

Minnesota Judicial Branch

Minnesota Department of Human Services



Children's Justice Initiative

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

A comprehensive three-day course designed to equip attorneys who represent parents in CHIPS cases with the substantive law and practice skills necessary to be persuasive and effective advocates for their clients

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

May 15 – 17, 2013

**River's Edge Convention Center
10 Fourth Ave. South
St. Cloud, MN 56301
320-255-7272**

<http://www.stcloudriversedgeconventioncenter.com>

Conference Goals

[Minn. Stat. § 260C.163, subd. 3\(g\)](#), was amended during the 2012 legislative session to provide that “counsel retained by the county [to represent parents in juvenile protection matters] must meet the qualifications established by the Judicial Council in at least one of the following: (1) has a minimum of two years of experience handling child protection cases; or (2) has training in handling child protection cases from a course or courses approved by the Judicial Council; or (3) is supervised by an attorney who meets the minimum qualifications under clause (1) or (2).”

Consistent with the legislation, in August 2012 the Judicial Council (the policy making body of the court system) adopted “Policy 604 - Qualifications for Attorneys Appointed by the Court to Represent Parents, Guardians, and Legal Custodians in Juvenile Protection Matters,” which is effective June 1, 2013.

The legislation and the Judicial Council policy mean that, in order to be listed on the roster of qualified parents’ attorneys, attorneys must meet the qualification for either experience (representation of clients in 10 CHIPS cases during the two years preceding your application date) OR training (18 hours of training approved by State Court Administration) OR supervision (supervised by an attorney who meets the experience or training requirements). You do NOT need to meet all three qualifications.

The Children's Justice Initiative (CJI) – a collaboration between the Minnesota Judicial Branch and the Minnesota Department of Human Services – is designed to improve the processing of child protection cases and the outcomes for abused and neglected children and their families. The CJI and William Mitchell College of Law are pleased to offer this comprehensive three-day course, which meets the legislative and policy requirements. The course is designed to equip attorneys who represent parents in CHIPS cases with the substantive law and practice skills necessary to be persuasive and effective advocates for their clients.

Who Should Attend

This conference is only for attorneys who represent parents in CHIPS and CHIPS-Permanency proceedings. All parents’ attorneys are welcome to attend. Attorneys who do not meet the qualifications for experience or supervision are strongly encouraged to attend.

Registration Deadline

Friday April 26 is the registration deadline. Due to space limitations, “walk-ins” on the day of the conference will NOT be accepted.

Limited Capacity

Capacity for the conference is limited to 250 attorneys. Registration forms will be processed on a first-come, first-served basis, so plan on registering early in order to ensure that your registration form is accepted. A waiting list will be implemented in the event space becomes available due to cancellations.

Cost - FREE Registration, Materials, CLEs, Lunch and Breaks

The cost for this three-day conference is **FREE**: no charge for registration, lunch, breaks, materials, and CLEs.

NOTICE: If you register and later learn that you are not able to attend, please submit a written cancellation notice as soon as possible to the fax number or email address listed on the attached registration form. Attorneys who submit a written cancellation notice on or before May 10 will not be charged an administrative fee. Attorneys who do not attend as registered and who do not submit a written cancellation notice on or before May 10 will be charged a \$50 administrative fee, unless a request for a special exemption is granted.

Continuing Education Credits

Application has been made for a total of 19.5 CLE credits, including: 15.25 standard credits, 2.25 elimination of bias credits, and 2.0 ethics credits. Information about the number of CLE credits actually approved will be provided at the conference.

Parking

Parking for the River's Edge Convention Center is available in the ramp located below the building. A \$5.00 fee for the River's Edge parking ramp must be paid when you enter the ramp. If you stay overnight at either the Best Western Kelly Inn or Le St. Germain Hotel, you may park at the hotels which are next door to the convention center.

Lodging

Room blocks are being held at the hotels listed below. Both hotels are directly across the street from the River's Edge Convention Center. Special rates of \$77 plus tax (single occupancy) or \$87 plus tax (double occupancy) are available if you notify either hotel that you are making reservations as part of the "CHIPS Parents Attorney Conference." You are responsible for making your own lodging reservations and for paying all lodging costs.

Le St. Germain Hotel

404 St. Germain West
St. Cloud, MN 56301
Phone: 320-654-1661
[Click here for website](#)

Best Western Kelly Inn

100 4th Ave S.
St. Cloud, MN 56301
Phone: 320-253-0606
[Click here for website](#)

Location and Directions

River's Edge Convention Center
10 4th Ave. South
St. Cloud, MN 56301
320-255-7272

<http://www.stcloudriversedgeconventioncenter.com>

NOTE: Road construction in both directions on I-94 near St. Cloud will significantly impact your drive time. Please allow at least 30 – 45 additional minutes in order to arrive on time.

From the East on Interstate Highway 94

- (1) Take I-94 to Highway 15 N.
- (2) Turn right at Highway 23.
- (3) Turn left at 5th Avenue S.
- (4) Turn right at 1st Street S.
- (5) The convention center will be straight ahead on the left.

From the West on Interstate Highway 94

- (1) Take I-94 to Highway 15 N.
- (2) Turn right at Highway 23.
- (3) Turn left at 5th Avenue S.
- (4) Turn right at 1st Street S.
- (5) The convention center will be straight ahead on the left.

From Highway 10

- (1) Take Highway 23 W. to Fourth Avenue.
- (2) Turn right at 4th Avenue.
- (3) The convention center will be on the right

From Highway 15

- (1) Follow Highway 10 S. to Highway 23 W.
- (2) Turn right at 4th Avenue.
- (3) The convention center will be on the right.

For more detailed directions for specific directions from a starting point try using [MapQuest](#).

Questions ? ? ? ?

Judy Nord
Staff Attorney & CJI Manager
State Court Administrator's Office
Phone: 651-282-3972
E-mail: judy.nord@courts.state.mn.us

Agenda

Day 1: Social Sciences Wednesday – May 15, 2013

8:00 – 9:00

Registration and Networking

9:00 – 9:30

0.5 standard credits

Welcome and Overview of Conference

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

9:30 – 10:30

My Child Has Been Taken Away: Understanding Your Client's Needs

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

1.0 standard credits

❖ *Panel of CHIPS Parents: Tiffany Hunsley, Damien Poling, Larene Randle*

- 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

Martha Aby, Clinical Capacity Development Specialist, Children's Mental Health Division, Minnesota Department of Human Services

- 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

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

- 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 (provided by CJI)

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

Board

Professional Responsibility Issues for Parents' Attorneys

Patrick Burns, First Assistant Director, Minnesota Lawyers Professional Responsibility

- 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

1.25 standard credits

Attorney Roles and Responsibilities: Break Out Sessions – Round 2

(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

1.25 standard credits

Attorney Roles and Responsibilities: Break Out Sessions – Round 3

(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).

Registration Form

Registration deadline: **Friday, April 26**

Space is limited and registration forms will be accepted on a first-come, first-served basis

CONTACT INFORMATION	
<i>(Please print. One name per registration form)</i>	
Name <i>(as you would like it to appear on name badge)</i>	Last Name: First Name:
Law Office Name	
Mailing Address	
City	
State	
Zip	
Work Phone	
Work Email	
Primary Judicial District <i>(list only one)</i>	
Primary Work County <i>(list only one)</i>	

Years of Experience
I have represented clients in CHIPS cases for the following number of years:
<input type="checkbox"/> I don't currently represent clients in CHIPS cases, but plan to do so
<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1 – 2 years <input type="checkbox"/> 3 – 5 years <input type="checkbox"/> 6 – 10 years <input type="checkbox"/> 10+ years

Conference Attendance Dates
Attorneys are strongly encouraged to attend all three days of the conference. Which day(s) do you plan to attend <i>(check all that apply)</i> :
<input type="checkbox"/> Wednesday May 15 <input type="checkbox"/> Thursday May 16 <input type="checkbox"/> Friday May 17
Reminder: If you register and later learn that you are not able to attend on one or more days, please submit a written cancellation notice as soon as possible to the fax number or email address below. Attorneys who submit a written cancellation notice on or before May 10 will not be charged an administrative fee. Attorneys who do not attend and do not submit a written cancellation notice on or before May 10 will be charged a \$50 administrative fee unless a request for a special exemption is granted.

Special Dietary Needs and Other Accommodations <i>(check all that apply)</i>
<input type="checkbox"/> Please identify any special dietary needs you have regarding lunch <i>(vegetarian options will be offered for lunch)</i> : _____
<input type="checkbox"/> In compliance with the Americans With Disabilities Act, please identify any special needs or requirements you have: _____

Email or Fax Your Completed Registration Form By **Friday, April 26 To:**

Cheryl Gackstetter
Administrative Assistant
State Court Administrator's Office
Phone: 651-205-4790
FAX: 651-296-6609
E-mail: cheryl.gackstetter@courts.state.mn.us