



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

DCF IN-SERVICE

November 25, 2014

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 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 6.0 New Jersey credits and must attend the plenary session and choose one of five morning workshops and one of four afternoon workshops. There will also be a second plenary session offered in the afternoon after the workshops, followed by closing announcements. Please note that **no** CLE credit will be given for the IT Sharepoint 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 6.2 hours of total CLE credit. Of these, up to 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: up to 5.5 substantive credits and up to 0.0 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: up to 5.0 substantive credits and up to 0.0 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 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)

9:30 a.m. to 11:00 a.m. (followed by a 10 minute break)

NEW APPELLATE DCF CASELAW (Panel: DAG Erin O'Leary, DAG Christian Arnold, DAG Peter Alvino)

(9:30 a.m. to 11:00 a.m.)

This plenary session will review four recent, significant appellate published cases that control DCF practice. Panel members who are assigned to these cases will discuss the rulings, the possible outcomes, and how to address the issues involved while we await final disposition:

DCPP v. E.D.-O.: 434 N.J. Super. 154 (App. Div. 2014) Certification granted. Supplemental briefs and argument to follow. ISSUE: Whether neglect finding in agency summary decision based upon a child being left in a car should be upheld? (DAG O'Leary)

DCPP v. M.C.: 435 N.J. Super. 405 (App. Div. 2014) Petition for Certification filed by DCPP. ISSUE: Whether remediation of risk by date of Fact Finding precludes finding of abuse/neglect based on risk? (DAG Alvino)

DCPP v. K.N. 435 N.J. Super. 16 (App. Div. 2014): Petition for Certification filed by Law Guardian on issue of payment of board rate to unlicensed/unlicensable relatives. We opposed their petition but also asked Court to review whether courts can place with unlicensed/unlicensable relatives at all, and whether an FRO, issued pursuant to the Domestic Violence Act constitutes an ASFA disqualifier without an underlying crime. ISSUE: Whether court may place children in unlicensed home with or without payment of board rate by DCPP? (DAG Arnold)

DCPP v. Y.N.: 431 N.J. Super. 74 (App. Div. 2013) Argued Sept. 9, 2014 in Supreme Court. ISSUE: Whether pregnant woman's use of methadone during pregnancy which causes severe harm (Neonatal Abstinence Syndrome) in newborn constitutes neglect when risk of harm also evidenced by mother's failure to promptly seek treatment for opiate addiction, domestic violence occurs between parents and mother's addiction is of long-standing. (companion DCPP v. N.D. 435 N.J. Super. 488 (App. Div. 2014) Drug case; App Div seems to question A.L. and invites expert testimony) (DAG O'Leary)

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.

DAG 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 Erin O'Leary is assigned to the Division of Law's DYFS Practice Group. 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. Prior to 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.

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 credits. 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 (\$1.50 mandatory registration fee required).

A.M. WORKSHOPS (CHOOSE ONLY ONE)

(11:10 a.m. to 12:10 p.m.)

A.M. SHAREPOINT (Greg Lucidi, Maria Lapolla and DAG Christina Ramirez)

(NOTE: No CLE Credit will be given for this presentation)

(11:10 a.m. to 12:10 p.m.)

Participants will learn how to use SharePoint to find and save as favorites the document sets for their cases, to save and download materials from SharePoint document sets, and use the DCF brief bank in SharePoint.

OR

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

(11:10 a.m. to 12:10 p.m.)

Overview of the Interstate Compact on the Placement of children (ICPC). Overview includes: What the Compact does, types of placements covered/not covered, safeguards offered and processing referrals. This will aid DAsG in advocating for lawful orders when DCF plans to

place a child out-of-state.

Gayle Williamson is currently a NJ Department of Children and Families, Interstate Services Supervisor. Gayle Williamson is a graduate of Richard Stockton State College with a Bachelor of Science degree in Psychology and earned a Master's of Social Work from Rutgers University. Her early career path led her to assisting adults transitioning to the community with mental health issues and women diagnosed with Autism. Since working in New Jersey's public child welfare agency, her career path has been diverse ranging from direct practice, Child Placement Review, youths involved with the Juvenile Justice System, Parole, and all aspects of Resource Care, and Adoption. She has developed training programs for volunteers, resource families and staff along with serving as a Factual Witness to the Adoption Program. Ms. Williamson supervised New Jersey's Adoption Resource Exchange Unit for the past seven years. Ms. Williamson recently joined the Interstate Services Unit as a supervisor.

Patricia Burch has worked in the human service field for over 30 years. She is an experienced administrator, manager, supervisor and planner. She embraces all functions and responsibilities with enthusiasm and a firm commitment to excellence. Ms. Burch has had the privilege of working in the fields of mental health, health and senior services and child welfare. She served as a program analyst in the Division of Mental Health Services where she planned; analyzed, developed and monitored comprehensive community based mental health services for children and adults. Ms. Burch also served as a supervisor and administrator within the Department of Health and Senior Services where she helped develop and implement community Medicaid waiver programs for the elderly and disabled throughout New Jersey.

Ms. Burch's greatest accomplishments have been in the field of child welfare. She began her child welfare experience as a protective service case worker. Over the years she has assumed broader and greater responsibility for statewide programs within the child welfare system. Ms. Burch has served as a unit supervisor of protective service case workers, a Special Response Unit supervisor, as acting manager of the office of fiscal and revenue operations, in the office of the chief of staff and the office of the Deputy Director, as acting manager and administrator of Title IV-E eligibility and determination, and as administrator for interstate services. Whether training staff, the community, the courts, the Attorney General's Office, whether working with families, staff, management, or the community at large, Ms. Burch shares her knowledge and expertise in a passionate, skilled and professional manner. Ms. Burch earned a B.S. in social work from Barrington College and a M.S.W. from Rutgers University.

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 hour of total CLE credit. Of these, up to 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

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

OR

**TRYING A CASE OF NEONATAL SYNDROME
(11:10 a.m. to 12:10 p.m.)**

This training will offer practical strategies, within the context of statutory definitions, case law and Court Rules, for preparing and trying an action under Title 9 where the Division of Child Protection and Permanency has determined that the child has been abused and neglected due to a diagnosis of neonatal abstinence syndrome.

DAG James Gentile is an Assistant Section Chief for the DCF South Section. He has represented DCF since 1990. He has represented the agency extensively in FN and FG litigation, in administrative hearings on the issue of abuse and neglect, and in administrative proceedings involving licensing of day care centers and private adoption agencies. He also represented DCF in complex litigation involving the Fair Labor Standards Act. He has argued cases both before the Appellate Division and before the State Supreme Court.

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 hour of total CLE credit. Of these, up to 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

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

OR

**PROVING PRONG 4 IN “SELECT HOME” GUARDIANSHIP CASES
(11:10 a.m. to 12:10 p.m.)**

On occasion we are confronted with a Guardianship case where the children have not been placed in an adoptive home and relatives are not available, and we are faced with the challenging task of proving prong four (termination of parental rights will not do more harm than good) at a TPR trial. This course will explore what evidence should be included in the evidence packet when your case goal is select-home (rather than foster home) adoption. We will also discuss how to decide which Division worker is best suited to testify at the trial regarding this process, how to adequately prepare the caseworker for their direct testimony and to answer cross-examination questions from the Law Guardian, defense attorneys, and even the Judge. This course will also look at what issues DCF DAsG should be focusing on at the 10-month reviews when the children have not yet been placed in homes that are willing to adopt, and what can be accomplished during both the FN and FG stages of litigation to make the case as strong as possible for trial.

DAG Merav Lichtenstein has worked as a Deputy Attorney General with the DCF-Essex Section since September, 2008. Prior to joining the Division of Law, she clerked for the Hon. Thomas Weisenbeck, A.J.S.C. in Morris County. Merav received her B.A. from Emory

University in Atlanta, Georgia and her J.D. from the Benjamin N. Cardozo School of Law in New York.

Joanne Fillimon is a certified social worker with an MSW from the Rutgers University, School of Social Work (2004), an Adoption Certificate (45 clinical hours, 2002), and a BSW from Kean University, School of Social Work (1974). She has over 35 years of experience working in the field of adoption and has held a variety of positions with DCP&P, including adoption worker, supervisor, Case Work Supervisor and Case Practice Specialist. For the past 8 years Joanne has been the Adoption Field Support Supervisor covering all six Essex Local Offices. Throughout her tenure with the Division she has had the opportunity to collaborate in the development of a three-day training curriculum for new adoption staff. She was also a key collaborator in the development of the "Factual Witness Training" that is being offered to adoption staff through Rutgers Social Work Continuing Education Adoption Certificate Program. Joanne has also been a co-trainer for both New Worker Training and Factual Witness Training. Since 2004, Joanne has been a co-facilitator of the "Issues in Adoption of the Older Child" class at Rutgers School of Social Work Continuing Education Adoption Certificate Program. This class is available to both agency adoption staff and clinicians who treat adoptees and their adoptive families both pre and post adoption finalization. Joanne has been a Factual Witness on numerous occasions and more recently has assisted DAsG and adoption staff that have been selected to give factual witness testimony with their preparation for court.

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 hour of total CLE credit. Of these, up to 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

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

OR

SERVICE, SEARCHES AND DEFAULTS: LEGAL AND PRACTICAL REQUIREMENTS FOR SUCCESSFUL LITIGATION, PLANNING AND PERMANENCY

(11:10 a.m. to 12:10 p.m.)

This course will discuss due process considerations in the completion of legally sufficient searches for "missing" parent/defendants; adequate service; and the appropriate use of "defaults". We will focus on the statutory requirements and practical tools for finding missing parents and identifying relative placement alternatives. This course will also address how to complete a legally sufficient and timely "Affidavit of Inquiry" to allow service to be waived, when and how to identify and serve parties, and the appropriate and sustainable use of "defaults."

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.

Nora Pearce graduated from Seton Hall Law School and has been a member of the New Jersey Bar since 1988. She joined the Division of Law in September 1989 in the DCF practice group and is currently an Assistant Section Chief in the DCF-South Section. Nora has a Masters in Counseling and Personnel Administration from the University of Maryland. Prior to the practice of law, she was employed by A.T.&T. as a Division Marketing Manager.

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NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

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

LUNCH: 12:10 p.m. to 1:10 p.m.

P.M. WORKSHOPS (CHOOSE ONLY ONE)
(1:10 p.m. to 2:10 p.m.)

P.M. SHAREPOINT (Greg Lucidi, Maria Lapolla and DAG Christina Ramirez)
(NOTE: No CLE Credit will be given for this presentation)
(1:10 p.m. to 2:10 p.m.)

Participants will learn how to use SharePoint to find and save as favorites the document sets for their cases, to save and download materials from SharePoint document sets, and use the DCF brief bank in SharePoint.

OR

ADVISING CLIENT ON ADULT GUARDIANSHIP FOR SPECIAL-NEEDS YOUTH AGING OUT OF FOSTER CARE
(1:10 p.m. to 2:10 p.m.)

No parent is authorized to make legal, medical or other important decisions for a child once the child has reached the age of majority. This training will address the consequences of this fact for youth who age out of foster care without the competence to arrive at reasonable decisions. We will review the process for obtaining authority to make decisions through guardianship including both legal and psychological components.

DAG Ann Huber graduated from Rutgers Law School - Newark 1983 and was admitted to NJ and Federal 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.

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 hour of total CLE credit. Of these, up to 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

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

OR

**WINNING A FINDING BASED ON RISK ALONE: PROVING SUBSTANTIAL RISK
(1:10 p.m. to 2:10 p.m.)**

Recent Appellate decisions have highlighted the distinction between "actual harm" and "substantial risk." This workshop will focus on the Appellate Division's decisions regarding substantial risk, and the risk factors that have been found to rise to abuse or neglect. Further discussion will include how to effectively demonstrate substantial risk in fact finding trials.

DAG Mary Zec has worked for the Division of Law for over ten years. Mary received her undergraduate degree from Rutgers University, and received her J.D. from American University, Washington College of Law. She began her career as a DAG representing the Division of Youth and Family Services in termination of parental rights cases in Passaic County, and then went on to appear in child abuse/neglect cases in Bergen County. Mary is currently representing DCPD in abuse/neglect cases in Union County.

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 hour of total CLE credit. Of these, up to 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

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

OR

**BASIC EVIDENCE
EASY OBJECTIONS AND CONFIDENT RESPONSES: A PRACTICAL APPROACH
TO THE RULES OF EVIDENCE
(1:10 p.m. to 2:10 p.m.)**

We all took evidence classes in law school, yet using those evidence rules seems so much more confusing during trial! This course will break down commonly used evidence rules and relevant case law so that you can make and respond to objections to documentary and testimonial evidence with ease and confidence. This course is designed for our newer DAGs (or those

seasoned DAGs who want a refresher!)

DAG Angela Melchionna joined the DCF section at the Division of Law in 2011. She has appeared in Mercer and Ocean County and has litigated both FN and FG cases. Prior to joining the Division of Law, she clerked for the Honorable Terence P. Flynn, J.S.C., Children in Court, Monmouth County. She received her J.D. from Seton Hall Law School of Law in 2010 and her B.S. from Cornell University in 2007. She is admitted in New Jersey and New York.

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NY CLE Credit: 1.0 substantive credit (pursuant to the approved jurisdiction policy).

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

10 MINUTE BREAK

PLENARY SESSION (EVERYONE MUST ATTEND)

2:20 p.m. to 4:20 p.m. (followed by Closing Announcement at 4:20 p.m.)

SEXUALLY VIOLENT PREDATORS

(2:20 p.m. to 4:20 p.m.)

This presentation will discuss the Sexually Violent Predator Act (SVPA) and how Sexually Violent Predator cases are handled in New Jersey with an emphasis on issues in common to DCF sexual abuse cases. This presentation will also go through the various steps of Sexually Violent Predator litigation as well as some criminal law regarding sexual offenses, with an emphasis on the psychology involving the various diagnoses used in Sexually Violent Predator litigation that are in common with dispositional hearings in sexual abuse cases. Finally, this presentation will discuss published appellate decisions involving the Sexually Violent Predator cases.

SDAG Mark H. Singer is currently Lead attorney with the Division of Law's Health and Human Services, Sexually Violent Predator (SVP) unit, wherein he supervises three attorneys and three paralegals which represent the Attorney General in all phases of litigation regarding the commitment of sexually violent predators. His litigation responsibilities include; the review of files of prisoners convicted of sexual crimes and the selection of those prisoners who are most likely to sexually reoffend for civil commitment to treatment units. He is a Member of the Governor's Advisory Council Against Sexual Violence. Prior to being the lead attorney in the SVP Unit, he worked in the Tort Litigation Section as well as the Department of Youth and Family Services Section. Prior to joining the Division of Law, he worked with the Burlington County Prosecutor's office. He received his Juris Doctorate from Rutgers School of Law, Camden and a Bachelor of Arts in Psychology from Montclair State College.

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.0 hours of total CLE credits. Of these, up to 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 required).

4:20 p.m. to 4:30 p.m. Wrap Up