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*The Advocacy Institute Is Pleased to Announce*

## **PROGRAM ANNOUNCEMENT**

### **DCF IN-SERVICE**

**April 20, 2015**

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

**Richard J. Hughes Justice Complex**

**25 Market Street**

**4th Floor Conference Center, Rm. A**

**Trenton, 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 75 to 100 minutes long, will cover a variety of substantive and ethical topics directly related to the Group's Practice. Participants can earn up to 6.8 New Jersey credits and **must attend both plenary sessions and choose one of three morning workshops and one of three 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**. **If you are not one of the intended attendees, please do not attempt to register for this program.**

### *Who Is the Faculty?*

See attached.

### *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 6.8 hours of total CLE credit. Of these, up to 3.5 qualify as hours of credit for ethics/professionalism.

**NY CLE Credit:** up to 4.5 substantive/ up to 3.5 ethics credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** up to 3.5 substantive/ up to 2.5 ethics credits (\$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](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**

### **A.M. WORKSHOPS (CHOOSE ONLY ONE)**

**9:30 a.m. to 10:45 a.m.**

#### **UPDATES ON PUBLISHED APPELLATE DIVISION AND PENDING SUPREME COURT APPEALS CASES FOR DCF**

**(9:30 a.m. to 10:45 a.m.)**

This presentation will discuss the facts and rulings in some significant appellate DCF cases handed down in the last year. This presentation will also discuss how to utilize helpful holdings in the course of your advocacy and how to accomplish DCP&P's objectives notwithstanding new hurdles imposed.

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

#### **DIRECT EXAMINATION TIPS**

**(9:30 a.m. to 10:45 a.m.)**

This presentation will discuss the elements of an effective direct examination and will provide tips and examples that will enhance the persuasive power of witnesses' testimony. This presentation will also discuss the correct form for direct examination questions to minimize the opportunity for our adversaries to object.

**DAG Joseph M. Micheletti** is the Assistant Section Chief of the Corrections Unit, Division of Law. In this capacity he supervises line deputies and directs the defense of civil rights litigations brought against the Department of Corrections and its employees. Prior to becoming Assistant Section Chief of the Corrections Unit, he worked with the Employment Litigation Section of Division of Law wherein he provided representation to state agencies and employees in complex employment litigation matters in state and federal court. He received a B.S. in Management in

1990 from The Pennsylvania State University and a J.D. from Seton Hall University School of Law in 1994. He served as a Barrister with the Mercer County Inn-of-Court from 2005 to 2009 and is currently a faculty member for NAGTRI.

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

**ETHICS WORKSHOP ON RELATIVE RESOURCE PARENTS: HOW DO N.J.S.A  
30:4C-12.1 AND THE R.P.C.S INTERSECT?  
(9:30 a.m. to 10:45 a.m.)**

This workshop is designed as a practical approach to the Deputy Attorney General's need to address Rules of Professional Conduct (RPC 1.4 Communication; RPC 2.4 serving as a 3<sup>rd</sup> party neutral to effect resolution; RPCs 3.3 and 3.4 Candor to the tribunal and fairness to the opposing party and counsel) within the statutory requirement to search for relatives of a child in the Division's custody (N.J.S.A. 30:4C12.1). The Deputy is often faced with relatives who are not identified to the Division in a timely manner, and/or who are strangers to the child; or who have no blood relationship with the child. The issues that will be addressed in this course include: how far reaching is the statutes in both time and nature of the relative's relationship? What are the ethical considerations for the Deputy advising the client about relative home assessments and placement decisions, the appropriate role of mediation and evaluations with relatives, handling Motions to Intervene by relatives or resource parents? The Deputy is also faced with interacting with relatives who may be called as witnesses in various hearings, including permanency hearings. There are ethical issues regarding the provision of information to relatives who are not the client, but who often seek legal advice from the Deputy in litigated proceedings.

**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 was an Assistant Section Chief in the DCF-South Section until she retired in September 2014. 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.

**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, 1.5 qualify as hours of credit for ethics/professionalism.

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

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

**A.M. PLENARY SESSION (EVERYONE MUST REGISTER AND ATTEND)**

**10:55 a.m. to 12:25 p.m.**

**UNDERSTANDING SUBSTANCE USE IN THE CONTEXT OF CHILD WELFARE CASES**

Substance use disorders create significant challenges for families involved with child welfare, as well as for the professionals and systems responsible for responding to child abuse and neglect. Recent changes in diagnostic and clinical practice regarding substance use disorders provide child welfare and the courts with an opportunity to more effectively identify and intervene with parents and children affected by substance use. Changes in diagnostic criteria, the effects of different substances on parenting ability, and knowledge regarding the immediate, interim, and long-term consequences of prenatal exposure to substances will be introduced and reviewed.

**Mary F. Beirne, M.S., Ed.D., M.D., DFAPA** is a Clinical Assistant Professor of Psychiatry at the Robert Wood Johnson Medical School. As the Chief Child and Adolescent Psychiatrist for the NJ Department of Children & Families Dr. Beirne provides consultation to the divisions of Child Protection and Permanency and the Children's System of Care through the Office of Child and Family Health. Dr. Beirne is board certified in Adult Psychiatry, Child and Adolescent Psychiatry, and Forensic Psychiatry.

**Carol A. Friedman, Ph.D.** is a Neuropsychology Consultant for the NJ Department of Children and Families (DCF). As a member of the Clinical Team at the Office of Child and Family Health and at the Audrey Hepburn Children's House at the Joseph Sanzari's Children's Hospital at Hackensack University Medical Center, Dr. Friedman provides consultation to DCF divisions including the Division of Child Protection and Permanency (DCP&P), Children's System of Care (C-SOC) and the Office of Educational Support. Dr. Friedman is a Clinical Assistant Professor of Pediatrics at Rutgers University, NJ Medical School and is a past president of the New Jersey Neuropsychological Society.

**Mollie Greene** is the Director of Clinical Services for the New Jersey Department of Children and Families, where she is responsible for management and oversight of DCF's clinical team services and initiatives, substance abuse initiatives, and the Office of Child and Family Health. She was formerly with the Division of Mental Health and Addiction Services in the Department of Human Services as the Assistant Division Director of the Office of Care Management. Ms. Greene entered state service in 2007 with many years of experience in substance use disorders and mental health, behavioral health, including work in direct care, administration, and advocacy. She holds a Master's degree in American Literature and is a New Jersey Certified Alcohol and Drug Abuse Counselor.

**Lydia Vender D.O. FACN** is an Assistant Professor of Psychiatry at the CARES Institute. She also serves as the assistant to the Chief Child and Adolescent Psychiatrist in The New Jersey Department of Children and Families. Dr. Vender is a board certified Adult, Child and Adolescent Psychiatrist. Dr. Vender has worked extensively with individuals with intellectual disabilities and been in practice for 20 years.

**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.

**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).

**LUNCH – 12:25 p.m. to 1:10 p.m.**

**P.M. PLENARY SESSION (EVERYONE MUST REGISTER AND ATTEND)**

**1:10 to 2:50 p.m.**

**ETHICAL CONSIDERATIONS IN REPRESENTING A CHILD PROTECTION AGENCY**

This presentation will address the challenging issue of client relations, with a focus on the Rules of Professional Conduct: RPC 1.2 Scope; authority; RPC 1.4 Communication; and RPC 1.13 Organization as Client; as well as the Attorney General’s requirements within the context of representing a NJ agency. These rules are very relevant in dealing with DCP&P, in terms of understanding who the “client” is, how to communicate with the client, how to address disagreements with the agency and how to build rapport.

**DAG Christina Duclos** has worked as a Deputy Attorney General with the DCF-Central Section since September 2011. She currently represents DCF in administrative hearings involving the Division of Child Protection and Permanency, the Institutional Abuse Investigation Unit, and the Office of Licensing. Prior to joining the Division of Law, she clerked for the Honorable Mary C. Jacobson in Mercer County. DAG Duclos received her J.D. from Rutgers School of Law-Camden in 2010, her M.A. from Stanford University in 2007, and her B.A. from the University of Southern California in 2006. She is a member of the New Jersey and New York Bars.

**DAG Erin O’Leary** is assigned to the Division of Law’s DCF 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 working at DCF, Ms. O’Leary was a Deputy Attorney General initially assigned to represent the Division of Youth and Family Services and later assigned to

represent the Department of Health and Senior Services and Division of Medical Assistance and Health Services. 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 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.

**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 required).

**P.M. WORKSHOPS (CHOOSE ONLY ONE)**  
**3:00 p.m. to 4:15 p.m.**

**RESPONDING TO COMMON DEFENSE OBJECTIONS IN DCP&P CASES:  
“SAY WHAT?”  
(3:00 p.m. to 4:15 p.m.)**

This presentation will provide both legal strategy and court rule based responses to common defense objections in DCP&P trials to evidentiary material and testimony. Topics covered will include the following: responses to hearsay objections, chain of custody issues, proper certification of documents, relevancy and general use of DCP&P business records. This presentation will also cover several alternative methods to present documents or testimony if objections are sustained by the Court.

**Lea DeGuilo** is a Deputy Attorney General with the DCF North Section of the Division of Law. She graduated Summa cum laude from Hartwick College and is a 1997 graduate of Rutgers Law School-Newark. After a clerkship with the Honorable Bette E. Uhrmacher she joined the Division of Law in 1998.

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

**REASONABLE EFFORTS AND INCARCERATED PARENTS IN LIGHT OF THE  
DECISION IN D.Y.F.S. V. J.G., (N.J. SUPREME COURT 2014)  
(3:00 p.m. to 4:15 p.m.)**

This presentation will address the ramifications of the J.G. decision (Docket No. 069970, decided June 2, 2014) on the prior holding in D.Y.F.S. v. L.A.S., 134 N.J. 127 (1993), that incarceration alone is not sufficient to prove harm under prong one of the best-interests standard. The presenters will not only focus on what efforts by the Division might satisfy the "reasonable efforts" requirement but also on the factors experts need to explore during psychological evaluation in order to address "harm."

**DAG Jane Blank** graduated from Fordham Law School and was admitted to the New York Bar in 1988. She represented the NYC Administration for Children's Services in abuse and neglect proceeding in Kings County before joining the Division of Law in 2000. She has represented the Division in guardianship matters since that time. Jane was the guardianship deputy on D.Y.F.S. v. J.G. and argued the case before the New Jersey Supreme Court.

**Ann Avram Huber** is a former DAG, retired from the State's child welfare section (Division of Child Protection and Permanency), of the New Jersey Attorney General's Office. Before joining the office in 2004, Ms. Huber maintained a private law practice for many years where she handled a variety of litigation including civil, chancery, matrimonial and bankruptcy litigation. Ms. Huber's assignment included the agency's representation in the Children's Rights Inc. lawsuit against the Department of Children and Families and appellate practice. As a Deputy Attorney General, she handled protective services litigation and parental rights termination trials, numerous appellate briefs and arguments and appeared before the New Jersey Supreme Court multiple times. Ms. Huber, a 1983 graduate of Rutgers Law School – Newark, has also been an instructor with NAGTRI and has presented a number of in-service seminars on trial skills for AGAI. Ms. Huber is also a former Councilwoman and Mayor of Randolph Township, NJ.

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

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

**CURRENT THINKING ABOUT THE M.C. RULING  
(3:00 p.m. to 4:15 p.m.)**

This case is currently pending before the N.J. Supreme Court. M.C. is the published appellate division case holding that when there is no actual harm to a child, neglect and abuse are to be assessed from the degree of risk present at the time of the fact finding, not the time of the incident. Having written the Supreme Court brief, Peter Alvino has had time to analyze the implications and arguments concerning this holding, and will discuss this troubling case and possible approaches.



**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.

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