

The Office of Criminal Conflict and Civil  
Regional Counsel, 4<sup>th</sup> District (RC4)



*presents*

*Florida's Second Comprehensive CLE Conference for*

# Parent Representation in Dependency Court

INSIGHT AND ADVOCACY

Presenting Leading Experts and Advocates in the Fields of Justice and Poverty to  
Better Inform our Representation of Indigent Parents

The Wyndham Grand Jupiter at Harbourside Place,  
Jupiter, Florida  
October 6-7, 2016

*through*



# Parent Representation in Dependency Court Conference Agenda

## Thursday, October 6

7:45 – 8:45 Continental Breakfast

8:45 – 9:00 Opening Remarks - Tony Ryan, RC4

9:00 –10:15 Robust Representation at Shelter Hearings and Beyond to Combat Removals Early (and often), Lauren Shapiro, Brooklyn Defender Services

10:15 –10:30 -- Break --

10:30 –11:30 Hearsay: It Really is Inadmissible? A Review of Favorable Case Law and Tips for Keeping It Out, Richard Bartmon, RC4

11:30-12:30 Challenging the DCF-generated Psychological Evaluation or “Parental Capacity” Examination – Dr. Fichera, South Florida Psychology

12:30 –1:30 -- Buffet Lunch --

1:30 –2:30 Seeing Beyond Stigmas: Survival Strategies of Homeless Parents and of Parents in Extreme Poverty, Luke Shaefer, University of Michigan & Amy Donley, University of Central Florida

2:30 –2:45 -- Break --

2:45–3:45 Practical Ways to Empower Parents for Better Interactions with DCF & CBCs on the Parents’ Road to Reunification – Melinda Murphy, Los Angeles Dependency Lawyers, Inc.

3:45 –5:00 Pregnant Women with Kids in Care, Emma Ketteringham and Caitlin Becker, Bronx Defenders

5:00 Networking Social: Hors d’oeuvres & apps compliments of IJ!

## Friday, October 7

8:15 – 9:00 Continental Breakfast

9:00 –10:15 Experts for Parents: Best Practices for Utilization through the Life Cycle of a Dependency Case – Lauren Shapiro, Emma Ketteringham, Richard Joyce

10:15 –10:30 -- Break --

10:30–12:00 Case Law Update, Richard Bartmon, RC4

12:00 – 1:45 Lunch on your own

1:45- 3:30 – Multi-Circuit Discussion Forums with Moderators

3:30 – 3:45 -- Break --

3:45 – 5:00 – Ethics: How can you represent *those* people? The ethical challenges of representing unpopular clients – Abbe Smith, Georgetown University

## Presentation Descriptions

**Robust Representation at Shelter Hearings and Beyond to Combat Removals Early (and often)** - Once children are removed from their parents' custody and the removal is affirmed by the court, reunification of the children with their parents may not come about for an extended period of time or, in worst case scenarios, it may never reoccur. Therefore, it is critical to challenge DCF's removal at the shelter hearing. This presentation will discuss employing effective trial practice strategies and marshalling favorable legal authority to strengthen advocacy at shelter hearings. **Speaker: Lauren Shapiro**

**Hearsay: It Really is Inadmissible! A Review of Favorable Case Law and Tips for Keeping it Out** - While Chapter 39 is clear that the Rules of Evidence apply to adjudicatory hearings in dependency proceedings, far too often trial judges in dependency court apply the Rules as the exception instead of the norm. This presentation will review case law where the appellate courts have reiterated the inadmissibility of hearsay and will offer practical tips aimed at keeping hearsay out in the first place. **Speaker: Richard Bartmon**

**Challenging the DCF-generated Psychological Evaluation or "Parental Capacity" Examination** - Too often the parental fitness evaluation or parental capacity examinations are deemed by trial judges to be the most compelling evidence in favor of DCF and against parents in TPR cases. From the standpoint of the intersection between psychology and the law, this workshop will explore a variety of methods to challenge this type of evidence including pre-trial objections & motions and tips for cross examinations or for counter-evidence to be made and offered at trial.

**Speakers: Dr. Fichera and Tony Ryan**

**Seeing Beyond Stigmas: Survival Strategies of Homeless Parents and of Parents in Extreme Poverty** -

Beyond meeting the criteria for indigency, most parents in dependency court are on the brink of falling into extreme poverty or homelessness, if they are not already living in such a state when their case begins. Two social scientists will highlight findings on the daily realities these families face and the coping skills their circumstances require. These coping skills are a testament to the resiliency of parents living in these circumstances, but the skills are usually misunderstood and become points-of-fact by which these parents are negatively judged.

**Speakers: Luke Shaefer and Amy Donley**

**Practical Ways to Empower Parents for Better Interactions with DCF & CBCs on the Parents Road to Reunification** - To parents the dependency court system is highly complex and disorienting. As lawyers for parents know, parents are being judged at every stage and setting, in and out of court from the beginning of their case or, in many instances, even before the case started. Positive interactions by parents with DCF and community based care providers are critical to the parents achieving reunification. This presentation will suggest a variety of ways to offer clear guidance to parents to improve these interactions and to inspire them to maintain their desire for reunification, despite the negative environment they often encounter during the course of their case.

**Speaker: Melinda Murphy**

**Pregnant Women with Kids in Care** - Pregnant women with children in foster care are vulnerable to having their newborns removed upon birth and placed into foster care. This interdisciplinary presentation, which includes an attorney and social worker, will discuss best practices for planning with and advocating for pregnant women who already have children in out-of-home placements.

**Speakers: Emma Ketteringham, Caitlin Becker**

**Experts for Parents: Best Practices for Utilization through the Life Cycle of a Dependency Case** - This presentation will explore best practices for working with experts from various disciplines to defend against allegations of abuse and neglect.

**Speakers: Lauren Shapiro, Emma Ketteringham, Richard**

**Joyce**

**Case Law Update** - This presentation will provide an up-to-date review of dependency law essentials and will offer guidance for preserving issues for appeal. Special emphasis will be placed on emerging, positive trends for parents in Florida's appellate decisions, and suggestions will be made for framing issues for the most success, both at the trial court and appellate court levels.

**Speaker: Richard Bartmon**

**Multi-Circuit Discussion Forums with Moderators** - Small group break-out sessions will be arranged and moderators will lead discussion forums to elicit common practice-related issues across circuits and regions.

**Ethics: How can you represent *those* people? The ethical challenges of representing unpopular clients** -

Abbe Smith, Georgetown Professor and co-author, with Monroe Freedman, of *Understanding Lawyers' Ethics* will share her experiences representing clients society deems "undesirable" and undeserving of legal representation. Professor Smith will place those experiences in the context of legal ethics and help us connect with why we have answered the call to represent these clients and the nobility embodied in the legal profession there is for those of us that do.

**Speaker: Abbe Smith**

## Speaker Bios

**Richard Bartmon** is the Manager of the Appellate Division of the Office of Regional Counsel, 4<sup>th</sup> District. He has been involved in the public and private practice of criminal appeals for 34 years for the defense and the State. Mr. Bartmon received his undergraduate degree from the State University of New York at Binghamton and attended law school at the University of Miami.

**Caitlin Becker** is a Supervising Social Worker at the Bronx Defenders. The Bronx Defenders utilizes social workers as part of their holistic representation of clients. Social workers collaborate with attorneys and other advocates to determine the optimal defense strategy for clients and help amplify client and families' voices in the court house. Ms. Becker earned her M.S.W. from Fordham University's Graduate School of Social Service in 2010.

**Amy Donley** is an Assistant Professor in the Sociology department, the Associate Director of the Institute for Social and Behavioral Sciences, and the Undergraduate Program Director for Sociology at the University of Central Florida. At ISBS she is currently working on several projects including a multi-year evaluation of the Orlando Housing Authority's Moving to Work program. Her first book, *Poor and Homeless in the Sunshine State: Down and Out in Theme Park Nation*, co-authored with Dr. James Wright, was released in 2011.

**Christopher Fichera** is a licensed psychologist who has been in practice for over 20 years in the South Florida area. After earning his Ph.D. in clinical psychology and following completion of a fellowship in psychological assessment and psychotherapy at the Yale University School of Medicine, he opened his practice where he divides his professional time between his clinical practice and his work in forensic psychology. His forensic practice has focused on providing psychological assessment and expert testimony on approximately 3500 cases ranging from misdemeanor charges to capital murder, as well as various matters heard in civil court.

**Richard F. Joyce** primarily represents parents in dependency and termination of parental rights cases in Florida's Juvenile Dependency Courts and on appeal in the District Courts of Appeal. Dependency and TPR cases constitute the majority of his 55 plus trials (as lead counsel) and 100 plus appellate cases (as lead or co-counsel). His experience in dependency and TPR cases includes the representation of clients in high profile media cases. Additionally, he has represented clients in dependency cases involving the Indian Child Welfare Act and civil, family, guardian advocate, guardianship, and Marchman Act cases.

**Emma Ketteringham** is the Managing Attorney of the Family Defense Practice of The Bronx Defenders, an institutional provider of criminal defense, family defense, and civil legal services. Ms. Ketteringham has worked as the Director of Legal Advocacy of National Advocates for Pregnant Women where she was counsel and strategist on criminal and civil child welfare cases at the intersection of the wars on women and drugs. She has worked as a litigation associate prominent New York law firms, where she represented parents and children in state and federal court

**Melinda Murphy** has worked in child welfare for over 20 years. She is currently a social work investigator with Los Angeles Dependency Lawyers, Inc., and the co-author of *A Culture of Fear; An Inside Look at Los Angeles County's Department of Children & Family Services*. Her work history includes that of a supervisor with the Department of Children and Family Services, and a caseworker with Children of the Night, where she helped get children in prostitution and pornography off the streets of Hollywood.

**Antony P. Ryan** is the agency director for The Office of Criminal Conflict and Civil Regional Counsel, 4th DCA Region. Prior to his appointment to this position, Mr. Ryan was the chief of the Serious Crimes division of the Public Defender's Office, 15th Judicial Circuit. In his criminal jury trial litigation, Mr. Ryan was successful in challenging scientific evidence, in particular DNA evidence. Under Mr. Ryan's leadership, RC4 has created a Social Services Unit (SSU) as a support to the agency's Dependency Divisions. The SSU incorporates Forensic Social Workers who work as integral members of the legal team and who utilize strengths-based assessments of parents to promote their interests in seeking family reunification.

H. Luke Shaefer is an associate professor of social work and public policy at the University of Michigan. His research focuses on the effectiveness of the United States social safety net in serving low-wage workers and economically disadvantaged families. His recent work explores rising levels of extreme poverty in the United States, the impact of the Supplemental Nutrition Assistance Program and other means-tested programs on material hardships, and barriers to unemployment insurance faced by vulnerable workers. His book *\$2.00 a Day: Living on Almost Nothing in America*, co-authored by Kathryn Edin, was released in fall 2015.

**Lauren Shapiro** is the director of the Family Defense Practice at Brooklyn Defender Services where she is responsible for managing a staff of 50 lawyers, social workers, parent advocates and administrative staff. After graduating from New York University Law School in 1986, she worked at South Brooklyn Legal Services for over 20 years. She founded and directed the office's HIV Unit for seven years and was the director of the Family Law Unit for 10 years. Ms. Shapiro co-chairs the ASFA Ad hoc Task Force, a collaboration of agencies that work on areas of mutual concern involving child welfare issues.

**Abbe Smith** is the Director of the Criminal Defense and Prisoner Advocacy Clinic, Co-Director of the E. Barrett Prettyman Fellowship Program, and Professor of Law at Georgetown University. Prior to Georgetown, Professor Smith was Deputy Director of the Criminal Justice Institute at Harvard Law School, and a Clinical Instructor and Lecturer on Law at Harvard. Professor Smith has also taught at the City University New York School of Law, Temple University School of Law, American University Washington College of Law, and the University of Melbourne Law School (Australia). Professor Smith teaches and writes on criminal defense, legal ethics, juvenile justice, and clinical legal education. She also continues to be actively engaged in indigent defense.