

ABA Center on Children and the Law
Improving Representation in the Child Welfare System:
The First National Parents' Attorneys Conference
May 13-14, 2009

DAY 1

9:30 – 10:45 Welcomes and Opening Plenary – *The Context in Which We Practice: Race, Poverty and Achieving Social Justice for Families*
Martin Guggenheim, J.D., Bryan Stevenson, J.D., Kevin Ryan, J.D. and Sharwline Nicholson

10:45 – 11:00 Break

11:00 – 12:15 Plenary speaker/discussion – continue *The Context in Which We Practice: Race, Poverty and Achieving Social Justice for Families*

12:15 – 1:45 Lunch on your own

1:45 – 3:15 *Workshop A*

1. How Government and Not-for-Profit Agencies Can Improve and Measure the Performance of Private Attorneys for Parents

This workshop will discuss how major government programs and institutional not-for-profit providers recruit, train, mentor, monitor and regulate the attorneys who represent parents in child protection proceedings. The workshop will also present how the programs gather data and use measures to demonstrate improved performance and increase attorney funding.

Andrew Cohen, J.D., David Meyers, J.D., Joanne Moore, J.D., Trine Bech, J.D., Susan Jacobs, J.D., Diana Dunker, J.D., and Carolyn Signorelli, J.D.

2. Moving Beyond Traditional Legal Strategies: How to Improve Representation and Inspire Reform through Holistic Advocacy for and with Parents

All too often, courts simply "rubber stamp" child protective services' recommendations. Winning for parent clients therefore means expanding the playing field beyond traditional legal strategies. This workshop will focus on broadening the arsenal of parents advocates by discussing a range of approaches that can influence case outcomes. Particular emphasis will be placed on examples of success from real cases and specific advocacy techniques not taught in law school.

Chris Gottlieb, J.D., Sarah Katz, J.D., Kathy Gomez, J.D., Kara Finck, J.D., and Jenny Crawford, M.S.W.

3. Representing Parents with Disabilities in the Child Welfare System

Children from families with parental disability are unnecessarily removed from the custody of their parents at alarming rates. A significant portion of these custody losses occur in dependency cases, where parents with disabilities comprise the most disenfranchised segment of this system. It is crucial for good practice that parent's attorneys and other professionals in dependency cases understand the circumstances of this population and the special legal, socio-cultural and practical challenges adjudication of their cases represents. The workshop will educate attendees on these issues and provide them with meaningful and practical ways in which to meet these parents where they are, work in a multidisciplinary manner and utilize little understood adaptive technology and services to maximize the chance of preventing unnecessary custody loss.

Ella Callow, J.D.

3:15 – 3:30

Break

3:30 – 5:00

Workshop B

1. Representing Parents During the Investigation Stage of a Case

CPS investigation practices may go unchecked when families do not have accurate information about their rights and obligations and legal advocacy and representation during an investigation. The early involvement of attorneys and other advocates can help prevent removals of children and minimize intrusive investigations. Recent class action and individual federal court litigation in New York, Illinois and California have also established due process rights to challenge adverse investigative findings by child protection authorities. In this workshop, attorneys and parent advocates who have extensive experience representing family members in the earliest phases of child protection actions will describe the rights of families during investigations, strategies for protecting those rights, opportunities for social worker and parent advocate interventions and considerations of when to cooperate and when to fight.

Susan Jacobs, J.D., Diane Redleaf, J.D., David Lansner, J.D., Melissa Staas, J.D., and Jillian Cohen, L.M.S.W

2. Practicing in the Court of Public Opinion: Using Journalism Techniques to Win Over Judges, Journalists, and the Public

In this workshop, two experienced journalists who have worked closely both with parents affected by the child welfare system and professionals who work in that system, and a lawyer active in reform efforts who teaches law students to provide high-quality legal representation for parents, will train lawyers to use journalists' tools to better engage parents and represent them in court, and to help make the case for systemic reform.

Topics covered will include engaging a client with stories by their peers, finding a beginning, middle and end in a client's narrative and helping parents themselves make their own case, and the case for reform. The workshop also will cover the stereotypes reporters start with - and how to counter them, what reporters need to turn your cases and/or causes into a story, and retaking the high ground of "children's rights" and "child safety."

Richard Wexler, Nora McCarthy and Matthew Fraidin, J.D.

3. Employing Social Workers and Experts: Integrating Strategies to Promote Reunification and Prevent Termination

This workshop focuses on how parent's attorneys can use social workers to present their case to the Court. The workshop is co-presented with California and Washington State. The time will be spent with a brief overview of the laws in each state regarding the use of social workers and then give practical tips through case examples on how an attorney may utilize a social worker in any given case.

Marymichael Miatovich, J.D., Jana Heyd, J.D., and Erin McKinney, M.S.W.

5:00 Reception

Day 2

9:00 – 10:30 *Workshop C*

1. Collaborative Justice Courts Systems: How to Protect Parent Clients

This workshop will focus on the various collaborative justice courts, including drug court. Presentation will include cross-over courts (juvenile dependency, juvenile delinquency, criminal) that may be heard by the same bench officer. The workshop will be dedicated to the protection of parent's fundamental liberty interests

in their children while being the subject of a collaborative court system.

Matt Fraidin, J.D., Victoria Doherty, J.D., and Pamela Rae Tripp, J.D.

2. Cornerstone Advocacy in the First 60 Days: Achieving Safe and Lasting Reunification for Families

This workshop introduces a promising approach to child dependency cases in which a child is placed in foster care. “Cornerstone Advocacy” supports family reunification, when possible, by devoting intensive advocacy during the first 60 days of a case in four areas: Visiting, Placement, Services and Conferences.

Jillian Cohen, L.M.S.W. and Michele Cortese, J.D.

3. Representing Incarcerated and Criminally-Charged Parents in Child Welfare Proceedings

This presentation will address the unique challenges of representing parents who are incarcerated and/or facing criminal charges. It will cover key issues related to the representation of not only parents who are incarcerated on charges unrelated to their child welfare case, but also what to do when the parent faces criminal charges arising from abuse or neglect allegations.

Judge J. Michael Ryan, Kathleen Creamer, J.D., and Nancy J. Baratta, J.D.

10:30 – 10:45

Break

10:45 – 12:15

Workshop D

1. The Parent’s Voice and its Impact on Law Making: State and National Levels

This workshop that will focus on the Voices of Women Organizing Project’s model for empowering and giving voice to survivors who are parents involved in the Child Welfare system. Presenters will show an 8 minute video and describe their leadership development and support activities that have allowed them to build a multi-cultural organization and see improvements in the courts and child welfare system. They will also discuss their findings, report and campaigns.

Presenters will also discuss *DHS – Give Us Back Our Children*, a self-help support and action group of mothers and supporters

which fights to get children out of foster care who have been unjustly removed by Philadelphia Department of Human Services, campaigns to change the system to prevent unjust removals, and organizes to demand resources so that no child is removed for reasons of poverty.

Tanya McLeod, Sabra Jackson Pat Albright, Elaine Cook, Mary Kalyna, Pamela Timmons, and Lawanda Connelly

2. Providing Appropriate Services for Parents Involved with the Family Court System: Behavioral Parent Training for At-Risk Parents

This workshop will provide the audience with information on evidence-based, skill-based Behavioral Parent Training programs, and how such programs can be useful for parent attorneys and family judges. The presenters will highlight the Behavioral Parent Training Clinic at the Kennedy Krieger Institute and its work with at-risk families and the Departments of Social Services and Family Courts in the Baltimore, Maryland area. The Behavioral Parent Training Clinic provides skill-based training for parents at-risk for or with a history of child abuse and neglect. The presenters will engage the audience in discussions regarding the most appropriate time for families to receive such services and the roles attorneys and judges play in referring parents for services. Discussions will include providing services for vulnerable populations, specifically parents with intellectual disabilities.

Jennifer L. Crockett, Ph.D., BCBA , Michael F. Cataldo, Ph.D., Emily D. Shumate, Ph.D., BCBA and Olivia Hird, B.S.

3. Using Civil Rights Actions to Achieve Change

Parents are usually on the defensive, being charged with abuse, neglect, or maltreatment, or subjected to intrusive investigations. Civil Rights actions against Child Protective Services give parents, and children, a chance to go on the offensive, and obtain compensation, change CPS behavior, and establish important principles of law. Civil rights actions allow for more discovery, time, and the advancement of creative legal theories than juvenile court does. Remedies in civil rights actions include declaratory relief (finding that CPS policies or practices are unconstitutional), injunctive relief (forcing CPS agencies to change their policies and practices), and damages (to compensate parents and children for the harm that CPS agencies have caused).

The Workshop will cover constitutional rights of families, 42 U.S.C. §1983, causes of action, defenses, and discovery.

Carolyn Kubitschek, J.D., David Lansner, J.D., and Diane Redleaf, J.D.

12:15 – 1:30

Lunch – Legislative Advocacy: How to Engage Law Makers in Our Goals

Joanne Moore, J.D. and Patrick Dowd, J.D.

1:30 – 3:00

Workshop E

1. The Tyranny of the Experts: Challenging Experts in Child Welfare Cases

This workshop will explore and develop, in an interactive way, methods of challenging expert testimony in child protection cases, including competency, relevancy and admissibility. It will also aid attorneys representing children in presenting expert testimony on behalf of the client.

Jay Elliot, J.D.

2. Racial and Socioeconomic Disparity and the Disenfranchised Client: Difficult Questions, Modest Answers, and Practical Strategies

This workshop addresses broad concerns of disenfranchisement and racial and socioeconomic disparity with concrete, practical tools available to parents' counsel. Even though there are limited options for addressing these issues in individual cases, there are nevertheless steps that can be taken to maximize our ability to level the playing field and empower our clients with the goal of speeding successful reunification and ultimately preventing unnecessary removal and the resulting trauma to children. With the combined experience of 31 years in the field, Andrew Hoffman and Cristen Conley use engaging techniques to lead the participant in examining the difficult questions that cut to the heart of these issues, exploring the attorney's role in challenging these persistent problems, and focusing on field-tested strategies.

Andrew Hoffman, J.D. and Cristen Conley, J.D.

3. The Child in Context: A Family-Centered Approach to Representing Parents

This presentation will focus three specific areas in representing parents in child protection proceedings. It will focus on a

practical hands-on approach to steps parents' attorneys can take, and incorporate principles from the Model Code of Professional Responsibility and the ABA Standards of Practice for Attorneys in Child Abuse and Neglect Cases.

Richard Cozzola, J.D.

3:00 -- 3:15

Break

3:15 – 5:00

Town Hall meeting about future of organization – Identify Top Priorities for National Organization

A View from the Bench: The Importance of Excellent Representation for Parents

Judge Len Edwards