



COMMON GROUND

A FORUM FOR SHARING IDEAS, OPINIONS, AND INNOVATIONS IN CHILD WELFARE TRAINING

ISSUE #25, OCTOBER 2003

In Memoriam: Daniel D. Schneider, 1951 - 2003

Daniel Schneider's life was child welfare advocacy. Starting his social work career as a caseworker in the early 70's, he quickly became the youngest executive director of a county public children services agency in Ohio history in 1974, at the age of 23. In 1987 he became the first full-time director of the Public Children Services Association of Ohio with a mission to promote child welfare public policy in the best interests of Ohio's children and families. Dan was instrumental in facilitating the development of public child welfare programs and leadership methods recognized throughout North America as exemplary. These included his work in facilitating the development of the Comprehensive Competency-Based Inservice Training Model, his leadership in the development of the Standards for Effective Practice for Child Welfare, and the establishment of the Executive Leadership Institute of the George V. Voinovich Center for Leadership and Public Affairs. Dan accepted the position of Director of National Operations for the National Network for Child Safety shortly before his untimely death at 51, on May 23, 2003.

In honor of Daniel D. Schneider, the Center for Child Welfare Policy of the North American Resource Center for Child Welfare has renamed its Pro Humanitate Book Award in recognition of Dan's lifelong advocacy and commitment to abused children.



Although he can no longer talk us through our child welfare issues, his vital optimism and moral example continue to guide us through our difficulties. We all miss him and we will not forget him.

The Staff at IHS

The newly designated Daniel D. Schneider Pro Humanitate Child Welfare Book Award was presented in July at the 11th Annual American Professional Society on the Abuse of Children's Colloquium in Orlando, Florida, to Nina Bernstein for her book titled, *The Lost Children of Wilder: The Epic Struggle to Change Foster Care* (see review on page 2).

Shift in Foster Caregiver Training Program

In January 2004, the Ohio Child Welfare Training Program will begin training foster caregivers licensed by public child welfare agencies throughout Ohio. The OCWTP will provide both Preservice and inservice training for family foster caregivers. The decision was made to shift responsibility for training foster caregivers from the individual agencies to the OCWTP to:

- Increase federal dollars available to support foster caregiver training
- Reduce duplication-of-effort costs (training limited numbers of caregivers in each county)
- Enhance standardization and quality assurance

This shift of responsibility to the OCWTP means adding new staff at both IHS and the RTCs; developing a standardized 24-hour Preservice curriculum, adapted from the existing OCWTP 36-hour model; increasing the need for foster care trainers available to train evenings and weekends in each of the regions; and increasing collaboration among ODJFS staff, the State Coordinator (IHS), the RTCs, county child welfare agencies, and trainers.

The RTCs will be working closely with their county agencies to plan and deliver training locally to limit foster caregivers travel time to

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Nina Bernstein Wins the 2003 Daniel D. Schneider Pro Humanitate Child Welfare Book Award for *The Lost Children of Wilder: The Epic Struggle To Change Foster Care*

The Lost Children of Wilder: The Epic Struggle to Change Foster Care details fundamental systemic deficiencies inherent in public child welfare foster care. Ms. Bernstein received the Pro Humanitate Medal and a cash prize of \$5,000.

The Lost Children of Wilder provides intimate detail into the problems that lead families to need foster care intervention. Perhaps more importantly, it details how the system can fail these families and the sometimes horrific consequences of such failures. This book is essential reading for all charged with making foster care work in the states and provinces of North America.

In 1973, a class-action suit was filed in New York City on behalf of a 13-year old plaintiff named Shirley Wilder, and other children like her. Ms. Bernstein's book details the suit's claim that New York's foster care system not only failed to meet Shirley Wilder's child welfare needs, but also contributed to her family's spiraling decent into disorganization and misery. In describing the foster care system's inadequacies, the legal and legislative battles and their effects, and the Wilder family's personal needs and struggles, Bernstein provides an instructive description of the developmental effects of an inadequate and sometimes harmful social services bureaucracy.

Through focusing on the psychological and social dynamics of a single New York City family struggling with both family dysfunction and social service system inadequacies, Bernstein succeeds in describing the facts and causes of a failed government social service bureaucracy, while exposing the human suffering that results from such policy and practice failures.

Ms. Bernstein was born in New York City and is a 1970 graduate of Harvard University. Ms. Bernstein's many journalism awards include a 1995 George Polk Award and the 1994 Mike Berger Award given by the Columbia School of Journalism. In addition to the 2003, Pro Humanitate Book Award, *The Lost Children of Wilder*, won the 2002 PEN/Martha Albright Literary Award for First Nonfiction, and the New York Public Library's Helen Bernstein Award for Excellence in Journalism.

New Challenges for Former Linda Pope Award Winner Stacey Saunders

In November, Stacey Saunders will become the Director of Child Welfare Training for the State of Oregon. This appointment provides her with the opportunity to continue to serve our nation's most vulnerable children and families, pursue her Ph.D., and remain a national consultant and trainer. While gone from Ohio in body, she will always remain connected in spirit. Her one parting request: "please leave the light on..."

It Ain't Easy Being Green Especially When There's no Envy!

A Training Mishap from Jerry Sopko

While training Management Core, I was fielding questions, pacing back and forth, working the room to keep everyone engaged, and unconsciously playing with a felt tip marker. I was removing the plastic cap on the marker with one hand, smacking it back on with the other. Removing, smacking; removing, smacking; every-so-often, stopping to push up my glasses, or touch my face.

In the back of the room two experienced trainers were becoming less and less engaged ... laughing, commenting to each other, and looking away. It was so distracting I gave them one of those trainer looks that says, "You guys are killing me here! Give me a break!" One of the men then pointed out that my face was green.

I looked down at my hand and found it greener than Kermit the Frog; livid, bright green. The class had a good laugh, and I excused myself and walked the equivalent of a 1/3 of a city block to the men's room.

The halls were filled with hundreds of attendees from a private industry trade show on their morning break. I felt all of their eyes on me, and in my head I was singing, "It's Not Easy Being Green." (Move over Kermit!)

Copyright Law: A Primer for Training Professionals

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When it comes to copyright in the classroom, there's no substitute for good legal advice. On the other hand, if you went running to a lawyer every time you had a question about a handout or a PowerPoint slide, you might quickly find your legal fees eating up your budget. So we asked a couple of copyright attorneys to talk to us for free – no small accomplishment in itself – and found out a few answers to common sense questions. But, what one lawyer tells you is okay; another might say leaves you open to a lawsuit. You're on your own to decide.

Question: I'm just a small fish in a big pool – one anonymous trainer in a large corporation. Is anyone really going to go to the trouble of suing tiny me?

Answer: That depends, partly on how big of a pool you're talking about and, bluntly, how deep your employer's pockets are. If you're a corporate trainer, you have less fair-use latitude than someone who works for a nonprofit organization, like a public school teacher. "In corporate training, you're more likely to get sued," says Christine Haight Farley, Associate Professor of Law at American University. Even so, if all you're doing is making a one-time use of one copy (putting a clever cartoon on the overhead, for instance), you probably won't get more than a slap on the wrist on the slim chance that anyone notices your violation. If you're making enough copies (either with a photocopy machine or by putting it on the Web) that publishers could argue that you're depriving them of revenue they could legitimately get by selling their work – then you're in trouble.

Question: What's the difference between copyright and trademark, and why should I care?

Answer: Lots of books, like the *Patent, Copyright & Trademark Handbook* (Nolo Press, 2000), lay it out better than we can. Basically, copyright protects expression of an idea; a trademark protects the source of something being sold, but there still are considerations

in the training field. "When the material you want to use includes someone's trademark, you have to be careful not to create a misapprehension that you are somehow sponsored by the author of the material," says Carlo Van den Bosch, an attorney with Sheppard Mullin Richter & Hampton, Costa Mesa, California. But when you're quoting information with trademarked words or phrases, he says, you don't have to add a circled "TM" or "R" after the trademark, even if that's what the trademark owner does.

Question: Isn't everything on the Internet in the public domain?

Answer: Emphatically, no. Things enter the public domain in two ways: because they are expressly put there by the author (as is the case, for instance, when the "author" is the U.S. government), or because the copyright on them has expired. And because most of the Internet was created in the past 10 years, and many copyrights still are alive and being defended a century after the work was first published, you're basically facing 10 bazillion Web pages of private intellectual property. That doesn't mean, however, that the copyright holders get to control every reading or every download. On the Web, fair use is your best friend.

Question: Okay, so what's fair use?

Answer: The fair-use doctrine consists of acknowledged exceptions to the codified law – the ones recognizing that not every use of copyrighted material can be controlled by its owner, nor should it be. On the other hand, it's not an excuse for republishing material, or worst of all, repackaging it under your own name. "Copyright law involves a lot of common sense," Van den Bosch says, disparaging what he calls "hackers" who disingenuously slap a "for education only" notice on Web sites that are clearly violating owners' copyrights. If you have to ask if you're within the law, he says, be prepared to defend your action. "Most of the time you know whether an

infringement has occurred." Several people we talked to mentioned that Stanford University maintains a well-respected web site on the subject: <http://fairuse.stanford.edu>.

Question: Is there any stuff that's automatically free of copyright?

Answer: You can't copyright ideas, common directions, or titles, associate professor Farley says – although if you title your presentation, "Harry Potter and the Sorcerer's Stone," you might hear from Warner Brothers, which has trademarked just about anything to do with its 2001 movie. And anything published by the U.S. government, or first copyrighted by anyone before 1923, is commonly understood to be in the public domain. But be aware that material may have been copyrighted later than you think. Through a glitch in the law, for instance, the music for "Happy Birthday to You" was published in 1893, but it wasn't copyrighted until 1935 – 19 years after its composer's death.

Question: How do I get permission to use copyrighted words?

Answer: Got a pen handy? Your task is twofold. First, locate the copyright owners. Second, contact them in writing and ask permission (a process that can take several months). Richard Stim's *Getting Permission: How to License and Clear Copyrighted Materials Online & Off* (Nolo Press, 2000) is one of several comprehensive books you can turn to for guidance. Useful websites include: The Copyright Clearance Center (www.copyright.com), which licenses the use of more than 1.75 million U.S. publications (including this one); the American Society of Composers, Authors and Publishers (www.ascap.com/ace/ace.html), which maintains a searchable database of copyright-protected songs, including "Happy Birthday to You" and "God Bless America"; The U.S. Copyright Office (www.copyright.gov), where you can search a database of works registered there and, not incidentally, register your own work for full legal protection; and The U.S. Patent and Trademark Office (<http://tess.uspto.gov>), where you can search for registered trademarks.

SAVE THESE IMPORTANT DATES:

The ODJFS Mandatory Meeting for trainers of Standardized Curriculum: is scheduled for December 8, 2003, from 10 am to 3 pm. Please mark your calendars and confirm your attendance by e-mailing Debra Sparrow at: dsparrow@ihs-trainet.com, or by calling her at (614) 251-6000. Questions regarding the training should be directed to Lois Tyler at loijean@aol.com

Training of Trainers

October 2-3, 2003
Curriculum Development
November 6, 2003
TOT on TOL
November 8, 2003
Pre-TOT
November 17-19, 2003
TOT on Presentation Skills

Check with Debra Sparrow (see above) on the Revised Cultural and Diversity dates in Jan/Feb. 2004~

Institute for Human Services

State Coordinator
Ohio Child Welfare Training Program
1706 E. Broad St.
Columbus OH 43203

Shift in Foster Care. . .

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training. IHS will be preparing trainers to deliver quality training to Ohio foster caregivers, and ODJFS staff will coordinate an extensive new training project with more than 1,700 training days for foster caregivers.

This is an excellent opportunity to serve Ohio's children and foster families. Trainers interested in training foster caregivers should let Regional Training Center coordinators and staff know their availability.

ANNOUNCEMENTS

The Central Ohio Regional Training Center has moved. Their new address is:

Franklin County Children Services, 855 West Mound Street, Columbus Ohio. The phone numbers remain the same.

A new Social Work and Counselor Board condition requires social workers to take a 3-hour Ethics Workshop.

COMMON GROUND is designed to inform trainers in the Ohio Child Welfare Training Program about issues, events, and trade secrets that will enhance the work of trainers in the program. You are encouraged to speak out. The editorial staff invites guest columnists, suggestions about materials or useful techniques that, and topics for discussion in future issues.

The Editorial Staff reserves the right to condense and edit all materials submitted for publication.

COMMON GROUND is published three times a year. Send your material for future issues to:

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