



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DYFS IN-SERVICE

November 21, 2011

9:30 a.m. to 5:00 p.m.

Middlesex County Prosecutor's Office Training Center

North Patrol Road

Edison, New Jersey

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 one and one half hour and one two hour ethic program, will cover a variety of substantive topics directly related to the Group's Practice.

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?

Please do not attempt to register if you are not in the DYFS Practice Group. Most State and some county employees 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 for an authorization code to allow you access to the registration system through the My New Jersey portal. Once you receive 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 7.4 hours of total CLE credit.¹ Of these, up to 2.0 qualify as hours of credit for ethics/professionalism, and up to 7.4 qualify as hours of credit toward certification in civil trial law and/or criminal trial law.

NY CLE Credit: Up to 6.0 substantive credits and 2.0 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: Up to 4.5 substantive credits and 1.5 ethics credits (\$1.50 mandatory registration fee per credit required).

¹ All session times were set by the DYFS Practice Group.

COURSE DESCRIPTIONS & FACULTY INFORMATION

COURTROOM ADVOCACY IN DYFS CASES

This presentation will focus on effective techniques for courtroom advocacy in DYFS cases. How must a DYFS DAG present a case in order to win the relief DYFS is seeking? Instruction will be provided in strategic use of the law and facts of a case, organizing presentations for maximum impact and keeping the hearing focused on relevant issues and information. The elements of a persuasive presentation to the court will be discussed. **(9:30 a.m. to 11:00 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.

Honorable Terrence Flynn, J.S.C. (retired) attended Georgetown University, graduating in 1967. After serving in the Marines from 1967-70, he obtained his law degree from the University of California at Hastings in 1973. Judge Flynn served as an Assistant U.S. Attorney from 1974-1982, returning there as Senior Litigation Counsel until 1995 after an interlude in private practice in Red Bank, N.J. from 1982-1986. He was appointed to the bench in 1995 and has sat in all divisions, the majority of his time was in the family division where he handled every case type. Judge Flynn has presided over Children in Court cases for approximately the last four years. Judge Flynn has also been an adjunct professor at Seton Hall for fifteen years and at Rutgers-Newark Law School for three years, teaching trial practice. He has taught at the FBI Academy, other federal agencies, the Justice Department, and the National Institute of Trial Advocacy.

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.8 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 1.8 qualify as hours of credit toward certification in civil trial law.

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)

CHILD SEXUAL ABUSE ACCOMMODATION SYNDROME

This presentation will address the use and misuse of the Child Sexual Abuse Accommodation Syndrome in civil trials. The five elements of the syndrome ([1] Secrecy, [2] Helplessness, [3] Entrapment, Coercion or Accommodation, [4] delayed or unconvincing disclosure and [5]

recantation or retraction) will be discussed. The use of expert testimony at trial will also be discussed. Videotape examples of the elements of the syndrome will be viewed. An outline of the major attacks against the use of the syndrome at trial will be discussed as well. **(11:15 a.m. to 12:45 p.m.).**

Anthony D’Urso, PsyD, Co-Founder and Director, Certificate and Advanced Studies Programs in Forensic Psychology: Dr. D’Urso, Associate Professor of Psychology at Montclair State University, received his doctorate in clinical psychology from the Graduate School of Applied and Professional Psychology at Rutgers University. His primary interests are Child Psychopathology, Forensic Psychology & Victimization/PTSD in Children. On faculty at MSU since 1994, he teaches in the School Psychology and Child/Clinical Programs specializing in Child and Adolescent Psychopathology, Abnormal Psychology and School Based Consultation. He also provides case centered supervision for MSU graduate students in the School Psychology and Learning Disability Teacher Consultant programs in the Assessment Center. Prior to MSU, he taught (1987-1994) at the doctoral level as a Visiting Clinical Professor at the Graduate School of Applied and Professional Psychology at Rutgers University offering courses in School Based Consultation, Clinical Supervision and Children and the Law. From 1982-1987, he served as adjunct faculty at Drew University, teaching courses in the Psychology of Adjustment, Abnormal Psychology and Psychology and Law. Dr. D’Urso also consulted in the three major private hospital systems in New Jersey, developing clinical services for children who are victims of child abuse and neglect. He has been appointed by the last four governors to chair prestigious child welfare reform panels. Dr. D’Urso served as the Chair of the Governor’s Blue Ribbon Panel on Child Welfare, generally regarded as the most comprehensive assessment and recommendation for child welfare reform in New Jersey. Dr. D’Urso is currently serving as Chair of the Child Fatality and Near Fatality Review Board, a position he has held for the last ten years. He has been a member of the New Jersey Task Force on Child Abuse and Neglect for the last eighteen years. Dr. D’Urso’s professional credits also include three Supreme Court cases that cite his opinions in the area of sexual assault and syndrome testimony. His design for multi- disciplinary case management teams for child victims of crime remain implemented in each of the twenty-one counties in New Jersey. He co-founded Finding Words – New Jersey, the second certified forensic interviewing academy in the United States by the national Child Protection and Training Center. Finding Words – NJ promotes a semi-structured child interview protocol adopted by all twenty-one counties in New Jersey as the preferred forensic investigative interviewing method with child victims.

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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)

ETHICAL ISSUES AND CONSIDERATIONS IN PREPARING EFFECTIVE OPENING STATEMENTS AND CLOSING ARGUMENTS IN CIVIL TRIALS

This presentation will focus on the ethical issues in crafting and delivering effective opening statements and summations in civil trials, including techniques for enhancing the persuasive power of the presentations, strategic issues that should be considered, as well as the legal and ethical pitfalls that should be avoided. **(1:30 p.m. to 3:10 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.

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, 2.0 qualify as hours of credit for ethics/professionalism, and. and 2.0 qualify as hours of credit toward certification in civil trial law.

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

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

SELECT HOME ADOPTION TRIALS

This presentation will focus upon the concerns advanced by the Courts and Defense Counsel when a goal of select home adoption is proposed by the Division. It will also offer suggestions as to the legal strategies and critical factual and expert information needed to overcome those concerns. **(3:25 p.m. to 4:55 p.m.)**

DAG Mary Jane Lembo Cullen is a graduate of Gonzaga University School of Law and was licensed to practice law in New Jersey in 1983. She was in private practice for six years before joining the Office of the Attorney General in 1990. She has litigated guardianship and protective service cases throughout her tenure as a Deputy. She is an Assistant Section Chief for DYFS Central. She has handled numerous cases wherein the applicability of ICWA was at issue, and she has organized and lectured at instructional workshops for DYFS staff on this topic.

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of credit for ethics/professionalism, and 1.8 qualify as hours of credit toward certification in civil trial law.

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)

DYFS APPELLATE UPDATE 11/21/11

This presentation will be an overview of recent Supreme Court and Appellate Division cases including *T.B.*, addressing "neglect" under *N.J.S.A.* 9:6-8.21(c)(4)(b); and other companion cases in *K.A.*, dismissed as cert improvidently granted, in *C.H.*, cert. den., and in *S.H.*, cert. pending, as well as *R.D.*, addressing the collateral estoppel effect of adjudications of abuse/neglect in termination of parental rights trial; and *I.S.*, addressing the propriety of custody under Title 30 in the absence of abuse and neglect. **(3:25 p.m. to 4:55 p.m.)**

DAG Ann Huber graduated from Rutgers Law School - Newark 1983 and admitted to NJ and Fed Bar that same year. For many years, she maintained a law practice in which she handled a variety of litigation including civil, chancery, matrimonial and bankruptcy litigation. She has been with the Division of Law for the past seven years where she has handled parental rights termination trials, numerous appeals and appeared before the New Jersey Supreme Court.

DAG Lori J. DeCarlo received her JD from Seton Hall University Law School, Newark in 2002. She clerked for the Honorable Robert A. Coogan, J.S.C. (2002-2003) and joined the Division of Law as a Deputy Attorney General in 2003. In 2008 she was promoted to Lead Deputy Attorney General and in November 2010 she was promoted to her current position as Assistant Section Chief where she supervises several deputies and oversees a large caseload of administrative and appellate court cases involving the Division of Youth and Family Services, the Institutional Abuse Investigation Unit and the Office of Licensing. In 2005 she received the State of New Jersey Exceptional Service Award and is a member of the New Jersey State Bar Association as well as the Essex County Legal Assistant Studies Writing Mentorship Program and is a Deputy Advisory Council (co-chair).

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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)

HOW TO PRESENT "CHILD-IN-PLACEMENT (FC) CASES"

This presentation will focus on the issues most frequently addressed during post termination hearings. It will include a discussion on permanency planning and services for aging out youth, completion of the consent package and the select home process. Course materials will include references to applicable state and federal statutes as well as DYFS policy. **(3:25 p.m. to 4:55 p.m.)**

DAG Tosca E Blandford–Bynoe graduated from Rutgers School of Law-Newark in 1991 and Rutgers University, Livingston College in 1986. She began her career in public service with the Office of the Attorney General 24 years ago, in 1986, as a State Investigator in the Division of Criminal Justice. Upon admission to the New Jersey bar in 1992, she transitioned to a position as a Deputy Attorney General. While with DCJ, she was assigned to the Labor Prosecution Unit, where she prosecuted labor law violations and theft by deception based on unemployment fraud. Tosca joined the Division of Law as a DYFS Deputy 1997. In 2004, she was promoted to Lead Deputy. In August 2010, Tosca was promoted to Assistant Section Chief.

DAG Jennifer A. Lochel received her JD from Widener University School of Law in 2002 and a BA from University of Delaware in 1999. She clerked with the Honorable Diane B. Cohen, Presiding Judge Family Court from 2002-2003 and joined the Division of Law as a Deputy Attorney General in 2002. She was promoted to Lead Deputy in 2004.

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