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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **DCF IN-SERVICE**

**April 8, 2014**

**9:00 a.m. to 4:45 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 one hour to 90 minutes long, will cover a variety of substantive and ethical topics directly related to the Group's Practice. Participants can earn up to 6.6 New Jersey credits and must attend the plenary session and choose one of five morning workshops and one of five afternoon workshops. There will also be an ethics component offered in the afternoon after the 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**.

### **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 6.6 hours of total CLE credit. Of these, up to 1.2 qualify as hours of credit for ethics/professionalism.

**NY CLE Credit:** up to 4.5 substantive credits and up to 1.0 ethics credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** up to 4.5 substantive credits and up to 1.0 ethics credits (\$1.50 mandatory registration fee per credit is 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](mailto: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. Once your portal account is created you are prompted to enter your authorization code. This is Step 1 of the process, which you need only do once.

**If you have already been issued an authorization code in the past you do not need to request another one.** You can log into your account on the Garden State Network at <http://www.state.nj.us> and under the heading NJ L&PS Applications you will see the Attorney General's Advocacy Institute's Registration System. Click on that and log into your account on our system.

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**

### **PLENARY SESSION (EVERYONE MUST ATTEND)**

**9:45 a.m. to 11:15 a.m.**

#### **ABUSIVE HEAD TRAUMA: WHAT YOUR CHILD ABUSE PEDIATRICIAN CAN DO FOR YOU**

Physical abuse cases often involve medical professionals, child protection caseworkers, and lawyers all working together to ensure that children are safe. Although anyone may report possible deliberate injury to a child, abusive head trauma cases usually begin in a medical setting because the injuries are not always obvious without a specialized medical evaluation. This workshop will review how child abuse pediatricians assess and diagnose abusive head trauma and how the child abuse pediatrician can assist in the investigation and litigation of abusive head trauma cases.

##### **Objectives:**

1. Participants will receive an overview of the medical evaluation of suspected abusive head trauma.
2. Participants will gain an understanding of how the child abuse pediatrician can enhance child abuse investigation and prosecution strategies.
3. Participants will learn about some of the “controversies” constructed by defense experts and how the child abuse pediatrician can assist in addressing these arguments.

**Michelle Weiner, MD, FAAP** is the Asst. Medical Director of the Metro Regional Diagnostic and Treatment Center. She is board certified in general pediatrics and child abuse pediatrics. Dr. Weiner has extensive experience caring for children who have suffered abuse or neglect, and significant expertise working with child protective services and law enforcement agencies to assist in their evaluation of abuse cases.

**NJ CLE Credit:** This program has 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, up to 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:** 1.5 substantive credits (\$3.00 mandatory registration fee required).

**A.M. WORKSHOPS (CHOOSE ONLY ONE)**  
**(11:30 a.m. to 1:00 p.m.)**

**INTRODUCTION TO N.J. SPIRIT**

SPIRIT is the DCF computer data base documenting all information about DCP & P cases. Students will learn how to use this vital litigation tool in a hands-on course taught by expert SPIRIT trainers. Searching for essential evidential documents such as contact sheets, screening and investigative summaries will be explained. Printing the documents to prepare discovery will be covered. Finding other useful documents in a DCP & P record, such as complaints, comprehensive lists of workers/staff that may be witnesses and how to find out which DCP & P local office is assigned to a case will be explained.

**Jarett White** joined the Department of Children and Families in July 1999 as a Family Service Specialist. He is currently an Education Program Development Specialist with the Office of Training and Professional Development. Formerly Jarett worked with the Student Conservation Association as a Regional Representative. Jarett has a Doctorate degree as a Licensed Clinical Pastoral Counselor from Cornerstone University.

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**ADVANCED USE OF N.J. SPIRIT**

If you are already a user of SPIRIT, the DCF computer data base documenting all information about DCP & P cases, this course is for you. Presenters will briefly review how to search for essential evidential documents such as contact sheets, screening and investigative summaries, complaints, comprehensive lists of workers/staff that may be witnesses and how to find out which DCP & P local office is assigned to a case. Printing the documents to prepare discovery will be covered. Students will also learn how to access and search the DCF Policy Manual, which sets forth the expected practices for DCF staff investigating, documenting and managing cases. The Manual articulates important policy positions on virtually all issues confronted in DCP & P cases.

**Joseph Spilatore** is currently the Manager of Monitoring and Reporting for Department of Children and Families Office of Training and Professional Development. He has worked for the DYFS Training Unit/DCF Office of Training and Professional Development for 11 Years and in this capacity he supervises the maintenance of essential records, including transcripts, attendance reports, grades, evaluation as necessary and relevant to the Modified Settlement Agreement and Training Operations, supervises the curriculum maintenance related to New Jersey SPIRIT computer database and coordinates and delivers New Jersey SIPRIT/Safemeasures training

statewide. He received a Masters of Science in Instructional Technologies from Bloomsburg University and Bachelor of Arts in Communication Studies from Bloomsburg University. He is a member of the Institute for Interactive Technologies Corporate Advisory Committee, the American society for Training and Development (ASTD) and National Association of Experiential Educators.

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### **TIPS ON TRYING DOMESTIC VIOLENCE CASES**

In the wake of the S.S. and D.F. cases, courts will not presume that children who are present during domestic violence have been harmed. This presentation will review strategies and techniques for Deputies proving abuse/neglect or unfitness when the fact pattern involves domestic violence.

**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.

**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 until her recent retirement, Ms. Livengood represented DYFS, litigating both protective services and guardianship matters and handling many appeals.

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## **TIPS ON HANDLING CHALLENGING SEXUAL ABUSE FACT FINDINGS – A CASE STUDY**

Using a recent case as our guide, the course will address a number of challenging issues PRS deputies confront when trying complex sexual abuse matters. We will tackle such topics as responding to discovery motions by the defense, including those requesting psychological and psychiatric evaluations of the child victim, how to admit forensic videotaped interviews of child victims, and how prepare and adequately qualify your psychological expert. The class will also focus on what do when there is little corroboration supporting the allegation of abuse or when the child victim recants a claim of misconduct. The course will review both foundational case law on the subject and cover recent opinions.

**Michelle Mikelberg** has been a DCF deputy for the past five years. Prior to joining the Division of Law, she was a law clerk to the Honorable Thomas Vena, J.S.C. in Newark, N.J. Michelle graduated from Brandeis University and Fordham University School of Law.

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## **PRESENTING THE EXPERT WITNESS IN AN ABUSE/NEGLECT AND A GUARDIANSHIP CASE**

This presentation will discuss: 1) Preparing your witness; 2) Evidence Rules surrounding use of expert witnesses; 3) Qualifying the expert; 4) Cross-Examination of Defense Experts. Short case scenarios from an abuse/neglect and a guardianship case will be used to invite audience participation.

**Nancy Andre** received her undergraduate degree from Hofstra University in Hempstead, NY in 1993 and J.D. from the University of Pennsylvania in 1996. She has been a Deputy since 2004 assigned to the DCF section.

**Cynthia J. Schappell** is a Deputy Attorney General with the Division of Law DCF South. She began her legal career as a DAG with the Division of Criminal Justice and before coming to the Division of Law she worked as a Prosecutor in Cumberland County. Cynthia graduated from Temple University and Seton Hall University – School of Law.

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**AFTERNOON WORKSHOPS (Choose only one)**  
**(2:00 p.m. to 3:30 p.m.)**

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**Joseph Spilatore** is currently the Manager of Monitoring and Reporting for Department of Children and Families Office of Training and Professional Development. He has worked for the DYFS Training Unit/DCF Office of Training and Professional Development for 11 Years and in

this capacity he supervises the maintenance of essential records, including transcripts, attendance reports, grades, evaluation as necessary and relevant to the Modified Settlement Agreement and Training Operations, supervises the curriculum maintenance related to New Jersey SPIRIT computer database and coordinates and delivers New Jersey SIPRIT/Safemeasures training statewide. He received a Masters of Science in Instructional Technologies from Bloomsburg University and Bachelor of Arts in Communication Studies from Bloomsburg University. He is a member of the Institute for Interactive Technologies Corporate Advisory Committee, the American society for Training and Development (ASTD) and National Association of Experiential Educators.

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

### **HOW TO PREPARE A FACT/LAY WITNESS**

How to prepare a fact/lay witness to be a persuasive witness: *Practice, practice, practice.* This presentation will review: 1.) The difference in responding to direct vs cross examination; 2.) Presenting lay opinions; 3.) Rules of court room; and 4. Preparation tips for witness.

**Ann Huber** graduated from Rutgers Law School - Newark 1983 and was 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.

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

### **MAKE YOUR LIFE EASIER: OPTIMIZE ORGANIZING THE TPR EVIDENCE PACKET**

Participants will be provided with a sample TPR file to organize for trial and will learn various techniques and hints to best organize the file based on the particular facts and demands of the case.



**Lisa Landsman** attended Cardozo School of Law and graduated in 1984. Lisa became a DAG in the DCF practice group in January 1985, and spent her entire career as a DCF deputy. Prior to becoming a DAG, Lisa was an adoption worker for the Division of Youth and Family Services. Lisa retired in December 2012 and continues to be involved in trainings.

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

### **RULES GOVERNING PLACEMENT OF CHILDREN WITH RELATIVES**

This presentation will discuss the statutory and case law regarding DCP&P's obligation to search for relatives, the process by which relatives are licensed and the process for deciding when a child should or should not be placed with a relative.

**Christian Arnold** graduated from Harvard Law School in 1993 and began his legal career as a Deputy Attorney General in the Public Utilities Section of the Division of Law. In 1999, Chris transferred to the DYFS North Section and has represented the Division in both protective services litigation and guardianship matters since that time. Chris has been a supervisor in the DYFS North section since 2005 and has been an Assistant Section Chief in DYFS North since September of 2009.

**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 the DCF Practice Group 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 Child Protection and Permanency, the Institutional Abuse Investigation Unit and the Office of Licensing. Lori has successfully briefed numerous appeals before the Appellate Division and the Supreme Court of New Jersey, and has argued several in the Appellate Division. In 2005 she received the State of New Jersey Exceptional Service Award. Lori is a member of the New Jersey State Bar Association, and a past participant in the Essex County Legal Assistant Studies Writing Mentorship Program and past Deputy Advisory Council co-chair.

**NJ CLE Credit:** This program has 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, up to 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:** 1.5 substantive credits (\$3.00 mandatory registration fee required).

## **ETHICS COURSE (3:45 p.m. to 4:45 p.m.)**

### **CLIENT SERVICES AND THE RPCS**

Client services are an integral part of the practice of law. To a large degree your success as an attorney is linked to how well you can meet the needs of your client and at the same time adhere to the Rules of Professional Conduct. This program covers issues relating to responsiveness to the client, responsibilities to clients, and Rules of Professional Conduct. In addition, this program will discuss time keeping practices designed to better assist the Deputy and the client.

**Peter Wint** is an Assistant Attorney General with the Department of Law and Public Safety. During his tenure with the Department, he has served in a number of positions, including: Section Chief of the Education, Health and Human Services Section of the Division of Law, Special Assistant to the Attorney General and Deputy Chief of Staff. Prior to his employment with the Department of Law and Public Safety, Mr. Wint was an attorney in private practice, with firms in New Jersey and Pennsylvania. Mr. Wint received his Bachelor of Science degree in Economics from the Wharton School of the University of Pennsylvania and he graduated from Rutgers School of Law.

**NJ CLE Credit:** This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 1.2 hours of total CLE credit. Of these, up to 1.2 qualify as hours of credit for ethics/professionalism.

**NY CLE Credit:** 1.0 ethics credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** 1.0 ethics credits (\$3.00 mandatory registration fee required).