINS laws should be combined into one "Child in Need of Care" statute.

Law reform is needed to help assure that chronic truancy cases involving parental culpability are appropriately handled as child neglect cases.

Law reform is needed to require mandatory reporting/mandatory parental telephone contact or visits when children are truant from school.

Law should establish range of "intermediate parental sanctions" (to help parents be more appropriately engaged with their child) that can be imposed by the Court when parents fail to comply with a court order.

Special Court Commissioners should be used to periodically review PINS cases.

DHS court liaisons and other DHS workers should be trained on presenting cases in court.

A "one case/one judge" Court model should be utilized.

Legislation is needed to assure that the DC Public Schools "come to the table" to work cooperatively in the response to reported child abuse/neglect cases.

Legislation should help promote on-going DHS/Court meetings to help resolve systemic problems or structural changes and avoid certain adversarial hearings (e.g., stop unnecessary "show cause" hearings).

Legislation should provide authority for DHS to give housing allowances to families to help avoid unnecessary placements of children in care.

Legislation should give legal authority for relatives who are caring for children to use affidavits that would allow them to enroll children in school.

The DC Public Schools Truancy Unit should not be permitted to file truancy cases without having to show that they offered the child in question an adequate education program.

DC should have a mechanism where special Coordinating Councils are empowered to bring agencies together on child/family cases where shared funding is needed.

9. Reform the Criminal Court Process Affecting Children

Legislation is needed to assure that physical abuse of children is properly addressed by police, properly charged criminally, and successfully prosecuted.

Legislation is needed to more adequately provide for criminal charges in parental "failure to protect from abuse" cases, medical neglect cases, and emotional abuse cases.

Legislation is needed to help provide the legal basis for charging all responsible adults in a child's home when there is no clear evidence as to which individual inflicted severe injuries upon a child.

10. Revamp Criminal Sentencing (and Post-Conviction Treatment Policies)

Law should promote better charging cases of child homicide, child endangerment, cruelty to children, criminal child neglect and medical neglect, domestic violence where children are involved, and to develop a misdemeanor child abuse statute.

Law should authorize court to order offenders pay for child victim treatment.

Law should expressly authorize use of "deferred sentencing" in abuse cases.