



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DCF IN-SERVICE

APRIL 23, 2013

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

**Department of Children and Families
New Jersey Child Welfare Training Academy
30 Van Dyke Avenue
New Brunswick, New Jersey**

Program Summary

The Division of Law's DCF 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 1.0 or 2.0 hours, will cover a variety of substantive and ethical topics directly related to the Group's Practice. Participants can earn up to 5.6 New Jersey credits and must attend both plenary sessions and choose one of three morning workshops and one of four afternoon workshops.

Who Should Attend?

The In-service Program is for those attorneys and other legal staff assigned to the Division of Law's DCF 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.

CLE Credit

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for up to 5.6 hours of total CLE credit. Of these, up to 2.0 qualify as hours of credit for ethics/professionalism, and up to 5.6 qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: Up to 3.0 substantive credits and up to 2.0 ethics (pursuant to the approved jurisdiction policy).

PA CLE Credit: Up to 3.0 substantive credits and up to 1.5 ethics (\$1.50 per credit mandatory registration fee required).

How Do I Register?

State Employees

Most State employees are able to register for this course by going to <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> and creating an AGAI Course Registration account. To do so, your computer **must** be attached to the government's Garden State Network. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

Non-State Employees or State Employees not Connected to the Garden State Network

If you are not a State employee, or are otherwise unable to access the AGAI Course Registration System through the Garden State Network, kindly email the Advocacy Institute at: AdvocacyInstitute@lps.state.nj.us for an authorization code to allow you access to the AGAI Course Registration System through the My New Jersey portal. **Setting up your account through the portal is a two-step process, the details of which are set forth in the next two paragraphs.**

Once you receive the portal authorization code you will be prompted to go to the My New Jersey portal at <http://www.state.nj.us/> and create a portal account. This is Step 1 of the process, which you need only do once.

Upon setting up your portal account, you need to set up your AGAI Course Registration System account. This is Step 2. To do so, log on to the My New Jersey Portal <http://www.state.nj.us/>. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a new user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

COURSE DESCRIPTIONS & FACULTY INFORMATION

DCF APPELLATE CASES 2012-2013

This presentation will review published cases governing DCP & P cases that have recently been issued by the Appellate Division and Supreme Court. Tips on how to handle issues raised by the cases will be reviewed. **(9:45 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.

DAG Jessica Steinglass is an Assistant Section Chief in the DCF-North section. She received a BA cum laude from the University of Pennsylvania in 1995, and a JD With Honors from the George Washington University in 1998. DAG Steinglass began her career with the Division of Law as a Law Assistant in November 1998, and was sworn in as a Deputy Attorney General in December 1998. She has argued two cases before the Supreme Court of New Jersey, including New Jersey Division of Youth and Family Services v. P.P. and S.P. in 2004.

WORKSHOP A: HOW TO BE PROFESSIONAL WHEN DEALING WITH YOUR ADVERSARY

The demands of litigation are seemingly never ending. Despite the pressures of these demands attorneys are both ethically and professionally obligated to treat other members of the Bar with whom they deal with courtesy and respect. This presentation will focus on what is expected of attorneys in terms of civility when dealing with their peers and will discuss strategies for doing so in those difficult situations where an adversary may be acting in a confrontational or inappropriate manner. **(11:00 a.m. to 1:00 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.

WORKSHOP B: NEW 4-TIER FINDINGS REGULATIONS

This presentation repeats the information first delivered at the November, 2013 DCF Practice Group training. It is for the DAsG who were not present then, and anyone who wants a refresher on new DCF regulations (effective for cases referred to the agency on or after April 1) governing findings made by DCP & P workers investigating child abuse/neglect. The new four tiers are: substantiated, established, not established and unfounded. The definitions, consequences and practice implications for DCP & P litigation and OAL hearings will be discussed. **(11:00 a.m. to 1:00 p.m.)**

DAG Peter Alvino graduated from Rutgers Law School in 1987 and joined the Division of Law in 1988. Peter has represented the Division of Youth and Family Services (now DCP & P) in both FN and FG cases in all of the northern counties and has written and argued numerous appeals, including two before the Supreme Court. He is currently Section Chief for DCF-North.

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.

WORKSHOP C: HOW TO ADMIT AND USE DOCUMENTARY EVIDENCE IN DCP TRIALS

This workshop will enhance Deputies' ability to obtain favorable evidentiary rulings when offering documentary evidence in fact-findings and guardianship trials, or to have ALJ's consider documents as competent evidence rather than hearsay. Cases that are pertinent to this issue will be reviewed. **(11:00 a.m. to 1:00 p.m.)**

DAG Joyce Booth graduated from Seton Hall Law School in 1978. Joyce worked in private practice for many years and was involved in various areas of law ranging from plaintiff's negligence to real estate. She joined the Division of Law in 2005, and has represented the Division of Child Protection and Permanency (formerly the Division of Youth and Family Services) in both protective services and guardianship matters. Her current assignment is in Hudson County.

COORDINATION OF DIVISIONS FOR LITIGATION: CHILDREN'S SYSTEM OF CARE (CSOC)

This brief overview of how CSOC activities intersect with DCP & P cases and litigation will introduce DAsG to this “sister division” in DCF that provides services to children and youth with “behavioral” (mental health) and/or developmental challenges. You will meet these presenters, who are on call for litigated cases to help explain to judges what CSOC can (and can't) do with respect to residential placement and in-home services for the population they serve. It is expected that time for Q and A will be handled by these presenters' appearance at section meetings to be scheduled. **(2:00 p.m. to 3:00 p.m.)**

Michael Higginbotham, MSW, LCSW is the Liaison to the Judiciary for the Department of Children and Families Children's System of Care. In this role, Michael is primary point of contact between the Children's System of Care and trial court judges in Family Division of Superior Court. He collaborates with county Family Division administrators to conduct county partnership meetings ensuring effective communication and cooperation between CSOC programs and the courts. Previously, Michael was a Regional Coordinator in the Office of School Linked Services, where he provided technical assistance and oversight to numerous school-based and pregnancy prevention programs across the state.

Before joining DCF, Michael served in several positions within the Department of Human Services, including Administrative Analyst in the Critical Incident Management Unit, Investigator for the Special Response Unit and a Case Manager for the Division of Developmental Disabilities. Prior to entering state service in 2001, he worked in the non-profit arena for ten years, as a clinical support specialist for resource homes, clinical coordinator for a county psychiatric emergency screening service, manager of several group homes, and a case manager for youth, adolescent and adult programs. Michael earned a Bachelor's degree in psychology from Rowan University and a Master's Degree in Social Work with a concentration in Direct Practice to Children and Families from Rutgers University. He is a Licensed Clinical Social Worker.

Clarence Whittaker, Jr., Esq. joined the Department of Children and Families – Division of Children's System of Care in 2008. He currently serves as Manager of Community Services. His responsibilities include overseeing the division's Liaison to the judiciary as well as the division's constituent affairs. Previously, Mr. Whittaker worked in the DCF Office of Legal Affairs where he managed the department's Administrative Hearings Unit. Prior to joining DCF, Mr. Whittaker served as Administrative Specialist for the Presiding Judge of the Civil Division in the Bergen Vicinage of the Administrative Office of the Courts.

WORKSHOP D: PREPARING CASEWORKERS FOR COURT (ESPECIALLY NEW WORKERS) AND INSURING CASE RECORDS ARE “COURT-READY”

Preparing workers for court means getting them comfortable with the courtroom, giving tips and going through mock testimony and instilling confidence. This presentation will enhance your ability to prepare your DCP & P staff to testify in support of litigated cases and to insure that documentary evidence is in admissible form. **(3:15 p.m. to 4:15 p.m.)**

DAG Lisa Nemeth joined the Division of Law in January of 1999 where she was assigned to the Tort Litigation Section. Lisa transferred into DCP & P in 2004 and has litigated both FN and FG cases for Ocean County. She is a 1988 graduate of Seton Hall University School of Law and a member of the Ocean County Bar Association. Prior to joining the Division of Law, Lisa's legal experience focused on insurance defense litigation, the law against discrimination and municipal court matters.

WORKSHOP E: HANDLING PROTECTIVE SERVICES CASES SO THAT LONG TERM CONSIDERATIONS ARE PROTECTED

This course is designed for the Deputy whose main area of practice is in protective services/FN cases. The class will consider DYFS v. R.D. and how to prepare for "clear and convincing" evidence at a fact-finding hearing. In addition, the class will focus on when to file a "Motion for No Reasonable Efforts" and how to advise the client on dealing with the "non-offending defendant" where termination of parental rights litigation is a possibility. Finally, the class will discuss strategies on preparing the client for the potential termination of parental rights litigation. **(3:15 p.m. to 4:15 p.m.)**

Michelle D. Perry-Thompson graduated from Temple University School of Law and has been licensed to practice since 1994. Prior to obtaining her law degree Michelle received her MSW and BSW from Rutgers University. Michelle joined the Office of the Attorney General in 2004 after working in private practice for 10 years. She has been assigned both guardianship and protective service caseloads and is currently handling a guardianship assignment in Camden County.

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.

WORKSHOP F: FAILURE TO PROTECT AS A BASIS FOR SUBSTANTIATION OF NEGLECT

Some of our hardest cases are those where the parent is a "victim" herself. This presentation will talk about how to support a finding (and hence court jurisdiction), when the "non-offending" parent cannot or will not protect the children. This arises in domestic violence, sexual abuse and some physical abuse cases where one parent knows or should know that the co-parent is abusive, but fails to take reasonable action to protect the children. **(3:15 p.m. to 4:15 p.m.)**

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.

WORKSHOP G: GUIDELINES FOR USE OF EXPERTS IN COURT

This presentation will review best practice when mental health experts are required as witnesses to support FN and FG litigation. Use of experts in the investigative and guardianship phases of litigation will be discussed. The goal is to prepare DAsG to partner with DCP & P local office managers to instruct LO staff on how to choose and work effectively with experts based on guidelines that have been issued by DCF and good litigation practice. **(3:15 p.m. to 4:15 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 DCF Practice Group and loves her work.

Debra Lancaster is the Director of the NJ Department of Children and Families' Office of Child and Family Health. The DCF OCFH provides guidance, leadership and support across DCF on child and family health related policies and practices. Prior to joining DCF, Debra was engaged in primary care research initiatives with UMDNJ's Department of Family Medicine/Research Division. Debra was on the faculty of Rutgers University for 10 years where she directed a training and education consortium which partnered with employers and community organizations on organizational change efforts. Debra has a Master's Degree in Labor and Industrial Relations from Rutgers, The State University of New Jersey.