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## PROGRAM ANNOUNCEMENT

*The Advocacy Institute Is Pleased to Present*

### DCF IN-SERVICE

**April 24, 2017**

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

**Department of Children and Families  
New Jersey Child Welfare Training Academy  
30 Van Dyke Avenue  
New Brunswick, New Jersey**

**PLEASE READ: NOTICE REGARDING COURSE MATERIALS**  
**CONFIDENTIAL MATERIALS WILL BE PROVIDED AT THE**  
**IN-SERVICE**  
**HOWEVER ALL OTHER MATERIALS WILL BE POSTED TO**  
**WEBSITE FOR PRINTING**

All materials for New Jersey Attorney General's Advocacy Institute continuing legal education courses are now available electronically through the Advocacy Institute website: [www.njadvocacyinstitute.com](http://www.njadvocacyinstitute.com). Materials will be posted to the website approximately forty-eight (48) hours prior to the course date.

The institute will no longer provide paper copies of course materials. This policy is effective immediately and is within the guidelines of the New Jersey Board of Continuing Legal Education and the Pennsylvania Continuing Legal Education Board. Please follow the procedure below to obtain course materials:

- Click on the Course Information tab.
- Select Course Materials from the drop-down menu.
- Click on the course that you are registered for. Courses are listed alphabetically by title.
- Most courses will have two files; a file containing class materials that you should bring to the session and a file with reference materials such as statutes, regulations and cases.
- Print the documents in the class materials file and bring them with you to the session.
- You have the option of printing the documents in the reference materials file or downloading them to a computer or mobile device.

### *Program Summary*

The Division of Law's DCF Practice Group will be providing presentations on a wide variety of topics directly related to the group's work. The presentations are all 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 workshop seminars during each of the two breakout sessions.

### ***Who Should Attend?***

The in-service Program is only for those attorneys and other legal staff assigned to 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 or otherwise invited to attend.

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

**NY CLE Credit:** up to 4.6 substantive credits and up to 1.5 ethics credits (pursuant to the approved jurisdiction policy).

**PA CLE Credit:** up to 3.0 substantive credits and up to 1.0 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://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.

#### **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://reg2.dej.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

### 9:45 a.m. to 11:00 a.m. –MORNING WORKSHOP SESSIONS

#### MEMORY AND SUGGESTIBILITY: THE IMPACT OF ADULT BEHAVIOR ON CHILDREN'S RECOLLECTIONS

Very young children, including preschoolers, can remember past events they have experienced. They can, however, have difficulty verbalizing those experiences. It has been observed that “children know more than they can tell”. The challenge for professionals who speak with children is to facilitate communication without undermining the reliability of their recollections.

The New Jersey Supreme Court’s 1993 decision in *State v. Michaels* was a watershed moment for children in the legal system. While the Court relied upon some early memory and suggestibility studies, it was the reversal of Margaret Kelly Michaels’ convictions that prompted a national dialogue about children as witnesses. This, in turn, led to particularly robust interest among academic researchers.

The earliest studies had focused on children’s *strengths* as witnesses, including their ability to resist outside influence. After *Michaels*, for a time, the research centered on children’s *vulnerabilities* as witnesses, especially the potential for them to be misled by adult behavior. More recent studies revolve around best practices related to children as witnesses.

In this workshop, Professor Del Russo will focus on some of the leading research on memory and suggestibility, and its relationship to current best practice.

**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. Del Russo has lectured nationally about aspects of the protocol. Professor Del Russo has been a consultant and trainer to New Jersey’s Division of Child Protection and Permanency since 2005. He drafts curricula for and trains DCP&P staff.

Professor Del Russo is also an attorney and 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. He was also a founding member and Past-President of the American Professional Society on the Abuse of Children – New Jersey.

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

### **EDUCATIONAL STABILITY LAW: IDENTIFYING OBSTACLES AND CREATING SOLUTIONS**

This course will provide an overview of federal and state educational stability laws with a specific focus on Fostering Connections to Success, the Increasing Adoptions Act of 2008 and the Every Student Succeeds Act of 2015. It will also discuss the DCP&P policy and procedures for ensuring continuity in a child's education. Legal challenges that deputies routinely face in implementing the law will be identified and there will be a question and answer period. This course will be helpful to newer deputies who did not attend a prior course on educational stability offered in 2011.

**DAG Michelle Mikelberg** has been a DCF deputy for the past nine years. In 2016, Michelle received the Attorney General's Award for Appellate Advocacy. 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.

**Michele Safrin** is the Administrator of the Office of Educational Support and Programs, a New Jersey Department of Children and Families intradepartmental initiative that was developed to support improved educational outcomes and post-secondary educational options to children and youth served by the department. This office oversees school stability for children placed in out of home care. Michele also oversees DCF's Safe Space Program and the Youth Advisory work. Michele spent 20 years at the New Jersey Division of Youth and Family Services, and the New Jersey Department of Human Services, where she worked in various direct service and administrative positions, including adolescent services, adoption, quality assurance and the Office of Program Integrity and Accountability.

Michele earned her Bachelor's degree in Social Work from Farleigh Dickinson University and a Master's degree in Social Work with specialization in Administration, Policy and Planning from Rutgers University.

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### **THE CONFIDENTIALITY STATUTE – THIRD PARTIES, PRESS AND THE CURRENT STATE OF THE LAW**

This course will review confidentiality and the current state of the law regarding the confidentiality statute contained in Title 9. A review of the recently published case of State v. Young will be included, noting its legal analysis limiting the reach of the statutory penalty provisions of N.J.S.A. 9:6-8.10a and N.J.S.A. 9:6-8.10b. Deputies will also be provided with an overview of the procedure to be followed if the press or the public attempts to access a DCP&P matter. The recent case involving the Trentonian will be discussed as a case example.

**AAG Erin O’Leary** oversees the DCF Practice Group with AAG Christian Arnold. Prior to her current assignment, Erin served as a DAG, arguing multiple appellate matters, including two NJ Supreme Court cases (YN and EDO). Erin previously served as the Deputy Commissioner for the Department of Children and Families (DCF). In that role, she oversaw the Office of Legal Affairs and Licensing; the Institutional Abuse Investigation Unit; the 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 the 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 Law School.

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### **11:15 a.m. to 12:30 p.m. -PLENARY SESSION**

#### **THE CHANGING LAW: ESTABLISHED HEARINGS AND TITLE 30 LITIGATION UPDATE**

This session will provide an update on the current state of the law regarding whether a client who is established for abuse and neglect is entitled to a hearing, and if so, where, superior court or OAL. Discussion will include strategies for settling cases and the DOL’s approach to which forum a case should be tried in. This course will also focus on strategies for successfully litigating Title 30 cases under N.J.S.A. 30:4C-12 and how to use Title 30 in concert with the findings system of the Division and recent Appellate Division case law. Additionally, it will cover the distinction between Title 9 and Title 30.

**AAG Christian Arnold** oversees the DCF Practice Group with AAG Erin O’Leary. Prior to his current position, he was Assistant Section Chief of DCF North. Chris 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 DCF North Section and has represented the Division in both protective services litigation and guardianship matters since that time. He is a graduate of Harvard Law School.

**DAG Jim Harris** has served as a Deputy Attorney General in the New Jersey Department of Law and Public Safety for more than 25 years. During that time, he has worked in criminal justice, juvenile justice, and civil law. DAG Harris is currently Chief of the DCF South Section. In the past, he has litigated cases for clients that include the State Police, the New Jersey Judiciary, the Department of Corrections, the Division of Youth and Family Services and the Bureau of Parole. He has had numerous jury and non-jury trials involving civil rights, employment discrimination, whistle blowers, child abuse and parental termination. He has successfully argued numerous cases before the New Jersey Supreme Court and the Third Circuit Court of Appeals. He is a graduate of Rutgers University School of Law, Camden, where he was Managing Editor of the Law Journal. DAG Harris also holds an LL.M. from Columbia School of Law in New York City.

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

#### **TRIAL PREPARATION WITH THE MEDICAL EXPERT IN PHYSICAL ABUSE CASES**

This course will cover the nature of physical findings within medical reports of physical abuse cases. Attendees will become familiar with the mechanism of injury for abusive head trauma, fractures, and cutaneous findings with inflicted trauma and will be able to recognize and identify important historical details associated with a child’s presentation during illness. This course will also discuss the best medical practices for presenting a case in order to facilitate understanding by non-medical professionals

**Dr. Gladibel Medina** is a bilingual (English/Spanish) American Board of Pediatrics Certified General Pediatrician and Child Abuse Pediatrician. She is the Medical Director of the Dorothy B. Hersh Regional Diagnostic and Treatment Center, providing comprehensive medical evaluations in suspected cases of child abuse and neglect to counties in Central New Jersey. In addition to clinical consultations, Dr. Medina educates physicians, nurses, medical students, pediatric residents, social agencies, school staff, law enforcement, and other community

organizations in the identification and prevention of child maltreatment. She has testified as an expert witness throughout the State. Dr. Medina is a member of the American Academy of Pediatrics, the American Professional Society on the Abuse of Children, and the Helper Society, which is an honorary society of physicians seeking to provide leadership to enhance the prevention, diagnosis, and treatment of child abuse and neglect.

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### **A LOOK INSIDE OF DCF**

This workshop will cover a broad array of topics to give deputies a better understanding of the structure, policies and procedures, and new initiatives occurring within the Department of Children and Families. Topics that will be covered include statewide data, department lawsuits, new and revised policies, staff training, and common questions surrounding Four Tier/investigative findings. DAsG should come prepared to discuss their experiences in their respective local offices and to provide feedback and suggestions for improvements.

**Clinton Page** has served as the Director of Legal and Legislative Affairs for the Department of Children and Families since February of 2014. In that capacity, 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. Additionally, he provides advice and guidance to all Divisions within the Department to ensure compliance with State statutes and regulations. He previously served as a Legal Specialist in the Office of Legal, Regulatory, and Legislative Affairs where he assisted with policy development and training for staff on new initiatives and legal strategy.

Mr. Page has also served as a Deputy Attorney General in the New Jersey Attorney General's Office. During his years as a DAG, Mr. Page was assigned to guardianship and protective services litigation in Middlesex and Essex counties. He also conducted numerous trainings for the agency's staff and acted 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 in 2007 where he was an active member of the Delaware Journal of Corporate Law. He obtained his Bachelor's Degree from the University of Scranton in 2004.

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### **THE MANY FACETS OF INDEPENDENT LIVING**

This workshop will provide information regarding a number of exciting updates to CP&P adolescent policies that guide out-of-home practices for adolescents aged 14 and over. This course will include updates to key adolescent services and provisions that are designed to improve both outcomes and adolescent well-being. This course is recommended for those who did not take the five-hour “Got Adolescents?” program held in Trenton in 2016.

**DAG Tosca E. Blandford Bynoe** is the Section Chief of DCF Central. She was previously the Assistant Section Chief and Lead Deputy in the DCF South Section. Tosca began her career with the Office of the Attorney General in 1986 as a State Investigator with the Division of Criminal Justice. In 1990, she moved to the Office of Victim Witness Advocacy as a Program Development Specialist. In 1993, Tosca was sworn in as a Deputy Attorney General and was assigned to the Labor Prosecution Unit. She joined the Division of Law in 1997 and was assigned to what is now the DCF Section, where she handled all case areas within the practice group. Tosca is a graduate of Rutgers University School of Law and Rutgers University.

**Niambi S. London**, is a Program Specialist within the Office of Adolescent Services at the New Jersey Department of Children and Families, where she provides administrative and programmatic support for policies, practices and programming related to adolescents and young adults. She also supervises staff that coordinates programming and services for adolescents. For the last 20 years Mrs. London has served children, youth and families in a variety of capacities including program management, direct service, community collaboration, policy development, training design, and practice enhancement. Mrs. London holds a BA degree from Spelman College and a MA degree from Carnegie Mellon University.

**Ben Magnussen** is the Permanency, Policy and Training Specialist with the Office of Adolescent Services. Ben has worked for the Department of Children and Families for the past twelve years, serving as an adoption case worker, child specific recruiter, and program lead for the Youth Advisory Boards, Outreach to At-Risk Youth programs and Family Success Centers. Ben obtained his Bachelor’s degree in Psychology from Bucknell University and will complete his Master of Public Administration degree at Rutgers University in Spring 2017.

**Kelli S. Puryear, LSW**, is the Assistant Director of Adolescent Services (OAS) for the New Jersey Department of Children and Families. The mission of OAS is to support adolescents in the transition to adulthood to achieve economic self-sufficiency, interdependence, and to engage in healthy lifestyles. Ms. Puryear assists with the coordination of programs, services, and initiatives for the adolescent and young adult population across the Department in partnership with external stakeholders and young people with lived child welfare experience. Ms. Puryear provides supervisory support to the office to ensure that organizational and program outcomes are met. Efforts include program development, data collection and analysis efforts in order to measure and sustain program effectiveness. Ms. Puryear holds a Bachelor's degree in Social Work from Temple University, a Master of Social Work degree from Rutgers University and is a Doctoral Candidate at the Heller School for Social Policy at Brandeis University.

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## **2:45 p.m. to 4:00 p.m. – PLENARY SESSION**

### **THE ETHICS OF DEALING WITH PRO SE DEFENDANTS**

This course is designed to assist FN and FG deputies in ethically handling litigation with pro se clients. Consideration will be given to the enhanced responsibility of a Deputy Attorney General in presenting a case to the court and being fair to the litigant while maintaining high standards of representation. Challenges with discovery, court appearances and confidentiality concerns will be discussed as well as recent case law and relevant statutes.

**DAG Lisa Nemeth** has worked for DCF since 2004 and has litigated both FN and FG cases for Ocean County. Lisa joined the Division of Law in 1999 and was assigned to the Tort Litigation Section. Prior to joining the Division of Law, Lisa's legal experience focused on insurance defense litigation, the law against discrimination and municipal court matters. She is a graduate of Seton Hall University School of Law and a member of the Ocean County Bar Association.

**DAG Eliezer Sanchez-Silver** is assigned to the DCF Southern Monmouth County Local Office where he currently handles an FN docket. For the past 13 years Eliezer has represented the Division, handling child protection litigation. Eliezer graduated from Brooklyn Law School in 2004 which he attended as a Edward V. Sparer Public Interest fellow.

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# Department of Children and Families Practice Group

April 24, 2017 In-Service

## AGENDA

**9:00 a.m. to 9:30 a.m.:**            **REGISTRATION**

**9:30 a.m. to 9:45 a.m.:**            **Welcoming Remarks**

- AAG Erin O’Leary
- AAG Chris Arnold

**9:45 a.m. to 11:00 a.m.:**            **Morning Workshop Sessions**

- Memory and Suggestibility: The Impact of Adult Behavior on Children’s Recollections
  - Professor Joseph A. Del Russo
- Educational Stability Law: Identifying Obstacles and Creating Solutions
  - DAG Michelle Mikelberg
  - Michele Safrin
- The Confidentiality Statute – Third Parties, Press and the Current State of the Law
  - AAG Erin O’Leary

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

**11:15 a.m. to 12:30 p.m.:**            **Plenary Session**

The Changing Law: Established Hearings and Title 30 Litigation Update

- AAG Chris Arnold
- DAG Jim Harris

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

**1:15 p.m. to 2:30 p.m.: Afternoon Workshop Sessions**

- Trial Preparation with the Medical Expert in Physical Abuse Cases
  - Dr. Gladibel Medina
  
- A Look Inside of DCF
  - Clinton Page
  
- The Many Facets of Independent Living
  - DAG Tosca E. Blandford Bynoe
  - Niambi S. London
  - Ben Magnussen
  - Kelli S. Puryear, LSW

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

**2:45 p.m. to 4:00 p.m.: Plenary Session**

- The Ethics of Dealing with Pro Se Defendants
- DAG Lisa Nemeth
  - DAG Eliezer Sanchez-Silver