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2022

## Editor's Note, Vol. 58, No. 1

Eve Brank

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# Court Review

THE JOURNAL OF THE AMERICAN JUDGES ASSOCIATION

Volume 58, Issue 1

2022

## EDITOR'S NOTE

**G**reetings from your non-judge co-editor of *Court Review*. As a professor in psychology and law, I am grateful for the past seven years of opportunities to solicit and edit submissions for *Court Review* related to relevant social science research. For the current issue, I took the lead in developing a special issue to commemorate the 25th anniversary of the passage of the 1997 Adoption and Safe Families Act (ASFA). I was nostalgic to have an opportunity to think about ASFA again. My first publication was a law review article on termination-of-parental-rights cases and the role of parents' court plan compliance under the then-new ASFA.

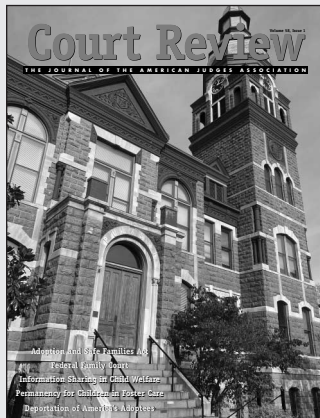
The first article in the current issue provides a historical look at ASFA and is based on an interview I conducted with Maureen Flatley, who worked with Congress in developing ASFA in 1997. Ms. Flatley gives an insider's look into how the law came to be. Ms. Flatley also provides her insights into the unintended consequences of the law and where she sees the need for updates and changes moving forward.

Next, Jane Spinak provides the general history of child protection in the United States. Professor Spinak begins with the first federal legislation in response to early definitions of child abuse. Though these early efforts were intended to prevent and treat child abuse, they had the unintended consequences of increasing the number of children in foster care. ASFA was enacted with a primary goal of reducing the amount of time a child spent in foster care and therefore reducing overall the number of children in foster care. Unfortunately, this shorter time frame meant parents had less time to resolve their issues, which leads Professor Spinak to argue a complete restructuring of the family court system to instead focus on systemic issues to reduce poverty and strengthen families.

Dr. Sarah Beal and her colleagues turn our attention to the current healthcare needs of children in foster care. In particular, Dr. Beal and colleagues address the need for a way to provide continuity of care and records for children within child protective services. They describe an automated software platform that allows for the exchange of healthcare and child welfare information between the child welfare and healthcare systems. The authors note that the ability to share vital healthcare information between systems and have more complete information available to the courts allows for better decision making and improved child outcomes.

Drs. Sarah Font and Lindsey Palmer address two important questions about child welfare. First, are children harmed by delays to permanency (remaining in foster care indefinitely)? And do the forms of permanency (reunification, adoption, or guardianship) confer different risks and benefits? Drs. Font and Palmer conclude that there is much the courts can do to improve outcomes for children who find themselves within child protective services.

Finally, Professor DeLeith Gossett switches our focuses to international adoptions and the U.S. citizen status of foreign-born adoptees. Some of these



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On the cover: The Pulaski County Courthouse, in Little Rock, Arkansas was built in 1889 and designed by Maximilian A. Orlopp. The flamboyant style of this original courthouse design was replicated often thereafter throughout Arkansas and the building is on the U.S. national Register of Historic Places. Photograph taken by Eve Brank.

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Cite as: 58 Ct. Rev. \_\_\_\_ (2022).

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adoptees are finding themselves in a situation where they are at risk of deportation because their parents did not fully complete the immigration process. Professor Gossett outlines some key needed legislation that could address this problem and grant citizenship to these adoptees.

Judge Gorman in our “Thoughts from Canada” column describes two recent Canadian Court of Appeal decisions, which considered the appropriate approach when sentencing individuals who are members of a group that have been the subject of historical racism and discrimination. Of course, the current issue would not be complete without a message from the AJA president, the “Resource Page,” and the crossword.

I happened to be in Little Rock, Arkansas at the end of 2021 and snapped the cover photo. It seemed fitting to feature a courthouse from Little Rock given former President Bill Clinton, who signed ASFA into law, started his political career in Little Rock. Further, Hillary Clinton had written and spoken about foster care and adoption reform leading up to ASFA. In fact, in the Clinton Presidential Library there is a section devoted to Hillary Clinton's work as an attorney for abused and neglected children and her work related to ASFA.

Thank you for reading *Court Review*! — Professor Eve Brank