

- Nearly 400 attorneys from across the Commonwealth attended regional programs in October 2008 entitled, "Building Connections for Children: Parents' Counsel and the Courts."
- A list of the attorneys attending one of the six regional training seminars was distributed to the judges and clerks of the juvenile and domestic relations district courts in January 2009.
- CIP has asked that juvenile court clerks track the total number of parents' counsel appointments made from the lists of attorneys attending the regional training seminars.

Building Connections for Children

Regional Training Seminars Held for Attorneys Representing Parents in Child Dependency Cases

In October 2008, the Court Improvement Program sponsored six regional training seminars for attorneys who serve as counsel for parents in child dependency cases. The program, "Building Connections for Children: Parents' Counsel and the Courts," was held on the dates and locations listed below.

- October 6th—Glen Allen, VA
- October 8th—Manassas, VA
- October 23rd—Harrisonburg, VA
- October 24th—Lynchburg, VA
- October 27th—Newport News, VA
- October 29th—Abingdon, VA

Each seminar was materially similar, focusing on (i) the attorney's role in advocating for parents in child abuse, neglect, foster care and termination of parental rights

cases; (ii) providing attorneys with information about community resources available to their parent clients to support reasonable efforts to achieve reunification with their children in foster care and rehabilitation for parents; and (iii) ethical issues attorneys face when practicing in this area of the law.

Nearly 400 attorneys from across the state attended this training at one of the locations previously referenced. In doing so, they received, at no cost, a copy of the book, *Child Welfare Law and Practice: Representing Children, Parents and State Agencies in Abuse, Neglect and Dependency Cases* by Marvin Ventrell and Donald Duquette. The attorneys also committed to serving as parents' counsel on at least two cases within

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Lists of Attorneys Attending Regional Parent Attorney Training Seminars Provided to Juvenile and Domestic Relations District Courts

A list of the attorneys attending the regional training seminars in October 2008 was distributed to the judges and clerks of the juvenile and domestic relations district courts in January 2009. Attorneys attending the regional trainings committed to serving as parents' counsel on at least two cases within the next year in a local juvenile court in which they practice. At the end of each seminar, attorneys completed and returned an information form for the purpose of providing their current contact information and identifying the judicial districts in which they would be willing to accept appointments as parents' counsel. The Court Improvement Program has developed a database to maintain the names of these attorneys, as well as create the list of attorneys, by judicial

district, distributed to the judges and clerks.

These lists should serve as the first point of reference for juvenile courts when appointing counsel to parents in child dependency

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the next year in a local juvenile court in which they practice.

The program was approved by the Virginia State Bar's Mandatory Continuing Legal Education Department (MCLE) for 6.0 hours of CLE, including 1.0 hours of ethics, as well as by the Office of the Executive Secretary for 6.0 hours of continuing education for qualified Guardians Ad Litem for Children.

The Child Dependency Court Process

Lelia Hopper, Director of the Court Improvement Program, opened each regional seminar with a brief welcome to participants. She continued with a presentation of the district court forms required for processing child dependency cases and the proper completion of these forms. Ms. Hopper also recommended strategies parents' counsel may utilize to more effectively advocate their client's best interest. For example, an attorney may:

- Ensure that he/she will be available for subsequent hearings when appointed to a case as parents' counsel. The attorney may review the "Timeline and Related Forms" to estimate when the next hearing is likely to be held.
- Obtain a copy of the petition, affidavit and emergency removal order as soon as possible after appointment and, in an effort to influence the process to the greatest extent possible, be in early contact with the department of social services or, if applicable, the law enforcement agency called to the scene of the alleged abuse and/or neglect.
- Act to minimize the amount of time a parent and child are separated, advocating for visitation and other means by which the parent and child may remain in contact. Visitation should be addressed at every court hearing unless and until it is determined that visitation is not in the child's best interest.
- Ensure that the foster care plan developed by the agency and parents addresses the specific problems that necessitated intervention by the agency. Consider whether the plan is practical and logical in light of the proven allegations and, where necessary, suggest alternatives for improving the

plan to the agency and court.

- Insist on the immediate start of all appropriate services.

Focus on Termination of Parental Rights

Following Ms. Hopper's presentation on advocating for the parent in cases involving the underlying abuse and neglect petition, the Honorable Stephen Rideout (ret.), Judge of the Alexandria Juvenile and Domestic Relations District Court, stressed the importance of parents' counsel advocating for his/her client in a termination of parental rights (TPR) case. Judge Rideout reiterated strategies recommended by Ms. Hopper, noting that the attorney's advocacy begins not at the time the TPR case is filed, but from the time the first petition is filed in the juvenile court. Doing so provides an avenue by which a TPR case may be avoided, as well as one by which parents' counsel may more effectively litigate a TPR case in the juvenile court, as well as on appeal to the circuit court or Court of Appeals of Virginia.



Hon. Stephen Rideout, Judge (ret.) and Leslie Haley, Assistant Ethics Counsel, Virginia State Bar, after the regional training in Abingdon, VA on October 29th.

Advocacy techniques suggested by Judge Rideout include parents' counsel immediately beginning to make a record of the underlying case and ensuring that the juvenile court is making specific findings and entering detailed orders; talking to the local agency and community partners who develop programs for parents who are, for example, in need of substance abuse treatment or parent education classes; advocating, where applicable, their client's interests and concerns with the child

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dependency process to the Court Appointed Special Advocate (CASA) assigned to the case; and communicating to their client, the need for them to follow the court's orders and the potential ramifications if such are not followed. Judge Rideout also emphasized the importance of parents' counsel communicating to their client the time constraints of the child dependency process and the urgency these time constraints place on a parent to following through with the court's orders.

In addition to the advocacy techniques, Judge Rideout provided an overview of the statutes parents' counsel should consider and raise issue with in their representation of a parent in a TPR case before the juvenile court, or on appeal before either the circuit court or Court of Appeals of Virginia. For example, parents' counsel should consider the Foster Care Plan statute (Virginia Code §16.1-281) and whether the agency involved the parent and, if appropriate, the child in developing the foster care plan. If the parent or child was not involved, did the agency provide a full description of the reasons the parent or child was not involved? With regard to the Foster Care Review (Virginia Code §16.1-282) and Permanency Planning Hearing (Virginia Code §16.1-282.1), did the court make the necessary reasonable efforts findings? If the TPR case is on appeal, was the court's decision to terminate based on "clear and convincing" evidence? Did the court consider the efforts to rehabilitate the parent prior to the child's initial foster care placement?

Judge Rideout concluded his presentation with a discussion of current case law related to the termination of parental rights. This included a review of published and unpublished opinions from cases decided by the Court of Appeals of Virginia, as well as a case decided in September 2008 by the Supreme Court of Virginia. The issue sought to be decide on appeal, the decision of the court, and the reasoning behind the decision were given.

Community Resources for Parents

In addition to the strategies provided by Ms. Hopper and Judge Rideout on effective repre-

sentation of parents in child dependency proceedings, participants received information on community resources to support reasonable efforts to achieve reunification and rehabilitation of parents. This session was variously presented by Christie Marra, Staff Attorney with the Virginia Poverty Law Center, at the Richmond, Prince William, Harrisonburg, and Abingdon regional seminars; by Robin Edwards, Senior Managing Attorney, and Palma Pustilnik, Staff Attorney, with the Central Virginia Legal Aid Society, at the Lynchburg regional seminar; and by Leslee Nicholas, Attorney with the Legal Aid Society of Virginia, at the Newport News Regional Seminar. Because child dependency cases involving court-appointed parents' counsel often concern low-income families, materials and discussion centered around available resources that provide assistance in such areas as legal advice/representation, substance abuse services, mental health services, public housing, and services covered by Medicaid benefits.



Christie Marra, Staff Attorney with the Virginia Poverty Law Center, presents on community resources for parents at the regional training in Richmond, VA on October 6th.

Local Best Practices Panel

CIP also contacted juvenile court judges within each seminar region and asked for their assistance in identifying panel members to participate in an hour long session on best practices for parents' counsel. The session was designed to provide attorneys with information reflective of the practice, services, and collaboration among the courts, agency, and counsel occurring within a particular training seminar region. Each discussion was based on a "Top 10 List" of things parents' counsel need to know and do to most effectively represent their parent client. Panel members

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"[The session, Best Practices for Parents' Attorneys in Child Dependency Cases,] was designed to provide attorneys with information reflective of the practice, services, and collaboration among the courts, agency, and counsel occurring within a particular training region."

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Best Practice Courts of Virginia

<i>Alexandria</i>	<i>Louisa</i>	<i>Staunton/Augusta</i>
<i>Amherst</i>	<i>Loudoun</i>	<i>Suffolk</i>
<i>Bedford</i>	<i>Newport News</i>	<i>Tazewell</i>
<i>Campbell</i>	<i>Norfolk</i>	<i>Virginia Beach</i>
<i>Charlottesville/Albemarle</i>	<i>Northampton</i>	<i>Warren</i>
<i>Chesapeake</i>	<i>Prince William</i>	<i>Washington/Bristol</i>
<i>Culpeper</i>	<i>Pulaski</i>	<i>Waynesboro</i>
<i>Fairfax</i>	<i>Richmond</i>	<i>Williamsburg/James City</i>
<i>Fredericksburg</i>	<i>Roanoke City</i>	<i>Winchester/Frederick</i>
<i>Hampton</i>	<i>Roanoke Co./Salem</i>	<i>Wise/Norton</i>
<i>Henrico</i>	<i>Smyth</i>	
<i>Hopewell</i>	<i>Stafford</i>	

Lists of Attorneys Attending Regional Training Seminars Provided to J&DR District Courts

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cases this year. Attorneys should expect to receive phone calls as a result of attending one of the six regional training seminars in the near future. Juvenile court clerks have been asked to track the appointments made from these lists so that these numbers can be included in CIP's grant reports to be filed with the Department of Health and Human Services in June and December of 2009.



Improving Court Practice
For Children and Families

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chose one or two ideas from the list and spoke about how the child dependency process has or can be improved by utilizing the ideas in everyday practice.



Hon. Elizabeth Wills, Judge, Wise J&DR District Court, leads a panel discussion with panelists (starting left), Russell M. Large, Esq., Marty Adkins, Esq., Judge Wills, Jim Preas, Esq., and Jennifer Hensley, Bristol Department of Social Services, at the Abingdon regional training on October 29th.

Panel members for each regional training seminar included a local attorney who represents parents in child dependency cases, an attorney who serves as a guardian ad litem for children, an attorney who represents the local department of social services, and the director or foster care supervisor from the local department of social services. The judges assisting in the development



Hon. William Sharp, Judge, Warren J&DR District Court, leads the panel discussion in Harrisonburg on October 23rd. Panelists pictured (starting left) include Neal Knudsen, Esq., Judge Sharp, Gwen Monroe, Director, Frederick County Department of Social Services, Danita Alt, Esq., and William Bassler, Esq.

of the panel moderated this session.

Ethical Lawyering for Parents

The final session of the day was a spirited discussion of ethical issues counsel for parents face in representing parents in child dependency cases. Presenters of this session at the various seminar locations included Jennifer Renne of the ABA Center on Children and the Law, Professor Richard Balnave of the University of Virginia School of Law, and Leslie Haley, Assistant Ethics Counsel at the Virginia State Bar.