

The Pursuit of Permanency: The First 90 Days

Presented by the University of San Diego School of Law's Children's Advocacy Institute

Sponsored by the Judicial Council of California

June 21–22, 2022

University of San Diego

Kroc Institute for Peace and Justice, Rooms ABCD

5998 Alcalá Park / San Diego, CA 92110

Course Overview

This unique 12-hour training will provide valuable information and insights on promising and effective practices and strategies to accelerate permanency and improve permanency outcomes, with a special focus on the first 90 days of a child welfare case. This training is intended for judicial officers, attorneys, child welfare professionals, probation officers, tribal representatives and advocates, community advocates, CASAs, and others.

The term permanency, as used in the context of this training program, means permanent connections for children and youth. This can be in the form of reunification or finding another permanent home, and includes connections to the child's biological family, neighborhood, and culture.

Agenda

June 21, 2022: 8:00 am – 5:00 pm

8:00–8:05	Welcome / Opening Remarks
8:05–9:30	Cornerstone Advocacy Training <i>Teyora Graves, Center for Family Representation</i> <i>Rebecca Ingerman, Children's Law Center of California</i>
9:30–9:40	Break
9:40–11:15	Cornerstone Advocacy Training (cont'd)
11:15–11:20	Break
11:20–12:20	Pre-Detention Activities and How They Impact Permanency <i>Caitlin Rae, San Diego Office of County Counsel</i>
12:20–12:45	Lunch Break
12:45–1:45	Advocating for Reunification During the First Stages of Dependency <i>Karen Prosek, Children's Legal Services of San Diego</i> <i>Berta Zangari, Dependency Legal Services of San Diego</i>
1:45–1:50	Break
1:50–2:50	The First 90 Days: Ethical Considerations and Obligations <i>Jan Sherwood, Advokids</i>
2:50–2:55	Break
2:55–3:55	Population-Specific Permanency Issues: Indian and Native American Children and Families: Inquiry and Notice <i>Kimberly Cluff, California Tribal Families Coalition</i> <i>Geneva Shaw, California Tribal Families Coalition</i>
3:55–4:00	Break
4:00–5:00	Population-Specific Permanency Issues: Indian and Native American Children and Families: Placement <i>Kimberly Cluff, California Tribal Families Coalition</i> <i>Geneva Shaw, California Tribal Families Coalition</i>

MCLE, June 21, 2022: The University of San Diego School of Law is a State Bar of California-approved MCLE provider and this event has been approved for 7 hours of General MCLE credit and 1 hour of Legal Ethics MCLE credit.

BBS CE, June 21, 2022: The Judicial Council of California, Center for Families, Children & the Courts (CFCC), provider number 58804, is approved by the California Association of Marriage and Family Therapists (CAMFT) to sponsor continuing education for BBS licensees. CFCC maintains responsibility for this program and its content. This training meets the qualifications for 8 hours of continuing education (CE) credit for LMFTs, LCSWs, LPCCs, and/or LEPs as required by the California Board of Behavioral Sciences.

June 22, 2022: 8:00 am – 12:25 pm

8:00–8:05	Welcome / Opening Remarks
8:05–9:05	Neurodevelopmentally-Informed Decision Making for the First 90 Days <i>Jessica Richards, MS, MSW, LCSW, IFECMHS, RPF-II</i>
9:05–9:10	Break
9:10–10:10	Finding Permanency for Older Youth <i>Sue Abrams, Children's Law Center of California</i> <i>Noel Anaya, YR Media</i>
10:10–10:15	Break
10:15–11:15	Recent Policy Changes Impacting Permanency During the First 90 Days <i>Sue Abrams, Children's Law Center of California</i>
11:15–11:20	Break
11:20-12:20	Bias in the Child Welfare System: How it Impacts Permanency Efforts During the First 90 Days <i>Phyllis Stricklan, Children's Law Center of California</i>
12:20-12:25	Closing Remarks

MCLE, June 22, 2022: The University of San Diego School of Law is a State Bar of California-approved MCLE provider and this event has been approved for 3 hours of General MCLE credit and 1 hour of Recognition and Elimination of Bias MCLE credit.

BBS CE, June 22, 2022: The Judicial Council of California, Center for Families, Children & the Courts (CFCC), provider number 58804, is approved by the California Association of Marriage and Family Therapists (CAMFT) to sponsor continuing education for BBS licensees. CFCC maintains responsibility for this program and its content. This training meets the qualifications for 4 hours of continuing education (CE) credit for LMFTs, LCSWs, LPCCs, and/or LEPs as required by the California Board of Behavioral Sciences.

PLEASE READ: COVID-19 PROTOCOLS

All participants and faculty will be required upon arrival to either (1) provide proof of full vaccination against COVID-19, or (2) provide a negative COVID-19 test (obtained no earlier than 72 hours prior to arrival). **Participants or faculty who fail to provide either proof of vaccination or a negative COVID-19 test upon arrival will not be admitted to the program.**

Participants and faculty are required to perform a self-screening assessment for symptoms listed on the CDC's [website](#) prior to traveling to the program location and on a daily basis, if attending a multi-day program. Anyone who (1) is experiencing any of the COVID-19 symptoms listed on the CDC's website, (2) is diagnosed with or has tested positive for COVID-19 within the last 10 days, or (3) within the last 14 days has been in [close contact](#) with someone infected with COVID-19, should not attend the program.

Segment Descriptions and Learning Objectives

Cornerstone Advocacy: An Overview

Presenters: *Teyora Graves, Center for Family Representation and Rebecca Ingerman, Children's Law Center of California*

Length: 3 hours

Overview: This presentation introduces participants to the Cornerstone Advocacy approach with regard to visits that speed reunification; well-tailored service plans; placement options that support a child's attachment to their parent, families, culture and community; and out of court advocacy opportunities. Participants will learn to develop legal theories and strategies to advance the objectives of their client and improve timeliness to permanency; identify opportunities to make small adjustments in their own practice; and identify next steps in their jurisdiction or among pertinent stakeholders to advance one or more of the Cornerstone elements.

Learning Objectives:

- Participants will be able to identify and incorporate into their work the four elements of the Cornerstone Advocacy approach.
- Participants will be able to develop at least two legal theories and strategies to advance the objectives of their clients and improve timeliness to permanency
- Participants will be able to identify opportunities to make small adjustments in their own practice
- Participants will be able to identify at least two next steps in their jurisdiction or among pertinent stakeholders to advance one or more of the Cornerstones, i.e. develop visit host guidelines.

Pre-Detention Activities and How They Impact Permanency

Presenter: *Caitlin Rae, San Diego Office of County Counsel*

Length: 1 hour

Overview: This presentation discusses pre-detention activities that child welfare social workers conduct during investigations; types of evidence gathered during those investigations; what they consider before filing a case or take some other action with a family; the process that is followed in determining whether abuse or neglect occurred; the legal parameters around child welfare investigations prior to the filing of a petition; pre-petition advocacy; and collateral issues impacting family stabilization.

Learning Objectives:

- Participants will be able to identify at least two assessment tools used in the screening and intake process to support structured decision-making.
- Participants will be able to specify agency responsibilities with respect to provision of services, risk assessment, ICWA assessment, education assessment and family connections and will be able to utilize this acquired knowledge to support permanency advocacy.
- Participants will be able to identify the role of each system participant in ensuring that Indian children are identified in a timely manner to avoid disruptions in case plan and permanency.
- Participants will acquire the language of assessment and structured decision making to support collaborative advocacy.

Advocating for Reunification During the First Stages of Dependency

Presenters: *Karen Prosek, Children's Legal Services of San Diego and Berta Zangari, Dependency Legal Services of San Diego*

Length: 1 hour

Overview: This presentation discusses best practices for intensive advocacy during the beginning of a dependency case and how child welfare professionals can work toward the common goal of reunification. Among other things, participants will learn how to prepare clients for the detention hearing (including how to communicate with the minor client); collaborate with other counsel and in

court advocacy; and how to engage in proactive advocacy with regard to placement, visitation, and services.

Learning Objectives:

- Participants will be able to identify at least two advocacy tools to use in supporting permanency at the detention, jurisdiction, and disposition phases of the case.
- Participants will be able to evaluate whether an agency met the requirements for emergency removal.
- Participants will be able to create a visitation for parents and children that will improve the path toward permanency.
- Participants will acquire at least two skills to integrate mandated timelines in support of permanency.

Ethical Issues Affecting Permanency and Outcomes

Presenter: *Jan Sherwood, Advokids*

Length: 1 hour

Overview: This presentation discusses how competent representation improves permanency outcomes, and what competency entails; legally-imposed duties of counsel engaged in dependency court practice; conflicts of interest in child welfare cases; and issues that impact permanency and outcomes.

Learning Objectives:

- Participants will be able to name four major elements that define competent representation
- Participants will be able to describe the elements of at least four duties applicable to dependency court counsel.
- Participants will be able to identify and address potential conflicts of interest.
- Participants will be able to recognize seven common issues that can impact permanency and permanency outcomes during the early stages of a child welfare case, and how to avoid and/or address those issues

Population-Specific Permanency Issues: Indian and Native American Children and Families: Inquiry and Notice

Presenters: *Kimberly Cluff and Geneva Shaw, California Tribal Families Coalition*

Length: 1 hour

Overview: This presentation discusses law and practice regarding ICWA inquiry and notice during the early stages of a child welfare case, and strategies that can contribute to permanence as the case progresses.

Learning Objectives:

- Participants will acquire historical and cultural knowledge to be able to identify a minimum of two permanency challenges and opportunities specific to Indian children and families.
- Participants will be able to identify whether an agency had reason to believe or know a child was an Indian child for the purposes of inquiry and notice.
- Participants will be able to verify whether an agency has adequately inquired into a child's tribal ancestry.
- Participants will be able to verify whether an agency has provided adequate notice to a Tribe regarding a child's tribal ancestry.

Population-Specific Permanency Issues: Indian and Native American Children and Families: Placement

Presenters: *Kimberly Cluff and Geneva Shaw, California Tribal Families Coalition*

Length: 1 hour

Overview: This presentation discusses law and practice regarding ICWA placement and active efforts during the early stages of a child welfare case, and strategies that can contribute to permanence as the case progresses.

Learning Objectives:

- Participants will be able to define the order of placement preferences for an Indian Child and will be able to determine if the appropriate placement preferences have been followed to support permanency.
- Participants will acquire historical and cultural knowledge to be able to identify at least two permanency challenges and specific to Indian children and families.
- Participants will be able to identify at least two tools available for Native American families that will help lead to greater permanency and will be able to advocate for their application to case scenarios.

Neurodevelopmentally-Informed Decision Making for the First 90 Days

Presenter: *Jessica Richards, MS, MSW, LCSW, IFECMHS, RPF-II*

Length: 1 hour

Overview: This presentation informs child welfare professionals about how early experiences affect the way infants' brains are wired; how the lack of attuned relationships and stimulating environments have a lasting impact on children; what developing brains need not just to survive, but to thrive; and how to identify and address signals that indicate how children are handling stressful situations.

Learning Objectives:

- Participants will be able to identify the "thriving three" elements developing brains need in order to not just survive, but thrive.
- Participants will be able to identify four toxic stress patterns that impact children's well-being and development.
- Participants will be able to read the signals regarding children's neurodevelopmental zone and adjust advocacy as appropriate.

Finding Permanency for Older Youth: Expectant and Parenting Youth, Non-Minor Dependents, High Needs Youth

Presenters: *Sue Abrams, Children's Law Center of California and Noel Anaya, YR Media*

Length: 1 hour

Overview: This presentation discusses permanency issues for older youth in the child welfare system, including non-minor dependents, expectant and parenting youth, and other special populations; federal permanency requirements for older youth; what legal permanency can look like; how to work with older youth who have concerns about being adopted or other permanency options; how to address a lack of family placements for older youth; and more.

Learning Objectives:

- Participants will be able to dispel four myths about permanency efforts for older youth.
- Participants will be able to identify at least two permanency requirements and challenges specific to pregnant and parenting youth, older youth, non-minor dependents, and high needs youth.
- Participants will be better able to advocate for permanency for pregnant and parenting youth, older youth, non-minor dependents, and high needs youth.

Recent Policy Changes Impacting Permanency Efforts

Presenter: *Sue Abrams, Children's Law Center of California*

Length: 1 hour

Overview: This presentation presents underlying principles of the Continuum of Care Reform (CCR) and the Family First Prevention Services Act (FFPSA) in eliminating the barriers to permanency resulting from congregate care placement; reviews state and federal law and science that support prioritizing excellent parenting and avoid congregate care settings; and discusses effective practice and strategies for using CCR and FFPSA to advocate for prioritizing children's relationships.

Learning Objectives:

- Participants will be able to identify how Continuum of Care Reform impacts permanency efforts in California.

- Participants will be able to identify at least two potential impacts of the Family First Act on prevention services and permanency efforts.

Bias in Child Welfare: How it Impacts Permanency Efforts in the First 90 Days

Presenters: *Phyllis Stricklan, Children's Law Center of California*

Length: 1 hour

Overview: This presentation will discuss how racial and poverty-based bias impacts child welfare cases, specifically during the first 90 days; what lawyers, judges, and social workers can do to address bias, specifically with regard to critical decisions made in the first 90 days; key decision points and the different impacts in communities of color and impoverished communities; and potential bias with regard to mandatory reporting, how relatives and NREFMs are treated on placement decisions, removal orders at disposition, and access to services for different communities, etc.

Learning Objectives:

- Participants will be able to identify how race and socioeconomic bias impacts at least three key decision points during the first 90 days of a child welfare case.
- Participants will be able to describe at least two specific actions that they can take and tools they can use to identify and address bias in the child welfare system.

Presenter Bios **(Alphabetical Order)**

Sue Abrams serves as Director of Policy and Training for Children's Law Center of California, where she has been working since 2005. She began her career implementing an Equal Justice Works fellowship project, where she sought to reduce the rate of dependent youth entering the juvenile justice system. Following her fellowship, Ms. Abrams worked as a staff attorney for several years until she transitioned from the courtroom to focus on macro level policy work. She now serves as CLC's Director of Policy and Training – developing and strategizing CLC's public policy priorities and legislative advocacy efforts at the local, state and national levels. In addition to Ms. Abrams' work with CLC, she has served as President of the Board for Happy Trails for Kids, a non-profit that she co-founded that provides overnight summer camp for children in foster care. Ms. Abrams earned a BA from UC Berkeley in 2001 and a JD from Harvard Law School in 2005.

Noel Anaya is co-producer of YR Media's *Unadopted* — an award-winning documentary based on his own experience that looks at the age-old question "What happens when you're "too old" to get adopted?" Noel uses multimedia as a medium to produce quality storytelling primarily about foster care and his own life. His Story "After 20 Years, Young Man Leaves Foster Care On His Own Terms," as heard on NPR, won an Edward Murrow award, a Third Coast Festival award, SPJ James Madison Award, and an NYF Radio Award. The documentary has also won multiple awards, including an Edward R. Murrow award and a Media for a Just Society award. Noel plans to receive a BA in Media Communications and wishes to keep on telling stories on social topics.

Kimberly Cluff serves as Legal Director for the California Tribal Families Coalition. Since becoming a member of the California Bar, Kimberly has worked exclusively in the field of Indian law, advocating for Tribes, Tribal entities and native non-profits. After nearly a decade with California Indian Legal Services, Kimberly served as In-House Counsel for the Friendship House Association of American Indians, a San Francisco native non-profit. In 2006 Kimberly went into private practice with Forman & Associates, a small Indian Law firm led by George Forman. As a partner at Forman & Associates Kimberly focused on advocacy connected to state and federal Indian Country legislation, tribal economic development, including energy resource development, strengthening tribal governance, tribal courts and tribal ordinance development. Kimberly joined the Morongo Legal Department in 2015, becoming In-House General Counsel in 2016, with a focus on building the legal infrastructure of the Tribe to support the broad scope of Morongo's economic and governmental initiatives. Kimberly also extends her advocacy to state and federal legislative and policy efforts, including protecting tribal sovereignty and historical advances in Indian Law that are threatened. Kimberly is admitted to practice law in California, the Washoe Tribal Court and the Morongo Band of Mission Indians Tribal Court.

Teyora Graves joined the Center for Family Representation in 2012 as a Parent advocate and used her experience as an impacted parent to lift the voices and choices of the parents she worked for in New York City. In 2016 Teyora and her family moved to Hawaii where she gained experience in the Homeless services and continued her devotion

to working for the underserved. In 2018 Teyora returned to CFR with a renewed vision that there should be an impacted voice at every table involving parents. Since her return to CFR Teyora has been instrumental in creating a career path for parent advocates and has held the title of Senior parent advocate as well as her current role, Parent advocate supervisor. She also sits on various boards and committees that revolve around her work in child welfare such as the New York State Office of Children and Family Services Parent Advisory Board and the Parent advocacy council.

Rebecca Ingerman is a Supervising Attorney at Children's Law Center of California, Sacramento (CLC), where she represents juveniles in a variety of dependency hearings. Prior to joining CLC, Rebecca worked at the Center for Family Representation (CFR) in New York for 10 years. Starting as a staff attorney and leaving as the Director of Government Affairs and Special Projects, Rebecca represented parents in dependency proceedings as part of an interdisciplinary team model. She also managed the development of new practice initiatives including into the areas of housing, criminal defense, and immigration. Rebecca frequently conducted training throughout New York State and nationally, and developed the first modules for CFR's community based presentations. Rebecca is a graduate of New York Law School and George Washington University and is a National Association of Counsel for Children Certified Child Welfare Law Specialist.

Karen Prosek, Esq., MSW, CWSL is the Managing Attorney of Children's Legal Services of San Diego, Firm 2. Karen has served as minor's counsel in San Diego County Juvenile Court for over 16 years. Karen considers an important part of her role as minor's counsel is to ensure the youth have a voice in their lives while involved with the dependency court, that they understand the process and that they feel connected with their attorney. Karen considers her work as the trial attorney on the case of *In re Kristen B.*, 163 Cal. App. 4th 1535 (2008) one of her greatest accomplishments. The published case is the leading case on the dual role of minor's counsel. Karen's other legal positions include 18 months as a Public Defender in San Diego County's Public Defender Misdemeanor Unit, working as a Special Education Attorney for Disability Rights Inc. and as an independent contractor for University of San Diego's Children's Advocacy Institute working on research and policy projects to support legislation for what became known as Extended Foster Care. Karen has taught Child Welfare Law and Policy at California Western School of Law for five years.

Caitlin E. Rae is Chief Deputy County Counsel with the Office of County Counsel-Juvenile Dependency Division. Ms. Rae has been working as a Deputy County Counsel since 2003. Along with a juris doctor, Ms. Rae holds a Master's degree in Social Work. As a Senior Deputy County Counsel, Ms. Rae has worked in the trial courts, on the appellate level, and with the Health and Human Services Agency on various policies and programs. She has argued at the California Supreme Court and Ninth Circuit. She is the author of "Compendium and Treatise on Juvenile Dependency" used exclusively by the Offices of County Counsel across California. Additionally, Ms. Rae has handled civil litigation cases involving child welfare and social worker defendants.

Jessica Richards, MS, MSW, LCSW, IFECMHS, RPF-II, is an Infant Family Early Childhood Mental Health Specialist and Reflective Practice Facilitator. She completed a unique dual masters degree program in Child Development and Clinical Social Work, after studying at the Erikson Institute and Loyola University in Chicago. At Children's Memorial Hospital in Chicago, she worked with severely emotionally distressed children on the Inpatient Psychiatric Unit. Jessica has provided dyadic therapy services to children 0-5 in South Central Los Angeles and supervised Early Intervention therapists. She has been a student and mentor of the Neurorelational Framework since 2009. Jessica was the lead therapist on the Fostering Family Partnerships court team pilot program at the Los Angeles Children's Court. She was part of the first cohort trained in Los Angeles in trauma-informed Child Parent Psychotherapy. In her private practice she consults and works with families using integrated, trans-disciplinary approaches. Jessica's energy and passion are evident as a trainer, therapist and advocate for children and families.

Geneva Shaw, MSW, serves as Training and Curriculum Development Director for the California Tribal Families Coalition. Geneva also serves as a Social Work Department faculty member at Humboldt State University. She has over 12 years experience as an administrator, direct practitioner, and technical assistance provider of social work in Tribal communities including 6 years with the Yurok Tribe writing, developing, implementing, and reporting on many state and federally funded programs including Indian Child Welfare and Title IV-E. She is a Hoopa tribal member and Karuk/Yurok/Apache decent.

Janet G. Sherwood, Deputy Director and co-founder of Advokids, has more than 40 years of experience working in the child welfare law field. Her experience includes an in-house counsel job at the State Department of Social

Services, serving as a Deputy Attorney General representing various state health, education, and welfare agencies, and more than 20 years in her own private law practice in which she represented parties in both the trial and appellate courts. She is a Child Welfare Law Specialist (CWLS), certified by the National Association of Counsel and accredited by the State Bar of California's Board of Legal Specialization and the American Bar Association. Ms. Sherwood is also a consultant, trainer, expert witness, and frequent speaker on child welfare issues.

Phyllis Stricklan is the Director of Diversity, Equity, and Inclusion at Children's Law Center of California (CLC). A Child Welfare Law Specialist, Ms. Stricklan's many years of experience in dependency includes being the Director of CLCLA2 for over eleven years and representing youth and parents in the Counties of Los Angeles and San Bernardino, California. In addition to her legal background, she was a Registered Nurse, and in that capacity, she has been employed as a Clinical Nurse Specialist and assistant professor of mental health nursing. Lastly, Ms. Stricklan is one of the co-leads on the Los Angeles County Eliminating Racial Disproportionality and Disparity [ERDD] workgroup, and within the Family Justice Initiative, co-leads the race equity tool kit workgroup for defense practitioners and minor's counsel.

Berta Zangari graduated from California State University, San Diego with a BA in Sociology, Magna Cum Laude. She obtained her JD Cum Laude from Baylor University School of Law. She has been representing parents in juvenile dependency cases in San Diego since 2001. Ms. Zangari is a Certified Child Welfare Law Specialist as recognized by the National Association of Counsel for Children and accredited by the Legal Board of Specialization of the State Bar of California. She has presented at both statewide and national legal conferences on topics in Child Welfare. Since 2016 she has been a Firm Director at Dependency Legal Services San Diego where she supervises lawyers who represent parents in juvenile dependency cases.