

ISSUES AND STRATEGIES IN A DEPENDENCY CASE

8:00 am to 5:30 pm - 8.5 hours

Course outline - presented by Family Rights Advocacy Institute

Federal legislation driving state laws & legislative intent - .5 hour

Discussion of the Federal & state laws governing child welfare. Employing legislative intent to insure the protection of family integrity.

The unique character of dependency court- .5 hour

Discussion of the rules, procedures and practices utilized in Dependency court, a court which is neither wholly civil nor criminal in nature. Analysis of higher court rulings in the context of this venue. Also includes discussion of the variety of parties and participants in this kind of case.

Dependency and Neglect case construction - .5 hour

Discussion of how virtually all D&N cases conform to a clearly established pattern. Using that predictability to anticipate agency demands and take pre-emptive action to facilitate speedy reunification as well as developing a template for representation of parents.

Utilizing community assets to assist with client representation - 1 hour

Discussion of the use and availability of community resources to assist with preparation and presentation of cases which can reduce client expenses, improve attorney practice and increase client compliance with court ordered treatment plans in this arena. This is an especially valuable resource for court-appointed parent attorneys. Additional discussion about emotional & psychological effects of D&N case on parents and children, and the use of community resources to assist with dealing with those emotional issues as well as case documentation, preparation and presentation in court.

Chronology of a D&N case and legal representation - 6 hours

Discussion of case development and legal representation tactics from the initial report of abuse or neglect, contact & investigation, shelter hearing, pre-adjudication phase, adjudication, treatment plans, to permanency planning and termination of parental rights. Areas covered include the intent and use of “reasonable efforts” and “contrary to the welfare” findings, “best interests of the child”, constitutional issues associated with D&N cases, addressing conflicting legal interests between children and parents, advocating for ‘appropriate’ child welfare case plans, preserving issues for appeal, fast-tracking ICPC (Interstate Compact for the Placement of Children) for out-of-state kinship placement, defending the parent against collateral attacks by the agency, the use and abuse of ‘informal’ proceedings, documenting client compliance with case plans, preventing termination of parental rights, and speeding up the reunification process.

Course Materials include a 50+ page handout covering the course discussions, including relevant case law and a comparative matrix of key state and Federal statutes and regulations governing this area of practice.