

CLE CREDITS APPROVED BY THE BOARD OF CONTINUING LEGAL EDUCATION
EVENT CODE: 178688
18.5 total credits approved, including: 14.25 Standard Credits, 1.25 Ethics Credits,
and 3.0 Elimination of Bias Credits

AGENDA
Zealous Advocacy in CHIPS Cases: What Parents' Attorneys Need to Know
to Effectively Advocate for their Clients

Presented by Minnesota's Children's Justice Initiative (CJI)
and William Mitchell College of Law

River's Edge Convention Center, St. Cloud, MN

Day 1: Social Sciences
Wednesday – May 15, 2013

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| 8:00 – 9:00 | Registration and Networking |
| 9:00 – 9:30
0.5 standard credits | Welcome and Overview of Conference
<i>Hon. Helen M. Meyer, Associate Justice, Minnesota Supreme Court (ret.) and Distinguished Jurist in Residence, William Mitchell College of Law</i> |
| 9:30 – 10:30
1.0 standard credits | My Child Has Been Taken Away: Understanding Your Client's Needs
<ul style="list-style-type: none"> ❖ <i>Facilitator: Joanna Woolman, J.D., Director, Parent Representation Clinic, William Mitchell College of Law</i> ❖ <i>Panel of CHIPS Parents: Tiffany Hunsley, Damien Poling, Larene Randle</i> <ul style="list-style-type: none"> ➤ Parents share what they want their attorneys to know about representing them in cases where permanent separation from their children is at stake |
| 10:30 – 10:45 | Break |
| 10:45 – 11:45
1.0 standard credits | Trauma: Impact on Healthy Child Development
<i>Martha Aby, Clinical Capacity Development Specialist, Children's Mental Health Division, Minnesota Department of Human Services</i> <ul style="list-style-type: none"> ➤ Overview of the impact of trauma, including abuse and neglect, on the healthy development of children ➤ Identifying and delivering services to children and parents who have and are experiencing trauma |
| 11:45 – 12:15
0.5 standard credits | ABA Standards of Practice for Attorneys Who Represent Parents
<i>Joanna Woolman, J.D., Director, Parent Representation Clinic, William Mitchell College of Law</i> <ul style="list-style-type: none"> ➤ Overview of ABA's recommended best practices for parents' attorneys ➤ Discussion about whether we are achieving these standards in Minnesota |
| 12:15 – 1:15 | Lunch <i>(provided by CJI)</i> |

1:15 – 2:15

1.0 standard credits

Minnesota’s Permanency Laws and Timeline: Tools for Parents

Judith Nord, J.D., Staff Attorney and Manager, Children’s Justice Initiative, State Court Administrator’s Office

- Overview of Minnesota’s reasonable/active efforts requirements and permanency timeline
- Using the laws and timelines to the advantage of parents

2:15 – 3:15

1.0 elimination of bias credits

Challenges to Parents Involved in CHIPS Cases: Mental Health Disorders

- ❖ *Anna Hagen, L.M.F.T., River Ridge Treatment Center, Burnsville & Minnetonka*
- ❖ *Monica O’Connell, L.M.F.T., River Ridge Treatment Center, Burnsville & Minnetonka*
- ❖ *Patricia Zenner, J.D., Zenner Law Office, Stillwater*

- Overview of “common” mental health disorders and how are they diagnosed
- Impact of mental health disorders on a parent’s ability to safely parent their child
- Short- and long-term outcomes and recovery prognosis
- Impact of recovery prognosis on permanency timeline
- Understanding how attorneys can best represent parents who have mental health disorders

3:15 – 3:30

Break

3:30 – 4:30

1.0 elimination of bias credits

Challenges to Parents Involved in CHIPS Cases: Substance Abuse

- ❖ *Carol Ackley, Executive Director, River Ridge Treatment Center, Burnsville & Minnetonka*
- ❖ *Patricia Zenner, J.D., Zenner Law Office, Stillwater*

- Overview of substance abuse as a brain disease
- Impact of chemical dependency on a parent’s ability to safely parent their child
- Treatment options
- Short- and long-term outcomes and recovery prognosis
- Impact of recovery prognosis on permanency timeline
- Understanding how attorneys can best represent parents who have substance abuse disorders

4:30 – 5:00

0.5 standard credits

Challenges to Families Involved in CHIPS Cases: Domestic Violence

Nancy Ver Steegh, Professor of Child Protection Law, William Mitchell College of Law

- Overview of domestic violence
- Impact of domestic violence on a parent’s (both the abuser and the victim) ability to safely parent their child
- Treatment options
- Short- and long-term outcomes and treatment prognosis
- Impact of treatment prognosis on permanency timeline

5:00 – 5:30

0.5 standard credits

Challenges to Families Involved in CHIPS Cases: Poverty and Public Benefits Available to Assist Families

Monica Bogucki, Staff Attorney, Youth Law Project, Mid-Minnesota Legal Assistance

- The role poverty plays as a contributing factor to abuse or neglect
- Impact of lack housing or adequate housing
- Impact of lack of transportation
- Public benefits available to children and families (MA, MFIP, housing subsidies, transportation assistance)
- Understanding how attorneys can best assist families who are in poverty

5:30

Adjourn

Day 2: Attorney Roles and Responsibilities
Thursday – May 16, 2013

7:30 – 8:30

Registration and Networking

8:30 – 8:45

0.25 standard credits

Welcome and Overview of Conference Day 2

Hon. Helen M. Meyer, Associate Justice, Minnesota Supreme Court (ret.) and Distinguished Jurist in Residence, William Mitchell College of Law

8:45 – 9:45

1.0 standard credits

The Foundations of Strong Parent Advocacy

Prof. Vivek Sankaran, Clinical Professor of Law - Child Advocacy Law Clinic, University of Michigan School of Law and Director, Detroit Center for Family Advocacy

9:45 – 10:15

0.5 ethics credits

Professional Responsibility Issues for Parents' Attorneys

Patrick Burns, First Assistant Director, Minnesota Lawyers Professional Responsibility Board

- Representing clients with diminished capacity
- Potential conflicts of interest (e.g., representing both parents)

10:15 – 10:30

Break

10:30 – 11:30

1.0 elimination of bias credits

Indian Child Welfare Act (ICWA)

Jessica Ryan, J.D., Bluedog, Paulson & Small, Minneapolis

- American Indian children are significantly over-represented in the foster care population. Attorneys will learn about the purpose and key components of the Indian Child Welfare Act, which is one strategy designed to reduce over-representation of, and to eliminate bias toward, American Indian children.
- Role of parent's attorney in enforcing ICWA
- Transfer of proceedings to tribal court
- Additional time for parent to prepare
- Appointment of counsel for Indian parents

11:30 – 12:45

Lunch (provided by CJI)

11:45 – 12:30

0.75 ethics credits

Role of Parents' Attorneys: Why Parent Representation is So Important (and So Challenging)

Prof. Martin Guggenheim, Fiorello LaGuardia Professor of Clinical Law, New York University School of Law

- Discussion of the role of attorneys for parents facing termination of parental rights
- Identification of the ethical dilemmas commonly faced by parents' attorneys (e.g., maintaining client contact, parents with substance abuse and mental health issues, conflicts of interest)

12:45 – 2:00

1.25 standard credits

Attorney Roles and Responsibilities: Break Out Sessions – Round 1

(1) Engaging Your Client – Opportunities Conference Room, 2nd floor

David Meyers, J.D., Law Office of David M. Meyers, Sacramento, California

- Establishing client trust
- Defining client's goals
- Defining scope of representation
- Meeting your client where he/she is regarding substance abuse, mental health, domestic violence, and/or poverty issues
- Managing your client's expectations
- Engaging the client for behavioral awareness and change
- Client contact between hearings

(2) **Juvenile Court Practice** **Stockinger Conference Room, 2nd Floor**

- ❖ *Prof. Vivek Sankaran, University of Michigan School of Law*
- ❖ *Samantha Gemberling, J.D., Wolf, Rohr, McKenzie and Gemberling, P.A., St. Paul*
 - Investigation
 - Informal and formal discovery
 - Managing expert witnesses
 - Negotiation and exploring settlement possibilities
 - Court preparation
 - Case planning (pre- and post-removal; client advocacy)
 - Institutional pressures (e.g., workload, pay, access to resources)

(3) **Client Advocacy at Each Stage of the CHIPS Proceeding**
Herberger Conference Room, 2nd Floor

- ❖ *Prof. Martin Guggenheim, New York University School of Law*
- ❖ *Lisa McNaughton, J.D., Juvenile Division Manager, Hennepin County Public Defender's Office, Minneapolis*
 - EPC hearing
 - CHIPS admit/deny hearing
 - Adjudication and disposition hearing
 - Disposition review hearing
 - Permanency progress review hearing
 - Permanency admit/deny hearing (and pre-trial and trial)
 - Post-permanency review hearings
 - Evidentiary issues
 - Motion practice

2:00 – 2:15

Break

2:15 – 3:30

Attorney Roles and Responsibilities: Break Out Sessions – Round 2

1.25 standard credits

(1) **Engaging Your Client** **Opportunities Conference Room, 2nd floor**

David Meyers, J.D., Law Office of David M. Meyers, California

(2) **Juvenile Court Practice** **Stockinger Conference Room, 2nd Floor**

- ❖ *Prof. Vivek Sankaran, University of Michigan School of Law*
- ❖ *Samantha Gemberling, J.D., Wolf, Rohr, McKenzie and Gemberling, P.A.*

(3) **Client Advocacy at Each Stage of the CHIPS Proceeding**
Herberger Conference Room, 2nd Floor

- ❖ *Prof. Martin Guggenheim, New York University School of Law*
- ❖ *Lisa McNaughton, J.D., Juvenile Division Manager, Hennepin County Public Defender's Office*

3:30 – 3:45

Break

3:45 – 5:00

Attorney Roles and Responsibilities: Break Out Sessions – Round 3

1.25 standard credits

(1) **Engaging Your Client** **Opportunities Conference Room, 2nd floor**

David Meyers, J.D., Law Office of David M. Meyers, California

(2) **Juvenile Court Practice** **Stockinger Conference Room, 2nd Floor**

- ❖ *Prof. Vivek Sankaran, University of Michigan School of Law*
- ❖ *Samantha Gemberling, J.D., Wolf, Rohr, McKenzie and Gemberling, P.A.*

(3) **Client Advocacy at Each Stage of the CHIPS Proceeding**
Herberger Conference Room, 2nd Floor

- ❖ *Prof. Martin Guggenheim, New York University School of Law*
- ❖ *Lisa McNaughton, J.D., Juvenile Division Manager, Hennepin County Public Defender's Office*

5:00

Adjourn

Day 3: Collaboration and Special Representation Issues
Friday – May 17, 2013

7:30 – 8:30

Registration and Networking

8:30 – 8:45

0.25 standard credits

Welcome and Overview of Conference Day 3

Hon. Helen M. Meyer, Associate Justice, Minnesota Supreme Court (ret.) and Distinguished Jurist in Residence, William Mitchell College of Law

8:45 – 9:45

1.0 standard credits

Stakeholder Panel: Collaboration Amidst Zealous Client Advocacy

- ❖ *Facilitator: Joanna Woolman, J.D., Director, Parent Representation Clinic, William Mitchell College of Law*
- ❖ *Hon. John Rodenberg, Associate Judge, Minnesota Court of Appeals*
- ❖ *James Backstrom, J.D., Dakota County Attorney*
- ❖ *Brenda Mahoney, Director, Family & Children's Division, Stearns County Human Services*
- ❖ *Brian Ansberry, Manager, GAL Program – 7th Judicial District*
- ❖ *Linda Foreman, J.D., Executive Director, Children's Law Center of Minnesota*

9:45 – 10:15

0.5 standard credits

Maltreatment of Minors Reporting Act

Thom Campbell, J.D., Program Consultant, Minnesota Department of Human Services

- Overview of Minn. Stat. § 626.556 purpose and procedures
- Who are mandatory reporters
- Duties of agency or law enforcement upon receipt of maltreatment report
- Overview of investigative process and family assessment process
- Type of determinations made if investigation conducted
- Notice of determinations and parent's right to information
- Evidence not privileged
- Accessibility of records

10:15 – 10:30

Break

10:30 – 11:00

0.5 standard credits

Case Plans – What Change in Parental Behavior is “Good Enough”

- ❖ *Brenda Mahoney, Director, Family & Children's Division, Stearns County Human Services*
- ❖ *Lee Kahler, Child Protection Worker, Stearns County Human Services*
 - How protective services cases plans and out-of-home placement plans are designed to address goals of children's safety and permanency and parents' demonstrated and sustained behavioral change
 - Parental behavioral change that is “good enough” to allow children to safely remain at home or be returned home

11:00 – 11:30

0.5 standard credits

Appellate Cases to Strengthen Your Parent Advocacy

Hon. John Rodenberg, Associate Judge, Minnesota Court of Appeals

- Overview of significant federal and state appellate court cases related to reasonable/active efforts, case planning, and termination of parental rights

11:30 – 12:00

Break for Box Lunches

12:00 – 12:30

0.5 standard credits

Representation of Incarcerated Parents

Joanna Woolman, J.D., Director, Parent Representation Clinic, William Mitchell College of Law

- Overview of issues to consider when representing incarcerated parents

12:30 – 1:00

0.5 standard credits

Representing Undocumented Parents

Jessica Nault, J.D., Immigration Staff Attorney, Mid-Minnesota Legal Assistance, St. Cloud

- Overview of issues to consider when representing undocumented parents or parents residing in other countries
- Strategies for advising undocumented clients regarding available options within the bounds of federal and state laws

1:00 – 1:30

0.5 standard credits

Pulling It All Together and Applying to be Listed on the Roster of Qualified Parents' Attorneys

❖ *Hon. Helen M. Meyer, Associate Justice, Minnesota Supreme Court (ret.) and Distinguished Jurist in Residence, William Mitchell College of Law*

❖ *Joanna Woolman, J.D., Director, Parent Representation Clinic, William Mitchell College of Law*

❖ *Judith Nord, J.D., Staff Attorney, State Court Administrator's Office and Manager, Children's Justice Initiative*

- Children's Justice Initiative – Role of parents' attorneys in improving practice
- Parent attorney list serve – National and Minnesota
- Process for registering to be listed on roster of qualified parents' attorneys

1:30

Conference Concludes

This conference was funded through a grant from the U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, State Court Improvement Program, Grant No. 12-01-MNSCIP awarded under the provisions of Section 438 of the Social Security Act; Section 7401 of the Deficit Reduction Act of 2005 (Public Law 109-171); Titles IV-B and IV-E of the Social Security Act; and the Child and Family Services Improvement and Innovation Act Public Law 112-34).