

The Pursuit of Permanency: The First 90 Days

2021 Virtual Training #2: Sept. 10, 15, 24

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

Sponsored by the Judicial Council of California

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.

Agenda

Sept. 10, 2021: 8:00 am - 12:30 pm

8:00–8:05	Welcome / Opening Remarks
8:05–9:30	Cornerstone Advocacy Training <i>Michele Cortese, 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) <i>Michele Cortese, Center for Family Representation</i> <i>Rebecca Ingerman, Children's Law Center of California</i>
11:15–11:25	Break
11:25–12:25	Pre-Detention Activities and How They Impact Permanency <i>Caitlin Rae, San Diego Office of County Counsel</i>
12:25-12:30	Closing Remarks

Sept. 15, 2021: 12:30 pm - 4:55 pm

12:30–12:35	Welcome / Opening Remarks
12:35–1:35	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>
1:35–1:40	Break

1:40-2:40	The First 90 Days: Ethical Considerations and Obligations <i>Jan Sherwood, Advokids</i>
2:40-2:45	Break
2:45-3:45	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>
3:45-3:50	Break
3:50-4:50	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>
4:50-4:55	Closing Remarks

Sept. 24, 2021: 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>
10:10-10:15	Break
10:15-11:15	Recent Policy Changes Impacting Permanency During the First 90 Days <i>Luciana Svidler, 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>Danielle Ramirez, San Joaquin Office of the County Counsel</i> <i>David Meyers, Dependency Legal Services</i>
12:20-12:25	Closing Remarks

Segment Descriptions and Learning Objectives

Cornerstone Advocacy: An Overview

Presenters: Michele Cortese and Rebecca Ingerman

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

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 and Berta Zangari

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

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

Presenter: Kimberly Cluff and Geneva Shaw

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

Presenter: Kimberly Cluff and Geneva Shaw

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 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

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

Presenter: Sue Abrams

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: Luciana Svidler

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: Danielle Ramirez and David Meyers

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.

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.

Michele Cortese has served as Executive Director of the Center for Family Representation in New York City since January 2016. She joined the organization as Deputy Director in 2002. Since joining CFR, Ms. Cortese has personally conducted more than 175 training sessions, and has presented or provided TA to practitioners from more than 15 states. She supervised the development of interdisciplinary models of representation for parents in CFR’s child welfare cases. In addition to representing parents, Ms. Cortese served as an Attorney for the Child (law guardian) for over a dozen years and has also represented foster care agencies in trial and appellate proceedings. She worked at the NYC Legal Aid Society Juvenile Rights Practice, as the Director of Professional Development, where she coordinated and conducted training citywide for attorney, social work, paralegal and management staff. She also served as the Attorney-In-Charge of JRP’s Manhattan trial office that represented 12,000 children annually in child protective, delinquency and PINS proceedings. Ms. Cortese has been a member of the faculty of the Practicing Law Institute, the New York State Judicial Institute and the Child Welfare League of America, and has written for the American Bar Association’s Center on Children and the Law. In May of 2010, Ms. Cortese received the Kathryn A. McDonald award from the New York City Bar Association for Excellence in Service to

the Family Courts. Ms. Cortese is a graduate of Columbia University School of Law and Colgate University.

Rebecca Ingerman is currently an attorney at Children's Law Center of California, Sacramento (CLC), where she represents juveniles in a variety of dependency hearings and staffs the specialized CSEC and non-minor dependent courtrooms. 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 and child welfare briefings. 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.

David Meyers is the principal shareholder of The Law Offices of David M. Meyers and founding COO of Dependency Legal Services (DLS), where he helps administer the contracts DLS holds to represent parents and children in Mendocino, Lake, Sonoma, Marin, Solano, Placer, Yolo and Stanislaus Counties. He is also a national consultant, trainer and attorney advocate in child welfare cases. He has served as a Senior Attorney with California's Judicial Council, Center for Families, Children and the Courts, where he developed statewide curriculum development and training for attorneys and court professionals engaged in juvenile law practice, and represented the California judiciary on a number of national and state boards and workgroups dedicated to improving attorney representation and child welfare systems. He is a consultant with the American Bar Association's National Resource Center for Juvenile and Legal Issues and a Steering Committee member of their National Alliance for Parent Representation. He holds a Bachelors Degree in Journalism and Music from the University of Florida and a JD from the University of Arizona.

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.

Danielle Ramirez is the Lead County Counsel at the San Joaquin County Counsel’s Office where she is assigned to represent the San Joaquin County Human Services Agency. Prior to her employment with the County Counsel’s Office, she was employed at the San Joaquin County Public Defender’s Office where she was appointed by the court to represent indigent adults and appointed to represent children who were charged with crimes. In addition to her duties as a Lead County Counsel, Ms. Dunham-Ramirez is also an experienced trial attorney who is responsible for advising employees of the San Joaquin County Human Services Agency on issues involving the abuse, neglect, and abandonment of children. Ms. Dunham-Ramirez is also responsible for training newly hired Agency social workers about how to effectively testify in court, on court report writing, and about the Agency’s duty to provide reasonable services to families. Ms. Dunham-Ramirez is regularly invited to speak to students in the Masters of Social Work program at California State University Stanislaus for the purpose of providing them with an overview of the juvenile dependency court process and how to effectively testify in court.

Ms. Dunham-Ramirez attended California State University California where she majored in Criminal Justice. Ms. Dunham-Ramirez received her Juris Doctor from Lincoln Law School of Sacramento, where she received the American Jurisprudence Award in Criminal Procedure.

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.

Luciana Svidler, Senior Policy Attorney with the Children's Law Center, has been advocating on behalf of children since 2004. She began her legal career at Protection & Advocacy, Inc., where she represented underserved families in special education cases. In 2006, she joined Children's Law Center as a staff attorney representing children in Los Angeles County Dependency Court. During her 11 years in court, Luciana saw firsthand the systemic barriers children in foster care face in accessing reproductive health information and services. She joined the policy team in August of 2017. As a Senior Policy Attorney, Luciana works on legislative reform to improve outcomes for youth under the jurisdiction of Dependency Court. She also engages in state and local advocacy by participating in workgroups, taskforces and committees that deal directly with issues affecting CLC's clients. As a member of the LA RHEP leadership team, Luciana has been focusing on improving the court system's role in overcoming the systemic barriers to reproductive and sexual health care and information. Luciana holds a BA in Legal Studies from University of California at Berkeley and a JD from University of California at Hastings.

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.