

Minnesota Judicial Branch

Minnesota Department of Human Services



Children's Justice Initiative

Zealous Advocacy in CHIPS Cases: What Attorneys Need to Know

A comprehensive two-day course designed to equip attorneys who represent parents, children, and agencies in CHIPS cases with the substantive law, practice skills, and trial skills necessary to be persuasive and effective advocates for their clients

Presented by Trainers from The Juvenile Law Society



September 6 – 7, 2011
and
September 29 – 30, 2011
(One conference offered two times)

Northland Inn & Suites
7025 Northland Drive North
Brooklyn Park, MN 55428
800-441-6422

<http://www.northlandinn.com/>

Conference Goals

The Children's Justice Initiative (CJI) is a collaboration between the Minnesota Judicial Branch and the Minnesota Department of Human Services. The goal of the CJI is to improve the processing of child protection cases and the outcomes for abused and neglected children and their families. The CJI is pleased to offer this comprehensive two-day course designed to equip attorneys who represent parents, children, and agencies in CHIPS cases with the substantive law, practice skills, and trial skills necessary to be persuasive and effective advocates for their clients.

Day 1: Law and Practice

Day 1 will provide attorneys with a comprehensive working knowledge of the federal and state laws and procedures of a child welfare case. The training includes segments on the context of federal and state child welfare law, the law and procedure of CHIPS and CHIPS-Permanency cases, jurisdiction, constitutional law, standards of practice, witness competence and suggestibility, and the elements of proving and defending child abuse and neglect. This session is based on the treatise, *Handling Child Custody, Abuse, and Adoption Cases*, by Ann Haralambie.

Day 2: Trial Skills

Day 2 will focus on the trial skills necessary to try a child welfare case. This course is tailored for lawyers who represent clients in abuse, neglect, and permanency cases. It is designed to make the child welfare lawyer a more persuasive and effective advocate. The session is based on a new book, *Trial Advocacy for the Child Welfare Lawyer: Telling the Story of the Family*, by Marvin Ventrell and published by the National Institute for Trial Advocacy (NITA) and LexisNexis Publishing © 2011. The book will be provided to conference attendees.

Who Should Attend

This conference is only for Minnesota attorneys who represent parents, children, and agencies in CHIPS and CHIPS-Permanency proceedings.

Cost - FREE Registration, Materials, Meals, and Lodging

The cost for this two-day conference is **FREE**: no charge for registration, lodging, breakfast, lunch, breaks, materials, or parking

Lodging - FREE

Lodging costs for the first night of each conference (September 6 and September 29) will be paid by the Children's Justice Initiative. Any other lodging costs (such as for the night before the conference – September 5 and September 28) are the responsibility of the conference attendees.

Continuing Education Credits

Application has been made for 12.5 hours of **FREE** continuing legal education credits, including 3 hours of ethics credits. Information about the number of credits actually approved will be provided at the conference.

Limited Capacity

Capacity for each of the two conferences is limited to 100 attorneys. Registration forms will be processed on a first-come, first-served basis, so plan on registering early in order to ensure that your registration form is accepted. A waiting list will be implemented in the event space becomes available due to cancellations.

Registration Deadline

Friday August 19 is the registration deadline. Due to space limitations, "walk-ins" on the day of the conference will NOT be accepted.

Location and Directions

Northland Inn & Suites
7025 Northland Drive North
Brooklyn Park, MN 55428
800-441-6422
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From the Airport: Take 494 West to 35W North. Follow to 35W North to I-94 and go West. Continue on I-94 West to I-694/94 and then to Boone Avenue. Take the Boone Avenue exit. At the stop light at the top of the exit, go across the street to the hotel.

From Downtown Minneapolis: Take 94 North, which runs into 94 West. Continue to I-694/94 to Boone Avenue. Take the Boone Avenue exit. At the stop light at the top of the exit, go across the street to the hotel.

From the East via 694: Take 694 West, which turns into 94 West after the river. Take the Boone Avenue exit. At the stop light at the top of the exit, go across the street to the hotel.

From the West via 94 or 694: Take 94 East to 94/694. Continue I-694/94 to Boone Avenue. Take the Boone Avenue exit. At the stop light at the top of the exit, go across the street to the hotel.

From the South via 494 or 169: Take either 494 or 169 North to 94 East. Take Boone Avenue Exit. Take a right on Boone Avenue. First left at Northland Drive.

Questions ? ? ? ?

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Agenda

**Day 1: Law and Practice – Ann Haralambie
Tuesday September 6 and Thursday September 29**

8:15 – 9:00	Registration and Breakfast
9:00 – 9:15	Welcome and Introductions
9:15 – 10:30	The Context of Federal and State Child Welfare Law Child Welfare Case Procedure The Dependence Case Process and Stages Jurisdiction UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act) PKPA (Parental Kidnapping Prevention Act) ICPC (Interstate Compact on the Placement of Children) Hague Abduction Convention/ICARA Indian Child Welfare Act People/Proceedings Covered Exclusive Tribal Jurisdiction Concurrent State Jurisdiction Standards of Proof Expert Testimony Placement Preferences

10:30 – 10:45	Break
10:45 – 12:00	Constitutional Framework State's Rights/Duties Parents' Rights Children's Rights Standards of Proof Proving Abuse and Neglect Case legal Elements Adjudication Disposition Termination Standards of Proof Child Sexual Abuse Physical Abuse Neglect Emotional Abuse Abandonment
12:00 – 1:00	Lunch
1:00 – 3:00	Child Development, Memory, Suggestibility Federal Statutory Framework CAPTA (Child Abuse Prevention and Treatment Act) AFSA (Adoption and Safe Families Act) Fostering Connections to Success Act Chafee Foster Care Independence Act McKinney-Vento IDEA (Individuals With Disabilities Education Act) FERPA (Family Educational Rights and Privacy Act) HIPAA (Substance Abuse Records) Immigration SJIS (Special Juvenile Immigration Status) VAWA (Violence Against Women Act)
3:00 – 3:15	Break
3:15 – 5:00	Ethics and Standards of Practice ABA Model Rules of Professional Conduct and Rule 1.14 ABA Standards for Agencies, Parents, and Children
5:00	Adjourn
Day 2: Trial Skills – Marvin Ventrell Wednesday September 7 and Friday September 30	
8:00 – 9:00	Breakfast and Networking
9:00 – 10:30	Case Analysis: The Story of the Family Direct Examination: The Words of the Story Closing Argument: Organization and Technique
10:30 – 10:45	Break
10:45 – 12:00	Cross Examination Minimizing and Marginalizing Witness Impact Expert Witness Exam: Moving from Perception to Belief

12:00 – 1:00	Lunch
1:00 – 3:00	Difficult Witnesses: Managing the Challenge Exhibits and Their Foundations: Picture This Making and Meeting Objections: The Rules of the Trial
3:00 – 3:15	Break
3:15 – 4:30	Opening Statement: Imprinting the Story Ethics and Professionalism: Integrity in the Courtroom
4:30	Adjourn

Juvenile Law Society® Precenters



Ann M. Haralambie is a Certified Family Law Specialist, Arizona Board of Legal Specialization, and a Martindale-Hubbell AV® Preeminent™ rated attorney in private practice in Tucson, Arizona since 1977. Her practice is restricted to family and (nondelinquency) juvenile cases, with an emphasis on custody and child abuse. The practice is child focused and seeks to minimize the harm that often occurs when child custody is litigated. Ms. Haralambie is also an author and a national and international speaker and trainer for professional groups on topics related to custody, child abuse, and child advocacy. She serves as a consultant to and member of a number of national organizations dealing with family and child welfare law. She has served in a number of leadership roles within the legal and child welfare communities. An important part of her law practice is a balance between practical, day-to-day representation of clients and legal scholarship and teaching. The client representation grounds her writing and lecturing in real world, practical experience. Her writing and research keeps her knowledge cutting edge and her representation grounded in law and policy. Ms. Haralambie's three-volume West book, a third edition published in November 2009, is supplemented annually. Her three major law books are written primarily for a legal and multi-disciplinary professional audience. Ms. Haralambie's treatise, *Handling Child Custody, Abuse, and Adoption Cases* is a one-stop resource that combines coverage of the law with proven trial strategies and hands-on practice tools in child custody, abuse, and adoption cases. It covers a full range of crucial topics, such as establishing parentage, proving abuse, terminating parental rights, drafting mediation agreements, and awarding joint custody.



Marvin Ventrell founded the Juvenile Law Society in 2009 following 15 years as the chief executive officer of the National Association of Counsel for Children. In his 26-year legal career, Mr. Ventrell has been a litigation firm associate and partner, a public defender, an association director, a policy advocate, a teacher, and a trial skills instructor. He is a recipient of the ABA Child Advocacy Award and the Kempe Award, and is a Fellow of the Colorado Bar Foundation. Mr. Ventrell co-directed the national program sponsored by the U.S. Dept. of HHS Children's Bureau that established Child Welfare Law as a formal legal specialty and created the Child Welfare Attorney Certification Program. He co-edited the national treatise, *Child Welfare Law and Practice*, and compiled the national examination for child welfare law proficiency. He is also the author of numerous articles and book chapters including, *The Evolution of the Dependency Component of the Juvenile Court*. Mr. Ventrell is responsible for the creation of the National Children's Law Office Project that supports the creation and maintenance of model children's law offices through the project publication, *Children's Law Office Guidebook*. Together with the National Institute for Trial Advocacy (NITA), Mr. Ventrell established the annual NITA *Rocky Mountain Child Advocacy Training Institute*, now in its 17th year. He serves as a faculty trial skills trainer for NITA's National, Regional, and Specialty Programs. He published *Trial Advocacy for the Child Welfare Lawyer* in 2011.