

Foundations of Strong Parent Advocacy

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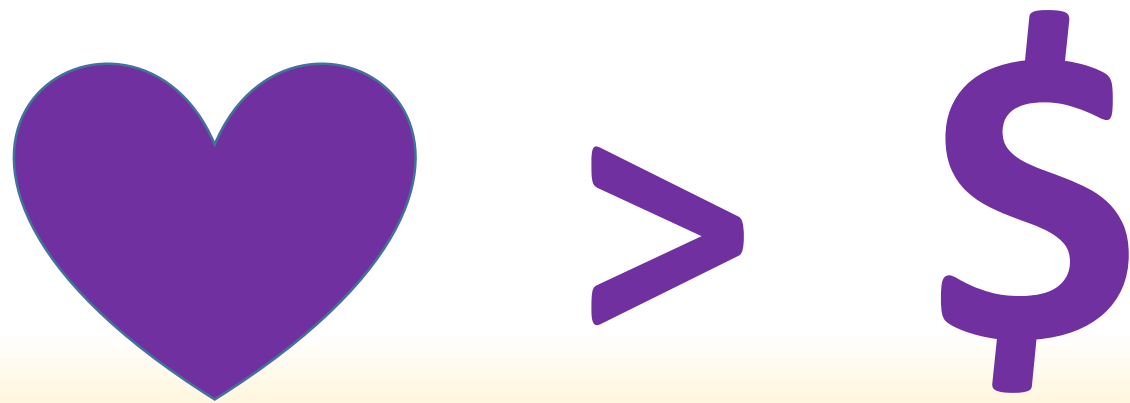
This is not your reality.



This is.



But that's not the end of the story.



THE FOUNDATIONS

- **Knowing your client**
 - **Knowing the law**
 - **Knowing AND USING your trial skills**
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- **Relationship with the bar**
 - **Relationship with the Court**

SHORT GAME vs. LONG GAME

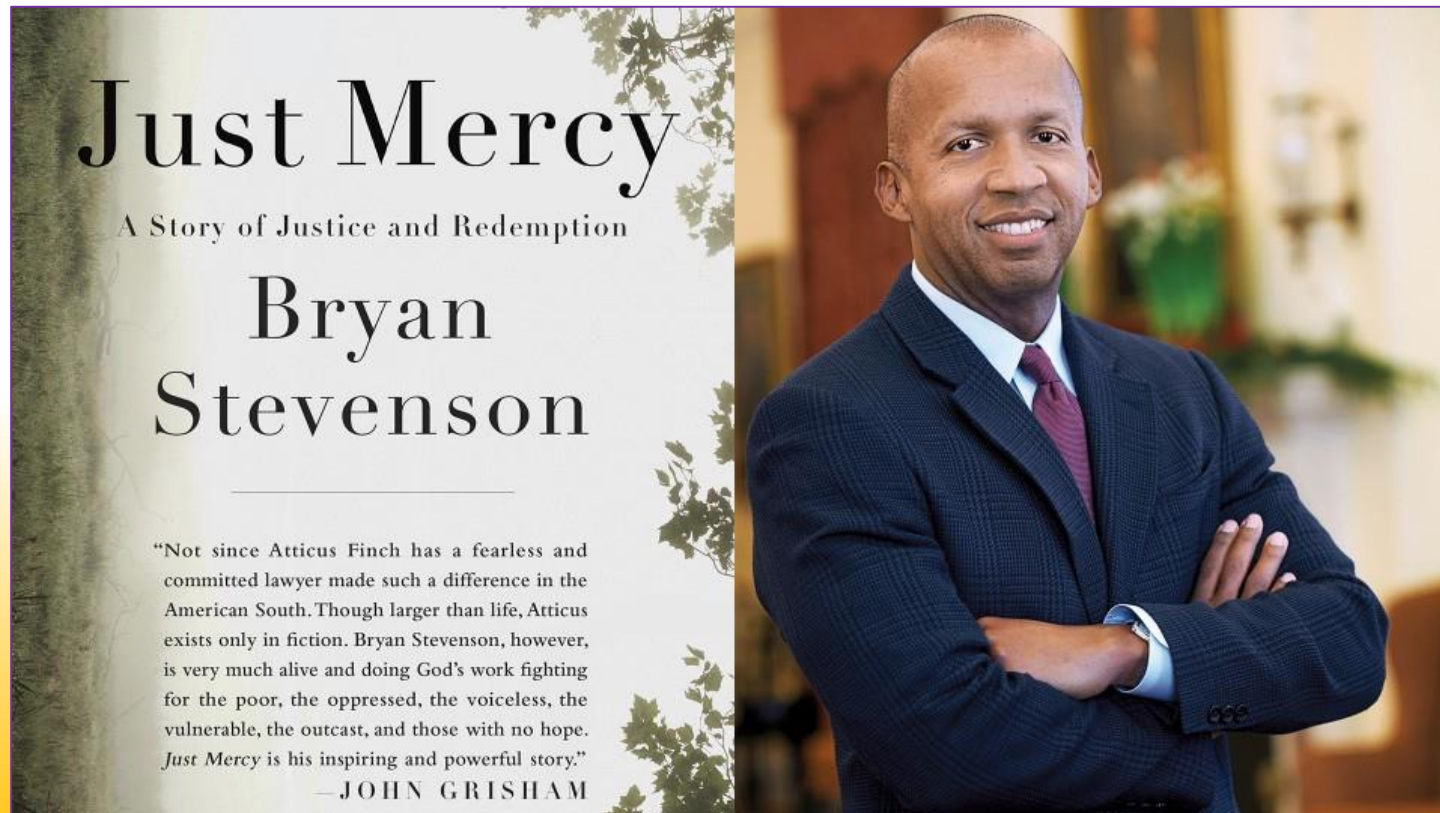


SHORT GAME

- Zealous advocacy for this client
- Winning this hearing
- Achieving reunification ASAP
- Achieving alternative permanency

I have come to understand and believe that each of us is more than the worst thing we've ever done. I believe that for every person on the planet. I think that if somebody tells a lie, they're not just a liar. I think that if somebody takes something that doesn't belong to them, they're not just a thief. I think that if you kill someone, you're not just a killer. And because of that, there's this basic human dignity that must be respected by the law.

- Bryan Stevenson



FLIPPING THE SCRIPT

- This is your client's family
- Your client is the expert on his/her children
- A defense attorney is not confined to playing defense
- Do not internalize any shame or guilt
- Your job is to hold the child welfare agency to its burden
- The child welfare agency must justify State interference into the family unit

FOR SHAME!

Let me paint you a picture.

LOSER

welfare queen

drunk

crackhead

Slut

LAZY



Deadbeat

No, let's all paint.



When the agency paints the picture



DRUGS



BAD BOYFRIEND



HYPER CHILD



PARENT PASSED OUT



DIRTY CHILD



DIRTY DISHES



This parent is *already* in recovery.

This mother has
already taken steps
to keep herself and
her children safe.



These children are *healthy, active, and they play outside.* (If they were overweight and played video games all day, the agency would complain about that, too.)

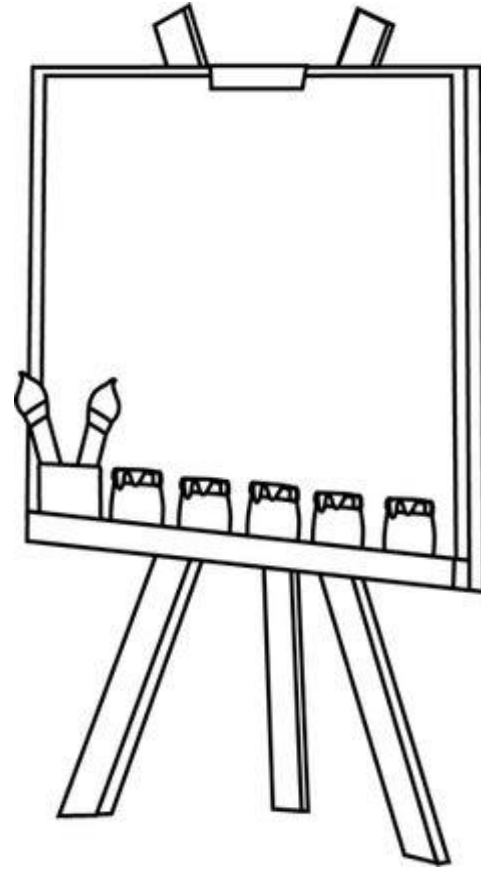


This father *works* 3rd shift. Of course he rests during the day!





This mother
prepares food and
feeds her family.



What about the parts of the picture that the agency *doesn't* paint?

RED FLAGS only seem to matter when the agency sees them flying.

UNRELATED MALE IN HOME

CHILD WITH SPECIAL NEEDS

CRIMINAL HISTORY

SINGLE PARENT

PRIOR REMOVALS

UNEMPLOYMENT



WARNING

ANGRY

PRIOR TERMINATION

CPS HISTORY

UNPLANNED PREGNANCY



Lalalalalalala

**What about the
good stuff?**



Review your client's case for the absence of red flags and use this information on cross-examination.

Lack of risk factors in the home/family

- No unrelated males in the home
- Parents married
- Parents are employed
- No special needs or developmental disabilities
- First interaction with agency
- No criminal history
- Not on food stamps



Attitude of parent

- Cooperative
- Not hostile
- Access to home
- Access to child for interview
- Access to child for physical inspection
- Answered questions
- Provided collateral contacts
- Provided medical information
- Provided child's medications with instructions



Condition of the child

- Dressed appropriately for the weather
- Clean and well-nourished
- No marks or bruises
- No outcry of abuse
- Spoke freely to you
- Smart, articulate
- Did not express any fear of the home
- Did not express any fear of the parent(s)
- Bonded to parents

More about the child

- Upset when removed from parent
- Normal height and weight
- Developmentally on-target
- Up-to-date on all vaccinations
- No special medical needs

LONG GAME

- Preserve your reputation at all cost
- Do NOT sacrifice your long game for your short game
- Be diligent, reliable, trustworthy
- Pick your battles
- When you talk, the judge will listen
- Learn and practice excellent trial skills
- When you negotiate, other attorneys will listen
- Chip away at the reliability of problem witnesses

“The Law is a mighty machine. Woe to the unfortunate man who, wholly or in part innocent, becomes entangled in its mighty wheels, unless his innocence is patent or his rescue planned and executed by **able counsel**. The machine will grind on relentlessly and ruthlessly, and blindfolded justice does not see that the grist is sometimes stained with blood.”

Edward Johnes, “The Pardoning Power From a Philosophical Standpoint” (1893)

Be that able counsel.

Be exceptional counsel.

Be the counsel you would want for yourself.

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