

FEDERAL LEGISLATION

Health Care

Three significant health care policy proposals are expected to be high on the 111th Congress's agenda. A temporary increase to FMAP (the Federal Medical Assistance Percentage) for state Medicaid programs is likely to be included in the economic recovery package being developed. Also under consideration will be reauthorizing the **SCHIP**, which **covers millions of low-income children** whose families earn too much to qualify for Medicaid and either are not offered or cannot afford private coverage. The 110th Congress passed two compromise bills that would have reauthorized SCHIP for five years, improved on its initial successes, and provided coverage to millions more children, but President Bush vetoed both measures. Congress attempted but failed to override both of President Bush's vetoes. As a result of this gridlock, Congress extended SCHIP through March 31, 2009, with sufficient funding to maintain current enrollment and avoid shortfalls. House Speaker Nancy Pelosi (D-CA) has said she hopes SCHIP legislation is one of the first bills the 111th Congress hands to President Obama for signature. Consideration of SCHIP legislation could occur as early as this week. In addition, national health reform is expected to take center stage; serious discussions began late last year.

Source: Children's Monitor Online, January 12, 2009

Arkansas

The Arkansas chapter of the American Civil Liberties Union (ACLU) filed a lawsuit on Tuesday, December 30, on behalf of more than a dozen families seeking to overturn Act 1, the recently voter-approved Arkansas law banning cohabitating unmarried couples from becoming foster or adoptive parents. Proponents of the law said it was aimed at homosexuals but that it will affect everyone equally. The lawsuit has been assigned to Pulaski County Circuit Judge Timothy Fox, who overturned the initial foster parent ban on homosexuals in 2006. The lawsuit, which names the state of Arkansas, the Arkansas Attorney General, the Arkansas Department of Human Services and its director, and the Child Welfare Agency Review Board and its chairman as Respondents, was filed two days before the law was to take effect.

Source: Andrew DeMillo, Associated Press, Fosters.com, January 4, 2009

ADOPTION

According to a University of Wisconsin study, children who spent their first years prior to adoption in institutions suffered long-term damage to their immune systems. The study compared antibody levels for the herpes simplex virus, which causes cold sores and is present in 2/3 of the general population, in three groups of children: those who lived in abusive families, those who had been adopted from institutions in Romania, Russia, Eastern Europe and China, and those in a control group. The physically abused youth and the children who had been in institutions had elevated antibody levels, as compared to the control group. The children who had been institutionalized, who had been adopted between the ages of 6 months and 7 years, were adopted by Wisconsin families and have lived with the families from 3 to 13 years. The study showed that despite being adopted into stable loving families, the children still showed immunological effects

from the stress and trauma of being institutionalized.

Source: Shawn Doherty, The Capital Times, January 27, 2009

CHILD ABUSE AND NEGLECT

Periodically, horrific stories of child abuse and neglect grab headlines in Pennsylvania and across the country. We shake our heads in disgust and disbelief, and return to our lives, preferring not to dwell on the details. Abused and neglected children don't vote, they don't contribute to political campaigns and they don't employ lobbyists. They have no voice and no clout. Often they have no hope either. It is nearly impossible for these children to be heard in Harrisburg or Washington. Their fears and needs are overshadowed by wars abroad and economic crises at home. But if Americans fully understood the devastating circumstances abused and neglected children face each day -- and the personal and social consequences when these children become adults -- they would insist on immediate and profound changes. President-elect Barack Obama and the new Congress have an opportunity to focus attention on this issue by convening a national discussion early in the New Year about federal and state legal and social service policies that better protect children.

The child protection system in the United States is a case study in broken bureaucracy. There are 2,200 individual jurisdictions in the United States with inconsistent rules and procedures. The fractured nature of the system creates barriers that prevent children from accessing effective judicial remedies and safe home environments. In 2006, nearly 1 million children were victims of abuse or neglect, according to government statistics. More than 1,500 children died -- 78 percent of them were under the age of 3 and 44 percent were less than a year old. A 2008 study by First Star, a national child advocacy organization, found that state confidentiality policies regarding child fatalities and near-fatalities often protect agencies and

perpetrators better than children. The study gave Pennsylvania a grade of F, tying Utah as the most secretive state in the nation. Pennsylvania's child welfare authorities are not legally required to disclose information about serious child abuse cases, despite federal laws encouraging openness. These laws need to be reviewed, so weaknesses can be exposed and addressed. In a separate First Star report card that found most states do not provide abused and neglected children with adequate legal representation, Pennsylvania received a C. The commonwealth could improve its policies by requiring that all counsel be independent and client-directed; establish respectable requirements for caseworkers and advocates to work together and permit the child to attend court proceedings.

Mr. Obama has a chance now to apply a strong federal hand in shaping both federal and state policies. His administration can ensure that a child protected well in one state is not endangered simply by moving to a neighboring state where protection is woefully inadequate. As a first step, the new president could press for the reauthorization and full funding of CAPTA, the Child Abuse Prevention and Treatment Act. Initiating special certification programs for all those involved in protecting children, including judges and attorneys, would go a long way to improve the lives of children at risk. The National Association of Counsel for Children offers an excellent model. Our next president could launch a Caseworker Education and Training Corps, which would recruit, train and financially support college students in return for a pledge to work in the field helping to protect America's children. Stronger laws are needed to ensure that abused and neglected children have skilled and effective advocates by their sides. In addition, information related to how abuse and neglect cases are handled by state agencies clearly needs to be more accessible to the public and the media to promote and enforce agency accountability.

There are some promising signs. Congress recently passed a law designed to keep siblings in foster care together and provide additional services to young adults who age out of the foster care system, 53

percent of whom are unemployed after a year of living on their own. Several states also have begun to overhaul their systems. At the local level, organizations such as KidsVoice and ChildWatch in Allegheny County are working with child welfare agencies to protect the interests of children and advocate for their welfare in the legal system. But we need to go much further. Each day the toll in lives lost and futures squandered is a tragedy we all share. President-elect Obama offered hope for America's future and the country believed him. America's children living in fear pray that he extends this hope to them.

Source: **Dr. Kathleen Reardon and Amy Harfeld, Pittsburgh Post-Gazette, December 28, 2008**

CHILDREN'S HEALTH

Abstinence

Teen-agers who pledge to remain virgins until marriage are just as likely to have premarital sex as those who do not promise abstinence and are significantly less likely to use condoms and other forms of birth control when they do, according to a federal study published in the January issue of **Pediatrics**. The analysis of data found that more than half of youths became sexually active before marriage regardless of whether they had taken a "virginity pledge," but that the percentage who took precautions against pregnancy or sexually transmitted diseases was 10 points lower for pledgers than for non-pledgers.

The study is the latest in a series that have raised questions about programs that encourage abstinence until marriage, including those that specifically ask students to publicly declare their intention to remain virgins. The new analysis, however, goes beyond earlier analyses by focusing on teens who had similar values about sex and other issues before they took a virginity pledge. The findings are reigniting the abstinence debate just as Congress and the Obama administration are about to

reconsider the more than \$176 million in annual funding for such programs. This study again raises the issue of why the federal government is continuing to invest in abstinence-only programs.

Proponents of abstinence programs dismissed the study as flawed.

Source: Rob Stein, The Washington Post, December 30, 2008

Violence

The murder rate among black teenagers has climbed since 2000 even as murders by young whites have scarcely grown or declined in some places, according to a report by **Northwestern University**. The main racial difference involves juveniles ages 14 to 17. In 2000, 539 white and 851 black juveniles committed murder. In 2007, the number for whites, 547, had barely changed, while that for blacks was 1,142, up 34%. The increase coincided with a rise in the number of guns. The number of young blacks who were victims of murder also rose in this period. Murder rates around the country are far below the record highs of the late 1980s and early 1990s. The report lays primary blame on cutbacks in federal support for community policing and juvenile crime prevention, reduced support for after-school and other social programs and a weakening of gun laws. Cuts in these areas have been felt most deeply in poor, black urban areas, helping to explain the growing racial disparity in violent crime.

Others cautioned that the change in murder rates was not large and did not yet show a clear trend. Additionally, the impact of the reduction in government spending would have to be studied on a city-by-city basis, and that many other changes, including a sagging economy, could have affected murder rates. Conservative criminologists place greater stress on the breakdown of black families, rather than cuts in government programs. Much of the increase, experts say, is due to gang activity in midsize and large cities.

Source: Erik Eckholm, The New York Times, December 30, 2008

CHILDREN'S HEALTH

Teen Birth Rate Increases for First Time in 14 Years

Last week, the Centers for Disease Control and Prevention's National Center for Health Statistics (NCHS) released final teen birth data for 2006, which indicated a 3% increase in teen births between 2005 and 2006--the first increase in the teen birth rate in 14 years. Although the national teen birth rate is still down 32% from 1991, the National Campaign to Prevent Teen and Unplanned Pregnancy says the 2005-2006 increase should serve as a wake-up call that "our efforts to convince young people to delay pregnancy and parenthood need to be more intense, more creative, and based more on what we know works." Twenty-six states experienced a significant increase in their teen birth rates, while the District of Columbia, New York, North Dakota, and Rhode Island experienced significant decreases. Teen birth rates increased for almost every age and racial/ethnic group except Asian/Pacific Islanders.

The National Campaign has developed a helpful analysis explaining the NCHS data and possible reasons why the teen birth rate is on the rise after so many years of continuous decline. The National Campaign says that although there is no single reason for the increase, significant factors include that the rate has increased across most racial and ethnic groups and that groups with higher fertility are "becoming a growing share of the teen population."

Source: Children's Monitor Online, January 12, 2009

CHILDREN'S HEALTH

Health Insurance--SCHIP

Although there has not yet been a vote in the U.S. Senate, family health advocates hailed a vote Wednesday in the House of Representatives that expanded the State Children's Health Insurance Program. In Pennsylvania, the legislation is expected to cut the number of uninsured children by

more than half. House members voted 289-139 to reauthorize and extend the legislation, which would cost almost \$33 billion over 4 1/2 years. It will be funded in part by a cigarette tax increase of 61 cents to \$1 per pack. First enacted in 1997, SCHIP was the largest addition to federal health coverage since the Medicaid program began in 1965, Mr. Pollack said.

11 million children are covered by the program; 8.7 million remain uninsured. Under the legislation, an additional 4.1 million children could gain coverage -- almost 47 percent. Families USA has determined that 220,000 children are uninsured in Pennsylvania and the legislation could cover 129,000 of that total, or 59 percent. The SCHIP program is for working families, while Medicaid is for those with little or no income. While government does finance this care, it is commercial insurers who deliver the product. Families state that their children are healthy and active because of CHIP.

Without the federal program, the nation would face tough decisions. Two-thirds of Pennsylvania's CHIP funding comes from federal dollars. If SCHIP is not reauthorized, those funds are in jeopardy. That could mean limiting benefits for all children currently in the program, or even turning families away who are currently eligible and in need. Pennsylvania's program enrollment increased to 183,891 in January. That's more than a 10 percent increase since January 2008.

Source: David Templeton and Pohla Smith, Pittsburgh Post-Gazette, January 18, 2009

EDUCATION

Pittsburgh Public Schools

The annual enrollment figures are enough to make Pittsburgh Public Schools officials cringe: The district's 2008-09 official enrollment is 26,649 students in kindergarten through 12th grade. That's down 1,616 students from a year ago,

continuing a decline that stretches back decades. Now, the district is taking steps to better understand the drop and do what it can to stem the hemorrhaging. The school board in November voted to make a study of enrollment decline one of Superintendent Mark Roosevelt's priorities this school year; the work will involve interviews with families who withdrew children from city schools. Meanwhile, to lure additional students, the district is planning a stepped-up kindergarten recruitment campaign. It also recently mailed information about the Pittsburgh Promise college scholarship program to families that don't have children in city schools, hoping to lure those students into the system, too.

Officials also are planning customer-service training next month for clerical employees, who often are the first to have contact with visitors and have an opportunity to create a favorable impression. The training is part of a plan to create a more welcoming environment in district buildings. Another possibility: signs in every school to help visitors find their way from the door to the office. The initiatives build on previous work -- standardizing of school names and stationery and liberal use of the district's "Excellence for All" logo, for example -- to enhance the district's image. Enrollment decline is a common problem for urban school districts, and Pittsburgh is among those battling charter and suburban schools for students.

Some parents attribute part of the enrollment drop in recent years to Mr. Roosevelt's school closings and consolidations. The district, however, says its new schools -- including a sci-tech school to debut in the fall -- have the potential to raise the district's profile. While a shrinking city population may continue to work against the district, the staff want to capture as many students as possible. For example, about 85 percent of students in the city's early-childhood classes go on to the district's kindergarten program.

Source: Joe Smydo, Pittsburgh Post-Gazette, December 28, 2008

FOSTER CARE

Wisconsin

State Senator Alberta Darling, R-River Hills, will introduce a new bill in January that will address the issue of "secrecy" in investigations following a child's death or serious injury while under state supervision. The current law permits, rather than requires, disclosure of information to the public and the Legislature only if child welfare officials determine a child's death or injury was suspicious. There are no timeframes imposed as to when the information should be disclosed. A case is deemed suspicious if someone is charged with a crime and information can be revealed if the courts, law enforcement or the child's family reveals it. Senator Darling's proposal would require that all deaths be reviewed and the cause of death, age, gender and race of the child, and details regarding the family's involvement with the child welfare system be made public; however, the bill would keep intact the protections of the children's identity, their families and the person reporting the abuse or death. The bill would also require agency officials to list the reasons for classifying a case as suspicious. Finally, the bill would require local agencies to report incidents to the state Department of Children and Families within two days and for DCF to report to the public and the Legislature within 120 days.

Source: Gina Barton, The Journal Sentinel, January 4, 2009

FOSTER CARE

Oregon

The Oregon Department of Human Services, the Oregon Commission on Children and Families, and Casey Family Programs forged a new partnership in an effort to safely reduce the number of children in Oregon's foster care system. As part of this new initiative, the Governor

signed an executive order creating a task force to make recommendations aimed at reducing racial disparities in the child welfare system. Eight Oregon counties will participate in the initial development of local action plans to achieve the following six statewide goals by the year 2011: safely reduce the number of children in foster care by 20%; increase placements with relatives by 50%; reduce the number of children entering care by 10%; increase foster care exits by 20%; reduce the unequal treatment for Native American and African American children; and maintain or reduce the current child abuse/neglect recurrence rate of 7.9%. The action plans will eventually be developed in each county statewide.

Source: KOHD News, January 5, 2009

FOSTER CARE

California

The California Supreme Court recently ruled that counties are not required to pay for automobile liability insurance for teenagers in foster care. The court determined that the insurance is not part of the list of essential services for which federal and state laws require foster parents be reimbursed. The case involved a Contra Costa County foster teen who asked the court to order the county children's services agency to pay for her car insurance after she passed her driver's test, arguing that state and federal law mandate the payment to foster parents of essential costs, including liability insurance. The court determined that the insurance cost referred to in statute is insurance for possible property damage or harm caused by a foster child to others, and does not include automobile insurance.

Source: Foxreno.com, January 22, 2009

FOSTER CARE

Findings of a University of South Carolina study indicating that child maltreatment dropped when parents community-wide were offered access to parenting interventions were announced in an online edition of **Science Prevention**. The Center for Disease Control and

Prevention study, conducted in 18 South Carolina counties. All counties implemented the "Triple P-Positive Parenting Program" which is centered around five core principles: ensuring a safe, engaging environment; promoting a positive learning environment; using assertive discipline; maintaining reasonable expectations; and taking care of oneself as a parent. These principles were translated into practical parent-child relationship strengthening strategies. The program was offered to all parents with children aged birth to 12 years. The study found that broadly implementing Triple P led to "lower rates of confirmed child maltreatment, foster care placements and child injuries requiring hospital treatment." The observed effects in the participating counties included that out of 100,000 children, there were 688 fewer maltreated children, 240 fewer out-of-home placements, and 60 fewer injured children.

Source: University of South Carolina, Newswise, January 26, 2009

FOSTER CARE

Ohio

Butler County Ohio Children Services attributes a decrease in the number of children currently in foster care in large part to a practice called family preservation. The method allows the agency to keep kids in their families by utilizing a safe support network of relatives and friends to keep children close to their home and parents while parents deal with issues such as drug addiction and domestic violence. The money the agency saves by not placing the children in traditional foster care assists the caregivers with utilities, court costs, rent, or other costs that may prevent the family member or friend from caring for the child.

Source: Amber Ellis, The Cincinnati Enquirer, January 22, 2009

COURT CASES AFFECTING CHILDREN AND FAMILIES

PENNSYLVANIA CASES

FOSTER CARE

Child Welfare Agency Liability

Pennsylvania: Conn v. Bull, et al

The U.S. Court of Appeals for the Third Circuit affirmed the order of the U.S. District Court for the Middle District of Pennsylvania granting summary judgment to appellees, a foster parent and youth services' caseworkers and supervisors, holding that despite conflicting testimony and factual discrepancies, mere negligence of the appellees did not rise to the level of a substantive due process violation. The court opined that "there was no evidence that the supervisors were aware, or should have been aware, that their training of caseworkers, certification of the foster parent, methods of inspecting the home and licensing the foster parent, or establishment of youth services' policies would have been inadequate to protect the child's safety." The court also held that the standard of proof was "deliberate indifference" and that there was no evidence of such in this case, and that the record was devoid of a causal connection between any failure to train caseworkers and the child's death.
Cite: No 07-3455; 2009 U.S. App. LEXIS 1082 (U.S. Ct. App. January 21. 2009)

OTHER STATES CASES

ADOPTION

Same Sex Couples

New York: In re Donna S.

The Family Court of New York, Monroe County, granted the petition of Donna R. S., who was married to Lisa P. in Ontario, Canada, to become certified as a qualified adoptive parent for the purposes of a private placement adoption. Papers filed with the petition indicated that Ms. S. filed the petition in order to adopt her wife's unborn child conceived by artificial insemination. In so ruling, the court, while noting that New York law does not currently permit same-sex couples to marry, cited recent New York case law holding that valid same-sex marriages from other jurisdictions must be recognized in New York and a memorandum from New York Governor David Patterson directing courts and state agencies to recognize legal same sex marriages from other jurisdictions and requiring statutes and regulations to be applied in a gender neutral manner. The court granted Ms. S.'s petition, noting that although she was well qualified for pre-certification, pre-certification is not required when the petitioner is a step-parent or is married to the mother of a child conceived by artificial insemination.

Cite: AC-14386-08; 2009 NY Slip Op 29009; 2009 N.Y. Misc. LEXIS 27 (N.Y. Fam. Ct. Jan. 6, 2009)

ADOPTION

Post-Adoption Visitation Rights of Relatives

Washington: In re Shane F.

The Court of Appeals of Washington, Division Three, affirmed the order of the Spokane County Superior Court granting the adoption petition of the biological grandfather's ex-wife over the biological grandfather's petition and denying the biological grandfather's petition for post-adoption visitation. The court found that while the ex-wife was not the child's biological grandparent, the trial court properly found that granting her adoption petition was in the best interest of the child as she was able to provide "sufficient monetary support, a comfortable home, a strong family support network and access"

to the child's brother. Additionally, the court held that the biological grandfather could not be granted post-adoption visitation, because his rights as a de facto parent terminated upon the entry of the adoption decree.
Cite: No. 26623-1-III; 2009 Wash. App. LEXIS 73 (Wash. Ct. App. Jan. 8, 2009)

ADOPTION

LOUISIANA: In re Spillars

The Court of Appeal of Louisiana, Second Circuit, affirmed the judgment of the 6th Judicial District Court, Parish of Tensas, which terminated appellant biological mother's parental rights and granted the adoption petition of the child's step-mother. The court found that according to La. Ch. C. art. 1245, the biological mother's consent to the adoption was not required because the biological father had been granted joint custody, and the biological mother had failed to visit, communicate or attempt to communicate with the child for at least six months. The court also found that the adoption was in the best interest of the child.

Cite: No. 44,172-JAC, 2009 La. App. LEXIS 39 (La. Ct. App. Jan. 14, 2009)

ADOPTION

Inheritance

Georgia: Elrod v. Cowart

The Supreme Court of Georgia affirmed the superior court's order ruling that an adult adoptee is entitled to inherit from the will of his grandfather (the father of the adoptee's father), despite the fact that the adoption was finalized 24 years after the death of his grandfather. The court looked to the law in effect at the time of the grandfather's death in 1970, and determined unless the will expressly excluded adopted persons within its four corners, an adopted person is entitled to inherit from that will.

Cite: No. S08A1792, (GA. Sup. Ct. January 12, 2009)

CHILD ADVOCACY

Ohio: In re F.R.

The Court of Appeals of Ohio, Twelfth Appellate District, Clermont County, reversed the juvenile court's order granting temporary legal custody of an infant to a private adoption agency, holding that the juvenile court erred when it conducted the adjudication and dependency proceedings without the guardian ad litem being present. The appellate court noted that under O.R.C. Chapter 2151, during an abuse, neglect and dependency case, the child's best interest must be the paramount concern; the court found, due to the guardian's absence, the child was not properly represented during the hearing and, therefore, his best interests were not protected.

Cite: Nos. CA2008-07-070, CA2008-07-072; 2008 Ohio 6570; 2008 Ohio App. LEXIS 5475 (Ohio Ct. App. Dec. 15, 2008)

CHILD WELFARE AGENCY LIABILITY

Florida: H.A.L. v. Foltz

The United States Court of Appeals for the Eleventh District affirmed the district court's denial of appellant Florida Department of Children and Families employees' motion to dismiss foster children's 42 U.S.C. § 1983 claim on qualified immunity grounds. The court held that, based on the alleged facts, DCF employees knowingly subjected the children to a substantial risk of serious harm and exhibited deliberate indifference to a known risk of sexual abuse by placing them in a foster home with another sexually aggressive child without a safety plan for their protection; therefore, qualified immunity was not an available defense.

Cite: No. 07-15791, 2008 U.S. App. LEXIS 25046 (11th Cir. December 15, 2008)

FOSTER CARE

California: In re Corrine W.

The Supreme Court of California affirmed the judgment of the First District Court of Appeal, finding that a county bureau of children and family services is not required to pay for automobile liability insurance for a dependent minor in foster care. The court held that the minor child did not join the DSS as a necessary party, a requirement since DSS would be responsible for setting the basic monthly rates paid to foster care parents. In any event, the court concluded, the term "liability insurance" contained in the Welfare and Institutions Code §11460 is insufficiently precise to impose an obligation on the DSS to provide automobile liability insurance. In addition, the court found the lower court did not abuse its discretion by failing to order the county to pay for the foster child's automobile liability insurance as she had not made a showing of need for the insurance. Cite: No. S156898; 2009 Cal. LEXIS 123 (Cal. January 22, 2009)

FOSTER CARE

North Carolina: In re N.B., et al.

The Court of Appeals of North Carolina reversed and remanded an order of the Orange County District Court terminating mother's parental rights, finding lack of sufficient evidence to terminate parental rights on the basis of neglect and dependency. The appeals court cited the lack of oral evidence or an independent determination in the finding of neglect, concluding that the Orange County Department of Social Services failed to satisfy the burden of proof for termination proceedings. Cite: No. COA08-1082; 2009 N.C. App. LEXIS 54 (N.C. Ct. App. January 20, 2009)

TERMINATION OF PARENTAL RIGHTS

Wisconsin: In re Dominique D.

The Court of Appeals of Wisconsin, District Three, reversed and remanded the circuit court's order terminating the parental rights of Debra O., finding that she was provided inadequate notice of the conditions that needed to be met for the children to be returned or for visitation to ensue and that it was unreasonable to expect a parent to sift through seven previous orders during a three year period to determine which conditions are still relevant. The appeals court further determined setting a condition for visitation that was beyond the mother's control and in the exclusive control of the children was inappropriate.

Cite: 2008AP1775, 1776 & 1777; 2009 Wisc. App. LEXIS 5 (Wisc. Ct. App. Jan. 9, 2009)

TERMINATION OF PARENTAL RIGHTS

Ohio: In re Muze

The Court of Appeals of Ohio, Seventh Appellate District, Harrison County, reversed the juvenile court's order terminating mother's parental rights, finding that the court committed reversible error when the judge precluded mother from cross-examining the guardian ad litem regarding his findings during the permanent custody hearing. The court noted Ohio case law held that a parent has the right to cross-examine a guardian ad litem regarding the guardian's report and recommendation, ruling that the juvenile court's failure to give the parent this opportunity in this case was reversible error. In this case, the judge gave clear indication that he was not going to allow any examination of the guardian ad litem during the hearing, thereby violating mother's rights.

Cite: No. 08-HA-1, 2008 Ohio 6357; 2008 Ohio App. LEXIS 5309 (Ohio Ct. App. Dec. 5, 2008)

TERMINATION OF PARENTAL RIGHTS

MINNESOTA: In re the Welfare of the Child of: T.C.M.

The Court of Appeals of Minnesota affirmed the order of the district court terminating the parental rights of mother who argued that she had no parental rights to terminate because she had executed a delegation of parental authority. The Court held that a temporary and revocable delegation of parental authority does not either divest a person of parental rights or preclude a proceeding for termination of parental rights against that person.

Cite: No. A08-0928; 2008 Minn. App. LEXIS 383 (Minn. Ct. App December 9, 2008)

Texas: In Re D.M.F.

The Court of Appeals of Texas, Second District, Fort Worth, reversed and remanded a trial court order terminating father's parental rights on grounds urged by intervening foster parents who sought to adopt the child, finding that the subsections of the code the termination was based on did not apply to father because he was an alleged father and not a "parent" at the time of filing as a matter of law. Also, at the time the trial ensued, the Department had dismissed its claims against father and requested the child be placed with him, disproving foster parents' second ground for termination, that father failed to fully comply with a court order.

Cite: No. 2-08-212-CV; 2008 Tex. App. LEXIS 9236 (TX Ct. App. December 11, 2008)

Ohio : In re: P.J. and D.M.

The Eleventh District Court of Appeals of Ohio, Ashtabula County, affirmed the judgment of the Ashtabula County Court of Common Pleas granting permanent custody of the biological parents' two minor children to the Ashtabula County Children Services Board. The court found that the grant of permanent custody was in the best interest of the children despite the

department's failure to complete the interstate home study of the children's paternal aunt, because the parents continually failed to remedy their drug dependency problems and the department could continue to investigate placement with a relative after the parents' rights had been terminated. The court also found that conducting the hearing despite the fact that the biological father did not appear by telephone did not violate his due process rights because the father was represented by counsel and could not demonstrate prejudice resulting from his absence. Cite: Nos. 2008-A-0047, 2008-A-0053; 2009-Ohio-182 (Ohio Ct. App. January 16, 2009)