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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **DYFS IN-SERVICE TRAINING**

**April 16, 2012**

**9:00 a.m. to 4:30 p.m.**

**283-299 Market Street, Gateway 2**

**Newark, NJ 07102**

#### *Program Summary*

The Division of Law's DYFS Practice Group will be providing various presentations during this program. The topics and presenters are listed on the following pages. These programs, each of which will be 1.5 or 2.0 hours, will cover a variety of substantive topics directly related to the Group's Practice.<sup>1</sup> Participants may register for up to four presentations.

#### *Who Should Attend?*

The In-service Program is for those attorneys and other legal staff assigned to the Division of Law's DYFS Practice Group **only**. The Advocacy Institute has provided, or may provide, certain of these presentations, or similar presentations, for other government attorneys.

#### *Who Is the Faculty?*

See attached..

#### *How Do I Register?*

Those participating will be able to register for this course by going to <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> and creating an account. (Your computer must be attached to the government's Garden State Network.). If you are unable to access the above link kindly email the Advocacy Institute at: [AdvocacyInstitute@lps.state.nj.us](mailto:AdvocacyInstitute@lps.state.nj.us) for an authorization code to allow you access to the registration system through the My New Jersey portal. Once you receive

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<sup>1</sup> All presentations were selected by the DYFS Practice Group leadership.

the authorization code you will be prompted to go to the My New Jersey portal at <http://www.state.nj.us/> and create an account, if you do not already have one. Once you do, you then will be able to register through the portal at <http://www.state.nj.us>.

### *CLE Credit*

**NJ CLE Credit:** This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for up to 5.0 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and up to 3.0 qualify as hours of credit toward certification in civil trial law.

**NY CLE Credit:** Up to 5.0 substantive credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** Up to 3.5 substantive credits (\$1.50 mandatory registration fee per credit required).

## **COURSE DESCRIPTIONS & FACULTY INFORMATION<sup>2</sup>**

### **APPELLATE ADVOCACY**

This presentation will cover the following aspects of appellate work: handling emergent appeals; whether to seek summary disposition, whether to file (or oppose) motions to supplement the appellate record; R. 2:6-11(f) notification (and investigation); when and whether to seek remand; and preparing for appellate argument. **(9:30 a.m. to 10:45 a.m.)**

**AAG Andrea Silkowitz** clerked during the summer and fall of 1975 for the Division of Law and joined the Division as a Law Assistant in September 1976. She was appointed a Deputy Attorney General in December 1976. In 1981, Andrea assumed the position of Deputy Attorney General in Charge of Appeals in Trenton and in late 1982, transferred to the Newark office, where she has continued to supervise appeals. In July 1987, she was appointed as an Assistant Attorney General. Andrea has argued numerous appeals before the Supreme Court of New Jersey, the Appellate Division, and the Third Circuit.

**NJ CLE Credit:** This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.5 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

**NY CLE Credit:** 1.5 substantive credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 1.0 substantive credit (\$1.50 mandatory registration fee per credit required).

### **FINAL DISPOSITIONAL HEARINGS: HOW TO HANDLE CHILD CUSTODY DISPUTES IN THE CONTEXT OF CHILD ABUSE PROCEEDINGS**

This presentation will provide an overview for DYFS DAsG on how to handle cases where a child is removed from an offending parent, and subsequently placed by DYFS with the non-offending parent during the pendency of a Title 9 matter. This presentation will cover concurrent custody dockets, final dispositional hearings, and procedural considerations based on the guidance provided by the Supreme Court in *DYFS v. G.M.* and its rejection of the published Appellate Division *G.M.* decision. **(9:30 a.m. to 10:45 a.m.)**

**AAG Lauren Carlton** joined the Division of Law in 1981 after graduating from Duke Law School. First hired as a Law Assistant, Lauren was a DYFS deputy for many years before being promoted to Assistant Section Chief for Consumer Protection and Securities, and then to Chief for a combined Securities and DYFS Section. Lauren has created and taught many courses for DYFS staff and for deputies in lawyering skills and substantive DYFS law, created the DYFS DAG Manual and enhanced the DYFS brief bank. She is presently AAG in Charge for the DYFS Practice Group and loves her work.

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**NY CLE Credit:** 1.5 substantive credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 1.0 substantive credit (\$1.50 mandatory registration fee per credit required).

### **HOW TO PREPARE FOR “10 MONTH CONFERENCES”**

This workshop will provide DAsG with tips on how to efficiently assess the information in a DYFS record to determine whether a case has sufficient, competent evidence to support the filing of a termination of parental rights complaint. It is useful for both Title 9 and GSP DAsG because participants will learn how to navigate a DYFS record, and to render material information into competent evidence. **(9:30 a.m. to 10:45 a.m.)**

**Kevin Belli** received his BA in Family and Child Studies with a Concentration in Family and Child Services from Montclair State University in 2005. From 2005 to 2006 Mr. Belli worked for a non-profit organization COPE servicing the children of Passaic County and providing one on one HIV/AIDS Prevention and Substance Abuse Prevention treatment. Kevin Belli began working for the Division of Youth and Family Services in 2006 at the Northern Passaic Local Office where he remains employed at this time. Mr. Belli has served in several capacities at the Northern Passaic Local Office including Permanency worker and Intake worker for the Special Response Unit. He has been an Adoption Specialist since 2009. While at the Northern Passaic Local Office Mr. Belli has created and implemented training on Life Books and has trained the entire office on their purpose, execution and importance. Mr. Belli also serves as the secondary Educational Stability Liaison for the Northern Passaic Local Office.

**DAG Geraldine O. Livengood** is a graduate of St. John's University Law School and was licensed to practice law in 1977. She was an Assistant Essex County Prosecutor from 1977-1985, during which she engaged in both appellate and trial work. She handled more than fifty jury trials and served as the director of the juvenile trial section. In that capacity, she was an instructor in the Prosecutor's Juvenile Justice Clinic at Seton Hall Law School. Since 1988, Ms. Livengood has represented DYFS, litigating both protective services and guardianship matters and handling many appeals. She is a Lead Deputy Attorney General in the DYFS-North Section.

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**PA CLE Credit:** 1.0 substantive credits (\$1.50 mandatory registration fee per credit required).

## **PROPOSED ORGANIZATIONAL CHANGES: DCF**

This presentation will outline and explain the new organization of the Department of Children and Families, including the transition of services from the Department of Human Services to the Department of Children and Families, where those units will be placed and how the Department's reorganization will accomplish more for children and families. This presentation will facilitate and enhance the DYFS DAsG ability to more effectively represent DCF. **(10:55 a.m. to 12:35 p.m.)**  
**No CLE credits will be earned for this course.**

**Jeffrey J. Guenzel, MA, LPC** is the Director of the Division of Child Behavioral Health Services (DCBHS), which oversees a statewide child behavioral health system of care including a wide range of community based services, inpatient units, and residential treatment facilities. Mr. Guenzel is an accomplished leader in the field. He brings a wealth of child behavioral health experience, both in providing direct services and in program administration. Most recently, Mr. Guenzel was the Executive Director of the Partnership for Children of Essex, the State's largest Wraparound Care Management agency. Mr. Guenzel was the inaugural Executive Director of the Partnership for Children of Essex. He led the organization to become the State's first Unified Care Management (UCM) organization, successfully bringing together both the high and moderate levels of child behavioral health care management under one integrated program. Prior to serving at the Partnership for Children of Essex, Mr. Guenzel was a Clinician Supervisor and Program Director at UMDNJ's University Behavioral Health Care overseeing many programs including crisis services, mobile response, rape care and domestic violence services, partial care services, and other related programs. Mr. Guenzel earned his Bachelor's degree in psychology and his Master's degree in Counseling from Montclair State University. He is a Licensed Professional Counselor (LPC) and has specialized in child and family services, suicide and violence prevention and intervention, post traumatic stress, and system of care implementation. Mr. Guenzel has been a leader in the development of a child behavioral health system of care model in New Jersey and has served as an advisor for the National Wraparound Initiative.

**Lisa von Pier** is the Director of the Division of Prevention and Community Partnerships, which oversees a statewide network of child abuse prevention programs to strengthen and support families. Lisa brings a wealth of child welfare experience to her post. Most recently, she served as the DYFS Deputy Director for Case Practice where she led a team solely dedicated to the implementation of improved case practice. Previously, she served as the DYFS Area Director for the Burlington/Mercer Area Office where she also led two of the case practice immersion sites. Prior to that, she held a supervisor's position within the Division of Prevention and Community Partnerships where she supported seven counties in beginning prevention initiatives. Lisa has worked on child abuse and neglect cases for the state and Monmouth County judiciaries, and worked for a non-profit agency serving adolescents. While at the Administrative Office of the Courts, Lisa was the Family Division's representative to the Task Force on Child Abuse and Neglect and has served on its Prevention Subcommittee for many years.

## EFFECTIVE SKILLS IN LEGAL WRITING

This workshop will assist DAsG in sharpening their writing skills with an eye toward the specific issues and opportunities in DYFS matters. It will focus on writing technique, organization and written advocacy. **(1:25 p.m. to 2:40 p.m.)**

**DAG Jim Harris** has served as a Deputy Attorney General in the New Jersey Department of Law and Public Safety for more than 25 years. During that time, he has worked in criminal justice, juvenile justice, and civil law. DAG Harris is currently Chief of the DYFS South section. In the past, he has litigated cases for clients that include the State Police, the New Jersey Judiciary, the Department of Corrections, the Division of Youth and Family Services and the Bureau of Parole. He has had numerous jury and non-jury trials involving civil rights, employment discrimination, whistle blowers, child abuse and parental termination. He has successfully argued numerous cases before the New Jersey Supreme Court and the Third Circuit Court of Appeals. He is a graduate of Rutgers University of Law, Camden, where he was Managing Editor of the Law Journal. DAG Harris also has an LL.M from Columbia School of Law in New York City.

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**NY CLE Credit:** 1.5 substantive credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 1.0 substantive credit (\$1.50 mandatory registration fee per credit required).

## LEGAL OPTIONS IN CHILD WELFARE EMERGENT SITUATIONS

This workshop will discuss the limits governing appropriate, lawful use of: DYFS safety plans; Orders to Investigate pursuant to *N.J.S.A. 30:4C-12*; *Dodd* Removals pursuant to *N.J.S.A. 9:6-8.29* and "FN" filings brought pursuant to Title 9 vs. Title 30. **(1:25 p.m. to 2:40 p.m.)**

**AAG Lauren Carlton** joined the Division of Law in 1981 after graduating from Duke Law School. First hired as a Law Assistant, Lauren was a DYFS deputy for many years before being promoted to Assistant Section Chief for Consumer Protection and Securities, and then to Chief for a combined Securities and DYFS Section. Lauren has created and taught many courses for DYFS staff and for deputies in lawyering skills and substantive DYFS law, created the DYFS DAG Manual and enhanced the DYFS brief bank. She is presently AAG in Charge for the DYFS Practice Group and loves her work.

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**PA CLE Credit:** 1.0 substantive credit (\$1.50 mandatory registration fee per credit required).

### **SPECIAL CONSIDERATIONS IN ADVISING OUR CLIENT ON TPR MATTERS**

This presentation will review how a DAG can handle advice to the client on issues related to termination of parental rights. Specifically: 1. The Indian Child Welfare Act (ICWA), including initial investigations, orders to show cause, and court findings required; 2. Relative rule outs and their effect on TPRs; 3. How to handle the non-offending parent; and 4. Birth records and other considerations. **(1:25 p.m. to 2:40 p.m.)**

**DAG Jennifer A. Lochel** received her JD from Widener University School of Law in 2002 and a BA from University of Delaware in 1999. Prior to joining the Division of Law, DAG Lochel clerked with the Honorable Diane B. Cohen, Presiding Judge, Family Court. Jennifer was promoted to Lead Deputy in 2004.

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**NY CLE Credit:** 1.5 substantive credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 1.0 substantive credit (\$1.50 mandatory registration fee per credit required).

### **NEW FINDINGS PROPOSAL AND THE CHILD ABUSE REGISTRY**

This presentation will address the issue of the Child Abuse Registry and the new findings regulations proposed by the Department of Children and Families. This presentation will provide an overview and basic understanding of the proposal, its substantive elements and procedural status, and the effect the proposal will have on expungement and the Child Abuse Registry. Understanding the findings system is integral to understanding DYFS case law, as well as issues influencing the court in decision making, in fact finding and OAL hearings. **(2:50 p.m. to 4:30 p.m.)**

**DAG Erin O'Leary** is DYFS-Central section. Prior to her current assignment, Erin served as the Deputy Commissioner for the Department of Children and Families (DCF). In that role, Erin oversaw the Office of Legal Affairs and Licensing; Institutional Abuse Investigation Unit; Office of Advocacy; and the Office of Policy and Legislative Affairs. Prior to that position, she served as the Director of the Office of Legal Affairs and Licensing. Before working at DCF, Ms. O'Leary was a Deputy Attorney General, initially assigned to represent the Division of Youth and Family Services in abuse and neglect matters, during which, she appeared in numerous bench trials and

several appellate matters. Ms. O'Leary was later assigned to represent the Department of Health and Senior Services and Division of Medical Assistance and Health Services, which included several administrative, civil and appellate matters. After graduating from Rutgers School of Law - Camden, Ms. O'Leary clerked for the Honorable Stephen Skillman during the court year of 1998-1999. She is a member of the New Jersey and Pennsylvania Bars. She has served as a guest lecturer at many universities and schools, and has been an Adjunct Professor at the Rutgers School of Law- Camden.

**Joseph E. Ribsam Jr.** serves as the Director of the Department of Children and Families' Office of Policy and Legislative Affairs which is responsible for the development of policy, regulations, and legislative proposals and serves as the Department's primary contact to Legislature, the Office of Legislative Services, the Governor's Counsel's Office, the Governor's Policy Office, and the Governor's Office of Intergovernmental Affairs. Joe was a teacher for the Trenton Public Schools before attending and graduating from the Rutgers School of Law – Newark. Thereafter, Joe served as a law clerk in the Family Part, and in the private practice of family law before joining the Department in 2008. Joe served as counsel in the Department's Office of Legal Affairs where he provided support on a host of issues before being promoted to Director of Policy and Legislative Affairs in late 2010.

**NJ CLE Credit:** This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.0 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

**NY CLE Credit:** 2.0 substantive credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 1.5 substantive credits (\$3.00 mandatory registration fee per credit required).