



The Advocacy Institute Is Pleased to Present

PROGRAM ANNOUNCEMENT

DCF IN-SERVICE

April 29, 2019

8:30 a.m. to 4:00 p.m.

(Registration: 8:30 a.m. to 9:00 a.m.)

N.J. Forensic Science & Technology Center

1200 Negron Drive

Hamilton, New Jersey

PLEASE READ: NOTICE REGARDING COURSE MATERIALS

You will receive the course materials approximately forty-eight (48) hours prior to the date of the course. The materials will be contained in an email attachment.

Program Summary

This in-service program for the Division of Law's DCF Practice Group will provide presentations on the Children and Family Services Review Program Improvement Plan, the confidentiality of substance abuse records, HIPAA and email etiquette and the RPCs. **DCF deputies must register for all four sessions.**

Who Should Attend?

This program is only for Deputy and Assistant Attorneys General in the DCF practice group and client agency attorneys who have been invited to attend. Please do not attempt to register if you are not a member of the DCF Practice Group or a DCF agency attorney.

Who Is the Faculty?

Please see the attached schedule.

How Do I Register?

State Employees

Most State employees are able to register for this course by going to <http://reg2.dcj.lps.state.nj.us/lpcreg/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://reg2.dcj.lps.state.nj.us/lpcreg/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

9:15 a.m. – 10:30 a.m.

THE CHILDREN AND FAMILY SERVICES REVIEW PROGRAM IMPROVEMENT PLAN

This presentation will provide an overview of the results from the Child and Family Service Review conducted in New Jersey by the federal government. It will also address the portions of New Jersey's Program Improvement Plan which directly relate to the practice of a DAG. The Program Improvement Plan is developed by the State and provides specific and identifiable steps to address deficiencies noted by the CFSR. The participants will be gain a basic understanding of the Program Improvement Plan and their role in supporting DCF's successful compliance with the plan.

AAG Christian Arnold is a Deputy Director in the Department of Law and Public Safety's Division of Law. Prior to his current position, Chris was an Assistant Attorney General in Charge of the DCF Practice Group. He was previously an Assistant Section Chief of DCF North, where he represented the Division in both protective services litigation and guardianship matters. Chris began his legal career as a Deputy Attorney General in the Public Utilities Section of the Division of Law. He is a graduate of Harvard Law School.

AAG Erin O'Leary oversees the DCF Practice Group in the Division of Law. Prior to her current position, Erin served as a DAG, arguing multiple appellate matters, including two NJ Supreme Court cases (YN and EDO). Previously, 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, Erin 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 Rutgers Law School.

Clinton Page, Esq. is the Director of Legal and Legislative Affairs for the Department of Children and Families. He oversees the operations of the Administrative Hearings Unit, the Child Abuse Record Information Unit, the Department's Litigation Unit, and the Department's

Legislative Unit. He also provides advice and guidance to all Divisions within the Department to ensure compliance with State statutes and regulations. Mr. Page previously served as a Legal Specialist in the Office of Legal, Regulatory, and Legislative Affairs where he assisted with policy development and training staff on new initiatives and legal strategy. Mr. Page has also served as a Deputy Attorney General in the Division of Law's DCF practice group, where he handled guardianship and protective services litigation in Middlesex and Essex counties. He also provided training for the agency's staff and served as the Division of Law's representative on the Children in Court Improvement Committee. Mr. Page held judicial clerkships in both the Court of Common Pleas in Pennsylvania and the United States District Court for the Eastern District of Pennsylvania. He graduated with honors and a pro bono distinction from Widener University Delaware Law School where he was a member of the Delaware Journal of Corporate Law. He obtained his Bachelor's Degree from the University of Scranton.

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 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 Credit (\$1.50 mandatory registration fee required).

10:45 a.m. – 12:00 p.m.

CONFIDENTIALITY OF SUBSTANCE ABUSE DISORDER RECORDS – 42 CFR PART 2 AND YOU

42 CFR Part 2 governs the confidentiality of substance abuse records. This program will help DCF deputies to navigate the federal confidentiality statute when it arises in the course of Division of Child Protection and Permanency litigation.

DAG Cassandra E. Rhodes is assigned to the DCF South Section of the Division of Law. She handles all aspects of DCF trial and appellate litigation across multiple counties. DAG Rhodes is also an Adjunct Professor at Camden County College, where she teaches in the Paralegal Studies Department. Prior to joining the Division of Law, DAG Rhodes worked as an insurance defense attorney for both Liberty Mutual and Weber Gallagher, a mid-size law firm. She graduated cum laude from Gwynedd Mercy College and holds a J.D. from Thomas M. Cooley Law School.

Alichia Washington, Esq. is a Legal Specialist in the New Jersey Department of Children and Families Office of Legal Affairs, where she serves as liaison to the Children's System of Care and provides guidance on privacy issues concerning Federal Regulation 42 CFR Part 2. Prior to joining DCF, she was a private sector claims specialist for lawyers' professional liability insurance. Ms. Washington has also served as a Deputy Attorney General representing the Division of Child Protection and Permanency and as a Tax Services Specialist for the New Jersey Division of Taxation. She received both her BS in Business Administration and her JD from Florida Agricultural and Mechanical University in Tallahassee, Florida and holds an MA in Child Advocacy and Policy from Montclair State University.

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

1:15 p.m. – 2:30 p.m.

ENSURING MEANINGFUL ACCESS: REASONABLE ACCOMMODATION ISSUES FOR CPS AGENCIES

The duty to provide reasonable accommodations to qualified individuals with disabilities is considered one of the most important statutory requirements of the ADA. Title II of the ADA covers state and local government programs, services and activities and commands that no qualified individuals with a disability shall, by reason of such disability, be excluded from participating in or be denied the benefits of those services, programs, or activities of a public entity or be subjected to discrimination by any such entity. This program will provide an overview of the requirements of Title II and discuss practical accommodation issues. Participants will be guided through three case studies designed to highlight ways to proactively address caregivers' needs for accommodations, satisfy ADA requirements as they play out in litigation, and work with agency staff to ensure that caregivers receive individualized services within the constraints of agency resources.

DAG Salima Burke is a member of the Department of Children and Families Practice Group of the Division of Law. She represents DCF in administrative and appellate court cases involving the Division of Child Protection and Permanency, the Office of Licensing, and the Institutional Abuse Investigation Unit. She briefed and argued DB, in which the Appellate Division approved the not established findings tier. Salima worked as an educator and editor in the non-profit sector for many years before attending law school at the University of Virginia. A former Court Appointed Special Advocate (CASA), she clerked for the Honorable Alexander P. Waugh, Jr., J.S.C., Appellate Division, during the 2012-2013 court term.

Joseph D. Pargola is the Assistant Director for Policy and Regulatory Development for the New Jersey Department of Children and Families (DCF). He oversees the development, publication, and dissemination of Department policies, protocols, and regulations. Mr. Pargola has also served as a Legal Specialist at DCF. Prior to joining DCF, he was the Procedural Safeguards Coordinator for the New Jersey Department of Health, where he directed the Procedural Safeguards Office on behalf of the New Jersey Early Intervention System, which handled family rights under the Individuals with Disabilities Education Act. As a Policy Advisor for the New Jersey Department of Health and the Public Advocate, Mr. Pargola was a key member of the team working to prevent childhood lead poisoning throughout New Jersey. His areas of expertise include regulatory review, drafting, and interpretation; environmental interventions; and childhood lead poisoning prevention policy. He received a JD and a BS in Business Administration from Duquesne University in Pittsburgh, PA.

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NY CLE Credit: 1.5 Substantive Credits (pursuant to the approved jurisdiction policy).

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

2:45 p.m. – 4:00 p.m.

EMAIL ETIQUETTE AND THE RPCS

What should you and your client consider before hitting "send" or more importantly "reply all?" Is that email privileged? Will my adversary see it? Will the public see it? Does the recipient understand that simply forwarding the email could waive attorney-client privilege not only for this email, but for the entire chain? Learn about what should or should not be in an email and the RPC implications of this indispensable tool.

Brian Lipman is the Litigation Manager for the New Jersey Division of Rate Counsel. The Division of Rate Counsel represents the interests of ratepayers in hearings where a public utility seeks a rate increase. The Division also participates in other state and federal utility matters to protect the interests of New Jersey ratepayers. Prior to joining the Division, Mr. Lipman was a Deputy Attorney General in the Division of Law. He last served as the Assistant Section Chief for the Public Utilities Section. While in that section he was involved in a variety of federal energy matters before the Federal Energy Regulatory Commission and the U.S. District Court. Mr. Lipman also advised the Board of Public Utilities on matters pending before the Board. Before rejoining the Public Utilities Section, Mr. Lipman served as a DAG in the Affirmative Litigation and Civil Rights Sections. In the Affirmative Litigation Section, Mr. Lipman worked on mortgage fraud matters as well as other cases for a number of administrative agencies, including the Election Law Enforcement Commission. In the Civil Rights Section, Mr. Lipman served as legal counsel to the Division on Civil Rights and prosecuted cases on behalf of the Division. Before joining the Division of Law in 2003, Mr. Lipman represented private employers in employment litigation matters as an associate with the firm of Carpenter, Bennett & Morrissey from 2001 to 2003 and an associate with the firm Genova, Burns & Vernoia from 1997 to 2001. Mr. Lipman also represented federal employees in employment litigation as an associate at the firm of Schnieder, Frieberger & Kastner in 1997. He clerked at the Monmouth County Prosecutor's Office. Mr. Lipman graduated from Rutgers School of Law-Camden, with honors in 1995, winning the Arthur T. Vanderbilt award for Legal History and from The American University with a B.S. in political science in 1992. He was a pupil in the Sidney Reitman Inns of Court in 2000-01.

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

AGENDA

8:30 a.m. to 9:00 a.m. Registration

9:00 a.m. to 9:15 a.m. Welcoming Remarks

9:15 a.m. to 10:30 a.m.

The Children and Family Services Review Program Improvement Plan

AAG Christian Arnold, AAG Erin O’Leary & Clinton Page, Esq.

10:30 a.m. to 10:45 a.m. Break

10:45 a.m. to 12:00 p.m.

Confidentiality of Substance Abuse Disorder Records –42 CFR Part 2 and You

DAG Cassandra E. Rhodes & Alichia Washington, Esq.

12:00 p.m. to 1:15 p.m. Lunch

1:15 p.m. to 2:30 p.m.

Ensuring Meaningful Access: Reasonable Accommodation Issues For CPS Agencies

DAG Salima Burke & DCF Assistant Director Joseph Pargola

2:30 p.m. to 2:45 p.m. Break

2:45 p.m. to 4:00 p.m.

Email Etiquette and the RPCs

Brian Lipman, Esq.