At the beginning of a new year, I am reflective of, and grateful for, all the work our committee members have done in the past year and have committed to do in the current year. For example, Eleanor Bush (Allegheny County) has worked hard in leading the Legislative Action Subcommittee to a recommendation on legislative changes to the Pennsylvania Adoption Act. Several subcommittee members including Joyce Hatfield-Wise (Washington County), Andrea Marceca (York County), and Scott Hollander (Allegheny County) spent many hours reviewing the legislation and its potential impact upon children across the state. Joan Smith (Montgomery County) has worked hard on publishing this newsletter to get information out to close to 700 attorneys statewide who represent children. To each, I offer a heartfelt thanks.

I am thrilled that high school students from 55 schools are busy developing Web site designs to submit to our Law for Kids — By Kids Web site design contest. The winning entry will be placed on the PBA Web site as an interactive educational tool whereby students can learn about their legal rights. A grand prize winner and four honorable mention prize winners will be announced in the spring and the award presentations will take place during the PBA Annual Meeting in May 2002.

Our committee now hosts two CLEs each year that attract more and more participants. Topics are pertinent and presenters are asking to expand on the issues that critically impact on children’s lives. Several committee members have spent long hours planning these seminars and the success of their efforts is evident in the enthusiastic evaluations and extension of topics to be covered. Highlights from the fall program are pictured inside this issue (on Page 10) and attest to the importance of these educational opportunities.

At this time of year, I am thankful not only for all committee members who volunteer their time for our various projects, but also for the hundreds of attorneys who work hard every day all across our state defending the rights of children. It is to you that our committee efforts are directed. I applaud you and look forward to our collaboration in providing the best possible advocacy for children.
Update on the Law

Adoption of J.L., 2001 WL 195061
(Pa. Super. 2001)

Trial court denied petition to terminate father’s parental rights. Child has standing to file motion for post-trial relief to seek remedies for perceived grievances. Child’s interests may differ or diverge from interests of other parties in termination proceedings.


In child custody modification proceeding, trial court abused its discretion by failing to interview or hear testimony from parties’ four daughters regarding their custodial preferences. The children were mature enough to express preferences and their wishes were an important factor in the trial court’s determination of best interests.


Non-custodial parent who failed to return children to foster mother after visitation could not be criminally prosecuted under state kidnapping statute. Statute requires proof of intent to interfere with governmental or political function, which was not satisfied by removal of children from social services’ custody and violation of court order. Parent can be liable under statute prohibiting interference with custody of children.


Father’s child support obligation ended upon termination of parental rights not upon adoption by stepfather. The child support obligation flows from the parent-child relationship and ends when the relationship ends.


Maternal aunt and uncle had standing to seek custody of five-year old child whose mother had committed suicide. Mother had executed power of attorney before her death granting in loco parentis powers to aunt and uncle and they had extensive relationship with the child since her birth.


Involuntary termination of parental rights that occurred prior to effective date of ASFA law was found to be an aggravating circumstance in subsequent dependency hearing. Trial court retroactively deprived parents of vested right to parent and to be provided with a reunification plan. This effectively gave the prior termination a legal effect that differed from that which existed when the prior termination occurred.

Sax v. State College Area School Dist., 240 F.3d 200 (3rd Cir. 2001)

School’s anti-harassment policy prohibiting students from talking about students’ physical and social attributes and banning potentially offensive speech about values was unconstitutional and overbroad. Primary function of free speech is to protect discourse that is not lewd, vulgar or school-sponsored. School may adopt more protective regulations than current law to prevent substantial interruption or interference with work or rights of students if regulations do not offend the Constitution.

Editor’s Comment

By Joan M. Smith, Esquire

The events of Sept. 11 have left many human rights activists concerned for the safety of people who look and act and believe differently from the 90+ percent of Americans who support the war in Afghanistan. Alma DeLeon’s article (Page 8) raises the important point that those who believe that diversity must be valued must pay more than just lip service to the concept. It is time for our public conscience to embrace the positive outcomes that result from an understanding and acceptance of the differences between the many ethnic and cultural groups who make up our society. Programs that bring adversaries together (Catholic and Protestant; Israeli and Palestinian; black, white, Asian and Latino) must become a part of our daily activities.

It is incumbent on lawyers to influence public policy toward a new vision of inclusion rather than exclusion, of an excitement about differences rather than a striving for uniformity and compliance, of working for peace rather than fighting for supremacy. While it often is true for child advocates that “a child shall lead us,” in the end it is the adults who make it possible for the simple and plain truths of childhood to become a reality.
Passports for Children Under 14 Years of Age

Taken from an open letter to Advocates for Children dated June 26, 2001, from John M. Hotchner, Director, Offices of Passport Policy and Legal Advisory Services, United States Department of State.

Effective July 2, 2001, any person applying for a U.S. passport on behalf of a child under 14 must demonstrate that both parents consent to the issuance of a passport or that the applying parent has sole authority to obtain one. If the second parent is unable to appear when the passport application is filed, the applying parent may provide the absent parent’s written statement of consent. In special family circumstances or in exigent circumstances necessitating the immediate travel of the child, the Department is authorized to make exceptions to the general two-parent consent requirements.

The expressed purpose of the new requirement is to lessen the possibility that a U.S. passport might be obtained to further an international parental child abduction.

In 1999 Congress enacted Section 236, Issuance of Passports for Children Under Age 14 as part of the FY 2000 and 2001 Foreign Relations Authorization Act, P.L. 106-113. The Department of State published the new regulation as a final rule (66 FR 29904) on June 4, 2001. The statute reflects a major change in the passport issuance process for children. Prior to this change, either parent was deemed authorized to apply for a child’s passport, unless one of the parents had previously registered his or her objection with the Department of State. After July 2, 2001, the department will require either that both parents execute the child’s passport application; that the applying parent provides documentation of sole authority to obtain the child’s passport; or that the non-applying parent consents in writing to issuance.

In general, it is expected that a parent applying alone will be able to satisfy the statute using documents or a statement to establish the concurrence of the other parent. The regulation sets out the documents by which the sole parent may establish his/her authority to obtain a passport without the concurrence of the other parent. A written authorization from the non-applying parent will also satisfy this requirement.

The Department of State anticipates that for most parents the new requirement will not be a problem. However, it is clear that in some families, one of the parents is no longer available when a child needs to travel abroad. In these cases, the single parent may wish to obtain a specific court order either recognizing, or decreeing, that the applying parent has the parental authority to unilaterally obtain a passport. In planning custody agreements and orders, attorneys of divorcing parents should consider a provision of parental authority to apply for a passport for children under 14.

Practitioners should note that the new statute does not provide for the notification of the non-applying parent when a passport application is filed; nor does it apply to the passport applications of children over the age of 14.

Those concerned that a child under the age of 18 may become the victim of an international parental child abduction should request that the child’s name be included in the passport name check system through the State Department’s Children’s Passport Issuance Alert Program. To make use of this program, the parent or attorney should provide the child’s full name, date and place of birth, the requesting parent or attorney’s address and phone number, and a copy of the applicable court orders. The requesting parent will be notified when a passport application is received for the child. Moreover, if the department has on file an order from a court of competent jurisdiction providing for either joint custody or sole custody to the requesting parent or restricting the child’s travel, the passport will be denied. The child’s name will remain in the system until (s)he reaches 18 or the requesting parent asks that it be removed. This program may be reached at Office of Children’s Issues, Bureau of Consular Affairs, U.S. Department of State, 2401 E Street NW, Suite L127, Washington, D.C. 20524, phone 202-663-2613 or fax 202-663-2674.

Questions concerning the two-parent consent requirement may be addressed to Sharon Palmer-Royston, Chief, Passport Legal, at 202-663-2430 or Consuelo Pachon, Attorney Advisor, at 202-553-2431.

PBA Children’s Rights Committee

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Scott Hollander, Vice Chair
Bobbi Liebenberg, PBA Board of Governors Liaison
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Louann Bell, PBA Staff Liaison
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To Submit Articles

The Children’s Rights Committee newsletter invites members to submit articles or letters to the editor for publication in the newsletter.

Please contact Joan Smith at facsimile 215-635-5003.

We invite your comments or suggestions.
Grandparents Have Automatic Standing to Seek Custody of their Grandchildren

Excerpted from an article in the Legal Intelligencer by Danielle R. Rodler.

A majority decision of the state Supreme Court in R.M. v. Baxter has ruled that a 1996 legislative amendment to the Custody and Grandparents Visitation Act, found at 23 Pa.C.S. Section 5313(b), grants grandparents automatic standing to seek custody of their grandchildren. The opinion notes that the previous statute had only recognized a right to “partial custody and visitation.” The amendment for the first time recognized a grandparent’s claim for “physical and legal custody of a grandchild.”

In R.M., the child’s guardian argued that the Legislature placed specific limitations on when a grandparent can actually seek custody. Despite the agreement of two dissenting justices, the majority agreed with the grandmother that by virtue of their familial relationship, she had automatic standing to seek custody of her grandchild. But the majority noted that its decision did not mean that grandparents would automatically prevail. It simply gives them free pass to try to obtain custody when they believe their grandchildren are at risk of harm in their natural parents’ care.

The child in the case, Tyler Martinez, was taken from his parents when he was three months old after he was rushed to the hospital and diagnosed as suffering from shaken baby syndrome. Huntingdon County Children and Youth Services obtained an emergency protective order to keep Tyler from going back to his parents. His mother pleaded guilty to endangering the welfare of a child. Both parents consented to an adjudication of dependency and Tyler was placed in foster care. The paternal grandmother, Rita Martinez, was given visitation rights, but the foster parents planned to adopt Tyler.

The grandmother filed a custody petition in Huntingdon County Common Pleas Court that was dismissed. The trial court stated that Martinez lacked standing because she did not meet all of the elements for when grandparents can petition for custody as outlined in Section 5313(b). Those elements are:

- The grandparent has assumed the role of parent for at least 12 months,
- The grandparent has assumed responsibility for a child deemed a dependent,
- The grandparent determines that it is necessary to take responsibility of a child at risk of harm, and
- If those factors are met, the grandparent must still prove that it is in the child’s best interests to have custody given to him or her.

Martinez argued to the trial court that it was necessary for her to claim responsibility on the basis of the mother’s guilty plea to endangering the welfare of her child. But the court found that Tyler was no longer at risk of harm because he was in the care of CYS.

The Superior Court reversed and remanded, finding that grandparents have a given right to standing to seek custody under Section 5313(b). The Supreme Court’s job, Justice Stephen A. Zappala said, was to determine the authority of that statute.

Tyler’s guardian ad litem, Barbara Baxter, argued that there was no legislative authority for Martinez to petition for custody or visitation any time after Tyler was adjudicated dependent. She argued that Section 5313(b) confers standing to those grandparents who satisfy specific requirements. Her argument was about timing. She claimed that the provisions of Section 5313(b) should be satisfied before a grandparent has standing, meaning that Martinez should have filed her petition for custody before Tyler was adjudicated dependent because the child was no longer substantially at risk when he fell into the care of CYS.

The grandmother countered, arguing simply that Section 5313(b) confers standing to a grandparent on the sole basis of the familial relationship. “She asserts that the new legislation was added to address the increasing need for grandparents to obtain physical and legal custody of grandchildren they perceive are at risk due to parental abuse or neglect, whether due to alcohol abuse, drug abuse or mental illness,” Zappala said. Section 5313(b), Martinez said, allows a grandparent to petition for temporary custody of a child feared to be at risk until the child is no longer at risk. Martinez claimed that, unfortunately for her, she was not aware that Tyler was at risk until CYS became involved.

The majority found that Martinez’s interpretation was consistent with the language of the statute. “The unqualified language of the statute states, ‘a grandparent has standing to bring a petition for physical and legal custody of a grandchild,’” Zappala said. “This clear and unambiguous pronouncement cannot be ignored or modified by the subsequent reference to who[m] the provision, as a whole, is intended to apply.” The majority affirmed the Superior Court and remanded the case to the trial court to give Martinez a chance to prove her claim on the merits. Zappala said in a footnote that although grandparents have automatic standing, they still have an evidentiary burden to prove their claims.

(Continued on Page 5)
Grandparents Have Automatic Standing to Seek Custody of their Grandchildren

(Continued from Page 4)

In a dissenting opinion joined by Justice Ronald Castille, Justice Thomas Saylor said he feared that the majority’s conclusion that Section 5313 gives a general right of standing to all grandparents would put parents in danger of losing their children. Saylor said a limitation was placed on a grandparent’s standing by the Legislature.

In Section 5313(b), Saylor said, it states: “The subsection applies to a grandparent” who meets three requirements: they have genuine care and concern for the child, an existing relationship based on parental consent or court order, or assumption of responsibility for a child adjudicated dependent or in danger. “To the extent that there is any ambiguity, further support for the above can be found in the legislative history of Section 5313,” Saylor said. Initial versions of legislation contained fewer restrictions on a grandparent’s right to seek custody than Section 5313(b). Various legislators, however, expressed concern that such proposals failed to impose adequate limitations upon interference by grandparents in a parent’s right to control his or her child’s upbringing. As for the question whether Martinez could satisfy the requirement that Tyler was at risk, Saylor agreed with Baxter that because the child was with CYS when Martinez petitioned for custody, he was not at risk.

Legislative Action

Eleanor Bush, subcommittee chair, led committee efforts in drafting a recommendation regarding proposed revisions to the Pennsylvania Adoption Act (SB 859/HB 1471). On June 21, 2001, the Children’s Rights Committee forwarded a recommendation to the PBA Board of Governors. The Children’s Rights Committee statement included detailed recommendations for revisions to the legislation. Allowing time for comments from other committees and sections, the Board of Governors finally voted to unanimously support our position on Oct. 8. Eleanor testified on behalf of the PBA before the Senate Judiciary Committee on Oct. 15.

As part of action taken at their meeting on Nov. 30, the Pennsylvania Bar Association House of Delegates unanimously approved a recommendation made by the Children’s Rights Committee to adopt the American Bar Association’s recommendations on zero tolerance school policies in schools. The ABA has called for the end of any zero tolerance policies in public schools that have a discriminatory effect or that mandate either expulsion or referral of students to juvenile or criminal courts without regard to the circumstances or nature of the offense or the student’s record.

Details of the committee’s support of the ABA recommendation appeared in the Summer 2001 issue of The Child’s Advocate and can be read on the Children’s Rights Committee area of the PBA Web site at http://www.pabar.org/pdf/01childsummer.pdf.

More information on the American Bar Association recommendation is available online at: www.jlc.org/home/updates/updates_links/ABAreolution.htm or at: www.abanet.org/crimjust/juv jus/zerotolreport.html.
Update on Project PEACE

This year marks the third year that the PBA will train one elementary school from each of the twelve bar association zones in conflict resolution and peaceful mediation of disputes. Established under the presidency of Lou Teti, Project PEACE works to reduce conflict and violence in Pennsylvania’s schools. School teams, composed of an administrator, educator, guidance counselor, parent and attorney, are introduced to the peer mediation process and receive instruction in adjudication versus mediation, diffusing conflict situations, and the skills of conflict resolution. Educational materials are provided free to participating schools who are then responsible for development and implementation of a mediation plan and training of their own student mediators. Thus, children become active participants in governing classroom behavior.

Project PEACE is slowly building a coalition of public, private, and parochial schools within each geographic area of the state in which students are empowered to communicate constructively, to problem-solve, to think critically, and to discuss and mediate disagreements peacefully. The climate of understanding in the school setting is benefited and self-esteem is enhanced. A list of schools selected for the training can be found on the PBA Web site at www.pabar.org/02projectschools.shtml. For more information, contact Linda Nguyen at the PBA at 800-932-0311, Ext. 2226.

Nominations Sought for Child Advocate of the Year

The PBA Children’s Rights Committee is seeking nominations for the 2002 Child Advocate of the Year Award. This award was created to recognize the accomplishments of lawyers who are advocates for children within the commonwealth. Letters of recommendation should highlight the candidate’s significant achievements on behalf of children and provide a chronology of the candidate’s involvement in child advocacy work.

Nominations are due no later than Feb. 1. For nomination forms, call PBA Committee Relations Coordinator Louann Bell at 800-932-0311, Ext. 2276, or e-mail Louann.Bell@pabar.org.

Upcoming Conferences

- JANUARY 21-25, 2002
  San Diego Conference on Child and Family Maltreatment
  Registration forms available through Children’s Hospital Web site, www.chsd.org. Information available from Margaret Holmes at mholmes@chsd.org.

- APRIL 5, 2002
  5th Annual Current Issues for Child Advocates
  PBA Children’s Rights Committee offers 6 CLE credits on topics including hot topics in delinquency and dependency, judges panel, immigration laws applied to children, medical evidence of abuse, and a mock dependency hearing. At PBI in Mechanicsburg, Pa.

- AUGUST 2 - 7, 2002
  11th World Conference on Family Life and Human Rights
  Call for abstracts and expression of interest. Sponsored by the International Society of Family Law in Copenhagen/Oslo. For information, contact Joan Smith at phone/fax 215-635-5003 or visit www.jus.uio.no/ifp/isfl.
Many lawyers may be familiar with the Southern Poverty Law Center through its involvement with innovative and far-reaching lawsuits fighting discrimination. The Center was founded over 25 years ago, during the height of the civil rights movement, by Morris Dees. Most recently, it has prevailed against the United Klans of America for lynching a young black man, resulting in a $7 million award to his mother. The verdict forced the United Klans to deed its real estate to the victim’s mother, marking the end of the United Klans. But there are other SPLC programs that also focus on stopping racism and hate.

The Intelligence Project oversees and investigates activities of Klanwatch and the Militia Task Force. Both of these endeavors track activities of hundreds of either racist and neo-Nazi or militia and anti-government groups respectively. Using the collected information, the Intelligence Project provides comprehensive updates to law enforcement agencies, the media, and the general public through the quarterly publication of the Intelligence Report and through training sessions for police and community groups.

“Teaching Tolerance” is an educational program dedicated to helping teachers across the nation foster respect and understanding among their students. The program was founded in 1991 in response to an alarming increase in hate crimes among youths. The Teaching Tolerance magazine is distributed twice yearly to classroom teachers and provides them with practical ideas for promoting an appreciation of diversity and the values of democracy.

Additionally, the teaching kits “America’s Civil Rights Movement” and “The Shadow of Hate” chronicle the history of intolerance in America and the struggle to overcome prejudice. A third kit, “Starting Small,” is aimed at helping early childhood educators teach tolerance. Nearly 300,000 kits have been distributed free of charge to schools and community organizations.

Two handbooks, Responding to Hate at School and Ten Ways to Fight Hate, help educators and community leaders address hate-related incidents. They are available at no charge to any school or community group.

Information is available from the Southern Poverty Law Center, 400 Washington Avenue, Montgomery, AL 36104 or their Web site at www.tolerance.org.

Child Advocacy/Attorney Positions Available

Child Advocacy Positions are available for professionals with BA, BS, Masters or PhD degrees in social work, psychology, child development, counseling or education. KidsVoice (formerly Legal Aid for Children), seeks dedicated, organized individuals with initiative and commitment to children, to work with us to develop and implement a creative new model teaming attorneys with human/social service professionals to provide multi-disciplinary advocacy for children. Knowledge of child development and child welfare issues preferred.

Please send resume and cover letter to Prabha Sankar, Program Director, KidsVoice, 900 Sarah Street, Suite 205, Pittsburgh, PA 15203.

Attorneys: KidsVoice seeks dedicated, organized attorney with initiative and commitment to children to join staff of non-profit organization providing representation to abused, neglected and at-risk children.

Please send resume and cover letter to Eleanor Bush, Legal Director, KidsVoice, 900 Sarah Street, Suite 205, Pittsburgh, PA 15203.
Highlights of a Report: “Schools More Separate: Consequences of a Decade of Resegregation”
(Gary Orfield, The Civil Rights Project, Harvard University, July 2001)

By Alma S. DeLeon
Alma S. DeLeon is an Administrative Law Judge in Pittsburgh, and a member of the Children’s Rights Committee

In his report, Gary Orfield unfolds a disturbing truth: “a trend of intensifying segregation that has characterized the 1990s continues to operate.” He points out that our future society is mirrored in our schools, “looking at the primary working-age population of two and three decades later.” The diversity of the students in America has increased significantly but they are growing in separate societies and schools. It is noted that middle-class minority families who move their children to the suburbs find themselves in heavily minority schools with limited educational success. Other characteristics of this phenomenon are that white children are also growing up in more segregated schools than any other racial group. This trend will make their adjustment in interracial workplaces more difficult.

There has been a dramatic change in the nation’s schools since the civil rights era. The number of black and Latino students in the nation’s public schools is up to 5.8 million, while the number of white students has declined by 5.6 million. The schools reflect the transformation of the U.S. population in an era of lower birth rates and massive immigration. Latino students, a group that was just 2 million in 1968 has grown to 6.9 million, an extraordinary growth of 245 percent in just 30 years. With this rapid growth there soon will be more Latino than black students — a major change in our school system. The decline of white students will have a substantial impact on the college-going population and the future workforce. With this combination of factors, American schools will be the first major institutions to experience non-whites as a majority. The report also denotes that schools in metropolitan areas and states will experience no single majority group, nor Latinos or African-Americans as majority groups. Orfield affirms that this will be a new experience in American educational history. It will pose a great challenge where the options are either pluralism on an unprecedented level in schools, with millions of whites needing to adjust to minority status, or the possibility of serious racial and ethnic polarization, reinforced by educational inequalities, with the possible exclusion of the majority of students from access to educational mobility. Whatever path is taken, the relationships and experiences that prepare people to function in highly multiracial civic life and workplaces will be affected.

Another element in this new configuration is that despite the rapid increase in minority enrollment, white students in most states have relatively few minority classmates. Even as the white population of students was dropping nationally, they managed to remain segregated from growing minority populations. Data from the 2000 Census shows a similar pattern in residential segregation as well.

The report highlights the incredible expansion of Latino enrollment as a dominant trait of this era in U.S. education. This subject has received surprisingly little serious attention because of the decline of the civil rights movement and the strong emphasis on raising achievement through standards-based reform, which tends to ignore student background. Additionally, much of the expanded enrollment is concentrated in a few states. However, they are important states, and the changes are astounding. Latino enrollment was up more than 200 percent between 1970 and 1998 in five of the eight states with the highest concentration of students. In California and Texas, the two largest states, there was an increase of 1.7 million (241 percent) in the Golden State and nearly 1 million (169 percent) in the Lone Star State. In Illinois, a slowly growing state, Latino enrollment was up 258 percent during the period subject to study. Enrollments have more than doubled in Arizona and New Jersey. They have exploded 508 percent in Florida, as South Florida emerged as one of our nation’s centers of Latino culture and business, and as a major international center for Latin America. Such huge increases have led to students experiencing several educational problems and becoming more segregated in many areas as their numbers keep rising. The Census Bureau projects a continued dramatic growth of these numbers and Latino students will soon surpass black students as the nation’s largest majority.

On a special note, the report addresses the desegregation of the South from a historical perspective: the central story of the desegregation battle was the transformation of a region that has always been home to most U.S. blacks, from virtually total apartheid to the most integrated region in the U.S. between 1964 and 1970. During that time, the South had the highest level of integration and the most substantial contact between black and white students. The integration of the South continued to rise into the 1980s. However, in the 1990s there was a clear reversal. The report notes that in 1998, the South had fallen behind the level of black access to majority white schools achieved three decades before, and the trend is continuing to move steadily.

(Continued on Page 9)
Highlights of a Report: “Schools More Separate: Consequences of a Decade of Resegregation” (Gary Orfield, The Civil Rights Project, Harvard University, July 2001)

(Continued from Page 8)

backward. Latino students are in no better shape and they have been substantially more segregated than black students since 1980 although black resegregation gradually narrowed the gap in the 1990s.

Desegregation efforts made a significant difference for black students, particularly in the South. However, there has been no similar attempt made for Latino students who were initially far less segregated, but have been for a considerable time now even more isolated from whites than black students. Both black and Latino students became gradually more segregated in the 1990-98 period.

Further, in the multiracial environment of public schools, it is imperative to understand the segregation patterns of Asian and Native Americans, two groups that have not been considered to-date. The report recommends examining the levels of integration and segregation for the nation’s majority of white students. This responds to the need to function in multiracial settings.

The data shows that white students are by far the most segregated in schools dominated by their own group. Blacks and Latinos are next in terms of isolation, but far behind, attending schools with 53 percent and 55 percent students of their own ethnic/racial group on average.

The report correlates educational disadvantage with poverty, both poverty of the individual student and of the school (s)he attends. Latinos attend the schools with the highest levels of poor or near poor students (those who qualify for free and reduced price lunches), followed by African Americans and Native Americans. Asians are in schools where only one-fourth of the students are poor and whites are in schools where fewer than one-fifth of the children are poor. There is also a strong relationship between a school’s poverty and the quality of its teachers, the nature of its instruction, and its achievement test scores. Since poverty is known to affect schools in many other ways, the impact of poverty is rarely separated from the impact of race.

It is stressed that one of the most important transformations in the nation’s schools in recent decades has been the steadily increasing isolation of Latinos at a national level. This is particularly true for school-age children. Since 1980, all states with significant Latino populations have seen increased segregation. The existing trends suggest that these levels of isolation will continue to rise.

In sum, the U.S. has the most diverse group of students in its history, and all seems to suggest that diversity will become even greater. Among our school-age population, we have only a generation before the entire country becomes a majority that is non-white or non-European in origin. Diversity is growing rapidly in the nation’s suburban areas, which have become the center of American life and politics.

The report affirms the fact that U.S. schools remain largely segregated and are becoming more so. Segregated schools are still highly unequal. Segregation by race relates to segregation by poverty and to many forms of educational inequality for African-American and Latino students. Few whites experience impoverished schools. Efforts to overcome the effects of segregation through special programs have had some success, but there is no evidence that they have leveled the playing field. Americans accurately believe that their own children benefit from integrated education. Segregated schools, particularly those in large cities, have high levels of high school dropouts and poor records of preparing students for higher education. Segregation has not been a successful policy. Continuing expansion of segregation for non-white students is a serious backward movement. The report recommends expansion of the federal magnet school program and the imposition of similar desegregation requirements for federally supported charter schools; active support by private foundations and community groups of efforts to implement desegregation plans and programs through research, advocacy, and litigation; school district surveys documenting the value (in legal terms, the compelling interest) of interracial schooling experiences in their own districts; creation of many two-way integrated bilingual schools in which students of each language group work with, learn with, and help each other acquire fluency in a second language; and provision of funding for better counseling and transportation for inter-district transfer policies. Also recommended are funding for teacher exchanges between city and suburban school districts and teacher training in techniques for successful interracial classrooms; exploration of school and housing policies to avoid massive resegregation of the inner suburbs; federal and state funds and university sponsorship for the creation of integrated metropolis-wide magnet schools; serious research into effective educational programs that consider race relations in schools with three or more racial groups and two or more languages; and careful research and analysis documenting what happens to students in districts that restore segregated neighborhood schools.

This report is a very thorough analysis of the impact of segregation in a diverse student population and the need to take action. Quality education should be for everybody and schools are microcosms of our society. The fact that America is more and more a diverse community (as shown by the 2000 Census) cannot be ignored. The time to make adjustments to this new reality has arrived.
The November CLE session provided many opportunities for networking among child advocates, including these from KidsVoice, Pittsburgh: Walt Wisz (left foreground), Ursula McKenzie (left background) and Pamela Spence (right foreground).

Karen M. Hudson, MSW, LSW, spoke to child advocates at the November 2001 CLE held at the Pennsylvania Bar Institute in Mechanicsburg. Hudson is a pediatric social worker with over twenty years of experience. She is currently the Community Education Program coordinator at the Children’s Seashore House of The Children’s Hospital of Philadelphia.

Dr. Stephen Schachner was another one of the presenters. Schachner is chairman and supervising clinical and school psychologist of Schachner Associates. He conducts psychological evaluations for the Allegheny County Court of Common Pleas, and other courts, particularly in matters of child abuse and custody.

The November CLE session provided many opportunities for networking among child advocates, including these from KidsVoice, Pittsburgh: Walt Wisz (left foreground), Ursula McKenzie (left background) and Pamela Spence (right foreground).
Prabha Sankar, MS, spoke on “Child Development.” Sankar is the program director at KidsVoice in Pittsburgh and an adjunct professor at the School of Social Work, University of Pittsburgh. She specializes in the area of attachment and trauma.

Lucy Johnston-Walsh, Children’s Rights Committee chair, and Scott Hollander, vice-chair, were involved in the activities of the day.

Mealtime was a chance to rest and to network for these colleagues who included Kathryn Slade of Harrisburg (left foreground).

These child advocates, including Jane Detra Davenport of Allentown (left foreground) and Barbara Miller of Wynnewood (center), took time for a refreshment break and to catch up with each other.
The Latest News About Your PBA Listserv

The following updated instructions should help in your use of the committee’s listserv.

To subscribe to the listserv, complete the the form on the front page of the PBA Web site (www.pabar.org). Once subscribed to the listserv you will get the following confirmation message: “File sent due to actions of administrator traci.klinger@pabar.org”

To unsubscribe, send a message to childrenrts-request@list.pabar.org with “unsubscribe” in the subject.

To change your e-mail address, you must unsubscribe the old e-mail address using the old e-mail address and subscribe the new e-mail address using your new e-mail address. Sending an e-mail to the list will not change your e-mail address on the listserv.

IMPORTANT: When you reply to the message, make sure that the listserv name is included either in the “to” or “cc” fields. If you see the listserv name with “bounce” included in the name, remove that address. The “bounce” address is a black hole. You may have to manually add the listserv address to one of the address fields in order for your reply to make it to the members of that list.

To reply only to the sender, hit “Reply,” and type your personal reply to the sender. This response will only go to the sender, not to the entire listserv membership. You can use the message header to manually add other recipients outside of the sender or the membership.

To reply to the entire listserv membership, hit “Reply to All,” and type your response in the message body. This response will go to the sender and also to the entire listserv membership.

For customer service, contact Traci Klinger, PBA internet coordinator, (800) 932-0311, ext. 2255.