



The Advocacy Institute Is Pleased to Present

PROGRAM ANNOUNCEMENT

DCF IN-SERVICE

November 19, 2018

8:45 a.m. to 4:00 p.m.

(Registration: 8:45 a.m. to 9:15 a.m.)

R.J. Hughes Justice Complex

25 Market Street

4th Floor Conference Room A

Trenton, New Jersey 08625

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

The Division of Law's DCF Practice Group will be providing presentations on a variety of topics directly related to the group's work. The presentations are 75 minutes and the topics and presenters are listed on the following pages. You must register for and attend both the morning and afternoon plenary sessions and will have a choice of three different seminars during the morning and afternoon workshop sessions. *Please see the attached schedule for a list of lectures and presenters.*

Who Should Attend?

The in-service program is only for deputy and assistant attorneys general in the Division of Law's DCF Practice Group. Please do not attempt to register if you are not a member of the DCF Practice Group.

Who Is the Faculty?

Please see the attached schedule.

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 6.0 hours of total CLE credit. Of these, 1.5 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: Up to 5.0 Substantive Credits and 1.5 ethics credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: Up to 5.0 substantive credits and 1.0 ethics credit ***Please submit one check per course.**

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.

LIST OF COURSES AND PRESENTERS

8:45 a.m. to 9:15 a.m. - REGISTRATION

9:15 a.m. to 9:45 a.m. – WELCOMING REMARKS

AAG Erin O’Leary

DCF Commissioner Christine Norbut Beyer

9:45 a.m. to 11:00 a.m. - PLENARY SESSION

INTERNATIONAL LEGAL CONSIDERATIONS IN CHILD PROTECTION

This presentation will focus on international child abduction and the statutes and case law that impact jurisdiction in child protection matters. Discussion will include the International Child Abduction Remedies Act, the enabling legislation for the Hague Convention on the Civil Aspects of International Child Abduction, the International Child Abduction Prevention and Recovery Act, addressing assessment of the obstacles to recovery and risks of removal or retention of a minor child and available protections to prevent such a removal, and the international and emergent application of the Uniform Child Custody Jurisdiction and Enforcement Act. The legal principles discussed will be applied using a case study based upon a matter litigated in New Jersey family court.

Patricia Apy, Esq. is a partner in the law firm of Paras, Apy & Reiss, which specializes in family law. Ms. Apy is an expert in complex family litigation, concentrating in international and interstate family cases. She has litigated and served as an expert witness and consultant on family disputes throughout the world, specializing in issues related to the application of religiously based family law systems. Ms. Apy is a frequent speaker on family dispute resolution in non-Hague countries and risk factors for child abduction. She has also provided continuing legal education programs for JAG attorneys at armed services bases and ships throughout the world. Ms. Apy holds a BSW from Oral Roberts University in Tulsa, Oklahoma, an MSW from the University of Missouri in Columbia, Missouri and a JD from Case Western Reserve University School of Law in Cleveland, Ohio.

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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).

11:00 a.m. to 11:15 a.m. - BREAK

11:15 a.m. to 12:30 p.m. MORNING WORKSHOP SESSIONS

**CHILDREN AND LANGUAGE:
THE IMPACT OF ADULT LANGUAGE CHOICES ON CHILDREN'S RESPONSES**

Children can be witnesses in a variety of legal contexts. Their recollections of past experiences and their ability to express themselves can be relevant in many venues, including child protection cases. Although even young children's memories for past events can be robust, the challenge is facilitating those recollections. In the legal system, as well as in most other contexts, the primary mode of communication is through spoken language. It is therefore imperative for professionals who work with children to appreciate their linguistic development. Professionals do not have to be linguistic scientists to communicate with children in an informed manner, but they should be familiar with the foundational science if their job involves communicating with children. This workshop will focus on children 10 years of age and younger. The presenter will discuss children's linguistic development and offer strategies so that children can be properly questioned and understood. As linguist Anne Graffam Walker points out: "Even young children can tell us what they know if we asked them the right way."

Professor Joseph A. Del Russo is an Assistant Professor at the Montclair State University Graduate School's Robert D. McCormick Center for Child Advocacy and Policy. He teaches both undergraduate and graduate courses relating to the prevention, investigation and prosecution of child maltreatment cases. He has also served as an adjunct professor at Rutgers University Graduate School of Social Work. Professor Del Russo is currently the Co-Director of the *CF-FW* program in New Jersey, which trains detectives, municipal police, child protection workers, mental health professionals, physicians, sexual assault nurse examiners, and other family violence professionals on a protocol for conducting forensically defensible interviews. Professor Del Russo has been a consultant and trainer to New Jersey's Division of Child Protection and Permanency since 2005. Professor Del Russo is also an attorney and is *Of Counsel* in the Clifton, New Jersey *Law Firm of Matthew T. Priore, Esq.* Professor Del Russo recently retired as the Chief Assistant Prosecutor with the Passaic County Prosecutor's office, where he supervised a team of attorneys, detectives, social workers paralegals and nurses in the Prosecutor's Special Victims Unit and Megan's Law Unit for over 20 years. Professor Del Russo is a graduate of Rutgers University School of Law.

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THE FOUR PRONGS; A GUIDE TO TERMINATION OF PARENTAL RIGHTS FOR FN DEPUTIES

This course will review the four prongs which are required for an FN attorney to terminate parental rights. The program will include a discussion of the standards delineated by N.J.S.A. 30:4C-15.1 and guidance for the FN deputy on how to best ensure that the Division meets its burden regarding reasonable efforts.

DAG Amy B. Klauber is assigned to the Ocean County Local Offices, DCF Central Section of the Division of Law, where she handles termination of parental rights cases. Prior to joining the Division, she was a partner in a general practice law firm that handled real estate, family law, construction, business, personal injury and other civil law matters. She is a graduate of Washington College of Law at American University and received her undergraduate degree in finance from the University of Massachusetts.

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FOCUS ON FACT FINDINGS: HOW TO USE CORROBORATION AND BURDEN SHIFTING IN FN LITIGATION

This interactive workshop will provide an in-depth analysis of corroboration and burden shifting, two legal doctrines which can often be confusing. The presenters will discuss how they have successfully used these doctrines in DCF cases and provide persuasive strategies that are effective in the courtroom. The program will also include developments in recent case law.

DAG Tara K. Catanese is assigned to the Cape May Local Office, DCF South Section of the Division of Law. She represents the Division in child protective services litigation and has appeared in the Appellate Division to argue on behalf of DCPD and its predecessor, DYFS. DAG Catanese served on the committee for the Atlantic/Cape May Vicinage that helped establish the Youth Participation in Court protocol. Prior to joining the Division of Law, she clerked for the Hon. Valerie H. Armstrong, P.J.F.P. in the Atlantic/Cape May Vicinage. She is a graduate of Widener University School of Law and Marquette University.

DAG Kimberly S. Dinenberg is assigned to the Atlantic East Office, DCF South Section of the Division of Law. She represents DCF in both child protective services and guardianship litigation in Atlantic County. DAG Dinenberg served on the Youth Participation in Court committee, the Y.E.S. Program for child victims of sexual trafficking, the DOL Mentorship Program, and CASA training panels. She also authored a Practice Tip on educational neglect for the DAG Manual. Prior to joining the Division of Law, she clerked for

the Hon. Max A. Baker, P.J.F.P. DAG Dinenberg received her J.D. from Widener University School of Law and her B.A. from Rutgers University.

DAG Fred Mick is assigned to the Atlantic East Office, DCF South Section of the Division of Law, primarily serving as an FN deputy. He has also served as a mentor attorney to new deputies. Earlier in his career at DOL, DAG Mick represented DCPD in the administrative hearings docket and represented DCPD's Cape May Local Office as an FN deputy. In between two terms as a DAG, he established his own practice in family, criminal and immigration law. He was awarded the Professional Lawyer of the Year award by the Cape May County Bar Association and he also served on the District I Ethics Committee. Prior to joining the Division of Law, DAG Mick clerked for the Hon. Octavia Melendez in Camden County. He is a graduate of Rutgers University School of Law and earned his bachelor's degree in Chemistry from Richard Stockton College of New Jersey.

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12:30 a.m. to 1:15 p.m. – LUNCH (on your own)

1:15 p.m. to 2:30 p.m. AFTERNOON WORKSHOP SESSIONS

SUBSTANCE USE DISORDER RECORDS: PRIVACY REQUIREMENTS AND EVIDENTIARY CONSIDERATIONS

The Division of Child Protection and Permanency is now required to ensure compliance with privacy requirements for Substance Use Disorder records, pursuant to recent changes to 42 CFR Part 2. This presentation will discuss privacy standards, steps the Division will be taking to maintain compliance, and what DAsG may need to do if the court becomes involved in securing SUD records. If substance abuse and treatment is a part of the record, deputies must ensure that the evidence is both admissible and complete, which requires knowledge of the rules of evidence, case law and witness testimony. This presentation will also provide information about addiction, treatment and drug testing modalities and their interpretation, and sources of treatment funding, which will assist deputies in their case preparation.

DAG Jane Kutch is assigned to the DCF North Section of the Division of Law, where she handles protective services and guardianship cases. DAG Kutch has been a DCF deputy for 31 years. She was a law clerk for a DYFS judge in Passaic County and holds a JD from Seton Hall Law School.

DAG Tara Beth LeFurge is an Assistant Section Chief in the DCF North Section of the Division of Law, where she supervises Union County. DAG LeFurge has worked for DCF for over 14 years, starting as a law clerk. She earned a JD, cum laude, from New York Law School, where she was a member of the law review and holds a BS in Environmental Science from the University of Delaware.

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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G.M. and I.S Explained: The Division's Role in Custody Disputes

This program will provide an overview of case law which requires that a custody hearing be held prior to the Division terminating its FN litigation in cases involving the removal of a child from one parent and placement in the care of the other parent. Deputies will learn appropriate hearing requirements to ensure that their FN litigation complies with applicable case law.

DAG Deirdre Carver is assigned to the DCF Central Section of the Division of Law. She handles termination of parental rights and abuse or neglect cases. Prior to joining the Division of Law, she worked as a public defender in Virginia and in private practice, focusing on medical malpractice cases. DAG Carver clerked in the Appellate Division for the late Hon. Arnold M. Stein, J.A.D. She graduated from Fairfield University and Seton Hall University School of Law, where she was Editor-in-Chief of the Seton Hall Legislative Journal.

DAG Brittany Wilcox is assigned to the DCF Central Section of the Division of Law. She handles a wide range of DCP&P cases, including FNs, FGs, FCs, and appeals. She previously served in the DCF Essex Section. DAG Wilcox clerked for the Hon. Glenn A. Grant when he was the Presiding Judge of the Family Part in Essex County. She received her undergraduate degree from Boston College and her J.D. from Rutgers School of Law – Newark.

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2:30 p.m. to 2:45 p.m. - BREAK

2:45 p.m. to 4:00 p.m. - PLENARY SESSION

ETHICALLY SPEAKING: STRATEGIES FOR ETHICAL COMMUNICATION WITH CLIENTS, ADVERSARIES AND THE COURT

This presentation will review the technical and practical application of the RPC's when communicating with persons at all levels of client contact - from the caseworker to the area director. There will be a discussion of strategies to ensure proper representation while maintaining the ethical balance between the obligation to advise versus the client's needs. The presentation will also discuss helpful hints while communicating with your adversary and 12 steps to maintain decorum with the court.

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.

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DEPARTMENT OF CHILDREN AND FAMILIES PRACTICE GROUP

**NOVEMBER 19, 2018 IN-SERVICE
AGENDA**

8:45 a.m. to 9:15 a.m. REGISTRATION

9:15 a.m. to 9:45 a.m. WELCOMING REMARKS

- AAG Erin O’Leary
- DCF Commissioner Christine Norbut Beyer

9:45 a.m. to 11:00 a.m. PLENARY SESSION

International Legal Considerations in Child Protection

- Patricia Apy. Esq.

11:00 a.m. to 11:15 a.m. BREAK

11:15 a.m. to 12:30 p.m. MORNING WORKSHOP SESSIONS:

Children and Language: The Impact of Adult Language Choices on Children’s Responses

- Joseph Del Russo, Esq.

The Four Prongs: A Guide to Termination of Parental Rights for FN Deputies

- DAG Amy B. Klauber

**Focus on Fact Findings: How to Use Corroboration and Burden Shifting in your FN
Litigation**

- DAG Fred Mick
- DAG Kimberly S. Dinenberg
- DAG Tara K. Catanese

12:30 p.m. to 1:15 p.m.

LUNCH (on your own)

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

AFTERNOON WORKSHOP SESSIONS:

Substance Use Disorder Records: Privacy Requirements and Evidentiary Considerations

- DAG Jane Kutch
- DAG Tara Beth LeFurge
- Alichia Washington, Esq.

G.M. and I.S. Explained: The Division's Role in Custody Disputes

- DAG Deirdre Carver
- DAG Brittany Wilcox

Focus on Fact Findings: How to Use Corroboration and Burden Shifting in FN Litigation

- DAG Fred Mick
- DAG Kimberly S. Dinenberg
- DAG Tara K. Catanese

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

BREAK

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

PLENARY SESSION:

Ethically Speaking: Strategies for Ethical Communication with the Client, Court and the Adversary

- DAG Cassandra E. Rhodes